

Kaipara Proposed District Plan (PDP) – Hearing 9 – Renewable Electricity Generation – 24 March 2026

Speaking Notes for the Royal Forest & Bird Protection Society of New Zealand (Forest & Bird)

1. Forest & Bird’s main issue of concern is ensuring that adequate provision is made for RMA s 6 matters in the PDP. This will depend in large part on provisions in other chapters and overlays, and the REG chapter needs to be entirely clear that decision-makers need to be able to refer to these other chapters and overlays where relevant.
2. This issue has increased importance because of the definition of “ancillary activities” in the PDP and ancillary REG activities in the new NPS-REG, which includes vegetation clearance, earthworks and access arrangements.
3. The effects of these ancillary activities need to be managed by the plan – especially for s 6 matters – as provided for by NPS-REG Policy F(2), which states that the NPS must be “read alongside” district plans in this context.
4. This main issue of concern gives rise to three categories of changes sought:
 - a. Changes to REG Overview
 - b. Changes to REG-P4
 - c. Changes to REG Rules

REG Overview

5. Although zone rules do not apply, the Objectives and Policies in Part 3 – Area Specific Matters should apply where relevant
6. “Other provisions” in Part 2 – District Wide Matters that may be relevant include Rules, Policies, and Objectives

REG-P4

7. The s 42A recommendation would give effect to NPS-REG Policy F(1), and (3)-(5), but not Policy F(2), which states the need to provide for s 6 matters in this context.
8. As currently drafted, the “where practicable” proviso applies in all circumstances, whereas under Policy F the proviso is only engaged where Policy F(2) does not apply
9. This could be addressed by including specific reference to other chapters in REG-P4, for example (F&B in blue text, s42A amendments in red text):

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;
- X. Where REG activities are proposed to locate in or are likely to have adverse effects on environments and values provided for in section 6 of the Act, the provisions of this policy must be read alongside provisions relating to overlays in other chapters, provisions relating to indigenous biodiversity which meets the significance criteria of the RPS in the ecosystems and indigenous biodiversity chapter and the provisions of the coastal environment chapter. This policy must also be read alongside other relevant national direction, regional policy statements and regional plans.
2. Where X. does not apply, 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:
 - 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 Rules

10. Forest & Bird supports the s 42A recommendation to add “any effects on ecosystems and indigenous biodiversity” to the matters of discretion in various rules.
11. Forest & Bird considers that REG-R7 should include further matters of discretion to ensure that other overlays such as SASMs and natural character in the coastal environment can be considered.
12. Forest & Bird considers that REG-R8 (large-scale REG) should be fully discretionary.

Other Matters

REG-O1

13. Forest & Bird is comfortable with the “recognise and provide for” wording recommended for REG-O1 in relation to the benefits of REG activities. Having said this, we consider that there is a need to ensure consistency of wording elsewhere in the plan – i.e. to ensure that this wording (“recognise and provide for”) is also used in relation to other s 6 matters of national importance.

REG-P10

14. REG-P10 refers to the “temporary nature of any adverse effects” of investigation activities. Although investigation activities may be temporary, it does not necessarily follow that the effects will be temporary. It is possible that temporary activities may have longer lasting effects, and the policy should not predetermine this factual question.
15. This could be addressed either by a minor change to REG-P10(2) to recognise “*the temporary nature of any adverse effects of some of these activities.*” Or alternatively, by “*recognising both the need for flexibility and that the temporary nature of any adverse effects of these activities means that effects may also be temporary.*”

REG-R2

16. Forest & Bird has a concern that a permitted rule may be used (legitimately) to circumvent conditions relating to maintenance and repair that have been included, or may in future be included, in consents to manage effects, especially in sensitive receiving environments.
17. Forest & Bird suggest the following amendments:

1. Activity status: Permitted

Where:

a. activities comply with any operational resource consent conditions including construction design requirements.

b. maintenance activities do not include new access tracks, additional lighting or the use of chemicals.

2. Activity status when compliance is not achieved with 1.(a): Controlled

Where:

a. there is no increase in the footprint of existing structures and buildings.

3. Activity status when compliance is not achieved with 1.(b) or 2(a):
Restricted Discretionary

4. Matters over which control/discretion is restricted:

a. an increase in adverse effects associated as a result of changes to operational consent conditions including design requirements.

b. Any adverse environmental effects from maintenance activities

c. Proposed measures to mitigate adverse effects, including siting, design, colour, finish, or landscaping;

18. In our submission, Forest & Bird has also raised issue of standards relating to REG permitted activities. We do not have technical or expert evidence to present to the Panel but would encourage the Panel to include reference to best practice standards that may be available.

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