

Appendix 1.1 – Officers Recommended Amendments to Renewable Electricity Generation Chapter

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with underline used for new text and ~~strikethrough~~ for deleted text).

Overview

The district relies on the safe and efficient delivery of electricity, due to it being integral to economic, social and cultural well-being. A secure, reliable and sustainable energy supply is vital to the district achieving this outcome. The path to creating a more sustainable energy future is through using energy more efficiently, and by generating more energy locally from renewable sources. This will deliver numerous benefits, including helping communities move towards more self-sufficiency, contributing to reductions in greenhouse gas emissions, improving the security and affordability of renewable electricity, and providing for economic opportunities.

The development, operation and upgrading of renewable electricity generation activities can result in adverse environmental effects. In managing the adverse effects of renewable electricity generation activities, consideration must also be given to the locational, technical and operational needs and constraints of these activities and the national, regional and local benefits of these activities.

Where renewable electricity generation facilities already exist, such as the Ngāwhā geothermal power station, land-use and subdivision in close proximity to these facilities requires careful management to ensure these do not result in reverse sensitivity effects on the operation, maintenance and upgrading of these facilities.

There are requirements under the RMA and National Policy Statement for Renewable Electricity Generation 2011 to recognise and provide for the benefits from the use and development of renewable energy and renewable electricity generation and have particular regard to the efficient use of energy. The Government has set a target of 100% renewable electricity to help achieve New Zealand's emission reduction targets under the Climate Change Response Act 2002. There are also responsibilities under the NRPS to recognise and promote the benefits of electricity generation facilities as regionally significant infrastructure, including the Ngāwhā geothermal power station.

In addition to the provisions in this Chapter, there are provisions in other Part 2: District Wide Matters that may be relevant for Renewable Electricity Generation, including the Heritage Area Overlays, Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment chapters.¹

Objectives

¹ S454.033 and others

REG-O1	The significant local, regional and national benefits from the use and development of renewable electricity generation activities, and their technical, operational and functional needs and constraints, ² are recognised and provided for.
REG-O2	Recognise and provide for the following benefits from renewable electricity generation activities recognise and provide for the following benefits ³ : a. contributing to the reduction in greenhouse gas emissions; b. increasing the security of supply of electricity for the district and the region; and c. supporting the economic, social and cultural well-being of people and communities.
REG-O3	Renewable electricity generation activities are located and designed to avoid and minimise adverse effects The adverse effects of renewable electricity generation activities are managed in a way that recognises and provides for the operational and functional need of renewable electricity generation activities to be in particular environments. ⁴ on areas with historical, cultural, environmental and coastal values.
REG-O4	The ongoing efficient operation, maintenance, <u>repair</u> ⁵ and upgrading of existing renewable electricity generation activities is enabled, including through avoiding, or otherwise mitigating, the reverse sensitivity effects from sensitive activities in close proximity to community and large-scale renewable electricity activities.
Policies	
REG-PX	<u>Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.</u> ⁶
REG-P1	Recognise and provide renewable electricity generation activities that supply electricity to the National Grid or local electricity distribution network or directly to high energy users as regionally significant infrastructure.
REG-P2	Provide for <u>Enable</u> the continued operation, maintenance, <u>repair</u> , ⁷ upgrading and replacement of renewable electricity generation activities to maintain and increase generation capacity.
REG-P3	Enable new small scale renewable electricity generation activities and activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation ⁸ where the activity: a. is of a form, location, and scale that minimises adverse effects on the environment; and b. will not result in significant adverse effects on the character and amenity values of the zone.
REG-P4	Recognise and provide for the benefits of new community scale and new large-scale renewable electricity generation activities, which include: a. security of electricity supply; b. increased energy independence <u>and improvements in resilience of supply resulting from local generation</u> ; c. economic benefits to the local, regional or national economy; d. helping to meet local, regional or central government renewable electricity and emission reduction targets; e. improved quality of life and standard of living; <u>and</u>

² S454.033 and others – consequential amendment

³ S483.078

⁴ S454.033 and others

⁵ S483.080

⁶ S483.093

⁷ S483.082

⁸ S483.093

	<p>f. public health; and</p> <p>g. adverse effects are managed in accordance with REE-P5 and P6.⁹</p>
REG-P5	<p>In the coastal environment, manage the effects of the development, operation, maintenance and upgrading of renewable electricity generation activities by:</p> <ul style="list-style-type: none"> a. avoiding adverse effects on the qualities and characteristics of significant natural areas, outstanding natural features or landscapes, areas of outstanding natural character; b. avoiding significant adverse effects on other natural features and landscapes, and areas of natural character; c. recognising the technical, operational and functional needs and constraints of renewable electricity generation activities; and d. having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.¹⁰
REG-P6	<p>Outside the coastal environment, manage the effects of the development, operation, maintenance and upgrading of renewable electricity generation activities by:</p> <ul style="list-style-type: none"> a. avoiding effects on historical and cultural values, significant natural areas, and outstanding natural features or landscapes to the extent practicable; b. minimising or remedying adverse effects on historical and cultural values, natural environment values that cannot be avoided; c. recognising the technical, operational and functional needs and constraints of renewable electricity generation activities; and d. having regard to offsetting and environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.¹¹
REG-P7	<p>Enable solar electricity generation activities where adverse effects are appropriately managed, recognising that adverse effects from solar generation can generally be avoided or effectively mitigated through:</p> <ul style="list-style-type: none"> a. appropriate location and design; and b. screening and setbacks from sensitive activities.
REG-P8	<p>Require sensitive activities to be designed and located to avoid to the extent possible, or otherwise mitigate, reverse sensitivity effects on existing or consented community scale and large-scale renewable electricity generation activities.</p>
REG-P9	<p>Avoid locating large-scale <u>and community scale</u> renewable electricity generation activities outside the Rural Production, <u>Māori Purpose and Open Space</u> zones¹² unless it can be demonstrated that adverse effects will be no more than minor.</p>
REG-P10	<p>Require that during or following decommission of any renewable electricity generation activity, that all renewable electricity generation structures, buildings and concrete areas are removed or otherwise mitigated to be compatible with future land use.</p>
REG-P11	<p>Manage renewable electricity generation activities to address the effects of the activity requiring resource consent, including (but not limited to) Consideration of the following matters where relevant when assessing and managing the effects of renewable electricity generation activities to the application:¹³</p> <ul style="list-style-type: none"> 1. any locational, technical, functional, operational needs and constraints, including the need to be located where renewable resource is located and the need for

⁹ S483.084

¹⁰ S454.033 and others

¹¹ S454.033 and others

¹² Consequential amendments

¹³ Clause 16 amendment

	<p>infrastructure to connect the local electricity distribution network or the National Grid, or directly to high energy users;</p> <p>2. bulk, height and design of any associated buildings or structures;</p> <p>3. the extent of earthworks or indigenous vegetation removal <u>and proposed measures to mitigate any adverse effects</u>¹⁴;</p> <p>4. the degree to which the environment has already been modified;</p> <p>5. the nature, duration, timing and frequency of any adverse effects;</p> <p>6. any adverse effects on areas with cultural and heritage, natural environment values, coastal values or recreational value;</p> <p>7. proposed methods to avoid, minimise, and remedy adverse effects and any proposed measures to offset or compensate more than minor residual adverse effects;</p> <p>8. health, well-being and safety of people and communities, specifically any nuisance or adverse effects from noise, vibration, traffic and light spill;</p> <p>9. safe and efficient operation of other infrastructure;</p> <p>10. the local, regional or national benefits of the project, including the significant social, economic, and cultural benefits of regionally significant infrastructure; and</p> <p>11. any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.</p>
Rules	

Notes:

- ~~There may be rules in other District-Wide Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. There may be rules in the following District-Wide Matters chapters that apply to renewable electricity generation and that may be more stringent than the rules in this chapter: Heritage Area Overlays, Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment.~~ Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.¹⁵
- The rules in this Chapter apply across the District either in all zones or within specified zone as set out in the relevant rule. The zone rules in Part 3 – Area Specific Matters do not apply to renewable electricity generation activities unless otherwise specified in this Chapter.¹⁶
- A Notice of Determination from Civil Aviation Authority under Rule 77 of the Civil Aviation Rules may be required.
- Any use and development of land administered and managed by the Department of Conservation may require a concession from the Department of Conservation and any use and development of land administered and managed by Council may require a license to occupy.

REG-RX	<u>Upgrading or repowering existing renewable electricity generation activities</u>	
<u>All zones</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> The upgrade or repowering does not result in an	<u>Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u>

¹⁴ S399.034¹⁵ S454.033 and others¹⁶ S483.076 and others

	<p><u>overall increase to the area or height of the renewable electricity generation activity.</u></p> <p>PER-2 For wind farms, compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise.¹⁷</p>	<ul style="list-style-type: none"> a. <u>location, scale and size of the activity;</u> b. <u>adverse effects on any area with historical or cultural values, natural environment values or coastal environment values;</u> c. <u>shadow flicker and glare on surrounding sites, waterbodies and private and public roads;</u> d. <u>character, level, duration of noise received at the boundary or notional boundary of another site;</u> e. <u>effects on migratory birds using any identified and scientifically established flight path;</u> f. <u>function and operational need to be in that location;</u> g. <u>alternative design options for the structure; and</u> h. <u>colour scheme of structure(s), screening and landscaping.</u>
REG-R1	Operation, maintenance, repair and removal of an existing renewable electricity generation activity	
All zones	Activity status: Permitted	Activity status where compliance not achieved: Not applicable
REG-R2	Small scale renewable electricity generation activity attached to buildings or structures (new and upgrading)	
All zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 It does not exceed the permitted maximum height standard for the zone it is located in, by more than 3m.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. visual domination, overshadowing, loss of privacy on adjoining sites, noise; b. loss of access to sunlight and daylight on adjoining sites; and c. the location and proximity of residential units and their associated outdoor areas on adjoining sites.
REG-R3	<p>New buildings or structures associated with in-stream hydro investigation and electricity generation, a rRenewable energy generation investigation activities,¹⁸ excluding in-stream structures (new and upgrading)</p>	

¹⁷ S483.095¹⁸ S483.102

All zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The building or structure Any building or structure located above ground associated with the investigation activity does not exceed a GFA of 25m² and the total GFA of all buildings or structures shall not exceed 50m² in total.</p> <p>PER-2 Any building or structure is not located on an esplanade reserve or strip, marginal strip or any consented or planned public access area.</p> <p>PER-3 Any building or structure¹⁹ is not located on any unformed road.</p>	<p>Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. adverse effects resulting from the scale of the building or structure; b. adverse effects on any adjoining waterbody or coastal marine area; c. adverse effects on the values and purpose of the esplanade or marginal strip area; d. adverse effects on planned or future use of the unformed public road; e. vegetation clearance;²⁰ f. adverse effects on the historical or cultural values, natural values or coastal values of the site or surrounding area; and g. colour scheme of buildings or structures, landscaping or screening.
REG-R4 Temporary monitoring masts (new and upgrading)		
<p>Rural Production zone</p> <p>Rural Lifestyle zone</p> <p>Māori Purpose zone</p> <p>Open Space zone</p>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The height of the mast does not exceed 80m.</p> <p>PER-2 No more than three masts are installed at any one time within a site.</p> <p>PER-3 A mast must be removed within 5 years of placement and the site remediated.</p> <p>PER-4 The building or structure is setback at least a distance equal to the height of the mast from the boundary of any other site.</p> <p>PER-5 Written notice is provided to Council at least 1 month prior to the installation of the building or structure, and any subsequent relocation of any mast. The written notice shall detail the location</p>	<p>Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4 or PER-5: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. adverse effects resulting from the scale of the mast; b. adverse effects on any area with historical or cultural values, natural values, or coastal values; c. adverse effects on any waterbody or the coastal marine area; d. adverse effects on the values and purpose of any esplanade or marginal strip area; e. adverse effects on planned or future use of the unformed public road; f. vegetation clearance;²¹ and g. colour scheme of buildings or structure(s), landscaping or

¹⁹ Consequential amendments²⁰ S511.051 and others²¹ S511.052 and others

	of the activity, details of ownership and management responsibilities.	screening.
REG-R5	Free standing small scale renewable electricity generation activity (new and upgrading)	
Rural Production zone Rural Lifestyle zone Māori Purpose zone Rural Residential zone	Activity status: Permitted Where: PER-1 No structure, including any attachments or turbine blades, exceed a maximum height above ground level of 20m. PER-2 All structures occupy no more than a total area of 50m ² where the lot size is 3,000m ² or less or 150m ² where the lot size is greater than 3,000m ² . PER-3 Any structure is setback at least three times the height of the structure from the boundary of any other site and is not within the notional boundary of any other site. PER-4 The setback from a road is at least three times the height of the structure and is not within the boundary of any other site. PER-5 Compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation. PER-6 Written notice is provided to Council at least two weeks prior to the installation of the structure, or the upgrade of an existing structure. The written notice shall detail the location of the activity, details of ownership and management responsibilities. This rule does not apply to devices associated within-stream or electricity generation.	Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4, PER-5 or PER-6: Restricted Discretionary Matters of discretion are restricted to: <ul style="list-style-type: none"> a. adverse effects resulting from the increase in the scale of the building or structure; b. adverse effects on any area with historical or cultural values, natural values or coastal values, c. vegetation clearance;²² d. visual domination, overshadowing, loss of privacy on surrounding sites; e. loss of access to sunlight and daylight on adjoining sites; f. the location and proximity of residential units and their associated outdoor areas; g. effects on the existing, planned or future use of the road or infrastructure; h. adverse effects on the natural character of the site or surrounding area; and i. shadow flicker and glare on surrounding sites, private and public roads.
REG-R6	Solar energy large scale or community scale renewable electricity generation activity (new and upgrading)	
Rural	Activity status: Permitted	Activity status where compliance

²² S511.053 and others

Production zone Māori Purpose zone Open Space zone	<p>Where:</p> <p>PER-1 No structure or device, including any attachments or turbine blades, exceeds a maximum height above ground level of 20m.</p> <p>PER-2 All devices and supporting structures attached to land, including solar panels, cover a total area of no more than 5,000m².</p> <p>PER-3 Any structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site and is not within the notional boundary of any other site.</p> <p>PER-4 The setback of any structure from a road, is at least three times the height of structure or 20m, whichever is the greatest distance.</p> <p>PER-5 Compliance is achieved with NZS 6808:2010 Acoustics – Wind farm noise for any proposal involving wind generation.²³</p> <p>PER-6 5 Written notice is provided to Council at least 1 month prior to the installation of the structures, or the upgrade of any existing structure. The written notice shall detail the location and function of the activity, details of ownership and management responsibilities, and where the electricity will be supplied to.</p>	<p>not achieved with PER-1, PER-2, PER-3, PER- 4, <u>or</u> PER-5, PER-6 or PER-7: Restricted Discretionary</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> a. location, scale and size of the activity; b. adverse effects on any area with historical or cultural values, natural <u>environment</u> values or coastal <u>environment</u> values; c. shadow flicker and glare on surrounding sites, waterbodies and private and public roads; d. character, level, duration of noise received at the boundary or national <u>notional</u>²⁴ boundary of another site; e. effects on migratory birds using any identified and scientifically established flight path; f. function and operational need to be in that location; g. alternative design options for the structure; and h. colour scheme of structure(s), screening and landscaping.
<u>REG-RY</u>	<u>Wind generation large scale or community scale renewable electricity generation activity (new and upgrading)</u>	

²³ S483.101²⁴ S368.016

<u>Rural Production zone</u> <u>Māori Purpose zone</u> <u>Open Space zone</u>	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 No structure or device, including any attachments or turbine blades, exceeds a maximum height above ground level of 20m.</p> <p>PER-2 All devices and supporting structures attached to land, including solar panels, cover a total area of no more than 5,000m².</p> <p>PER-3 Any structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site and is not within the notional boundary of any other site.</p> <p>PER- 4 The setback of any structure from a road, is at least three times the height of structure or 20m, whichever is the greatest distance.</p> <p>PER-5 Compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation.</p> <p>PER- 6 Written notice is provided to Council at least 1 month prior to the installation of the structures, or the upgrade of any existing structure. The written notice shall detail the location and function of the activity, details of ownership and management responsibilities, and where the electricity will be supplied to.²⁵</p>	<p>Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4, PER-5 or PER-6: Discretionary</p> <p>Activity status where compliance not achieved with PER-5: Non-complying</p>
REG-R7	Large scale renewable electricity generation activity (new and upgrading)	
All zones	<p>Activity status: Discretionary</p> <p>Where:</p> <p>DIS-1 Compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation.²⁶</p>	Activity status where compliance not achieved: Non-complying
REG-R8	Activities not otherwise listed in this chapter	

²⁵ S483.101²⁶ S483.101

All zones	Activity status: Discretionary	Activity status where compliance not achieved: Not applicable
-----------	--------------------------------	---