

Section 42A Report

Renewable Electricity Generation

Prepared for the

Proposed Kaipara District Plan

Report prepared by: **Jerome Wyeth**

17 February 2026

List of submitters and further submitters addressed in this report:

Submission Number	Submitter
8	Dhivian Govender
117	Greg Moore
136	Federated Farmers of New Zealand (Inc) - Northland Province (Federated Farmers)
145	Electrify Te Taitokerau
149	Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)
212	BA & JK Paton Ltd
217	Cato Bolam Consultants Limited (Cato Bolam)
283	Northpower Limited and Northpower Fibre Limited (Northpower)
292	Transpower New Zealand Limited (Transpower)
294	Birt & Currie Surveyors Limited
304	Director General of Conservation (DOC)
308	Fire and Emergency New Zealand (FENZ)
309	Clarus
326	Mercury NZ Limited (Mercury)
332	Northland Regional Council (NRC)
FS41	Channel Terminal Services Ltd
FS45	DOC
FS77	Mercury
FS82	Northpower
FS93	Forest & Bird

TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
Executive Summary	4
1. Introduction.....	6
2. Scope of Report	7
3. Topic 1: General submissions on REG Chapter	14
4. Topic 2: REG Chapter Overview, notes and definitions.....	18
5. Topic 3: REG objectives.....	27
6. Topic 4: REG policies.....	32
7. Topic 5: REG rules	49

APPENDIX A: RECOMMENDATIONS FOR EACH SUBMISSION POINT ON THE RENEWABLE
ELECTRICITY GENERATION CHAPTER

APPENDIX B: RECOMMENDED AMENDMENTS TO THE RENEWABLE ELECTRICITY GENERATION
CHAPTER

APPENDIX C: RECOMMENDED AMENDMENTS TO THE DEFINITIONS CHAPTER

APPENDIX D: SECTION 32AA EVALUATION

List of abbreviations used in this report

Abbreviation	Term
KDC	Kaipara District Council
ONF	Outstanding Natural Feature
ONL	Outstanding Natural Landscape
NPS	National Policy Statement
NPS-ET	National Policy Statement for Electricity Transmission 2008
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
Amended NPS-REG	National Policy Statement for Renewable Electricity Generation 2011 (Amended 2025)
NZCPS	New Zealand Coastal Policy Statement 2010 (Amended 2025)
NPS-EN	National Policy Statement for Electricity Networks 2025
PDP	Proposed District Plan
REG	Renewable Electricity Generation
REG activities	Renewable Electricity Generation activities
RMA	Resource Management Act 1991
RPS	Regional Policy Statement for Northland 2016
RSI	Regionally Significant Infrastructure
CMA	Coastal Marine Area

Executive Summary

- i. The Proposed Kaipara District Plan (**PDP**) was publicly notified in April 2025. The Renewable Electricity Generation (**REG**) Chapter is located in Part 2 – District Wide Matters and contains provisions to enable renewable energy generation activities (**REG activities**) while managing any actual or potential adverse effects of those activities on the environment.
- ii. 15 primary submitters (with 125 individual submission points) and 5 further submitters (with 108 individual further submission points) made submissions on the REG Chapter. Many of the submitters are generally supportive of the REG Chapter, particularly submitters from the energy sector, although submitters have requested a wide range of amendments to the provisions. The submitters requesting amendments to provisions in the REG Chapter broadly fall into two categories:
 - a. Submitters requesting amendments to make the provisions more enabling and to improve workability; and
 - b. Submitters concerned that the provisions are too enabling and requesting amendments to better manage adverse effects and protect valued and sensitive environments.
- iii. Another key theme is requests for the REG Chapter to be amended to align with the proposed amendments to the National Policy Statement for Renewable Electricity Generation 2011 (**NPS-REG**) which were being consulted on by Government when submissions on the PDP closed. This is particularly relevant for this topic as the amendments to the NPS-REG (**the “amended NPS-REG”**) were gazetted on 18 December 2025 and came into force on 15 January 2026.
- iv. My recommendations to the REG Chapter are summarised as follows:
 - a. Minor amendments to the Overview text to clarify intent with respect to how the REG chapter interacts with other provisions in Part 2 – District wide matters.
 - b. Amendments to the following definitions to more closely align them with the amended NPS-REG:
 - i. Renewable electricity generation activities
 - ii. Small-scale renewable electricity generation activities
 - iii. Community-scale renewable electricity generation activities
 - iv. Large-scale renewable electricity generation activities

- v. Replace the “repowering existing wind and solar electricity generation activities” definition with the amended NPS-REG definition of “repowering”
- c. Introduce a new definition of “ancillary renewable electricity generation activities” to align with the amended NPS-REG definition.
- d. Amend all four REG Chapter objectives to better align wording and intent with the amended NPS-REG.
- e. Amend seven out of ten REG chapter policies (no amendments proposed to REG-P5 and REG-P7) and delete REG-P6 to better align wording and intent with the amended NPS-REG while still including Kaipara specific direction where relevant and removing duplicated content.
- f. Introduce new policy REG-PX to reflect the amended NPS-REG wording that an assessment of alternative sites is not required to demonstrate that an operational or functional need exists for a REG activity to be in a particular location.
- g. Amend the REG Chapter rules as follows:
 - i. Replace the term ‘anemometer’ with ‘monitoring mast’ in REG-R1 and consolidate matters of discretion REG-R1.3.a and b.
 - ii. Include “Any effects on indigenous fauna and ecosystems” as a matter of discretion in REG-R1, REG-R3, REG-R4, REG-R5, REG-R6 and REG-R7.
 - iii. Include a new permitted condition in REG-R5 – Freestanding small scale wind turbines requiring that the turbine is set back at least 200m from any Significant Bird Area – Critical Bird Habitat mapped in the Northland Regional Plan.
 - iv. Amend REG-R8 – Large-scale renewable energy generation activities from a discretionary to a restricted discretionary activity with associated matters of discretion, as set out in Appendix B.
 - v. Reformat REG-R10 to align with wording amendments to other equivalent “catch all” rules in the PDP to ensure plan wide consistency.

1. Introduction

1.1 Qualifications and Experience

1. My name is Jerome Wyeth. I am a Technical Director – Planning at SLR Consulting based in Whangarei. I am engaged by Kaipara District Council (**KDC**) to assist with the Proposed Kaipara District Plan (**PDP**). I have been involved in the development of the PDP for KDC since 2021 and have assisted with the policy development and drafting of a range of PDP chapters and associated section 32 evaluations, both for the Exposure Draft Kaipara District Plan and the PDP. This includes leading the preparation of the Renewable Electricity Generation (**REG**) Chapter, working closely with KDC staff and incorporating feedback from elected members.
2. I hold the degrees of a Bachelor of Science (Geography) and a Masters of Science (Geography) with First Class Honours. I am a full member of the New Zealand Planning Institute.
3. I have over 20 years experience in resource management and planning with roles in central government, local government and primarily in the private sector. My primary area of work is policy planning for local and central government, and I am the New Zealand Policy Portfolio Lead at SLR Consulting. I have worked on a number of district and regional plans at various stages of the RMA Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues, including infrastructure and natural environment topics.
4. I have been closely involved in the development and implementation of numerous national instruments under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance. Of particular relevance, I worked closely with central government on the package of new and amended national direction on infrastructure and renewable electricity generation that was recently gazetted, including the amendments to NPS-REG. I am also currently working with the Ministry for the Environment on the development of National Policy Direction for the new planning and resource management system, with the new legislation intended to be enacted in mid-2026.

1.2 Preparation of the report

5. I am authorised by KDC to prepare this report under section 42A of the Resource Management Act 1991 (**RMA**) to assist the Hearings Panel for the PDP. The purpose of this report is to both assist the Hearings Panel in hearing and deciding on submissions made on the PDP, and to assist submitters in understanding how their submission is being considered as part of the PDP process. This report includes my recommendations on matters raised in submissions and

recommended amendments to the provisions in the REG Chapter in the PDP that I consider to be appropriate having considered the decisions requested in submissions and statutory requirements.

6. I am the author of this report. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
7. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations that I have made in this report are not binding on the Hearings Panel. It should not therefore be assumed that the Hearings Panel will reach the same conclusions or decisions having considered all the submissions and evidence from submitters.

1.3 Code of Conduct

8. While this is not a hearing held by the Environment Court, I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

1.4 Conflict of Interest

9. I confirm that I have no real or perceived conflict of interest in relation to the REG Chapter.

2. Scope of Report

2.1 Matters addressed by this report

10. The scope of this report is to consider submissions and further submissions on the provisions in the REG Chapter of the PDP and provide recommendations on the decisions requested in those submissions.
11. This section 42A report also addresses the definitions which are specific to the REG Chapter including the PDP definitions for “renewable energy”, “renewable electricity generation activities”, “large-scale renewable electricity generation activities”, “community-scale renewable electricity generation activities”, “small-scale renewable electricity generation” and “repowering existing wind and solar electricity generation activities” which are located in Part 1 of the PDP (Interpretation).

2.2 Overview of the topic / chapter

12. The notified REG Chapter contains four objectives, ten policies and ten rules that enable and manage the development, operation, maintenance, upgrading and repowering of REG activities. The focus and intent of the REG Chapter is to enable REG activities in the Kaipara District while managing any adverse environmental effects of those activities in an appropriate and targeted manner. This is achieved through provisions targeted to both the different types (e.g. wind and solar generation) and scale (small-scale through to large-scale) of REG. The REG Chapter also includes an objective and policy that seek to protect existing REG activities from reverse sensitivity effects.
13. The REG Chapter sits under the “Energy, Infrastructure and Transport” heading within Part 2 – District-wide matters in the PDP. The REG Chapter is to be read alongside other chapters in Part 2 – District-wide matters in the PDP where relevant, including those chapters that manage certain overlays such as the Natural Features and Landscapes and Coastal Environment Chapters. However, the zone rules in Part 3 – Area specific matters do not apply to REG activities managed under the REG Chapter.

2.3 Statutory Context

2.3.1 Resource management reform

14. On the 9 December 2025, the Government introduced two new bills to Parliament to replace the RMA as follows:
 - a. The Planning Bill – focused on planning to enable development and infrastructure
 - b. The Natural Environment Bill – focused on managing the natural environment.
15. The Government has announced its intention to proceed with the Select Committee process at pace through the first half of 2026, with both bills intended to be passed into law before the 2026 general election. Although the signalled intent is for a quick transition to the new resource management system by the end of 2029, the RMA continues to be in effect until this new replacement legislation is passed, with planning documents prepared under the RMA remaining in effect until new national instruments are prepared and new plans are prepared and notified (including Regional Spatial Plans, Natural Environment Plans and Land Use Plans).
16. The Planning Bill and Natural Environment Bill do not have any legal weight. Further, based on the estimated dates in the transitional provisions of the Bills as they currently stand, the Acts and the new planning documents to be established under the Acts, will not have any impact on either the recommendations in the section 42A reports for the PDP or the decisions on the PDP. Submissions on the PDP will be heard under the current RMA provisions. Therefore, this report

does not consider the content of the Planning Bill and Natural Environment Bill any further. This approach is consistent with a recent decision from the High Court in *Box Property Investments Limited v The Expert Consenting Panel* [2025] NZH 1773 which held that decisions must be made based on the law as it currently stands, not on future legislative changes [paragraph 35].

17. Further, it is important to note that the Operative Kaipara District Plan (**ODP**) is thirteen years old and drafted in a matter that is not aligned with the National Planning Standards, the NPS-REG, the Northland Regional Policy Statement (**RPS**) and other district plans in the Northland region (being Whangarei and Far North district plans). Substantive work is required to better align it with other planning provisions in the region, as well as with the style, content and format of plans that are likely to be required under the new planning system. The RMA Schedule 1 hearing process for the PDP is therefore an important part of improving the effectiveness and efficiency of the district plan, which will also better integrate into the new planning system.

2.3.2 RMA National Direction

18. The section 32 evaluation report for the REG Chapter¹ provides an overview of the relevant statutory considerations in Part 2 of the RMA, the National Planning Standards, the NPS-REG and RPS. As such, I do not repeat that detail here. However, it is important to consider recent changes to RMA national direction of relevance to the REG Chapter.
19. On 18 December 2025, three new RMA national instruments and amendments to seven existing RMA national instruments were gazetted before coming into force on 15 January 2026. Of significant relevance to the REG Chapter are the amendments to the NPS-REG (**amended NPS-REG**). Proposed amendments to the NPS-REG were first consulted on in April to May 2023, then again in June to July 2025, before finalised by Government. I have been closely involved in these amendments since 2022, including both rounds of consultation, so consider that I have a good understanding of the policy intent and how the REG Chapter in the PDP can and should be amended to align with these amendments.
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. Further, there is broad scope in submissions to make recommendations to give effect to the amended NPS-REG. For example, this was a key theme in the submission from Mercury, who generally supports the

¹ Refer: [Renewable Electricity Generation s32 FINAL.pdf](#)

notified REG Chapter but requests amendments where necessary to give effect to the more directive provisions in the amended NPS-REG (if gazetted). Northpower's submission also emphasises the significance of these national direction amendments for the PDP provisions relating to infrastructure and renewable electricity generation and seeks to ensure the new and amended national direction is given effect to in the PDP.

21. In summary, the amended NPS-REG includes an overarching objective with supporting policies that require decision-makers to:
 - a. Recognise and provide for the national significance and the national, regional and local benefits of renewable electricity generation (Policy A)
 - b. Recognise and provide for the importance of enabling cumulative increases of REG capacity and output and avoiding, where practicable, any overall or cumulative losses in REG capacity and output (Policy B)
 - c. Recognise and provide for the operational need or functional need for REG activities to be in particular locations (Policy C)
 - d. Protect existing REG assets from adverse effects of new activities, including avoiding reverse sensitivity effects (Policy D)
 - e. Recognise and provide for Māori interests in relation to REG activities (Policy E)
 - f. Enabling and managing the effect of REG activities on the environment (Policy F)
 - g. Enable efficient operation and maintenance of existing REG assets (Policy G)
 - h. Enable consenting, upgrading and repowering of existing REG assets (Policy H).
22. With respect to other higher order documents, the other key provisions to note are as follows:
 - a. The National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) came into effect on 17 October 2022 and has a single objective, being that "*Highly productive land is protected for use in land-based primary production, both now and for future generations*" and directs the protection of highly productive land from inappropriate use and development. The NPS-HPL was amended in August 2024 to remove consenting barriers for new infrastructure, including REG activities². These amendments provide a consenting pathway for new REG activities (which fall within the definition of "specified infrastructure")

² The 2025 amendments to the NPS-HPL relate to quarrying and mining and the restrictions on LUC 3 land in relation to urban rezoning and development other than rural lifestyle development, and do not have any direct implications for REG activities.

- to be located on highly productive land where it is demonstrated that there is an operational need or functional need to be on that land.
- b. The National Policy Statement for Indigenous Biodiversity (**NPS-IB**) came into effect in August 2023. Clause 1.3(3) in the NPS-IB states 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 transmission network assets and activities. However, this exemption in the NPS-IB does not affect the obligations of KDC under sections 6(c) and 31(1)(b)(iii) of the RMA in relation to indigenous biodiversity.
23. The RPS contains several relevant objectives and policies of relevance to the REG Chapter, as outlined below:
- a. Objective 3.5 seeks to enable economic wellbeing and Objective 3.9 considers the security of electricity supply.
 - b. Objective 3.7 and Policy 5.3.2 provide direction to recognise and promote the benefits of regionally significant infrastructure – which includes reference to some existing REG activities within the Northland Region.
 - c. Policy 5.1.3 directs that new development should avoid adverse effects on the operation of regionally significant infrastructure and Policy 5.3.3 seeks to manage the adverse effects arising from regionally significant infrastructure.
 - d. Policy 5.4.1 directs the PDP to recognise and provide for the benefits of renewable electricity generation activities and support the sustainable use and development of Northland’s renewable electricity resources.
 - e. Policy 5.4.2 directs the PDP to encourage and provide for the development, operation, maintenance and upgrading of community and small-scale renewable electricity generation activities.
24. Overall, the RPS requires that the PDP recognises and provides for the national significance of REG activities, including the national, regional and local benefits and supports the use and development of renewable electricity resources. It also directs the PDP to avoid adverse effects, including reverse sensitivity effects, on both existing and future regionally significant infrastructure.

25. The four iwi management plans relevant to the Kaipara District were considered as part of developing the PDP, as set out in Section 2.5 of the Section 32 Overview Report³. The iwi management plans with REG specific or related direction are outlined below:

Te Uri o Hau Kaitiakitanga o te Taiao

26. Section 35 'Growth and development' includes objectives on supporting resilient, self-sufficient communities with an express focus on renewable energy. These objectives are supported by the following policy:

"Locally produced renewable energy that is of an appropriate scale and technology is supported by Te Uri o Hau."

27. Section 45 on wind farming at the Pouto Peninsula identifies an issue for Te Uri o Hau as being the need for appropriate and sustainable REG in order to meet the reasonable and foreseeable needs of future generations. Policy direction to address this issue includes ensuring the philosophy of kaitiakitanga of the environment and its natural resources is maintained through renewable energy.

Patuharakeke Hapū Environmental Management Plan 2014

28. Section 4.2 on climate change contains the following objective:

"Northland's energy needs are met predominantly from community owned renewable energy resources, generated within the region."

29. This objective's corresponding method is for Patuharakeke to improve energy efficiency and investigation of REG opportunities within its rohe.

Nga Ture Mo Te Taiao O Te Roroa

30. Section 10 'Climate Change', method 5 includes improving carbon footprints by improving efficiency and investigating opportunities for renewable energy generation and use within the Te Roroa rohe. This iwi management plan emphasises a desire to be self-sufficient in terms of electricity and using environmentally sustainable energy.

3

www.kaipara.govt.nz/uploads/District%20Plan%20Review/PDP%20Chapter%2032%20reports/Overview%20Report%20s32%20FINAL.pdf

Summary of advice from iwi authorities

31. As set out in section 2 of the section 32 evaluation report for the REG Chapter⁴, there were no specific issues raised by iwi authorities on the REG Chapter during pre-notification engagement and consultation on the Exposure Draft District Plan.

2.4 Procedural matters

32. No submitter, prehearing or Clause 8AA meetings have been undertaken on the REG Chapter. There has been no further consultation on the REG Chapter undertaken since notification of the PDP.

2.5 Organisation of the report

33. The key issues identified in this report are set out below (arranged largely by provision):

- a. General submissions on the REG Chapter
- b. REG Chapter overview and definitions
- c. REG Chapter objectives
- d. REG Chapter policies
- e. REG Chapter rules.

2.5.1 Submissions and further submissions

34. 15 submissions containing 125 submission points were received on the provisions in the REG Chapter and related definitions. 5 further submissions were received containing 108 further submission points. The summary of submissions and further submissions addressed in this section 42A report and my recommendation for each are attached as Appendix A. The original submissions and further submissions can be found on the KDC website.
35. While all submissions have been read and considered in the summary of submissions (Appendix A), responses have not necessarily been written for each individual submission point. To assist the Hearings Panel in achieving clause 10(2) of the First Schedule of the RMA, I have provided reasons for my recommendations to accept or reject submissions and further submissions generally by themes. Responses have been written for individual submissions that raise matters that differ from other submissions within the same thematic group or that request specific amendments to the provisions.

⁴ Refer: [Renewable Electricity Generation s32 FINAL.pdf](#)

2.5.2 Recommended changes

36. Where I have recommended amending provisions in the REG Chapter as a result of considering the submissions and further submissions, these are contained as tracked changes in Appendix B. Where I consider that amendments to definitions are required, these are contained as tracked changes in Appendix C. Text that is recommended to be amended is shown as red text, with deletions being ~~struck through~~, and additional text underlined.
37. I have not recommended any amendments to the PDP maps as a result of my recommendations on submissions on the REG Chapter.

2.5.3 Section 32AA evaluation report

38. A section 32AA evaluation is only required for changes recommended after 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 the section 32AA evaluation reports needs to be at a level of detail that corresponds to the scale and significance of the changes recommended. To streamline this report, where a change has been recommended to the provisions in the REG Chapter or the Definitions Chapter, the corresponding section 32AA evaluation is attached in Appendix D.

3. Topic 1: General submissions on REG Chapter

3.1 Introduction

39. This section addresses general submissions on the REG Chapter where either the submitters generally support the REG Chapter or where more general amendments have been requested, including amendments to align with the amended NPS-REG.

3.2 Analysis

3.2.1 General support for the REG Chapter

40. Federated Farmers [136.36] supports the provisions in the REG Chapter as notified, or alternative wording that achieves a similar intent or effect. Federated Farmers support the provisions in the REG Chapter as these enable operation, maintenance and upgrading of REG activities without unnecessary barriers.
41. A Preston [172.7] supports the REG Chapter provisions as they support increasing the capability to generate renewable electricity, which they see as important in terms of reducing greenhouse gas emissions.

42. Transpower [292.25] supports the REG Chapter and requests that it be retained. Transpower notes that renewable energy will play a critical role in achieving New Zealand's carbon zero commitment and in mitigating the effects of climate change. On this basis, Transpower generally supports REG provisions that seek to enable REG activities.
43. Northpower [283.57] supports the REG Chapter and requests that it be retained. However, Northpower requests a number of amendments to specific provisions in the REG Chapter as set out and evaluated below.
44. NRC [332.59] generally supports the provisions in the REG Chapter and requests that these be retained, other than those provisions that NRC requests are amended as set out below. NRC considers that the objectives and policies in the REG Chapter are consistent with Objective 3.9 and Policies 5.4.1 to 5.4.3 in the RPS, except those provisions NRC are requesting to amend.
45. Cato Bolam [217.35] supports the inclusion of the REG Chapter in the PDP and requests it be retained.
46. BA & JK Paton Ltd [212.10] support the REG Chapter in its entirety and requests it be retained.
47. Dhivian Govender [8.7] expresses support for partnerships with organisations to develop solar electricity generation, in particular where work has already started along the west coast of the Kaipara District. Dhivian Govender believes that sustainable energy will provide long-term benefits to Kaipara and, as such, KDC should embrace sustainable energy alternatives.
48. I acknowledge these submissions in general support of the REG Chapter. In my opinion, it is much more effective and efficient to have a standalone REG Chapter within the PDP which gives effect to the National Planning Standards and amended NPS-REG compared to the ODP, which provides limited policy direction on REG activities and no specific rules. In my view, this is reflected in the general support for the REG Chapter with many of the amendments requested by submitters focus on improving workability and clarity while supporting the underlying policy intent to better enable REG activities.

3.2.2 Amend REG Chapter to give effect to the amended NPS-REG

49. A number of submitters, including Mercury and Northpower, note in their submissions that the Government was proposing amendments to NPS-REG which were being consulted on at the time of preparing submissions on the PDP (as set out above). The submissions emphasise the importance of aligning the REG Chapter with the amended NPS-REG if/once gazetted.
50. As noted above, in my opinion, there is clear scope in submissions to amend provisions in the REG Chapter to give effect to the amended NPS-REG. In my opinion, it is also both appropriate

and practicable to do so through the PDP given the REG Chapter was drafted with these amendments in mind and the general obligation in section 55(2D)(a) of the RMA for local authorities to give effect to national policy statements “*as soon as practicable*”⁵.

51. Accordingly, I recommend a number of amendments to the objectives and policies in the REG Chapter and associated definitions to give effect to the amended NPS-REG under Topic 2 to 4 of this section 42A report. In my view, these amendments are primarily “finetuning” the provisions to align wording, improve workability, and to give effect to more directive language in the amended NPS-REG rather than changing the underlying policy intent.
52. A significant point to note is that the amended NPS-REG does not include a specific consenting pathway and effects management hierarchy for REG activities (like the proposed version consulted on in 2023) in relation to the matters of importance in section 6 of the RMA. Rather, the intent is that the amended NPS-REG is “... *read alongside other national direction and local authority planning documents that govern section 6 environments and values of the Act. Where section 6 environments and values are not affected, the adverse effects of REG activities must be, where practicable, avoided, remedied or mitigated*”⁶. In my opinion, this is aligned with the notified approach in the PDP where other chapters in Part 2 of the PDP (District-wide matters) that relate to values and environments provided for under section 6 of the RMA (e.g. Coastal Environment, Outstanding Natural Features and Landscapes) apply to REG activities managed through the REG Chapter (i.e. they are to be read together). This general approach is also reflected and reinforced in my recommendations on relevant submissions below.

3.2.3 Requests to expand the REG Chapter to include other forms of renewable energy

53. Clarus [309.3] supports the REG Chapter overall but requests it is amended to include other forms of renewable energy generation for consistency with the RPS.
54. More specifically, Clarus [309.23] requests that the REG Chapter title is changed from ‘*Renewable Electricity Generation*’ to ‘*Renewable Energy Sources and Electricity Generation*’ and any consequential amendments are made to objectives, policies and rules. Clarus has also made numerous submission points on the provisions in the REG Chapter [309.24 to 309.28, 309.30 and 309.98 to 309.104] requesting these refer to “*and other renewable energy production and supply*” along with requests for new provisions for non-electrical renewable energy activities.

⁵ The amended NPS-REG does not state timeframes for it to be given effect to through district plans given the resource management reforms currently underway.

⁶ As stated in the “explanatory note” for the NPS-REG: [07-07-20 - FINAL-NPS template.dotx](#)

55. Clarus is requesting this relief as it considers that the REG Chapter should not be limited to renewable electricity. Clarus considers that the PDP should support other forms of renewable energy generation such as landfill gas capture, biowaste digestion, wastewater treatment plant capture or importation, and hydrogen. Clarus also notes that the RMA and PDP definition of “renewable energy” is broader than renewable electricity generation and Policy 5.4.1 in the RPS refers to “renewable energy resources” more generally.
56. I acknowledge that the RMA and PDP definitions refer to “renewable energy” more broadly and Policy 5.4.1 in the RPS provides direction to recognise and provide for both “renewable electricity generation” and the use and development of “renewable energy sources”. However, in my view, it is appropriate to retain the focus and scope of the REG Chapter on “renewable electricity generation” to give effect to the amended NPS-REG, which is focused on renewable electricity generation. In practical terms, this is effectively the same given that the broad definition of “renewable electricity generation” in the amended NPS-REG is “means the generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean current energy sources”. This is largely aligned with the RMA (and PDP) definition of renewable energy, which refers to the same sources of renewable generation — so both definitions cover all sources of renewable generation that can be reasonably anticipated in the Kaipara District.
57. I am not aware of whether these sources of renewable energy (wind, solar etc.) are being used for purposes other than electricity within the Kaipara District. I also expect that the other potential forms of renewable energy cited by Clarus (landfill gas capture, biowaste digestion, and wastewater treatment plant capture) are unlikely to be a material source of renewable energy in the Kaipara District over the life of the PDP (if at all). Therefore, amending the REG Chapter and relevant provisions to include “and other renewable energy production and supply” as requested by Clarus would add no/limited value in my view and likely create some uncertainty in the interpretation of the provisions. Accordingly, I do not recommend any amendments to the REG Chapter in response to these submissions from Clarus. This does not prevent other forms of renewable energy from being considered through consenting processes as relevant (noting that biomass is already covered by the REG Chapter and proposals such as green hydrogen would likely be subject to a range of controls).

3.2.4 Requests to expand the REG Chapter to include additional standards

58. Greg Moore [117.5] requests that the REG Chapter is amended to include additional standards for REG activities. Mr Moore considers that more thought and structure is required in how the Kaipara District moves forward with REG, with specific regard to restrictions on infrastructure location, polluting the skyline and end of life considerations for turbines and panels. The standards referred to by Mr Moore are DIN 4150-3:1999 - Structural vibration - Effects of

vibration on structures (FOREIGN STANDARD), DIN 4150-3:1999 Structural vibration - Part 3: Effects of vibration on structures, and an article about the glare from solar energy⁷.

59. While I understand the general relief sought from Mr Moore, the standards referred to in his submission primarily relate to effects of vibration on structures, which is not an effect of concern for REG activities that I am aware of (e.g. where vibration from a wind turbine may affect a nearby structure). I am aware that glare from solar energy is a relevant effect to consider in relation to solar-generation and that this effect is reflected in some of the standards (setbacks etc.) and matters of discretion (“shadow flicker and glare” etc.) in the rules for solar generation. Accordingly, I do not recommend that any additional standards are included in the REG Chapter in response to the submission from Mr Moore.

3.3 Recommendations

60. I do not recommend any amendments to the REG Chapter in response to the general submissions above. My recommended amendments to the REG Chapter and Definitions Chapter to give effect to the amended NPS-REG are discussed in more detail in Topics 2 to 4 below in relation to specific provisions.

4. Topic 2: REG Chapter Overview, notes and definitions

4.1 Introduction

61. This section addresses submissions on the Overview section of the REG Chapter, the advice notes above the rules, and definitions in the interpretation section of the PDP that are specifically relevant to the REG Chapter. The Overview section of the REG Chapter provides explanatory text to help understand the chapter, what it is intended to achieve, and the higher order instruments it gives effect to. Both the Overview section of the REG Chapter and the advice notes above the rules explain the relationship with other chapters of the PDP (e.g. that the zone rules in Part 3 of the PDP do not apply to REG activities). The definitions specific to the REG Chapter addressed below are “renewable energy”, “renewable electricity generation activities”, “large-scale renewable electricity generation activities”, “community-scale renewable electricity generation activities”, “small-scale renewable electricity generation” and “repowering existing wind and solar electricity generation activities”.

⁷ Refer: [Relieving a Glaring Problem | American Solar Energy Society](#)

4.2 Analysis

4.2.1 REG Chapter overview section and notes

62. Northpower [283.57] supports the advice notes above the rules in the REG Chapter and requests that these be retained as notified.
63. Forest & Bird [149.14] request the following amendments to the Overview section of the REG Chapter and the advice notes above the rules:
- a. Retain the explanation of how other provisions in Part 2 - District-wide matters of the PDP apply to REG activities managed through the REG Chapter.
 - b. Amend the section of the Overview, which describes where potential adverse environmental effects may arise, to include “maintenance, operation and upgrading of renewable electricity generation”. Forest & Bird considers that these REG activities can result in adverse effects on the environment and should therefore be included in this explanatory text.
 - c. Add more detailed cross-referencing to other PDP Chapters in Part 2 – District-wide matters of the PDP within the notes above the rules to ensure the PDP is clear and effective.
64. DOC [304.39] opposes the Overview section of the REG Chapter in part and requests that it be amended to reduce ambiguity about how other provisions in Part 2 - District-wide matters of the PDP apply to REG activities. DOC’s requested amendments to the Overview section are as follows:

The provisions in this chapter apply to all types of renewable electricity generation activities, from small-scale solar generation to large-scale wind farms, and apply across the Kaipara District. While ~~the zone rules in Part 3 – Area-specific matters do not apply to renewable electricity generation activities but there may be other provisions in Part 2 – District wide matters that do apply to renewable electricity generation activities.~~

65. The main issue to consider in the above submissions is how the Overview section and notes explain how other provisions in Part 2 – District-wide matters of the PDP apply to REG activities. This is of particular importance when REG activities are proposed in more sensitive and valued “overlays” such as the Coastal Environment, Outstanding Natural Features and Landscapes, and Sites and Areas of Significance to Māori overlays. In my experience, the relationship between the REG Chapter (and infrastructure more generally) and overlay chapters managing natural environment, historic heritage and cultural values is often a key issue for district plans. I am also aware that the approach taken varies throughout New Zealand, with some REG and infrastructure chapters being largely “self-contained” with specific provisions to manage REG

activities in identified overlay areas, while other plans have a greater interplay between the REG Chapter and overlay chapters. However, the approach taken in the PDP as notified is to rely on the overlay chapters to manage the effects of any infrastructure (including REG activities) in these overlays, which is reflected in the statements in the Overview section and notes referred to above.

66. Forest & Bird have requested that the notes be more specific regarding cross-referencing to other PDP Chapters in Part 2 -District-wide matters. In considering this request I have compared the notified PDP approach to the more specific approach taken in the Far North PDP REG and Infrastructure Chapters, which I was also the reporting officer for. For example, the Infrastructure Chapter in the Far North PDP includes the following statement in the Overview section that includes a specific list of Part 2 chapters that may be relevant for infrastructure (similar statement also in the notes):

In addition to the provisions in this Chapter, there are provisions in other Part 2: District Wide Matters that may be relevant for infrastructure, including the Historic Heritage, Heritage Area Overlays, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment chapters.

67. However, the Overview section of the REG Chapter and the advice notes are generally supported by submitters in terms of how they reference other PDP Chapters in Part 2 - District-wide matters of the PDP, except for DOC requesting some relatively minor amendments to improve clarity. Given this high level of support and my preference for simple drafting, I do not see a clear need to specifically reference other potentially relevant chapters in Part 2 – District-wide matters of the PDP in either the Overview text or the notes. Accordingly, I recommend that the simplified and general approach in the PDP as notified is retained with minor amendments, as set out in Appendix B.
68. I do not recommend that the Overview section is amended to list all relevant REG activities with potential adverse effects as requested by Forest & Bird. In my view, it is preferable to keep the Overview section concise with the provisions clarifying the types of REG activities managed through the REG Chapter.

4.2.2 Definitions

Renewable electricity generation activities

69. Northpower [283.14, 283.22, 283.26] supports the definitions for “large-scale renewable electricity generation activities”, “renewable energy” and “small-scale renewable electricity generation” and request that each definition is retained in the PDP as notified.

70. Northpower [283.21] requests amendments to the definition of “renewable electricity generation activities” as follows:

means the construction, operation and maintenance of buildings or structures associated with renewable electricity generation, distribution and transmission. This includes, but is not limited to, small and community-scale distributed renewable generation activities, and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

71. Northpower considers this definition should include buildings in addition to structures and should specifically refer to renewable electricity conveyance mechanisms, including infrastructure required for the distribution, transmission and storage of renewable electricity. Northpower also requests the inclusion of the words “...but is not limited to...”, to avoid any unintentional narrowing of the definition.

72. Mercury [326.23] requests that the proposed definition for “renewable electricity generation activities” is either retained or replaced so it has the same meaning as the NPS-REG 2011 or the amended NPS-REG if gazetted. Mercury notes the proposed amendments to the NPS-REG will likely revise terminology and definitions used in the NPS-REG and therefore it is preferable to align the PDP terms with this revised terminology and definitions.

73. I agree with Mercury that it is appropriate to align the PDP definition of “renewable electricity generation activities” with the corresponding definition in the amended NPS-REG. This is particularly important given that the amended NPS-REG now includes a much more specific definition in terms of the full range activities being:

renewable electricity generation (REG) activities include the full range of activities required for REG, including small-scale and community-scale REG, including:

(a) the investigation, construction, operation, monitoring, maintenance, upgrade, repowering, decommissioning and removal of REG assets;

(b) the storage of generated electricity, whether connected to REG, the electricity network or directly to a site or community;

(c) the conveyance of generated electricity to electricity networks or directly to end users;

(d) all ancillary REG activities; but

(e) does not include electricity network assets as defined by the National Policy Statement for Electricity Transmission 2008 and its amendments.

74. Clause (e) of the definition also clarifies that it does not include electricity network assets as defined by the National Policy Statement for Electricity Transmission 2008 and its amendments (i.e. the National Policy Statement for Electricity Networks (**NPS-EN**), which now includes

transmission and distribution). For this reason, I do not recommend that the definition refers to distribution as this infrastructure is managed through the NPS-EN and the Infrastructure Chapter of the PDP, which will be considered in a future hearing. I therefore recommend that the definition of renewable electricity generation activities in the PDP is amended to align with this definition in the amended NPS-REG.

75. I note that clause (d) of this definition refers to “ancillary REG activities”, which is defined in the amended NPS-REG as:

***ancillary renewable electricity generation (REG) activities** mean an activity that supports and is subsidiary to a REG activity, including but not limited to:*

(a) vegetation clearance and tree trimming;

(b) earthworks and land disturbance;

(c) construction, maintenance, repair and upgrading of access tracks, bridges and culverts; and

(d) construction, maintenance, repair and upgrading of power supply and telecommunication cables and devices.

76. I note that this definition is deliberately intended to align with the National Planning Standards definition of “ancillary activity” but drafted to be more specific to ancillary REG activities. This is an important part of the suite of definitions that apply to REG activities, and I therefore recommend that this definition is included in the PDP.

Small, community and large-scale renewable electricity generation activities

77. The PDP definitions of small, community-scale and large-scale renewable electricity generation activities as notified in the PDP are all interrelated as follows:

***Small-scale renewable electricity generation** means renewable electricity generation, where at least 50% of the energy generated is supplied to the site it is located, and includes domestic and micro-scale renewable electricity generation.*

***Community-scale renewable electricity generation** means renewable electricity generation supplying electricity to a local community.*

***Large-scale renewable electricity generation** means renewable electricity generation activities with greater generation output than community scale renewable electricity generation activities”.*

78. Northpower [283.9] requests that the definition of “community-scale renewable electricity generation” is retained.

79. Mercury [326.19] requests the definition for “community scale renewable electricity generation activities” in the PDP is deleted and replaced with either the NPS-REG 2011 definition or the definition in the amended NPS-REG if gazetted.
80. DOC [304.10] requests that the definition for “community scale renewable electricity generation activities” in the PDP is amended as follows:

means renewable electricity generation supplying electricity to a local ~~community~~ electricity users or the distribution network and where the installed capacity does not exceed X.

81. DOC considers that the definition as notified in the PDP is unclear and requests amendments to include a quantitative threshold to provide clarity for plan users and achieve clear application. DOC requests the inclusion of either a kilowatt or megawatt threshold that can be determined by a suitably qualified expert through the PDP hearing process.
82. Mercury [326.21] requests that “large-scale” is removed from the defined term “large-scale renewable electricity generation activities”, noting that separate provisions exist for small and community-scale REG.
83. DOC [304.26] supports the definition for “large-scale renewable electricity generation activities” and requests that it be retained as notified, subject to the amendments DOC is requesting to the definition of community-scale REG activities above being accepted.
84. The purpose of defining small, community-scale and large-scale REG activities separately in the PDP as notified was to:
- a. Give effect to the policy direction in the NPS-REG specific to small and community-scale REG activities; and
 - b. Assist with providing a specific rule framework for each of these activities based on their scale, nature and therefore potential adverse effects (e.g. the more stringent discretionary activity status for large-scale REG activities in REG-R8).
85. Again, I agree with Mercury that is appropriate to align the PDP definitions with the updated definitions for small and community-scale REG activities in the amended NPS-REG as follows:

***small-scale renewable electricity generation (REG)** means REG where the primary purpose is to provide electricity for on-site use at an individual site or to a telecommunications facility*

***community-scale renewable electricity generation (REG)** means REG with the primary purpose of supplying electricity to a community*

86. I recommend that the PDP definitions are amended accordingly. This will make the definitions more focused on the **primary purpose** of the REG activity, rather than a percentage

delivered to a site as per the notified definition of small-scale REG activity, which will help avoid some of the potential implementation issues identified by submitters. It also avoids setting a megawatt threshold for these activities, as requested by DOC, which is problematic in my view. This is because the generation output of a REG activity does not determine its scale or potential adverse effects.

87. The amended NPS-REG does not include a definition of large-scale REG activities, nor did the earlier version. To align with the recommended amendments to the definition of small and community-scale REG activities above, I recommend that the notified definition of large-scale REG activities is amended to focus on the purpose of the REG activity and to make it clear it does not include these other two types of REG activities. I note that this is aligned with the approach recommended in the Far North PDP⁸. My recommended amendments to the definition of large-scale REG activities are as follows:

Large-scale renewable electricity generation activities means *renewable electricity generation activities with the primary purpose of conveying electricity directly to electricity networks (transmission or distribution) and does not include ~~greater generation output than small-scale and community scale~~ renewable electricity generation activities.*

88. I acknowledge that there is a level of discretion in determining whether a REG activity falls within the definition of “community-scale” or “large-scale” REG activity. However, I consider that this is unlikely to be problematic given that both activities would be subject to a consent process where the onus would be on the applicant to demonstrate the primary purpose of the REG activity with reference to where the electricity is being directly conveyed to.

Repowering existing wind and solar electricity generation activities

89. Northpower [283.23] requests amendments to the definition of “repowering existing wind and solar electricity generation activities” so the definition does not inadvertently capture other activities, which will then be subject to REG-R10. The requested amendments to the definition by Northpower are as follows:

means replacing ~~more than 50% of the structures at an existing renewable generation facility (source: new, to support rules).~~

90. Mercury [326.24] requests that the definition for “repowering existing wind and solar electricity generation activities” is amended as follows:

⁸ For example, refer to the recommended amendments to the definitions from the reporting officer: [Microsoft Word - Appendix 1.1 - Officer's Recommended Amendments to Definitions \(Renewable Electricity Generation\) Definitions](#)

“means replacing more than 50% of the structures at an existing renewable generation facility in relation to existing renewable electricity generation assets generating electricity from wind or solar, the whole or partial replacement to increase generation output and/or extend the operational life of the renewable electricity generation assets.”

91. Alternatively, Mercury requests that the definition is replaced to have the same meaning as the amended NPS-REG if gazetted. Mercury does not support the reference to repowering replacing at least 50% of the structures, as this threshold is arbitrary. If a threshold is necessary, Mercury considers that this should be within a rule rather than a definition.
92. Again, I agree with Mercury that the PDP definition of “repowering existing wind and solar electricity generation activities” should be aligned with the amended NPS-REG definition of “repowering”. The amended NPS-REG definition of repowering does not include the 50% threshold for the replacement of structures and focuses more on the purpose of the repowering activity. I therefore recommend that the PDP definition of “repowering existing wind and solar electricity generation activities” is replaced with a definition of “repowering” to align with the amended NPS-REG as follows:

repowering means, in relation to existing REG activities generating electricity from wind or solar sources, the whole or partial replacement of REG assets within an existing REG site to increase generation capacity and output and/or extend the operational life of the REG activity.

Green hydrogen

93. Clarus [309.17] requests that a new definition for ‘Green hydrogen’ is included in the PDP to build on its requested definition for renewable energy and to support both the Kaipara District and national objectives for energy, climate resilience and emissions reduction. Clarus requests the following wording for this new definition:

Green hydrogen refers to hydrogen produced through the electrolysis of water using electricity generated from renewable sources.

94. In my view, a specific definition of green hydrogen is not necessary in the PDP as it is not directly linked to any specific rules. Any proposals to generate green hydrogen within the Kaipara District would likely require a range of consents (including under the Northland Regional Plan) and would most likely be a discretionary activity under the PDP. The fact that a consent will be required means the nature of the activity and its positive and potential adverse effects can be appropriately assessed. Accordingly, in my view, a new definition of “green hydrogen” in the PDP that is not specifically linked to any plan provisions is unnecessary.

4.3 Recommendations

95. I recommend that amendments are made to the following REG related definitions:

Renewable electricity generation activities ~~means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community scale distributed renewable generation activities, and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity~~ include the full range of activities required for renewable electricity generation, including small-scale and community-scale renewable electricity generation, including:

- a. The investigation, construction, operation, monitoring, maintenance, upgrade, repowering, decommissioning and removal of renewable electricity generation assets;
- b. The storage of generated electricity, whether connected to renewable electricity generation, the electricity network or directly to a site or community;
- c. The conveyance of generated electricity to electricity networks or directly to end users;
- d. All ancillary renewable electricity generation activities; but
- e. Does not include electricity network assets as defined by the National Policy Statement for Electricity Transmission 2008 and its amendments.

Small-scale renewable electricity generation activities means renewable electricity generation, where ~~the primary purpose is to provide electricity for on-site use at an individual site or to a telecommunications facility at least 50% of the energy generated is supplied to the site it is located, and includes domestic and micro-scale renewable electricity generation.~~

Community-scale renewable electricity generation activities means renewable electricity generation with the primary purpose of supplying electricity to a ~~local~~ community.

Large-scale renewable electricity generation activities means renewable electricity generation activities with the primary purpose of conveying electricity directly to electricity networks (transmission or distribution) and does not include greater generation output than small-scale and community scale renewable electricity generation activities.

96. I recommend that a new definition of “ancillary renewable electricity generation activities” is included in the PDP as follows:

Ancillary renewable electricity generation activities mean an activity that supports and is subsidiary to a renewable electricity generation activities activity, including but not limited to:

- a. vegetation clearance and tree trimming;
- b. earthworks and land disturbance;
- c. construction, maintenance, repair and upgrading of access tracks, bridges and culverts; and
- d. construction, maintenance, repair and upgrading of power supply and telecommunication cables and devices.

97. I recommend that the definition of “repowering existing wind and solar electricity generation activities” is deleted and replaced with a new definition of “repowering” as follows:

repowering means, in relation to existing renewable electricity generation activities, activities generating electricity from wind or solar sources, the whole or partial replacement of renewable electricity generation assets within an existing renewable electricity generation site to increase generation capacity and output and/or extend the operational life of the renewable electricity generation activity.

5. Topic 3: REG objectives

5.1 Introduction

98. The REG Chapter has four objectives which set the outcomes sought for REG within the Kaipara District as follows:
- a. REG-O1 – the benefits of increasing REG at all scales are realised in the Kaipara District.
 - b. REG-O2 – REG activities are enabled at all scales to support the environmental, economic, social and cultural well-being of people and communities in the Kaipara District.
 - c. REG-O3 – REG activities are developed in a way that appropriately manages adverse effects on the environment.
 - d. REG-O4 – the effective and efficient operation, maintenance and upgrading of REG activities is not constrained or compromised by reverse sensitivity effects.
99. Submissions on the REG objectives generally support the objectives in full or part. However, submitters also request several amendments to the objectives to improve clarity and workability and to ensure the objectives are aligned with the amended NPS-REG. My evaluation of submissions on the objectives firstly addresses the alignment of the objectives with the amended NPS-REG before considering submissions on specific objectives.

5.2 Analysis

5.2.1 Alignment of objectives with amended NPS-REG

100. Mercury [326.1, 326.2, 326.3, 326.4] generally supports the objectives in the REG Chapter and the level of consistency with the existing NPS-REG. However, Mercury notes that the Government is proposing amendments to the NPS-REG with more directive provisions to support New Zealand's climate change and electrification goals. As such, Mercury requests that the notified objectives are retained as notified or amended to align with the amended NPS-REG once gazetted.
101. The following table provides an assessment of the notified REG objectives in the REG Chapter and their alignment with the relevant objective and supporting policy in the amended NPS-REG.

PDP Objective	Relevant objective and supporting policy in amended NPS-REG	Assessment
<p>REG-O1: Benefits of renewable electricity generation</p> <p>The benefits of increasing REG activities at all scales are realised in the Kaipara District.</p>	<p>Objective 1(a) – Ensure the national, regional and local benefits of REG are provided for.</p> <p>Policy A(1) – Recognise and provide for national, regional, and local benefits of REG activities.</p>	<p>Partially gives effect – REG-O1 is aligned by focusing on benefits of REG activities at all scales.</p> <p>The main difference is the direction for the benefits of REG activities to be realised (PDP) v provide for and recognised and provided for (amended NPS-REG).</p>
<p>REG-O2: Enabling renewable electricity generation to support well-being</p> <p>REG activities are enabled at all scales to support the environmental, economic, social and cultural well-being of people and communities.</p>	<p>Objective 1(c) - Enable REG to support the social, economic and cultural wellbeing of people and communities, and for their health and safety</p> <p>Policy A(2) – Recognise the benefits of REG activities includes providing for the social, economic and cultural wellbeing of people and communities and for their health and safety.</p>	<p>Partially gives effect – REG-O2 captures direction to enable REG activities to support wellbeing of people and communities. However, there is a difference in direction to enable REG activities to support wellbeing (PDP) v provide for the wellbeing of people and communities (amended NPS-REG). There is no reference to health and safety which is more aligned with section 5(2) of the RMA.</p>
<p>REG-O3: Managing adverse effects of renewable electricity generation</p> <p>REG activities are managed in a way that appropriately manages adverse effects on the environment.</p>	<p>Objective 1(f) – Ensure REG is developed and operated in safe, efficient and effective manner while managing adverse effects from REG activities.</p> <p>Policy F – Enabling and managing the effects of REG assets and activities on the environment</p>	<p>Partially gives effect - REG-O3 aligns with Objective 1(f), except that REG-O3 refers only to the development of REG activities and not the operation of, nor is there any reference to REG being developed in a safe, efficient or effective manner, which is a important aspect of Objective 1 in the NPS-RG.</p> <p>Policy F of the NPS-REG provides a more detailed framework for managing the</p>

PDP Objective	Relevant objective and supporting policy in amended NPS-REG	Assessment
		adverse effects of REG activities, but this level of detail is not necessary at the objective level.
<p>REG-O4: Adverse effects on renewable electricity generation activities</p> <p>The efficient and effective operation, maintenance and upgrading of REG activities is not constrained or compromised by reverse sensitivity effects.</p>	<p>Objective 1(f) - Manage adverse effects on REG activities</p> <p>Policy D – Protecting existing REG assets and activities from other activities, including by avoiding reverse sensitivity effects.</p>	<p>Partially gives effect – REG-O4 is focused on protecting REG activities from reverse sensitivity effects only while Objective 1(f) and Policy D in the amended NPS-REG are broader. The other key difference is the more general direction to “protect” REG activities v not “constrain or compromise” REG activities.</p> <p>More specifically, Policy D requires decision-makers to “protect” REG activities, to the extent reasonable possible, from the adverse effects of new activities, “including by avoiding reverse sensitivity effects”. This policy provides strong direction to avoid these effects and also recognise that new activities can have other adverse effects on REG assets beyond reverse sensitivity (e.g. direct effects).</p>

102. Based on the submission from Mercury and the assessment above, I consider that is appropriate and practicable to amend all four of the objectives in the REG Chapter to improve alignment with the amended NPS-REG. My recommendations to achieve this are outlined below, informed by the submissions on specific objectives in the REG Chapter.

5.2.2 Submissions on REG objectives

103. Northpower generally supports the REG objectives in full or part, including a request to retain REG-O4 as notified [283.46]. However, Northpower request the following amendments to REG-O1, REG-O2 and REG-O3:

- a. Amend the title and wording of REG-O1 [283.43] to give effect to Policy 5.4.1 in the RPS as follows:

Benefits of renewable electricity generation activities

The benefits of increasing renewable electricity generation activities at all scales are recognised and provided for ~~realised~~ in the Kaipara District.

- b. Amend the title of REG-O2 as follows: “*Enabling renewable electricity generation activities to support wellbeing*” [283.44]

- c. Amend the title REG-O3 as follows: “*Managing adverse effects of renewable electricity generation activities*” [283.45].
104. 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.
105. Forest & Bird [149.15] request that the word “realised” in REG-O1 is replaced with “recognised” as Forest & Bird consider that the benefits of enabling REG should not be realised where there are significant adverse environmental effects. Forest & Bird consider that this amendment will moderate REG-O1, ensure it achieves the purpose of the RMA and align with the existing NPS-REG.
106. In relation to the requests to replace “*realised*” in REG-O1 with either “*recognised and provided for*” (Northpower) or “*recognised*” (Forest & Bird), I prefer the Northpower wording as it better aligns with the terminology used in the amended NPS-REG (noting that the amended NPS-REG directs that these benefits are “provided for” in Objective 1 and that decision-makers must “recognise and provide for” these benefits in Policy A(1)). The term “realised” was based on the wording in the earlier 2023 proposed NPS-REG⁹, but it does not require decision-makers to actively enable and provide for those benefits. Conversely, the wording “recognised and provided for” that I recommend for REG-O1 places an active obligation on decision-makers to provide for those benefits and has an established meaning in RMA case law.
107. Forest & Bird [149.16] consider that REG-O2 requires moderation in order to better align with the NPS-REG. To achieve this, Forest & Bird requests the following amendment:
- Renewable electricity generation activities are enabled at all scales ~~to~~ where they support the environmental, economic, social and cultural well-being of people and communities in the Kaipara District.*
108. I do not recommend any amendments to REG-O2 in response to this submission from Forest & Bird. This would potentially add another layer of assessment to determine when REG activities should be enabled, which is not appropriate at the objective level in my view. The use of “to” is consistent with the amended NPS-REG objective, which uses “to” when describing the reasons for enabling REG, including to support the social, economic and cultural wellbeing of people and communities (refer Objective 1(c)–(e)).

⁹ Refer: [Proposed National Policy Statement for Renewable Electricity Generation \[2023\]](#)

109. FENZ [308.12] supports REG-O3 and requests it be retained as notified insofar as REG activities are developed in a way that appropriately manages adverse effects on the environment. FENZ emphasise the importance of ensuring that the fire risk associated with REG activities is minimised to protect REG assets and the surrounding environment.

110. DOC [304.40] requests that REG-O3 is amended to direct that adverse effects are avoided, remedied or mitigated rather than “appropriately” managed. More specifically, DOC requests the following amendment to REG-O3:

Renewable electricity generation activities are developed in a way that will avoid, remedy or mitigate ~~appropriately manages~~ adverse effects on the environment

111. I do not support DOC’s requested amendment to REG-O3. Objective 1(f) and Policy F in the amended NPS-REG establish a broader framework for considering and managing the adverse effects of REG activities, which goes beyond simply avoiding, remedying, or mitigating adverse effects (i.e. restating section 5(2)(c) of the RMA). In my opinion, it is more appropriate to align REG-O3 with the wording in Objective 1(f) of the amended NPS-REG, which provides more specificity on how to enable REG activities while managing adverse effects. Accordingly, I recommend that REG-O3 is amended to read:

Renewable electricity generation activities are developed and operated in a safe, efficient and effective way while ~~that will appropriately managings~~ adverse effects on the environment.

112. There are no additional submission points on REG-O4 other than those discussed above from Mercury and Northpower.

5.3 Recommendations

113. I recommend that the REG objectives in the PDP are amended as follows:

REG-O1: Benefits of renewable electricity generation activities

The benefits of increasing renewable electricity generation activities at all scales are recognised and provided for ~~realised~~ in the Kaipara District.

REG-O2: Enabling renewable electricity generation activities ~~to support well-being~~

Renewable electricity generation activities are enabled at all scales to provide for support the environmental, economic, social and cultural well-being of people and communities in the Kaipara District, and their health and safety.

REG-O3: Managing adverse effects of renewable electricity generation activities

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

REG-04: 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~~ protected, to the extent reasonably possible, from the adverse effects of new activities, including by avoiding reverse sensitivity effects.

6. Topic 4: REG policies

6.1 Introduction

114. This section addresses submissions in support and opposition to the REG policies, including where amendments to the policies are requested by submitters. There are ten REG policies in the notified REG Chapter, which are all subject to submission points. This section firstly addresses general submissions on the REG policies before addressing submissions on specific REG policies.

6.2 Analysis

6.2.1 General submissions on REG policies

115. Northpower supports REG-P1 [283.47], REG-P3 [283.49], REG-P4 [283.50], REG-P5 [283.51], REG-P6 [283.52], REG-P7 [283.53] and REG-P10 [283.56], and requests that each of these policies be retained as notified.
116. There are numerous submission points on the REG policies from Mercury requesting that the policies are amended to align with the amended NPS-REG if gazetted. The amended NPS-REG provides more detailed policies for REG activities compared to the earlier NPS-REG, with the general intent of better enabling these activities and providing stronger direction to decision-makers. In my view, the REG Chapter should better align with, and give effect to, the amended NPS-REG but this does not equate to simply duplicating the amended NPS-REG policies in the REG Chapter. Rather I consider the policies in the REG Chapter should be better aligned with the amended NPS-REG where the policy direction overlaps and include more local specificity where appropriate in accordance with case law (e.g. highlighting wind and solar as the key sources of generation in the Kaipara District). Conversely, I recommend relying on the amended NPS-REG for more detailed policy direction on specific issues not previously addressed in the notified REG Chapter policies (e.g. recognising and providing for Māori interests). Decision-makers must have regard to the NPS-REG 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, which ensures there is no “gap” in the policy framework for REG activities under my recommended approach.

117. The following table provides a high-level assessment of the alignment between the notified policies in the REG Chapter with the corresponding policy in the amended NPS-REG.

Policy	Relevant policy in amended NPS-REG	Assessment
REG-P1 – National significance and benefits of REG activities	Policy A – National significance and benefits of REG activities	Strong alignment - but Policy A provides a longer list of benefits to recognise and provide for.
REG-P2 – Enable the effective development, operation, maintenance and upgrade of REG activities	Policy G - Providing for the operation and maintenance of existing REG assets and activities Policy F - Enabling and managing the effects of REG assets and activities on the environment Policy H - Reconsenting, upgrading and repowering existing REG assets and activities	Partially aligned - some alignment but Policy G does not extend to upgrading REG activities which are addressed by Policy H. Policy F and Policy H also provide more specific policy direction on the consideration and management of adverse effects when enabling REG activities.
REG-P3 – Recognise and provide for the functional need or operational need of REG activities	Policy C - Operational need or functional need for REG assets and activities to be in particular locations and environments	Strong alignment - but Policy C is more specific and directive, including direction that an assessment of alternative sites is not required to demonstrate that an operational or functional need exists.
REG-P4 – Managing the adverse effects of REG activities	Policy F - Enabling and managing the effects of REG assets and activities on the environment	Partially aligned - Policy F is more specific direction on how to manage effects within and outside environments and values provided for in section 6 of the RMA.
REG-P7 – Providing for innovation and technological advances	Policy H(d) - Reconsenting, upgrading and repowering existing REG assets and activities	Partially aligned - Policy H(d) only related to changes in consent conditions, including adapting to new technologies, whereas REG-P7 is framed in a broader way.
REG-P8 – Repowering of existing wind and solar generation	Policy H - Reconsenting, upgrading and repowering existing REG assets and activities	Partially aligned - Policy H more specific and directive and covers upgrading and reconsenting.
REG-P9 – Managing reverse sensitivity	Policy D - Protecting existing REG assets and activities from other activities	Partially aligned - Policy D is broader and more directive to protect REG from new activities more

Policy	Relevant policy in amended NPS-REG	Assessment
		generally and to avoid reverse sensitivity effects.

118. Based on the submissions from Mercury and the assessment above, I consider that is appropriate and practicable to amend numerous policies in the REG Chapter to improve alignment with, and give effect to, the amended NPS-REG. My recommendations to achieve this are outlined below, which are also informed by the submissions on specific policies in the REG Chapter.

6.2.2 Policy REG-P1 (National significance and benefits of REG activities)

119. NRC [332.5] support Clauses 1 and 2 in REG-P1 as notified, but request Clause 3 in REG-P1 is amended to refer to the environmental benefits of REG activities in addition to the economic, social and cultural benefits. I agree that it is appropriate to refer to environmental well-being in Clause 3 of REG-P1 as requested by NRC, as REG activities provide environmental benefits such as helping to mitigate climate change. I recommend that this submission point is accepted.

120. Electrify Te Taitokerau [145.1] supports REG-P1 in part but requests that the following benefit is added to the policy: *“Reduced dependence on imported fossil fuels and related fiscal deficits and supply chain risks”*. Electrify Te Taitokerau consider that this amendment will acknowledge the need for energy supply to transition from finite to renewable resources to reduce greenhouse gas emissions and associated costs, as well as building a resilient and secure supply of onshore renewable energy.

121. Mercury [326.5] supports REG-P1 and its consistency with the NPS-REG. However, Mercury notes that the proposed amendments to the NPS-REG include more directive provisions to support New Zealand's climate change and electrification goals. As such, Mercury requests that either REG-P1 is retained as notified or amended to align with the amended NPS-REG once gazetted.

122. REG-P1 is similar to Policy A of the amended NPS-REG, except that Policy A includes a longer list of benefits. I recommend that REG-P1 is amended to include the longer list of benefits in Policy A of the amended NPS-REG while retaining the references to the Kaipara District in the relevant clauses. I note that clause (e) in Policy A of the amended NPS-REG is *“avoiding reliance on imported and domestic fossil fuels for the purposes of generating electricity”* which is aligned with the relief sought by Electrify Te Taitokerau and I recommend that this submission point is accepted.

6.2.3 REG-P2 (enabling REG activities) and REG-P3 (the functional need or operational need of REG activities)

123. Electrify Te Taitokerau [145.2, 145.3] supports REG-P2 and REG-P3 in part but request that each is amended to proactively include biomass, tidal wave and ocean energy resources in addition to solar and wind. Electrify Te Taitokerau notes there is potential for generation from biomass, tidal, wave and ocean activity within the Kaipara Harbour and along the east and west coasts. By including a range of renewable energy sources within the PDP, Electrify Te Taitokerau consider that this will allow for discoveries of new renewable energy sources and technological advancements over the life of the PDP.

124. NRC [332.6] raises similar issues and requests similar relief in relation to REG-P2. Specifically, NRC requests that REG-P2 is amended to enable a range of renewable electricity generation activities in recognition of the rapid evolution of technologies, rather than limit the policy direction to wind and solar generation. The amendments requested by NRC to REG-P2 are as follows:

Provide for the effective and efficient development, operation, maintenance and upgrading of renewable electricity generation activities at a range of scales from ~~solar and wind energy resources~~ renewable energy sources, e.g. solar and wind.

125. Mercury [326.6] supports REG-P2 in part but considers amendments are required to strengthen the policy, including the addition of “repowering” to support the repowering rule and not limiting the policy to solar and wind generation. More specifically, Mercury requests the following amendments to the title and wording of REG-P2:

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

Provide for the effective and efficient development, operation, maintenance, ~~and upgrading and repowering of~~ renewable electricity generation activities at a range of scales, ~~from and prioritising access to~~ solar and wind energy resources.

126. Northpower [283.48] requests that REG-P2 is amended to be consistent with previous PDP objectives and policies and Policy 5.4.1 in the RPS. The amendments requested to the title and wording of REG-P2 by Northpower are as follows:

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

Recognise and Pprovide for the effective and efficient development, operation, maintenance, repair and upgrading of renewable electricity generation activities at a range of scales from solar and wind energy resources.

127. Transpower [292.26] requests that REG-P2 is amended to reflect the terminology used in the title by replacing “Provide for” with “Enable”. Transpower consider that this amendment to REG-P2 will also ensure consistency with REG-O2.
128. Mercury [326.7] supports REG-P3, including use of the terms “functional need” and “operational need”, as this aligns with these defined terms in the National Planning Standards. However, Mercury requests the following amendments to REG-P3 to improve clarity:
1. *To be where the wind ~~and solar~~ energy resource is located and to maximise solar gain;*
 2. *To be in close proximity to transmission and distribution networks or its end use; and*
 3. *To have sufficient land to support ~~all~~ancillary renewable electricity generation activities.*
129. NRC [332.7] considers that the PDP policies should enable a range of renewable energy activities (i.e., beyond wind and solar generation) to acknowledge how technology continues to evolve and thereby include all possible renewable energy sources that may become viable during the life of the PDP. NRC also notes that REG can occur in “space” and not just on “land”, using the example of roof-mounted solar panels. To address this relief, NRC requests the following amendments to REG-P3:
1. *To be where the ~~wind and solar~~ renewable energy resource is located e.g. wind and solar;*
 2. *To be in close proximity to transmission and distribution networks or its end use; and*
 3. *To have sufficient space ~~land~~ to support all renewable electricity generation activities.*
130. In respect to REG-P2 and REG-P3, the key matters raised by submitters are:
- a. Whether the policies should be expanded beyond solar and wind generation to include other renewable energy sources (such as biomass and tidal).
 - b. Whether the direction in REG-P2 should be “enable”, “provide for” or “recognise and provide for” REG activities.
 - c. Whether the REG activities of “repair” and “repowering” should be included in REG-P2.
 - d. Alignment with the amended NPS-REG.
 - e. Minor wording changes to REG-P3.
131. The specific references to wind and solar generation within the REG policies as notified was intended to recognise that these are the main types of REG anticipated over the life of the PDP and within the jurisdiction of KDC. However, I agree with Electrify Te Taitokerau, NRC and Mercury others that other types of REG are equally relevant and should not be precluded, which is also consistent with the policy direction in the amended NPS-REG and relevant definitions discussed above. I also note that while some forms of REG, such as tidal and hydro, may fall

outside the functions of the PDP, several associated activities (for example, the conveyance of electricity to electricity networks and ancillary activities such as earthworks) may still be subject to PDP provisions. Accordingly, I recommend that REG-P2 and REG-P3 are amended to refer to REG more broadly but retaining reference to wind and solar as being particularly relevant sources of renewable electricity in the Kaipara District.

132. I recommend 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).
133. 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 that 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*”. However, I consider that it is appropriate to refer to repowering in REG-P2, as this is recognised as a specific type of REG activity within the amended NPS-REG and also within REG-P8 and REG-R9 in the REG Chapter.
134. I do not support the requested amendments from Mercury to REG-P3. In my view, it is appropriate to align REG-P3 with corresponding Policy C in the amended NPS-REG, which provides clear and specific direction on how to recognise and provide for the operational need or functional need of REG activities to be located in particular environments and locations. In my view, aligning the wording of REG-P3 with Policy C of the amended NPS-REG should also include making it clear that an assessment of alternative sites is not required to demonstrate that an operational or functional need exists for a REG activity to be in a particular location (which has been cited as a particular concern from infrastructure providers).
135. I do not support the request from NRC to reword REG-P3(3) to refer to sufficient “*space*” rather than “*land*”. This is because the RMA definition of “*land*” is clear that this includes “*the airspace above the land*”.

6.2.4 REG-P4 (managing adverse effects of REG activities)

136. FENZ [308.13] requests that REG-P4 be retained as notified. FENZ supports the policy to the extent that adverse effects are managed through implementing effective mitigation measures, including appropriate location, design, sensitive activity setbacks and adaptive management measures to minimise fire risk associated with REG activities.

137. Mercury [326.8] supports REG-P4 in part, but requests that either “*screening and setbacks*” is replaced with “*separation*” in Clause 1(b), or that REG-P4 is amended to reflect the amended NPS-REG, which is expected to contain directive provisions to help meet New Zealand’s climate change and electrification goals.
138. DOC [304.41] requests that REG-P4 is amended to align with REG-O3, contingent on REG-O3 being amended as per the requested amendment from DOC in Topic 3 above (i.e. to refer to avoid, remedy or mitigate adverse effects). DOC also raises concerns with Clause (1) in REG-P4 on the basis that adverse effects can be avoided by REG activities not occurring and therefore REG-P4 should not refer to some REG activities as having unavoidable adverse effects. DOC also requests amendments to REG-P4 to provide stronger direction to discourage the location of large-scale REG activities in sensitive overlay areas. The specific amendments to REG-P4 requested by DOC are as follows:
1. *Recognising that there will be ~~unavoidable~~ adverse effects on the environment from renewable electricity generation activities;*
 2. *Implementing effective ~~mitigation~~ measures to avoid, remedy or mitigate adverse effects which ~~may~~ include:*
 - a. *Appropriate location and design;*
 - b. *Locating large-scale renewable electricity generation activities outside of sensitive Overlay areas;*
 - c. *Screening and setbacks from sensitive activities;*
 - d. *Adaptive management measures;*
 - e. *Rehabilitation of the site at the end of its operational life; and*
 3. *Having regard to any proposed offsetting or compensation measures for adverse effects that ~~cannot~~ practicably be avoided, remedied or mitigated, when those measures are in accordance with Appendix X.*
139. Forest & Bird [149.17] opposes REG-P4 and considers it inconsistent with section 5(2)(c) of the RMA, which risks undermining effects management frameworks under both the RMA and NPS-REG. Forest & Bird are particularly concerned with Clause (1) in REG-P4 on the basis this provides pre-emptive justification for adverse effects which could otherwise be avoided, remedied or mitigated. Forest & Bird acknowledges that the NPS-REG expressly supports the development of REG activities but emphasise that this is not at the expense of managing adverse environmental effects. Forest & Bird also raises the following issues with REG-P4:
- a. It should enable the consideration of sensitive environments and acknowledge that locating REG activities within such environments may be inappropriate.

- b. The use of “practicably” in Clause 3 of REG-P4 is inconsistent with the RMA and NPS-REG and is inappropriate as neither uses “practicable” as a qualifier to manage adverse effects. More specifically, Forest & Bird submit that the use of “practicably” creates ambiguity in REG-P4, which could enable financial considerations to override the application of effects management frameworks.
- c. Clause (3) in REG-P4 should refer to residual adverse effects to be consistent with Policy C2 in the NPS-REG.
140. Based on the reasons outlined above, Forest & Bird provides several options to amend REG-P4 as follows:
- a. Amend REG-P4:
- Manage the adverse effects of renewable electricity generation activities by:*
- Recognising that there ~~will~~ may be unavoidable adverse effects on the environment from renewable electricity generation activities;*
- Considering whether the proposed location is appropriate having regard to the scale of adverse effects;*
- Implementing effective mitigation measures, 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*
- ~~3.4. Having regard to any proposed offsetting or compensation measures for residual adverse effects that cannot ~~practicably~~ be avoided, remedied or mitigated.~~*
- b. Consider deleting Clause 3 (clause 4 in Forest & Bird’s proposed changes) or include a reference to other relevant chapters which set out how and which effects are to be avoided, remedied or mitigated.
- c. Provide clarity regarding what offsetting and compensation can be provided by REG-P4 and whether this is intended to be indigenous biodiversity offsetting.
141. The policy direction to manage the adverse effects of REG activities is an important and often contentious issue, particularly where this relates to values and environments provided for in section 6 of the RMA. This is reflected in the long and contentious policy development process for the amendments to the NPS-REG. The earlier 2023 proposed NPS-REG included a targeted

pathway and effects management hierarchy for REG activities with adverse effects on values and environments provided for under section 6 of the RMA. However, this targeted consenting pathway and effects management hierarchy for REG activities in these environments is not included in the amended NPS-REG as the Government decided to progress these issues through the wider resource management reforms.

142. The key policy in the amended NPS-REG relating to managing adverse effects on the environment is Policy F. The key directions in Policy F of the amended NPS-REG are:
- 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.
143. In my view, REG-P4 should be amended to better align with Policy F of the amended NPS-REG. Below is my recommended wording, which retains the core elements of REG-P4 while incorporating the intent and direction of Policy F in the amended NPS-REG:

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. *Ensuring that adverse effects are avoided, remedied or mitigated where practicable;*
3. *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*

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

144. Key features of my recommended amendments to REG-P4 are:

- a. Including the direction to enable REG in all locations and environments.
- b. Providing direction to ensure that adverse effects are “*avoided, remedied, or mitigated where practicable*”. In accordance with the intent of the amended NPS-REG, this is to be read alongside the other chapters in Part 2 - District-wide matters of the PDP that relate to values and environments provided for in section 6 of the RMA (e.g. outstanding natural landscapes). However, as this is clearly stated in the Overview section and advice notes, it is unnecessary to repeat in REG-P4 in my view.
- c. Reframing the “implementing effective measures” to apply more broadly to avoiding, remedying and mitigating adverse effects (not just for mitigation).
- d. Amending the last clause relating to offsetting and compensation to better align with Policy F in the amended NPS-REG.

145. In my opinion, these changes are necessary to improve alignment between REG-P4 and the amended NPS-REG. My recommended approach is also broadly consistent with the relief sought by Forest & Bird and DOC for the provisions in Part 2 – District-wide matters of the PDP that manage values and environments provided for in section 6 of the RMA to apply to REG activities without specifically referring to these chapters within the policy.

146. I do not recommend that “*screening and setbacks*” is replaced with “*separation*” as requested by Mercury. Mercury provides no rationale for the amendment, the term “*separation*” is not used in the NPS-REG and, in my view, is synonymous with the term “*setback*” in this context. Further, the intent is that screening and setbacks are directed as potentially effective measures to mitigate adverse effects (e.g. visual effects of solar on neighbouring property) rather than requiring activities to be completely separated, which is not always practicable or appropriate.

6.2.5 Policies REG-P5 (small and community-scale REG activities), REG-P6 (large-scale REG activities)

147. DOC [304.42] requests the following clause is added to REG-P5 to address the adverse effects of small and community-scale REG activities on sensitive values in overlay areas:

1. *The comparatively lower level of environmental effects that result from small scale and community scale renewable electricity generation activities; and*

2. Avoiding or minimising adverse effects on sensitive values in Overlay areas; and

148. I do not agree with this requested amendment to REG-P5 from DOC. As discussed above and elsewhere in this report, the management of the effects of REG activities on sensitive environments and overlays are addressed in the relevant Part 2 – District-wide matters chapters in the PDP. The REG Chapter specifically acknowledges this in the Overview section and advice notes before the rules.
149. DOC [304.43] considers that the use of the term “enabling” in the title of REG-P6 is not suitable for a policy directed at large-scale REG activities. To address this concern, DOC request that REG-P6 is retitled to read “*Enabling Considering large scale renewable electricity generation activities*”.
150. Mercury [326.9] supports REG-P6 in part but considers that all REG activities contribute to the national significance and benefits of REG activities, regardless of scale. Mercury therefore requests the following amendments to REG-P6:

Enabling large-scale renewable electricity generation activities

When considering proposed large scale renewable electricity generation activities, have particular regard to the national and regional significance of renewable electricity generation activities that connect to the National Grid or local distribution network. Recognise and provide for the national significance and benefits of renewable electricity generation activities.

151. Having considered the submissions on REG-R6 and, in light of the new policy direction in the amended NPS-REG, I now consider that the policy is redundant and recommend it is deleted. REG-R6 simply duplicates the direction to recognise and provide for the national significance and benefits of REG, which is directed by REG-P1 but with weaker language (i.e. “have particular regard to”). In my view, the key policy direction for the consideration and management of large-scale REG activities is set out in REG-P1 to REG-P4 (and any applicable provisions in Part-2 – District-wide matters) and REG-P6 adds no additional value.

6.2.6 Policy REG-P7 (innovation and technology advances)

152. Mercury [326.10] supports REG-P7 and requests it be retained as notified. Mercury considers technological advancement and innovation for REG is critical for New Zealand to meet its climate change and decarbonisation goals. As no opposing submissions were received and REG-P7 is broadly aligned with the intent of the amended NPS-REG to allow flexibility for new technologies (Policy H(1)(d)), no further analysis on REG-P7 is required and I recommend that the policy is retained as notified.

6.2.7 Policy REG-P8 (repowering wind and solar generation activities)

153. Northpower [283.54] requests that REG-P8 be amended to read “*recognise and provide for*”. Northpower requests this amendment to ensure the benefits of enabling the repowering of existing wind and solar activities are provided for (not just recognised).

154. Forest & Bird [149.18] raises concerns with REG-P8 due to the potential for repowering to increase the scale of REG activities and therefore increase the associated adverse environmental effects. To address this concern, Forest & Bird requests that the following clause is added to REG-P8:

Where repowering increases the magnitude and scale of effects, avoid, remedy or mitigate any adverse effects on the environment in accordance with REG-P4.

155. Mercury [326.11] considers that repowering provides important opportunities to increase generation and extend the operational life of existing REG assets that form part of the existing environment. Mercury requests amendments to REG-P8 to remove the requirement for repowering within the same site as follows:

Repowering of existing wind and solar generation activities

Recognise the benefits of enabling the repowering of existing wind and solar generation activities, including:

- 1. Efficient use of existing infrastructure; and*
- 2. Potential for delivering increased renewable electricity generation output ~~within an existing renewable electricity generation site.~~*

156. In response to these submissions, I note that Policy H in the amended NPS-REG now provides a specific policy direction for the upgrading **and** repowering of existing REG assets and activities. REG-P8 is aligned with this direction in Policy H(1)(c) in terms of recognising the benefits and efficiencies of increasing REG output within the same REG site. However, I consider that the direction in Policy H(1)(a) and (b) of the amended NPS-REG are important to include in REG-P8 to better align with, and give effect to, the amended NPS-REG and there is scope in submissions to make this recommendation. I therefore recommend that REG-P8 is amended to better align with Policy H, including expanding the policy to cover upgrading which is not specifically addressed in any of the notified policies in the REG Chapter. This also better aligns with corresponding rule REG-R9 which applies to both upgrading and repowering.

157. For the same reasons as discussed above, I do not support the requested amendments to REG-P8 from Forest & Bird. In my view, including a reference to REG-P4 is unnecessary because that policy already applies to upgrading and repowering proposals regardless of what REG-P8 says. Further, in my view, adding cross-references risks creating confusion about the applicability of other relevant policies addressing adverse effects which are not mentioned.

158. To be more consistent with the amended NPS-REG, I consider that the title of REG-P8 should not be limited to wind and solar (even though this is the type of generation the policy is generally expected to apply to) and recommend that the title is amended to “*Upgrading and repowering existing REG activities*”.

159. I do not recommend any amendments in response to the request from Mercury to amend Clause (2) of REG-P8 to remove reference to the existing REG generation site. The amended NPS-REG defines repowering as follows (emphasis added):

*repowering means, in relation to existing REG assets generating electricity from wind or solar sources, the whole or partial replacement of REG assets **within an existing REG site** to increase generation capacity and output and/or extend the operational life of the REG asset*

160. In my opinion, retaining the reference to the existing site in Clause (2) in REG-P9 is consistent with the definition of repowering in the amended NPS-REG and Policy H(1)(c) which refers to increasing REG capacity and output in the “*same REG site*”.

161. Based on the analysis above, I recommend REG-P8 is amended as follows:

REG-P8	<u>Upgrading and r</u>Repowering of existing wind and solar renewable electricity generation activities
<p><u>When considering</u> Recognise the benefits of enabling the <u>upgrading and</u> repowering of existing <u>renewable electricity generation activities, particularly</u> wind and solar generation activities:</p> <ol style="list-style-type: none"> 1. <u>Recognise that existing renewable electricity activities form part of the existing environment;</u> 2. <u>Take into account the extent to which the effects of the proposed upgrading or repowering activities are different in scale, intensity, duration and frequency from the effects of the existing renewable electricity activities; and</u> 3. <u>Have particular regard to the efficiencies and environmental benefits of:</u> <ol style="list-style-type: none"> a. Efficient use of existing infrastructure; and b. Potential for delivering <u>increased</u>ing renewable electricity generation output <u>and capacity</u> within an existing renewable electricity generation site. 	

6.2.8 REG-P9 (managing reverse sensitivity effects)

162. Mercury [326.12] supports REG-P9 and requests it be retained as notified to recognise the potential for sensitive activities to be located next to existing REG activities and constrain the operations of those activities, resulting in a loss of output and operational flexibility. Mercury notes that maintaining REG output from existing REG activities is key to achieving objectives REG-O1 and REG-O2, among others.

163. Northpower [283.55] considers the wording of REG-P9 “*or otherwise mitigate*” is inconsistent with REG-O4 and does not give effect to Policy 5.1.1 in the RPS, which requires the avoidance of reverse sensitivity effects. Accordingly, Northpower requests that REG-P9 is amended to replace “*managing*” and “*mitigating*” with “*avoiding*” as follows:

REG-P9: ~~Managing~~ Avoiding reverse sensitivity

~~Manage~~ Avoid reverse sensitivity effects by:

1. Requiring new sensitive activities to be designed and located to avoid, ~~or otherwise mitigate,~~ reverse sensitivity effects on existing renewable electricity generation activities; and
2. Requiring new renewable electricity generation activities to manage adverse effects on existing sensitive activities in close proximity.

164. Transpower [292.27] submits that, if REG-P9 is intended to manage reverse sensitive effects, the two clauses should only refer to reverse sensitivity effects. Transpower note that Clause (2) in REG-P9 provides direction to manage the adverse effects of REG activities, which overlaps with REG-P4. As such, Transpower requests that either REG-P9 is deleted, or Clause (2) is amended as follows:

2. Requiring new renewable electricity generation activities to manage ~~adverse reverse~~ sensitivity effects on existing sensitive activities in close proximity.

165. I agree with Northpower that the emphasis should be on avoiding, rather than managing, reverse sensitivity effects to give effect to the strong direction in the amended NPS-REG and RPS. More specifically, Policy D of the amended NPS-REG contains clear direction to avoid reverse sensitivity effects on existing REG activities as follows:

Policy D: Protecting existing REG assets and activities from other activities

- (1) Decision-makers must protect existing REG assets and activities, to the extent reasonably possible, from the adverse effects of new activities, including by avoiding reverse sensitivity effects.

166. I also agree with Transpower that Clause 2 in REG-P9 is problematic as the adverse effects **of** REG activities are already addressed by REG-P4 whereas the focus of REG-P9 is to manage the effects of new activities **on** REG activities. Further, it is well established that the effects of new REG activities on existing activities do not constitute reverse sensitivity, rather reverse sensitivity effects arise when new sensitive activities are located near existing REG activities and compromise the effective and efficient operation of those existing activities.

167. I also consider that REG-P9 should be amended to recognise that new activities can have other adverse effects on existing REG activities, including direct effects, consistent with the direction in Policy D of the amended NPS-REG. I recommend that REG-P9 is amended accordingly. My recommended amendments to REG-P9 are as follows:

REG-P9	Managing reverse sensitivity <u>Protecting renewable electricity generation activities from other activities</u>
Manage reverse sensitivity effects <u>Protect existing renewable electricity generation activities, to the extent reasonably possible, from the adverse effects of new activities, including by:</u>	

1. ~~r~~Requiring new sensitive activities to be designed and located to avoid, ~~or otherwise mitigate,~~ reverse sensitivity effects ~~on existing renewable electricity generation activities; and~~¹⁰
2. ~~Requiring new renewable electricity generation activities to manage adverse effects on existing sensitive activities in close proximity.~~

6.2.9 Policy REG-P10

168. Mercury [326.13] supports REG-P10 in part, but requests amendments to make the policy more concise, directive and consistent with REG-O2. More specifically, Mercury requests the following amendments to REG-P10:

Investigation of new renewable electricity generation sites and resources

Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation (i.e. wind monitoring masts), recognising both the need for flexibility and the temporary nature of any adverse effects of these activities.

169. Forest & Bird [149.19] opposes REG-P10 and considers improvements are required to clarify when “*the need for flexibility*” is required. Consistent with the submissions above, Forest & Bird considers that it is inappropriate for REG activities to be located in sensitive and valued areas such as outstanding natural features and landscapes, the coastal environment, or areas with significant indigenous vegetation. Forest & Bird requests the following amendments to REG-P10 to provide for this relief:

Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation (i.e. wind monitoring masts), recognising:

1. ~~both the need for flexibility and~~
2. ~~the temporary nature of any adverse effects of these activities.~~
3. that in some sensitive locations and environments such activities will not be appropriate.

170. I do not agree with the requested amendments to REG-R10 from Mercury to make the policy more concise. While Mercury argues that its proposed wording would be more directive and consistent with REG-O2, in my view it is appropriate for the policies to be more specific on how investigation activities for REG should be enabled and considered and the reference to the temporary nature of these activities is useful direction in this regard.

171. In terms of the concern from Forest & Bird about recognising “*the need for flexibility*”, I consider that this can be addressed by clarifying that this means the flexibility in the locations in which these investigation activities for new REG are undertaken. I recommend that REG-P10 is

¹⁰ Northpower [283.55].

amended accordingly by referring to “flexibility in the location...” of these activities. However, I do not agree with the requested amendments from Forest & Bird to refer to sensitive locations and environments. As discussed throughout this report, the specific provisions for managing adverse effects of activities (including REG activities) on sensitive overlays are included in other chapters in Part 2 – District-wide matters of the PDP.

6.3 Recommendations

172. I recommend that the policies in the REG Chapter are amended as follows (with no changes recommended to REG-P5 and REG-P7):

REG-P1	National significance and benefits of renewable electricity generation activities
<p>Recognise and provide for the national significance and local, regional and national benefits of renewable electricity generation activities, which include but are not limited to:</p> <ol style="list-style-type: none"> 1. Using renewable rather than finite <u>sources of energy resources</u>; 2. Maintaining and increasing the security, resilience, independence, diversity and affordability of electricity supply in the Kaipara District; 3. Providing for the <u>environmental</u>, economic, social and cultural well-being of people and communities in the Kaipara District, <u>and their health and safety</u>; and 4. The ability for rehabilitation to reverse the adverse effects on the environment of some renewable electricity technologies; and 5. <u>Avoiding reliance on imported and domestic fossil fuels for the purposes of generating electricity.</u> 	
REG-P2	Enable the effective development, operation, maintenance and upgrade of renewable electricity generation activities
<p>Provide for <u>Enable</u> the effective and efficient development, operation, maintenance and upgrading of renewable electricity generation activities at a range of scales <u>and sources, particularly</u> from solar and wind energy resources <u>of the Kaipara District.</u></p>	
REG-P3	Recognising and providing for the functional need or operational need of renewable electricity generation activities
<p>Recognise and provide for the operational need or functional need of renewable electricity generation activities to be in particular <u>locations and</u> environments, including:</p> <ol style="list-style-type: none"> 1. To be where the wind and solar <u>renewable</u> energy resource is located <u>and available at a viable scale and quality for the activity, particularly the solar and wind energy resources of the Kaipara District</u>; 2. To be <u>accessible and</u> in close proximity to <u>connect to</u> transmission and distribution networks or its end use <u>and being near to electricity demand</u>; and 3. To have sufficient <u>and accessible</u> land to support all current <u>and foreseeable future</u> renewable electricity generation activities <u>at that location.</u> 	
REG-PX	<u>No requirement to assess alternative sites</u>
<p><u>Recognise that an assessment of alternative sites is not required to demonstrate that an operational or functional need exists for a renewable electricity generation activity to be in a particular location.</u></p>	

REG-P4	Managing adverse effects of renewable electricity generation activities
<p>Manage the adverse effects of renewable electricity generation activities by:</p> <ol style="list-style-type: none"> 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. Ensuring that the adverse effects are avoided, remedied or mitigated where practicable; 3. Implementing effective mitigation measures to avoid, remedy or mitigate adverse effects, which may include: <ol style="list-style-type: none"> 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 4. Having regard to any proposed offsetting or compensation measures for any residual adverse effects that cannot practicably be avoided, remedied or mitigated, including measures or compensation that benefit the local environment and community affected. 	
REG-P6	Enabling large scale renewable electricity generation activities
<p>When considering proposed large scale renewable electricity generation activities, have particular regard to the national and regional significance of renewable electricity generation activities that connect to the National Grid or local distribution network.</p>	
REG-P8	Upgrading and repowering of existing wind and solar renewable electricity generation activities
<p>When considering Recognise the benefits of enabling the upgrading and repowering of existing renewable electricity generation activities, particularly wind and solar generation activities:</p> <ol style="list-style-type: none"> 1. Recognise that existing renewable electricity activities form part of the existing environment; 2. Take into account the extent to which the effects of the proposed upgrading or repowering activities are different in scale, intensity, duration and frequency from the effects of the existing renewable electricity activities; and 3. Have particular regard to the efficiencies and environmental benefits of: <ol style="list-style-type: none"> a. Efficient use of existing infrastructure; and b. Potential for delivering increasing renewable electricity generation output and capacity within an existing renewable electricity generation site. 	
REG-P9	Managing reverse sensitivity Protecting renewable electricity generation activities from other activities
<p>Manage reverse sensitivity effects Protect existing renewable electricity generation activities, to the extent reasonably possible, from the adverse effects of new activities, including by:</p> <ol style="list-style-type: none"> 1. rRequiring new sensitive activities to be designed and located to avoid, or otherwise mitigate, reverse sensitivity effects on existing renewable electricity generation activities; and 2. Requiring new renewable electricity generation activities to manage adverse effects on existing sensitive activities in close proximity. 	
REG-P10	Investigation of new renewable electricity generation sites and sources
<p>Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation (i.e. wind monitoring masts), recognising both the need for flexibility in the location of these activities and the temporary nature of any adverse effects of these activities.</p>	

7. Topic 5: REG rules

7.1 Introduction

173. The REG Chapter contains ten rules, all of which are the subject of several submission points. The rules in the REG Chapter are divided into umbrella categories (e.g. investigation activities, small and community-scale REG activities). There are no separate standards in the REG Chapter as the standards for each REG activity are specific to that activity and are contained within the rule.

174. This section addresses submissions in support, opposition, and those requesting amendments to the rules in the REG chapter. I address general submissions on the REG Chapter rules first before addressing submissions on specific rules.

7.2 Analysis

7.2.1 General submissions on the REG rules

175. Brit & Currie Surveyors Limited [294.8] supports the permitted activity status for renewable energy land use within the General Rural Zone and requests this activity status be retained throughout REG rules.

176. Northpower supports REG-R2 [283.59], REG-R3 [283.60], REG-R4 [283.61] and REG-R10 [283.67] and requests that these rules be retained as notified.

177. Northpower requests that REG-R1 [283.58], REG-R5 [283.62] and REG-R6 [283.63] are amended to apply to all zones consistently. Northpower supports the inclusion of these rules in the REG Chapter but considers the location of REG activities should not be constrained by zone, especially as the location of REG activities is based on the availability and feasibility of a given renewable energy resource. Northpower also notes that overlays (e.g. Coastal Environment overlay) in the PDP will still apply to REG activities and considers that these overlay chapters are capable of addressing relevant sensitivities.

178. My position is that REG-R1, REG-R5 and REG-R6 are limited to specific zones because they permit activities which, by their nature, are likely to generate more adverse effects than other REG activities that are permitted in the REG Chapter (e.g. operation and maintenance, roof-mounted solar generation). The potential effects of these activities can include noise, visual effects, shadow flicker and glare, which are more likely to have adverse effects on neighbouring properties and the surrounding environment in zones with more density (e.g. General Residential Zone, Commercial Zone) or zones that are more sensitive (e.g. Natural Open Space Zones).

179. Accordingly, in my opinion, it is appropriate that the REG activities enabled by REG-R1, REG-R5 and REG-R6 are not permitted in zones that enable more density or are more sensitive. This does not mean that REG activities cannot occur in these zones, rather it ensures that any actual or potential adverse effects of these activities can be assessed through a resource consent process.
180. I also note that the zones within which REG-R1, REG-R5 and REG-R6 apply collectively make up most of the land area of the Kaipara District. If Northpower consider that there are other specific zones where these REG activities should be permitted with supporting reasons, then I can consider my position of this matter further through the hearing.
181. Electrify Te Taitokerau [145.4] requests that all matters of discretion relating to “*visual and landscape effects*” are deleted from the REG rules¹¹. Electrify Te Taitokerau supports the REG rules but notes that effects change as communities become accustomed to the presence of renewable generation infrastructure and see its value. Powerlines, pylons and telecommunications facilities are referenced by Electrify Te Taitokerau to illustrate how infrastructure becomes an accepted and expected part of an environment over time. As renewable energy infrastructure supports the environment and energy resilience, Electrify Te Taitokerau considers that proposed REG activities should not be able to be rejected based on visual impact.
182. While I agree with Electrify Te Taitokerau that REG activities will need to be increasingly accepted as part of the environment to meet New Zealand’s climate change and electrification objectives, I do not agree that visual and landscape effects be removed from the matters of discretion in the relevant REG rules. This is because:
- a. Visual and landscape effects are one often the most prominent (and potentially significant) effects associated with REG activities. For wind and solar activities in particular, consideration of these effects often influences the project design, layout, height of structures, and mitigation measures. Retaining these as matters of discretion allows appropriate site-specific responses from both the applicant and KDC consent processing officers to manage adverse visual and landscape effects.
 - b. While the amended NPS-REG provides clear direction to enable REG activities, it still requires adverse effects to be managed appropriately, including direction to, where practicable, avoid, remedy or mitigate adverse effects on environments. The amended NPS-REG does not direct decision-makers to disregard visual amenity effects (although I

¹¹ The rules containing matters of discretion include REG-R1, REG-R3, REG-R4, REG-R5, REG-R6, REG-R7, and REG-R9.

- acknowledge that this is proposed for the Planning Bill currently before the Environment Committee).
- c. The nature and sensitivity of receiving environments varies widely across the Kaipara District, meaning the ability to consider and manage as appropriate the site-specific visual and landscape effects from REG activities is important to retain in my view.
183. Forest & Bird [149.20] opposes the REG rules as notified, particularly where some REG activities are enabled in all zones. Forest & Bird considers it inappropriate to locate REG activities within sensitive environments such as in outstanding natural features and landscapes, the coastal environment, or in areas which support indigenous biodiversity – where Forest & Bird considers that protection from inappropriate subdivision, use and development is required. To address this concern, Forest & Bird requests that the REG rules are amended so REG activities are not enabled within overlays and sensitive environments.
184. Firstly, I do not agree with the assertion by Forest & Bird that REG activities will always be inappropriate in overlays and sensitive environments, such as outstanding natural landscapes. This position is inconsistent with Policy F(1) of the amended NPS-REG, which directs that **(emphasis added)** *“Decision-makers must enable REG assets and activities in all locations and environments.”*
185. As discussed throughout this report, where REG activities are proposed to locate in environments or areas with values provided for in section 6 of the RMA (e.g. outstanding natural landscapes), the amended NPS-REG directs that it must be read alongside relevant national and regional policy direction, regional plans and **district plans**. This aligns with the approach adopted in the PDP where the provisions in the REG Chapter are to be read with the relevant provisions in the Part 2 – District-wide matters of the PDP where REG activities affect environments or values provided for in section 6 of the RMA (e.g. outstanding natural landscapes).
186. DOC [304.44-49] requests additional matters of discretion in the REG rules to enable KDC to assess adverse effects on ecology, indigenous biodiversity or sensitive values where permitted activity standards are not complied with. More specifically, DOC request the following matters of discretion are added to REG-R1, REG-R3, REG-R4, REG-R5, REG-R6 and REG-R7:
- x. *Any adverse effects on ecosystems and indigenous biodiversity.*
 - x. *Any adverse effects on sensitive values in Overlay areas.*
187. I agree with DOC that adverse effects on ecosystems and indigenous biodiversity should be added as a matter of discretion to the relevant restricted discretionary activity rules in the REG Chapter. While the Ecosystems and Indigenous Biodiversity Chapter in the PDP contains

provisions that manage effects associated with indigenous vegetation clearance, it does not address all potential ecological effects arising from REG activities. For example, turbines may impact bird species or other fauna, and such effects should be specifically considered when restricted discretionary activity resource consent is required under the relevant rules in the REG Chapter.

188. However, I do not consider it necessary to include “*adverse effects on sensitive values in Overlay areas*” as a matter of discretion in the listed rules as requested by Forest & Bird. This is because the “*overlay*” chapters include specific provisions to manage the effects of proposed activities (including REG) in these overlays, as has been discussed throughout this report.

7.2.2 Rules REG-R1 (temporary wind anemometer), REG-R3 (roof-mounted wind turbines) and REG-R4 (roof-mounted solar generation)

189. Forest & Bird [149.23, 149.24, 149.25] notes that turbines and solar panels can have adverse effects on wildlife and, for this reason, oppose REG-R1, REG-R3 and REG-R4 in part. Forest & Bird requests the following amendments to these three rules to address this concern:

- a. Include new standards regarding the management of effects on indigenous fauna, such as reflectiveness and angle of materials to manage glint, glare and height, blade length, colour and lighting requirements to avoid attracting wildlife.
- b. Adding “effects on indigenous biological diversity” as a matter of discretion.

190. As noted above, I agree that it is appropriate to add effects on ecosystems and indigenous biodiversity as a matter of discretion to the relevant restricted discretionary rules in the REG Chapter. This recognises that solar and wind generation can have adverse effects on indigenous fauna that the indigenous vegetation rules in the Ecosystem and Indigenous Biodiversity Chapter may not provide for.

191. However, there is insufficient information in the submission from Forest & Bird to support the request for new standards to manage effects on wildlife. Forest & Bird has not provided specific wording or thresholds for the requested standards therefore it is unclear how these would manage effects on wildlife and effectively operate in practice. It is well established that permitted activity standards must be clear, certain and objectively measurable so plan users can readily determine if the standard is complied with. If Forest & Bird can provide more details on the requested standards that meets these requirements and supporting evidence, I will consider my position on this matter further at the hearing.

192. Mercury [326.14] supports the intent of REG-R1 and outlines how wind monitoring masts are typically installed during the site investigation phase of any windfarm development. The submission from Mercury also states that typical wind monitoring masts in rural environments:

- a. Are up to 100m in height, meaning the 80m height threshold for Rural Zones in REG-R1 clause 1(a)(i) is too restrictive.
 - b. Are slim structures that blend into rural landscapes.
 - c. Are placed close to future wind turbine locations to collect data that accurately represents wind conditions.
 - d. Involve other location considerations, including being free of wind-flow obstructions and avoiding extreme high or low points.
193. For the reasons outlined above and to achieve consistency with enabling investigation policies, Mercury requests that REG-R1 is amended as follows:

Temporary wind anemometer (Wind monitoring mast(s))

1. Activity status: Permitted

Where:

- a. ~~The height of the anemometer mast structure does not exceed:~~
 - i. ~~80m~~-100m in the General rural or zone; or
 - ii. 20m in the Light industrial zone, Heavy industrial zone, Māori purpose zone.
- b. ~~No more than~~ A maximum of three anemometer wind masts are installed within a site;
- c. ~~The anemometer wind mast is removed and site is remediated within 5 years of its installation; and~~
- d. ~~The anemometer wind mast is setback at least a distance equal to the height of the anemometer mast structure from the boundary or of any other site in different ownership.~~

2. Activity status when compliance not achieved: ~~Restricted Discretionary Controlled activity~~

3. ~~Matters over which discretion is restricted of control:~~

- a. ~~Adverse effects resulting from the~~ Location, design, height and scale number of the mast(s);
- b. ~~The siting, colour and number of structure(s);~~
- c. ~~Duration of the investigation activity and the plans for its removal and remediation;~~

- d. Operational need or functional need to be in the location;*
- e. Visual and landscape effects; and*
- f. Any proposed measures to mitigate adverse effects.*

194. I am broadly supportive of these requested amendments to REG-R1 from Mercury and recommend these are accepted with some minor wording changes for consistency. However, I do not support amending the restricted discretionary activity status to a controlled activity when compliance is not achieved with the permitted activity conditions. Mercury has not provided substantive justification for this change, other than noting that it would be more consistent with the enabling investigation policy (i.e. REG-P10). While that may be the case, the activity status also needs to be balanced against other relevant policy direction for managing adverse effects of REG activities and the ability to refuse resource consent when a wind mast does not comply with the permitted activity conditions (e.g. where inappropriately located close to the boundary of a site in different ownership). I also do not support the removal of the last two matters of discretion relating to visual and landscape effects and proposed measures to mitigate effects as these are the key considerations for this activity in my view. However, I do agree that matters a) and b) can be refined and combined.

7.2.3 Rule REG-R2 (operation, maintenance and repair of existing REG activities)

195. Mercury [326.15] supports the permitted activity status for maintaining existing assets in REG-R2 and requests that it be retained as notified.
196. Forest & Bird [149.21] opposes REG-R2 and considers that the rule should only apply to permitted or lawfully established REG activities so that consent conditions can prevail. Forest & Bird is also concerned that REG-R2 permits the operation, maintenance and repair of existing REG activities within all zones with no permitted activity conditions. To address this concern, Forest & Bird requests that performance standards are added to REG-R2 in order to:
- a. Limit the intensity, nature and scale of effects resulting from the operation, maintenance and repair of REG activities. Forest & Bird consider that potential adverse effects of these activities include, but are not limited to, noise, traffic, vegetation disturbance, ecological and cultural effects.
 - b. Avoid or manage any disturbance to sensitive environments or features.
 - c. Require site reinstatement if land disturbance occurs.
197. A related submission point from Forest & Bird [149.22] requests a new restricted discretionary or discretionary activity rule for the operation, maintenance or repair of REG activities that do not meet permitted standards. As part of this requested rule, Forest & Bird requests:

- a. New standards within the rule as a mechanism to manage or limit potential adverse effects, including but not limited to, noise, traffic, vegetation disturbance, ecological and cultural effects.
 - b. New matters of discretion relating to the nature and scale of works, effects on the environment and surrounding land, as well as measures to avoid, remedy or mitigate effects.
198. The purpose of REG-R2 is to enable the operation, maintenance and repair of REG activities without standards, recognising that these activities generally have minimal adverse effects and should be enabled without unnecessary restriction. This is consistent with Policy G in the amended NPS-REG which provides strong direction that “*Decision-makers must enable the efficient operation and maintenance of existing REG assets and activities in all locations and environments*”.
199. In the absence of this rule, the operation and maintenance of existing REG activities could otherwise default to a discretionary activity under REG-R10 (the “catch-all” rule). In that context, REG-R2 performs a necessary enabling function to enable routine operation and maintenance of REG activities once these are established (through a resource consent process or as a permitted activity).
200. I do not recommend amending REG-R2 to include additional standards as requested by Forest & Bird. This is because:
- a. The effects identified by Forest & Bird are already managed through other chapters of the PDP, for example, earthworks, traffic, vegetation clearance, and effects cultural values are all addressed under the relevant provisions in Part 2 – District-wide matters of the PDP.
 - b. Forest & Bird has not identified any specific adverse effects that are likely to arise from the operation, maintenance or repair of REG activities nor have they provided any details of the requested standards to manage these effects.
201. In the absence of evidence from Forest & Bird demonstrating unaddressed adverse effects and the effectiveness of the requested standards, I do not recommend any amendments to REG-R2 and do not agree that a new restricted discretionary rule for the operation and maintenance of REG activities is necessary.
- 7.2.4 Rules REG-R5 (freestanding small-scale wind turbines) and REG-R6 (freestanding small-scale solar generation)
202. NRC [332.8] requests that a new permitted activity condition is added to REG-R5 to require a 200m setback from all “*Significant Bird Area – Critical Bird Habitats*” mapped in the Proposed

Northland Regional Plan. NRC also request an additional matter of discretion to require consideration of setback distances from key at-risk or threatened indigenous species habitats. NRC provides the following reasons for this relief:

- a. Wind turbines can present risk to avifauna and bats and should, therefore, be subject to setbacks from key critical bird habitats as a form of risk mitigation.
- b. NRC has mapped White Heron, Australasian Bittern and New Zealand Fairy Tern habitats. These species are classified as “Nationally Critical” under New Zealand conservation status rankings, meaning they are in a severe threat category facing an immediate high risk of extinction. As these birds inhabit the Coastal Marine Area (**CMA**) and land within the Kaipara District, they are potentially at risk from wind turbines.

203. I support the request by NRC to amend REG-R5 to require that wind turbines are setback 200m from mapped critical bird habitats in the Northland Regional Plan. This approach is consistent with the direction in the RPS and the general intent of the NPS-IB to protect indigenous species with a “Nationally Critical” threat status. I note that the mapped areas of critical bird habitat in the Proposed Northland Regional Plan 2023 (Operative in Part) ¹² relevant to the Kaipara District includes the full extent of the Mangawhai and Kaipara harbours, as well as sections of the CMA to the north and south of the Mangawhai Harbour. However, I do not consider that a new matter of discretion is required specifically for the setback as the new matter of discretion I am recommending for ecosystems and indigenous biodiversity adequately allows for this to be considered and is more “effects-based”.

204. Brit & Currie Surveyors Limited [294.9] considers that REG-R6 is overly restrictive with no perceptible benefit. As such, Brit & Currie Surveyors Limited requests the following amendments to REG-R6:

- a. A height standard matching maximum building and structure height standard for the underlying zone;
- b. A setback standard matching underlying zone standard; and
- c. An impermeable surface rule to control coverage, as opposed to specifying a maximum of 200m² for the cumulative coverage of solar panels.

205. I do not agree with Brit & Currie Surveyors Limited that REG-R6 is overly restrictive and recommend that the notified standards in REG-R6 are retained. This is because the standards in REG-R6 are more targeted to the characteristics and effects of solar generation activities,

¹² Refer: [Proposed Regional Plan](#)

whereas the requested amendments from Brit & Currie Surveyors Limited would apply generic building standards that are not tailored to the nature and effects of solar generation.

7.2.5 REG-R7 (community-scale REG activities)

206. Northpower [283.64] requests that REG-R7 is amended to be a permitted activity rule, that the matters of control (a) – (e) are deleted, and the rule is applied consistently in all zones. Northpower provides the following reasons for these requested amendments to REG-R7:

- a. The REG framework should be more enabling of community-scale REG activities, in line with the intent of the NPS-REG and the approach taken in the REG Chapter in the Far North Proposed District Plan.
- b. The location of REG activities is based on resource availability and feasibility and therefore should not be subject to zone constraints.
- c. The relevant provisions in the overlay chapters of the PDP will remain applicable to community-scale REG activities and are able to manage relevant sensitivities.

207. 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.

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

209. FENZ [208.14] requests that a new matter of control and discretion is added to REG-R7 as follows: “x. Proposed measures to mitigate fire risk.” FENZ request this relief to ensure consideration of fire risk is required when assessing community-scale REG activities.

210. I do not support this request from FENZ. FENZ has provided no evidence to demonstrate that community-scale REG activities give rise to a specific or heightened level of fire risk that would warrant explicit inclusion within the matters of control and discretion in REG-R7. In the absence of this evidence, it is not clear that the proposed addition is necessary. I also consider that it could add unnecessary clutter from a drafting perspective, which goes against the simple and clear drafting focus of the PDP and would create inconsistencies with other rules in the PDP that do not refer to fire risk. In my opinion, matters of discretion should focus on specific matters and the effects that are clearly anticipated to arise from the proposed activity not any potentially relevant matter (which would then become more akin to a discretionary activity rule).
211. NRC [332.9] requests that new matters of control and discretion are added to REG-R7 as follows: “x. Effects on ecosystem health and indigenous biodiversity.” NRC requests this amendment to provide for the consideration and management of adverse effects on indigenous biodiversity and at-risk species. NRC notes that Policy 4.4.1 in the RPS requires district plans to ensure land use and development does not result in more than minor adverse effects on threatened or at-risk under indigenous taxa (as per the New Zealand Threat Classification System).
212. Consistent with my recommendations above, I agree that the inclusion of effects on ecosystems and indigenous biodiversity is appropriate within the relevant REG rules, including as a matter of control and discretion in REG-R7. I therefore recommend that this submission point from NRC is accepted.

7.2.6 REG-R8 (large-scale REG activities)

213. Northpower [283.65] considers that the adverse effects associated with large-scale REG activities are readily understandable and REG-R8 should be amended to be a restricted discretionary activity rule (rather than discretionary). More specifically, Northpower requests the following amendments to REG-R8, including amending the title for consistency with the rule:

Large scale renewable ~~energy~~ electricity generation activities

1. Activity status: ~~Discretionary~~ Restricted Discretionary

Where:

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

2. 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 significant national or regional 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.

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

214. Mercury [326.16] considers that the national significance and benefits from REG are attributable to REG activities at any scale. As such, Mercury requests that REG-R8 is amended to be a restricted discretionary activity rule, with matters of discretion relating to solar, wind and other REG activities to reflect the enabling policy direction. As with Northpower, Mercury considers that the adverse effects associated with REG activities are generally understood, as are the effective mitigation measures. However, for wind generation activities, Mercury considers that a discretionary activity status is appropriate where compliance with *NZS 6808:2010 Acoustics - Wind farm noise* is not achieved. Accordingly, Mercury requests REG-R8 is amended as follows:

~~Large scale~~ **Renewable energy generation activities**

1. Activity status: Restricted Discretionary

Where:

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

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

Matters of discretion

Request specific matters of discretion for solar, wind and other renewable electricity generation.

215. 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.

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. My recommended amendments to REG-R8 and matters of discretion are provided below and in Appendix B.
217. FENZ [308.15] requests that fire risk from large-scale REG activities is added as a matter that needs to be considered under REG-R8 and REG-R10. More specifically, FENZ request the following “assessment criteria” is added to REG-R8:
- 1. Activity status: Discretionary*
- The following assessment criteria are provided to assist and guide the consideration of discretionary activity resource consent applications. However, the Council’s discretion is not limited to these matters.*
- a. The extent to which the activity is able to avoid or mitigate fire risk and the actual and potential effects on assets, property and the environment.*
218. For the reasons outlined above, I do not recommend that fire risk is added to REG-R8 as an “assessment criteria” as there is no evidence to demonstrate that this is a particularly relevant matter or risk for REG activities in the context of REG-R8.
219. DOC [304.51] requests that REG-R8 is amended to limit large-scale REG activities to locating in the General rural zone and outside of any Overlay, arguing that because such activities require large areas of land it is appropriate to restrict their location to the General rural zone. I do not recommend any additional controls or considerations on the location of large-scale REG activities as requested by DOC for the following reasons:
- a. Any potential adverse effects associated with large-scale REG activities within overlay areas will be addressed through the relevant overlay chapters of the PDP (district-wide matters), which are specifically designed to manage effects on sensitive environments and values, including those provide for in section 6 of the RMA.
- b. DOC has not provided a clear planning rationale for why large-scale REG activities should be limited to the General rural zone and not apply across other zones where REG activities may be located. I note that less sensitive zones (e.g. Light or Heavy industrial zones) or the Māori purpose zone could also be suitable locations for these activities, noting that Māori landowners would need to be supportive of any large-scale REG activities occurring in the Māori purpose zone and would likely be either the developers or would be involved in leasing the land for the activity.

7.2.7 REG-R9 (upgrading and repowering REG activities)

220. Northpower [283.66] requests that REG-R9 is amended to remove the height limit in Clause (1)(b)(i) of the rule. Northpower considers that limiting height increase by a defined metric is inappropriate as the rule applies to all REG (which vary in height), which results in an inconsistent standard for different types of REG activities.
221. FENZ [308.16] requests an additional matter of discretion is added to REG-R9 as follows: d. Proposed measures to mitigate fire risk. FENZ considers that risk profiles, fire protection, mitigation and response are distinct for each REG activity and therefore should be determined on a case-by-case basis. FENZ also consider that this amendment will enable KDC to assess and regulate fire risk associated with REG activities through the resource consent process, aligning with its functions under section 31 of the RMA.
222. Mercury [326.17] supports the permitted activity status of REG-R9, but requests that the rule is split into two parts – one part for “upgrading” and the other part for “repowering”. The rationale for this request appears to be that “upgrading” covers a range of REG activities and types of generation whereas “repowering” applies only to wind and solar generation. Mercury also requests the following amendments:
- a. Delete Clause 1(a) and (b) in REG-R9 or alternatively amend the parameters to better enable upgrading and repowering. Mercury considers that the parameters in the rule (i.e. controls on location, height and footprint) are arbitrary and are inconsistent with the enabling objectives and policies in the REG Chapter.
 - b. Retain the restricted discretionary status for wind farms where the noise does not comply with *NZS 6808:2010 Acoustics - Wind farm noise* but amend the matters of discretion so they only relate to noise effects and mitigation.
 - c. Amend the rule so that non-compliance with all conditions other than wind farm noise (i.e. clauses 1(a) and (b)) becomes a controlled activity with appropriate matters of control. Alternatively, add an REG overlay to the planning maps with corresponding activity statuses for upgrading and repowering.
223. DOC [304.50] raises concerns that REG-R9 does not restrict where large-scale REG activities can occur. DOC considers large-scale REG activities should be limited to the General rural zone and be located outside of any identified sensitive overlay. To address this concern, DOC requests the following subclauses are added to Clause 1(a) in REG-R9:
- a. *The upgrade or repowering is located:*
 - i. *Within the same site as the existing renewable electricity activity;*

- ii. Within the General rural zone;
 - iii. Outside any Overlay.
224. DOC [304.50] also raises concerns that there is no clear matters of discretion in REG-R9 which enables KDC to assess adverse effects on ecology, indigenous biodiversity or sensitive values. Accordingly, DOC requests the following matters of discretion are added to REG-R9:
- x. Any adverse effects on ecosystems and indigenous biodiversity.
 - x. Any adverse effects on sensitive values in Overlay areas.
225. The key issues raised by submitters in relation to REG-R9 are:
- a. Deleting or amending the permitted activity conditions controlling height and footprint.
 - b. Requests for additional controls on the location where the permitted activity rule applies
 - c. Requests for additional matters of discretion (fire risk, effects on ecosystems, indigenous biodiversity and sensitive values in Overlay areas).
 - d. Splitting the rule into two separate parts for upgrading and repowering.
 - e. Amending the activity status to controlled, except for wind farms that do not comply with the noise standard, which would remain restricted discretionary.
 - f. Adding a REG overlay to the planning maps with corresponding activity statuses for upgrading and repowering (as an alternative to the other amendments sought by Mercury).
226. 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.
227. I do not recommend any additional controls or considerations on the location of the existing REG activity as requested by DOC. Firstly, I note that Clause 1(a) in REG-R9 already constrains the upgrading or repowering activities to the existing site, which is consistent with the direction in Policy H(1)(c) of the amended NPS-REG. Beyond this consideration, in my view it is not appropriate to relitigate the location of the existing REG but rather the focus should be on how

to maximise generation output within the existing site consistent with the direction in REG-P8 and Policy H(1)(c) of the amended NPS-REG and manage any change or increase in adverse effects. In addition, I note that:

- a. Any additional adverse effects associated with upgrading or repowering activities within overlay areas will be addressed through the relevant overlay chapters of the PDP (district-wide matters), which are specifically designed to manage effects on sensitive environments and values, including those provide for in section 6 of the RMA.
- b. DOC has not provided a clear planning rationale for why the permitted activity for existing REG activities should be limited to the General rural zone and not apply across other zones where REG activities may be located.

228. In my view, it is not necessary to add any additional matters of discretion to REG-R9 as requested by submitters as the existing matters of discretion already enable the assessment of any adverse effects that may arise from upgrading or repowering as follows (**emphasis added**):

3. Matters over which discretion is restricted:

a. Any adverse environmental effects from the upgrade or repowering that are in addition to the existing renewable electricity generation activity;

b.

229. I do not recommend that the rule is split into separate rules for upgrading and repowering as requested by Mercury. While I acknowledge that upgrading and repowering can be quite distinct activities, this in itself does not justify separate permitted activity rules, particularly where many of the same standards would continue to apply. Retaining both upgrading and repowering in the same rule framework is also more consistent with the approach set out in Policy H in the amended NPS-REG and my recommended amendments to REG-P8.

230. It is unclear why Mercury proposes retaining a restricted discretionary activity status for wind farms that do not comply with the noise standard (with matters of discretion limited to noise effects), while seeking a controlled activity status for all other types of upgrading and repowering activities. No clear justification has been provided for this differential treatment and more lenient controlled activity status, particularly given that upgrading and repowering can result in a range of site-specific effects beyond noise. I therefore recommend that the restricted discretionary activity status is retained when the permitted activity standards in REG-R9 are not complied with.

231. In addition, it is unclear how a REG overlay on the planning maps, with a corresponding activity status for upgrading and repowering would operate in practice, and what the benefits would be. In my view, determining when an upgrading or repowering proposal relates to an existing REG

activity within an existing site will be obvious without the need to map these activities throughout the Kaipara District and include this as an REG overlay within the PDP planning maps. Mercury has also not provided any mapped extent, drafting, or implementation framework to support this proposal. As a result, I do not support this request from Mercury.

7.2.8 REG-R10 (REG activities not otherwise provided for)

232. Mercury [326.18] requests a consequential amendment to include reference to controlled activities in REG-R10, based on its requested changes to REG-R1.
233. DOC [304.52] requests the activity status in REG-R10 is amended from discretionary to non-complying. No specific reasons are provided by DOC.
234. REG-R10 is a “catch-all” discretionary activity rule for REG activities that are not provided for in other rules, which cover all the REG activities that are reasonably anticipated over the life of the PDP. In my view, a controlled activity rule is appropriate for activities that are anticipated with known adverse effects that can be effectively managed through consent conditions, not unanticipated activities. In my view, a non-complying rule should be used for specific activities that are known to be inappropriate within a particular zone or environment and where the intent is to actively discourage the activity, rather than because it is unanticipated. I therefore do not support the change in activity status requested by Mercury or DOC and recommend that the discretionary activity status is retained in REG-R10. This approach is consistent with the rest of the PDP for activities that are not otherwise listed.
235. FENZ [308.17] requests that fire risk is added as a required consideration under REG-R10 for the same reasons as its request to REG-R8 and REG-R9. In my view, it is not necessary or appropriate to reference fire risk as a specific assessment criteria within a discretionary activity rule, which allows all relevant effects to be assessed through the resource consent process. I therefore recommend that this submission point from FENZ is rejected.
236. Through discussions with other reporting officers, it became apparent that the approach to drafting the “catch-all” rule varies across the PDP chapters, and we agreed to adopt the more simplified approach that has been recommended by Ms Pearson for the Hospital Special Purpose Zone. I therefore recommend that REG-R10 is amended to adopt this more simplified drafting which makes it clear that a discretionary activity resource consent is required for “*any other activity not listed in this chapter*”.

7.3 Recommendations

237. I recommend that the following amendments are made to the REG chapter rules:

- a. Replace the term ‘anemometer’ with ‘monitoring mast’ in REG-R1 and consolidate matters of discretion REG-R1.3.a and b.
- b. Include “Any effects on indigenous fauna and ecosystems” as a matter of discretion in REG-R1, REG-R3, REG-R4, REG-R5, REG-R6 and REG-R7.
- c. Include a new permitted condition in REG-R5 – Freestanding small scale wind turbines requiring that the turbine is set back at least 200m from any Significant Bird Area – Critical Bird Habitat mapped in the Northland Regional Plan.
- d. Amend REG-R8 – Large-scale renewable energy generation activities from a discretionary to a restricted discretionary activity with associated matters of discretion, as set out in Appendix B.
- e. Reformat REG-R10 to align with wording amendments to other equivalent “catch all” rules in the PDP to ensure plan wide consistency.