

FURTHER SUBMISSION ON PROPOSED KAIPARA DISTRICT PLAN

Clause 8 of First Schedule, Resource Management Act 1991

15 December 2025

To: Kaipara District Council
Private Bag 1001
Dargaville 0340
Via email: districtplanreview@kaipara.govt.nz

Further Submitter: Mercury NZ Limited (“Mercury”)

Contact person: Shirley Chamberlin
Principal Planner and Policy Advisor
Email: shirley.chamberlin@mercury.co.nz
M: 027 285 2673

About Mercury:

Mercury is an electricity generator and multi-product utility retailer of electricity, gas, broadband and mobile services. 100% of our electricity is generated from renewable energy sources – covering hydro, geothermal and wind generation. Mercury’s interest in the proposed Kaipara District Plan relates to renewable electricity generation (“REG”). Mercury is constructing the Kaiwaikawe wind farm in the rural environment 12km north-west of Dargaville and 3km inland from the Tasman Sea. The Kaiwaikawe wind farm resource consent¹ is for 12 turbines, 206 turbine tip height, and a generation capacity of 77MW, generating up to 221 GWh per year.

Further Submissions:

These are further submissions on the Kaipara District Council (“KDC”) Proposed Kaipara District Plan (“pKDP”)

Mercury lodged an original submission on the pKDP (ref: **S326**), Mercury is a person who has interest in the proposal greater than the interest that the general public has, being the owner and operator of the future Kaiwaikawe wind farm within the Kaipara District.

Mercury’s further submissions on the proposed Kaipara District Plan are set out in **Attachment 1**.
A copy of this submission has been served on submitters, as set out in **Attachment 2**.

Mercury wishes to be heard in support of its further submissions. If others make a similar submission, Mercury will consider presenting a joint case with them at the hearing.

Yours sincerely



Shirley Chamberlin
Principal Policy and Planning Advisor

¹ Resource consent RM200234B

Attachment 1: Mercury further submissions on the proposed Kaipara District Plan

Original submission number	Original Submitter Name	Plan Topic / Provision	Further submission (Support / Oppose)	Reasons
<p>FS77.1 FS77.2</p> <p>257 257.8 - 257.9</p>	Piroa Conservation Trust	The Trust seeks to change the activity status for buildings, vegetation clearance, and earthworks in ONLs/ONFs from Restricted Discretionary or Discretionary to Non-Complying.	Oppose	REG, in particular Wind farms and their associated infrastructure (access roads, transmission lines etc) often traverse ONLs. A Discretionary status allows for a robust, full merit-based assessment of effects without the pre-determination that the activity is contrary to the plan's objectives. Non-Complying status signals the activity is inappropriate, which fails to recognise the benefits of REG.
<p>FS77.3 to FS77.7</p> <p>265</p>	Environmental Defence Society (EDS)	EDS seeks to remove "functional need" exceptions and strengthen "avoid" policies to strict avoidance without qualification. They oppose provisions that allow infrastructure in sensitive areas (ONL/ONF/SNA) unless effects are fully avoided.	Oppose	<p>Renewable electricity generation (REG) activities, such as wind farms, have a functional need to locate where the renewable resource exists (e.g., ridgelines for wind). These locations often overlap with Outstanding Natural Landscapes (ONLs) or areas of ecological value.</p> <p>Strict avoidance without recognition of functional need is inconsistent with the National Policy Statement for Renewable Electricity Generation (NPS-</p>

FS77.8
and
FS77.9

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				REG), which requires decision-makers to recognise the practical constraints of REG. Removing these pathways would effectively prohibit new renewable generation in the district, undermining national climate change targets.
292	Transpower New Zealand Ltd	<p>Transpower seeks amendments to recognise the national significance of the Grid and to include a "seek to avoid" (rather than absolute "avoid") policy approach for new infrastructure in sensitive rural environments, recognising functional need.</p> <p>Transpower seeks new objectives protecting nationally and regionally significant infrastructure from incompatible development and reverse sensitivity.</p>	Support	<p>Mercury supports the recognition of the functional need and operational need of Nationally and Regionally Significant Infrastructure (RSI). While this submission point is specific to the National Grid, the underlying planning principle, that linear and renewable electricity generation infrastructure cannot always avoid sensitive environments, is equally applicable to Mercury's assets. Mercury relies on a robust Grid to export power from projects like Kaiwaikawe.</p> <p>Mercury supports the inclusion of SD-IE-O1 and SD-IE-O2 (or equivalent) and seeks that they be adopted. Mercury agrees that the PDP should explicitly recognise the benefits, and</p>

FS77.10

FS77.11

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				local and regional importance, of regionally significant infrastructure and ensure it is protected from incompatible subdivision, use and development, including reverse sensitivity.
292 292.26	Transpower New Zealand Ltd	REG-P2 – change “Provide for” to “Enable” – Transpower supports REG-P2 but seeks wording changes, so the policy text matches its title and REG-O2, replacing “Provide for” with “Enable”.	Support	Mercury supports the relief to amend REG-P2 so that it “enables the effective and efficient development, operation, maintenance and upgrading of renewable electricity generation activities at a range of scales”. Mercury considers that “enable” more accurately reflects the NPS-REG’s directive to provide for new and existing renewable electricity generation and should be consistently used across objectives and policies.
292 292.61	Transpower New Zealand Ltd	ECO-P3 (indigenous biodiversity) – clause recognising functional/operational need of RSI – Transpower seeks ECO-P3 to recognise that regionally significant infrastructure may need to traverse areas of significant indigenous vegetation and habitats, with effects managed accordingly.	Support	Mercury supports ECOP3 recognising that regionally significant infrastructure (including renewable electricity generation and the National Grid) can, in limited circumstances, traverse significant indigenous vegetation and habitats where there is functional need or operational need and effects are

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				appropriately managed (including via effects management hierarchy). Mercury seeks that the policy explicitly includes renewable electricity generation activities that connect to the National Grid or distribution networks.
FS77.12 301 301.8	Channel Terminal Services Ltd	Infrastructure objectives INF-O1–O4 – recognising RSI beyond the National Grid – Channel supports INF-O1 and INF-O3, and seeks amendments to INF-O2 to include “as far as practicable”, and to INF-O4 so that it recognises the national significance and benefits of the National Grid and other Regionally Significant Infrastructure, and protects them from compromise by subdivision, use and development.	Support	Mercury supports retention of INF-O1 and INF-O3. Mercury supports Channel’s relief to amend INF-O4 so that it recognises and provides for the national significance and benefits of the National Grid and other regionally significant infrastructure, and ensures such infrastructure is not compromised by subdivision, use and development.
FS77.13 304	Director-General of Conservation (DOC)	REG-O3 – management of adverse effects – DoC opposes in part and seeks wording so that renewable electricity generation activities “are developed in a way that will avoid, remedy or mitigate adverse effects on the environment”, replacing “appropriately manages adverse effects”.	Oppose	Mercury opposes the proposed change to REGO3. While Mercury supports robust effects management, a directive to “avoid, remedy or mitigate” all adverse effects is inconsistent with the NPSREG, which explicitly recognises that there will be unavoidable adverse effects associated with renewable electricity generation that must be weighed against its national benefits

FS77.14

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				and the imperative to increase renewable generation. Mercury seeks that REGO3 be retained as notified (or amended to more closely reflect NPSREG Objective A) and that a reference to unavoidable effects and offsets/compensation be maintained in policies rather than converted into an avoidance focused objective.
304	Director-General of Conservation (DOC)	REG-P4 – managing adverse effects (large-scale in overlays) – DoC supports with amendments, seeking to (a) reframe mitigation to “avoid, remedy or mitigate”, and (b) add explicit direction to locate large-scale renewable electricity generation activities outside sensitive Overlay areas.	Oppose	<p>Mercury supports REGP4 (with modification as set out in S326.8) as the key policy managing adverse effects of renewable electricity generation and supports the use of an effects management hierarchy (noting policy may need to be amended to reflect changes to the NPS-REG). Mercury however opposes wording that explicitly directs largescale renewable electricity generation activities to be located outside sensitive Overlay areas as a matter of policy principle.</p> <p>The best renewable resources (e.g. wind, hydro) are often co-located with high landscape or ecological values. A</p>

FS77.15

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				policy that effectively precludes large-scale generation from Overlay areas risks sterilising high quality resources and be inconsistent with NPSREG’s requirement to “provide for” and “enable” renewable generation at all scales, recognising national benefits and unavoidable effects.
304	Director-General of Conservation (DOC)	REG-P6 – large-scale generation header (“Enabling” vs “Considering”) – DoC supports amending the header from “Enabling large scale renewable electricity generation activities” to “Considering large scale...”.	Oppose	Mercury opposes the removal of the word “Enabling” from the REG-P6 header. The NPS-REG clearly requires councils to “provide for” and “enable” the development, operation, maintenance and upgrading of renewable electricity generation. Framing REG-P6 as merely “considering” such activities risks signalling a neutral or even restrictive stance toward large-scale generation. Mercury seeks retention of “Enabling” in the policy header, while accepting that the policy text should still require careful consideration of national and regional significance and environmental effects.

FS77.16

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304	Director-General of Conservation (DOC)	REG-R8 – large-scale renewable generation rule – DoC opposes REG-R8 on the basis that it does not restrict where large-scale renewable generation can occur and seeks more restrictive provisions (details in submission).	Oppose	Mercury opposes any changes to REG-R8 that would significantly narrow the range of locations where large-scale renewable electricity generation is a consenting pathway, particularly if that involves prohibiting or defaulting to non-complying status for large-scale generation within overlays or particular zones. Mercury seeks that REG-R8 retain a discretionary (or at most restricted discretionary) pathway for large-scale generation, with effects on overlays and natural environment values managed through REG-P4–P6 and relevant Part 2 provisions, rather than through blanket spatial exclusions.
222	Kaipara District Council	KDC seeks to amend subdivision rules to include consideration of alternative electricity sources (e.g., solar) and ensure energy resilience.	Support	Mercury supports district plan provisions that encourage energy resilience and the uptake of diverse renewable energy sources (like solar) at subdivision stage. This aligns with Mercury’s broader strategy of energy resilience and decarbonisation.
149	Forest & Bird	Tightening REG-P4 “Managing adverse effects of renewable electricity generation activities” – Forest & Bird seeks extensive	Oppose	Mercury supports in part the desire for REGP4 to clearly address residual adverse effects and to align with

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		<p>amendments to REG-P4, including: (a) changing “there will be unavoidable adverse effects” to “there may be unavoidable adverse effects”; (b) removing the word “practicably” from the clause on effects that “cannot practicably be avoided, remedied or mitigated”; (c) explicitly requiring consideration of sensitive environments (Coastal Environment, ONFLs, SNAs, habitats of indigenous species) where renewable generation “may not be appropriate”; and (d) reframing the policy to focus more heavily on residual adverse effects, offsetting and compensation with stronger links to ECO provisions.</p>		<p>offsetting and compensation frameworks under NPSREG and NPSIB. However, Mercury opposes wording that could predetermine that renewable electricity projects are “not appropriate” in whole classes of environment (e.g. all ONFLs, all SNAs) without a case-by-case assessment as required by the NPSREG. Mercury also opposes removal of “practicably” if that is interpreted in a way that constrains reasonable design and mitigation responses or duplicates the more detailed ECO and NOISE provisions. Mercury seeks amendments to REGP4 that: (a) retain explicit recognition that some adverse effects are inherent in nationally and regionally significant renewable electricity projects; (b) focus on applying the NPSREG “effects management hierarchy” (avoid, remedy, mitigate, then consider offset/compensation for residual effects); and (c) avoid language that would effectively preclude renewable electricity generation in sensitive environments without the</p>

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				careful balancing required by higher order policy.
149	Forest & Bird	REG-01 & REG-02 (Benefits of REG) Submitter seeks to change "benefits are realised" to "benefits are recognised".	Oppose	"Recognised" is weak passive language that fails to give effect to the NPS REG Policy A, which requires decision-makers to recognise and provide for the benefits. "Realised" is an active outcome that better reflects the urgency of the climate crisis and the necessity of actually building projects, not just thinking about them.
149	Forest & Bird	Restricting repowering and site investigation (REGP8 & REGP10) – Forest & Bird seeks to amend REGP8 so that repowering of existing wind/solar generation specifically recognises that effects may increase and must avoid, remedy or mitigate any additional adverse effects in accordance with REGP4. REGP10 is sought to be amended to state that investigation activities “will not be appropriate” in some sensitive locations (ONFLs, Coastal Environment, significant indigenous vegetation/habitat), and to limit the policy’s emphasis on flexibility.	Oppose	Mercury supports recognising that repowering can change the scale and intensity of effects and agrees that policies should guide how those effects are managed. However, Mercury opposes wording which may unduly constrain repowering where it delivers materially greater renewable output from an existing site – something expressly encouraged by NPS-REG – or preclude temporary investigation activities in sensitive locations where those activities can be appropriately designed and mitigated. Mercury seeks

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				that: (a) REG-P8 continue to clearly recognise the benefits of repowering existing generation sites, while requiring any additional effects to be managed in proportion to their scale; and (b) REG-P10 retains a strong enabling framework for temporary investigation structures (e.g. met masts) at potential generation sites, including in sensitive environments, subject to appropriate standards and the existing overlay frameworks, rather than stating that such activities “will not be appropriate” in whole categories of area.
149	Forest & Bird	REG Rules (Wildlife Standards) Submitter seeks new standards for bird strike, glare, and lighting.	Oppose	Managing wildlife effects (e.g., avifauna) is complex and highly site-specific. It is best addressed through expert ecological assessment during the consent process (AEE), rather than blunt, permitted activity standards in the District Plan which may be technically unworkable or inappropriate for specific technologies.
149	Forest & Bird	Narrowing permitted operation and maintenance of renewable generation	Oppose	Mercury opposes Forest & Bird’s relief to significantly narrow the permitted

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		<p>(REG-R2 and REG rules generally) – Forest & Bird opposes the current permitted rule for operation, maintenance and repair of existing renewable electricity generation in all zones (REG-R2) on the basis that it has no standards and applies even to consented activities. They seek to: (a) limit REG-R2 to “permitted or lawfully established” activities only; (b) introduce new performance standards to limit the intensity and scale of operation/maintenance, protect sensitive environments, and require reinstatement; (c) introduce a new restricted discretionary or discretionary rule for any non-compliance; and (d) amend broader REG rules so that renewable generation is not enabled in overlays and sensitive environments (ONFLs, Coastal Environment, indigenous biodiversity areas).</p>		<p>operation and maintenance rule and to prevent renewable generation rules from applying in overlays and sensitive environments. Ongoing operation, maintenance and minor repair works for established wind farms and other generation assets are essential to maintain safety, reliability and output; shifting such activities into frequent discretionary consents would be inefficient and inconsistent with NPS-REG, which directs particular regard to the operational and maintenance needs of existing generation, including their ability to remain viable. Mercury supports in principle the idea of targeted standards (e.g. reinstatement of disturbed land, temporary traffic management) but seeks that: (a) REG-R2 remain a broadly enabling permitted activity for operation, maintenance and repair of lawfully established renewable electricity generation; and (b) renewable electricity rules continue to apply district-wide, including within overlays,</p>

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				with effects managed through relevant overlay provisions and conditions rather than blanket exclusions
149	Forest & Bird	Natural Features & Landscapes (NFL) / Coastal Environment (CE) Submitter seeks strict avoidance of infrastructure in these overlays.	Oppose	New Zealand's best wind resources are often located on ridgelines (ONFLs) or near coastlines. A blanket avoidance policy conflicts with the "functional need" recognition in the NPS-REG. There must be a pathway for REG activities in these areas where effects can be appropriately managed or offset, rather than prohibited.
309	Clarus	Infrastructure Rules (Maintenance/Upgrading) Submitter seeks enabling rules for vegetation clearance and earthworks associated with infrastructure maintenance.	Support	Efficient operation and maintenance of generation assets (and their grid connections) is vital for security of supply. Mercury requires workable permitted activity rules for vegetation clearance around transmission lines and access tracks to ensure safety and reliability without triggering unnecessary consent processes.

Meagan Walters

From: Sarah Horton
Sent: Friday, 16 January 2026 3:45 pm
To: Meagan Walters
Subject: Fw: Kaipara District Plan Review - FS77 - Mercury NZ Ltd

Email received!!

From: Shirley Chamberlin <shirley.chamberlin@mercury.co.nz>
Sent: Friday, 16 January 2026 3:32 pm
To: Sarah Horton <shorton@kaipara.govt.nz>
Subject: Kaipara District Plan Review - FS77 - Mercury NZ Ltd

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Hi Sarah,

I've reviewed the Council summary of submission and had a go at matching up the reference numbers:

265 – EDS

FS77.3 = 265.1-265.5 **FS77.3 to FS77.7**

304 – DOC

FS77.8 = 304.40 **FS77.13**

FS77.9 = 304.41 **FS77.14**

FS77.10 = 304.43 **FS77.15**

FS77.11 = 304.51 **FS77.16**

Kaipara DC

FS77.12 = 222.47 **FS77.17**

Forest & Bird

FS77.13 = 149.17 **FS77.18**

FS77.14 = 149.15 - 149.16 **FS77.19 & FS77.20**

FS77.15 = 149.18 - 149.19 **FS77.21 & FS77.22**

FS77.16 = 149.23 - 149.25 **FS77.23 to FS77.25**

FS77.17 = 149.20 - 149.21 **FS77.26 & FS77.27**

FS77.18 = 149.26 - 149.32 **FS77.28 to FS77.34**

Clarus

FS77.19 = 309.40-309.41. **FS77.35 & FS77.36**

Any question please feel free to give me a call.

Have a good weekend.

Regards,

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Classification: General

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From: Sarah Horton <shorton@kaipara.govt.nz>
Sent: Friday, 16 January 2026 1:42 pm
To: Shirley Chamberlin <shirley.chamberlin@mercury.co.nz>
Cc: Meagan Walters <mwalters@kaipara.govt.nz>
Subject: Re: Mercury NZ Ltd

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Hi Shirley,

I was just looking for one topic and then looking at the rest of the submission there are a few that are not referring to specific submission points, are you able to put the specific submission point in? Or we will keep getting stuck trying to attribute to the right place 😊



Sarah Horton | Senior Planner – Plan Development
Kaiwhakamāhere Matua - Whakamahere me Whakawhanake
Kaipara District Council, Private Bag 1001, Dargaville 0340
Freephone: 0800 727 059 | 09 439 3123
shorton@kaipara.govt.nz | council@kaipara.govt.nz | www.kaipara.govt.nz

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Rāhina Monday	Rātū Tuesday	Rāapa Wednesday	Rāpare Thursday	Rāmere Friday

KDC embraces flexible working arrangements, so please don't feel you need to respond immediately if I email you after hours.

From: Shirley Chamberlin <shirley.chamberlin@mercury.co.nz>
Sent: Thursday, 15 January 2026 3:39 pm
To: Sarah Horton <shorton@kaipara.govt.nz>
Cc: Meagan Walters <mwalters@kaipara.govt.nz>
Subject: RE: Mercury NZ Ltd

CAUTION: This email originated from outside Kaipara District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Sarah,

I think we have been playing telephone tag for the past couple days!

Mercury support for Transpower submission #292. If you need to break it down further to link to summary of submission numbers, the row 292 could be coded to 292.23 – 292.24. **FS77.8 & FS77.9**

Thank-you,

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Classification: General

From: Sarah Horton <shorton@kaipara.govt.nz>
Sent: Thursday, 15 January 2026 11:13 am
To: Shirley Chamberlin <shirley.chamberlin@mercury.co.nz>
Cc: Meagan Walters <mwalters@kaipara.govt.nz>
Subject: Re: Mercury NZ Ltd

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Hi Shirley,

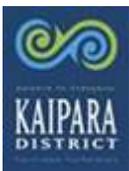
I tried to call but it went to answer phone. Is there answer for the below? if you could email response that would be great.

Nga mihi, Sarah

From: Sarah Horton <shorton@kaipara.govt.nz>
Sent: Tuesday, January 13, 2026 15:39
To: shirley.chamberlin@mercury.co.nz <shirley.chamberlin@mercury.co.nz>
Cc: Meagan Walters <mwalters@kaipara.govt.nz>
Subject: Fw: Mercury NZ Ltd

Hi Shirley, we are attributing further submission point numbers to all the submission points and just querying did you mean you are supporting all of Transpowers submission points that are contained in the original submission ref 292, or just 292.26 and 292.61?

Thanks, Sarah



Sarah Horton | Senior Planner – Plan Development
Kaiwhakamāhere Matua - Whakamahere me Whakawhanake
Kaipara District Council, Private Bag 1001, Dargaville 0340

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