



Proposed Waitomo District Plan

King Country Energy submissions to the Proposed Waitomo District Plan

22nd of December 2022

**SUBMISSIONS ON THE PROPOSED WAITOMO DISTRICT PLAN UNDER CLAUSE 6 OF THE
FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

To: Waitomo District Council
Email: districtplan@waitomo.govt.nz

Name of Submitter: King Country Energy Limited

King Country Energy Limited ('KCE') makes the following submission to the Waitomo District Council on the Proposed Waitomo District Plan.

KCE **could not** gain an advantage in trade competition through this submission.

KCE is **not directly affected** by an effect of the subject matter of the submission that:

- adversely affects the environment; and
- does not relate to trade competition or the effects of trade competition.

KCE **does wish** to be heard in support of this submission.

If others make a similar submission, KCE **will consider** presenting a joint case with them at a hearing.

Address for service: Manawa Energy
Private Bag 12055
Tauranga 3143
Attention: James Ryan
Email: james.ryan@manawaenergy.co.nz
Phone: 027 234 0396

Signature:



Chris Fincham

For, and on behalf of King Country Energy Limited.

Dated: 22 December 2022

1. Introduction and Overview

King Country Energy Limited ('KCE') is a publicly owned renewable electricity generation company, with two shareholders being Manawa Energy Limited with 75% and King Country Trust with 25%. KCE was incorporated in 1991, taking over the business of the King Country Electric Power Board and was subsequently restructured in 1999 as a consequence of the Electricity Industry Reforms Act 1998. The reforms resulted in KCE and Waitomo Energy Services firstly combining their assets, and then splitting their assets. It was at this point that KCE acquired the generation and retail businesses held by the two organisations.

In 2016 Manawa became the major shareholder in KCE. Two major changes occurred. KCE contracted Manawa to operate KCE's schemes and KCE sold its retail business to Manawa. KCE and Manawa's local generation operations team has their offices in Taumarunui.

KCE owns four hydro-electric power schemes ('schemes' or 'HEPS') located within the King Country region. These Schemes include Kuratau (6MW, 28GWh), Mokauti (1.7MW, 7 GWh), Piriaka (1.3MW, 7 GWh) and Wairere (4.6MW, 18GWh). KCE also owns the Mangahao Power Station (42MW, 130GWh) near Shannon. Figure 1 below shows the location of KCE's Schemes.

Figure 1: Location of KCE's Hydroelectric Power Generation Schemes



KCE has an operations and maintenance contract with Manawa Energy Limited (**'Manawa'**), formerly Trustpower Energy. This is for Manawa to provide operational, engineering and consulting services relating to KCE's HEPS, as required. KCE has contracted Manawa to provide consulting services with regard to the Proposed Waitomo District Plan (the **'PWDP'** or the **'proposed Plan'**).

KCE's schemes provide a range of benefits both to their customers and on a national scale, including but not limited to, additional security of supply of renewable electricity generation and reduced transmission losses. The Company's schemes are embedded in the local electricity network of the region, meaning that all electricity generated at the sites is distributed directly into the local area. Consequently, the on-going operation of the schemes is particularly important to the supply of electricity to the King Country and Central North Island Regions.

2.0 KCE's Interests in the Waitomo District

Within the Waitomo District, KCE is the owner of the Wairere and Mokauiti HEPS located near Aria on the Mokau and Mokauiti rivers respectively. It is in the context of providing for these assets that KCE is interested in the proposed Plan.

2.1 Indigenous Fish Migration

Alongside the attributes unique to each scheme detailed below, KCE has secured subsequent permits from the Ministry of Fisheries to allow tuna migration since 2002. These special permits allow the transfer of longfin and shortfin eel (*Anguilla* spp.), as well as any bycatch of native migratory species such as lamprey (*Geotria australis*), Galaxiid spp., and freshwater shrimps (*Paratya curvirostris*) irrespective of size and numbers.

Both schemes require the transfer of these species to take place from 500 metres (**'m'**) upstream or downstream of the respective dams on either the Mokauiti Stream or Mokau River, and release back into these waterbodies within one kilometre (**'km'**) upstream or downstream of each dam.

2.2 Mokauiti HEPS

In 1958, the Wairere Electric Power Board accepted proposals to develop the Mokauiti Hydro-electric Power Station. Subsequently, generation commenced at the Site in 1963. The Scheme uses water from the Mokauiti Stream for the generation of renewable electricity and is relatively small in terms of both its installed capacity of 1.9 megawatts (**'MW'**), and annual electricity output of 7 Gigawatt hours (**'GWh'**). The Scheme comprises a small dam and an associated impoundment of water, a pen stock leading to a small head pond, a small power station, and a tailrace.

The earth dam is at the head of a steep rapid and it diverts water from what was its natural path into a head pond that is approximately 160m long, with waters controlled by the 34.5m wide concrete spillway. The dam reaches up to approximately 10m in height above natural ground, is 147m long and 5m wide.

Water taken for electricity generation is piped along penstocks approximately 520m to the power station. Water flows through the two turbines and is then discharged into the tailrace, a rocky area downstream of the station. The dewatered section, being the river length between the dam and where the discharge re-joins the stream, is approximately 800m long.

The spillway allows water not used for electricity generation to be spilled into the natural stream bed below. A 1.2m high flood control gate is located at the top of the spillway.

2.3 Wairere HEPS

Electricity has been generated at the Wairere HEPS since 1925 and the existing dam has been in place since the 1950's, located along the Mokau River. In relative terms, the KCE Wairere HEPS is a minor structure that has a generation capacity of 4.3 MW per hour, and an annual generation output of 17 GWh.

The dam associated with the Wairere HEPS consists of a concrete weir that sits 2.5m above the 19m high natural waterfall. The weir is 24m in length, 0.2m wide and retains a small head pond of approximately 0.2 hectares ('Ha') in surface area within the Mokau River.

The scheme operates as a run of the river regime as opposed to a traditional, and the lake has only a few hours of storage at peak generation times. Therefore, when the flows in the river are low, all of the flow is taken for use in the power station before being discharged back into the tailrace.

The powerhouse and associated structures are located immediately adjoining the Mokau River approximately 50m below the waterfall.

The Site is not particularly visible due to the limited public access. Due to its rural nature and the absence of road traffic, there are no major noise sources within the immediate proximity of the station, and the Site is relatively quiet.

3.0 KCE's General Position

The provision of existing and new renewable electricity generation infrastructure is identified as a matter of national significance under the Resource Management Act 1991 (the '**RMA**' or '**the Act**') as well as being identified in the National Policy Statement for Renewable Electricity Generation ('**NPS-REG**'). Despite this recognition, the development of plan provisions at regional and local scales does not always recognise or provide for existing or future renewable electricity generation. The Waitomo District Plan is required to give effect to both the RMA and the NPS-REG under section 75(3) of the Act.

The benefits of renewable electricity generation on a national, regional, and local scale are also recognised through the NPS-REG, where the need to develop, operate, maintain, and upgrade renewable electricity generation activities throughout New Zealand is identified as a matter of national significance. In relation to existing activities, Policy B(a) directs decision makers to have particular regard to the maintenance of generation outputs, which can require protection of the assets. Policy C1 also seeks to have particular regard to the practical constraints associated with renewable electricity generation activities such as locating where the resource is available, and it's associated logistical or technical practicalities.

Further, the NPS-REG also seeks to provide for future renewable electricity generation development, as Policy A(a) directs decision makers to recognise and provide for the maintenance or increase in renewable electricity generation capacity. In addition, Policy B(c) requires particular regard to be had to meeting or exceeding the national target for renewable electricity generation, directly linking the NPS-REG to both the 2030 target of being 100% reliant on renewables, and climate change targets.

It is therefore imperative that the regulatory framework supports further investment in new and existing renewable electricity generation projects by removing unnecessary regulatory barriers.

The Waikato Regional Policy Statement ('RPS') also recognises the importance of hydro-electric power generation schemes and identifies these as 'Regionally Significant Infrastructure'.¹ It also recognises that increased hydro-electric power generation in the region will improve security of supply. The objective for Energy² states:

“Energy use is managed, and electricity generation and transmission is operated, maintained, developed, and upgraded, in a way that:

- a. increases efficiency;*
- b. recognises any increasing demand for energy;*
- c. seeks opportunities to minimise demand for energy;*
- d. recognises and provides for the national significance of electricity transmission and renewable electricity generation activities;*
- e. recognises and provides for the national, regional and local benefits of electricity transmission and renewable electricity generation;*
- f. reduces reliance on fossil fuels over time;*
- g. addresses adverse effects on natural and physical resources;*
- h. recognises the technical and operational constraints of the electricity transmission network and electricity generation activities; and*
- i. recognises the contribution of existing and future electricity transmission and electricity generation activities to regional and national energy needs and security of supply.”*

The associated policies and methods provide clear and directive intent for Regionally Significant Infrastructure and specifically for renewable electricity generation activities, including:

EIT-P1 - Significant infrastructure and energy resources

Management of the built environment ensures particular regard is given to:

- a. that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;*
- b. the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation, electricity transmission, and municipal water supply; and*

¹ Includes:

- a. pipelines for the distribution or transmission of natural or manufactured gas or petroleum;*
- b. infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;*
- c. radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;*
- d. the national electricity grid, as defined by the Electricity Industry Act 2010;*
- e. a network (as defined in the Electricity Industry Act 2010);*
- f. infrastructure for the generation and/or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);*
- g. significant transport corridors as defined in Map 25 and 26;*
- h. lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;*
- i. municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, municipal supply dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary infrastructure;*
- j. flood and drainage infrastructure managed by Waikato Regional Council;*
- k. Hamilton City bus terminal and Hamilton Railway Station terminus; and*
- l. Hamilton International Airport.*

² EIT-O1 - Energy

- c. *the locational and technical practicalities associated with renewable electricity generation and the technical and operational requirements of the electricity transmission network.*

EIT-M1 - Plan Provisions

Regional and district plans shall include provisions that give effect to EIT-P1, and in particular, that management of the built environment: ...

- 5. *provides for renewable energy by having particular regard to:*
 - a. *the increasing requirement for electricity generation from renewable sources such as geothermal, fresh water, wind, solar, biomass and marine, and the need to maintain generation from existing renewable electricity generation activities;*
 - b. *the need for electricity generation to locate where energy sources exist, and transmission infrastructure to connect these generation sites to the national grid or local distribution network;*
 - c. *the logistical or technical practicalities associated with developing, upgrading, operating or maintaining renewable electricity generation, or electricity transmission activities;*
 - d. *any residual environmental effects of renewable electricity generation activities which cannot be avoided, remedied or mitigated can be offset or compensated to benefit the affected community or the region; and*
 - e. *the benefits of renewable electricity generation activities including maintaining or increasing security of electricity supply.*

The Waitomo District Plan must give effect to the Regional Policy Statement and therefore must enable operation, maintenance, upgrading and development of renewable electricity generation through the district level provisions. This basis for regional direction needs to guide the policy and provisions within the Waitomo District Plan as they apply to renewable electricity generation.

4.0 Summary of Key Submission Points

The key aspects of KCE's submission on the proposed Waitomo District Plan, which are discussed in more detail in the sections below, focus on:

4.1 Definitions

KCE supports, or generally supports those definitions that relate to renewable electricity generation. Where the Company has sought minor changes to the same, these are to ensure consistency with higher order documents, in particular, the RMA, NPS-REG and the RPS.

4.2 Energy Chapter

KCE is pleased to see that the Energy Chapter takes a more enabling approach than that of the draft Plan and commends the Council on this. KCE supports a number of the provisions or seeks minor changes to the same, primarily to ensure a consistent approach with higher order documents or to ensure that the provisions provide a balanced approach. KCE notes, however, that there appears to be a number of provisions for small and community scale activities of various sizes or scales. KCE records that Policy F of the NPS-REG requires provision for small and community-scale renewable

electricity generation activities to be incorporated into regional policy statements and regional and district plans, that provide for the development, operation, maintenance and upgrading of the same. KCE understands small and community-scale distributed electricity generation to mean renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network. Given this, KCE considers that the provisions of the Energy Chapter should be simplified to provide for small and community scale activities (for one type of activity, such as, for example, hydro-electricity generation) together within one provision, and then the development, operation, maintenance and upgrading of larger renewable electricity generation activities in a corresponding provision. Put another way, KCE considers that the rule framework should provide two rules for each type of activity depending on whether the activity fits within, or exceeds the definition of small and community scale. KCE considers this approach to be more consistent with the direction provided in Policies E and F of the NPS-REG.

4.3 Ecosystems and Indigenous Biodiversity Chapter

KCE notes that the land parcels associated with its Mokaiti HEPS have two Significant Natural Areas located on or adjacent to them. These are R17028 – Marginal Strips – Mokaiti Stream and R17UP035. While, KCE supports the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, the Company is concerned to ensure that the boundaries of these activities are carefully mapped and that they do not impinge upon its existing lawfully established operations, or the maintenance, repair and upgrading of the same.

Further, while appreciative of the fact that the rules associated regionally significant infrastructure, industry and renewable electricity generation are primarily dealt with in other chapters, the Company is concerned to ensure that the provisions of this chapter adopt a balanced approach and that they provide for nationally or regionally significant infrastructure or renewable electricity generation activities and also the continued operation of lawfully established activities.

4.4 Natural Features and Landscapes Chapter

With regard to the Natural Features and Landscapes Chapter, while recognising that outstanding natural landscapes, outstanding natural features, landscapes of high amenity value and the karst overlays are important and should be protected from inappropriate subdivision, use and development, KCE is again, concerned to ensure that the provisions of this chapter provide for the continued operation of its regionally significant renewable electricity generation HEPS.

The specific issues and relief sought by KCE are set out in **Appendix A** attached to this submission.

Appendix A: KCE's Detailed Submission to the Proposed Waitomo District Plan

Chapter and Provisions	Support / Oppose	KCE's reasons for submission	Relief Sought (deleted text shown in strike through , new text shown in <u>bold and underlined</u>)
Definitions			
<p>community scale renewable electricity activities – means a renewable electricity activity intended to supply electricity to two or more consumers, produced within one or more of the supplied sites, or within a third site. This includes associated lines or pipes for distribution of energy to consumers. The activity may be connected to the distribution network to transmit excess generated power.</p>	Support in part	KCE generally supports the wording of this definition, however considers that a minor amendment is necessary. In this regard, KCE considers that the definition should reference 'generation' so to align with the NPS-REG which refers to renewable electricity 'generation' activities.	<p>Amend the definition for community scale renewable electricity activities, as follows:</p> <p><u>community scale renewable electricity generation activities</u> – means a renewable electricity <u>generation</u> activity intended to supply electricity to two or more consumers, produced within one or more of the supplied sites, or within a third site. This includes associated lines or pipes for distribution of energy to consumers. The activity may be connected to the distribution network to transmit excess generated power.</p>
<p>minor upgrade (in relation to existing energy activities) - means the improvement or increase in carrying capacity, operational efficiency, security, or safety of an existing energy activity. This also includes structures and associated earthworks and site works where the effects of that activity remain the same or similar in character, intensity and scale.</p>	Support	KCE supports the wording of this definition as it describes what a minor modification might entail, and the reasons for doing such an upgrade, providing clarity within the provision.	Retain the definition for minor upgrade (in relation to existing energy activities) as notified.
<p>regionally significant infrastructure means:</p> <ul style="list-style-type: none"> (a) pipelines for the distribution or transmission of natural or manufactured gas or petroleum; (b) infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001; 	Support	KCE supports the definition for 'regionally significant infrastructure' noting that it is generally consistent with the wording provided in the within the Operative Waikato Regional Policy Statement ('RPS').	Retain the definition for regionally significant infrastructure as notified.

<p>(c) <i>radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;</i></p> <p>(d) <i>the national electricity grid, as defined by the Electricity Industry Act 2010;</i></p> <p>(e) <i>a network (as defined in the Electricity Industry Act 2010);</i></p> <p>(f) <i>infrastructure for the generation and/or conveyance of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);</i></p> <p>(g) <i>significant transport corridors as defined in Map 6.1 and 6.1A of the Operative Waikato Regional Policy Statement;</i></p> <p>(h) <i>lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;</i></p> <p>(i) <i>municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, municipal supply dams and ancillary infrastructure;</i></p> <p>(j) <i>flood and drainage infrastructure managed by Waikato Regional Council.</i></p>			
<p>renewable energy - <i>means energy produced from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current sources.</i></p>	Support	KCE notes that this definition is consistent with that provided in the Resource Management Act 1991 ('the RMA' or 'the Act').	Retain the definition for renewable energy as notified.
<p>renewable energy exploration activities - <i>means activities to monitor and measure solar, wind, hydroelectricity or geothermal energy sources for potential renewable electricity generation activities.</i></p>	Support in part	KCE generally supports this definition, while noting that there may be energy sources other than solar, wind, hydroelectricity or geothermal energy, that have the potential to generate renewable electricity, as highlighted	Amend the definition for renewable energy exploration activities, as follows: renewable energy exploration activities - <i>means activities to monitor and measure solar, wind,</i>

		in the definition for 'renewable energy' and within the Energy Chapter.	<i>hydroelectricity</i> or <i>geothermal</i> or other energy sources for potential renewable electricity generation activities.
renewable electricity generation activities - means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community scale renewable electricity activities and the system of electricity conveyance to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.	Support in part	KCE generally supports this definition, however, seeks minor changes so as to be consistent with the definition provided within the National Policy Statement for Renewable Electricity Generation 2011 (' NPS-REG ').	Amend the definition for renewable electricity generation activities definition as follows: renewable electricity generation activities - means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community scale <u>distributed renewable electricity generation activities</u> and the system of electricity conveyance <u>required to convey electricity to</u> the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.
Energy			
Overview	Support in part	<p>KCE generally supports the Overview to the Energy Chapter noting that it highlights the importance of renewable electricity generation, the benefits of using renewable sources of energy and the functional and operational need of renewable electricity generation activities which require them to locate in a particular area.</p> <p>KCE is concerned, however, that new, larger scale energy activities have been listed as a prohibited activity within identified outstanding natural features and areas of outstanding natural character, given that there is specific national direction within the NPS-REG that seeks district plans must "<i>provide for the development... of new and existing renewable electricity generation activities.</i>" In this regard, and as the RMA at Section 6(b), requires "<i>the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development</i>", KCE considers that a discretionary activity status is more appropriate, as this allows for larger scale energy activities</p>	Amend the Overview to provide for large scale energy activities within identified outstanding natural features and areas of outstanding natural character, to be considered as a discretionary activity.

		to occur in identified outstanding natural features and areas of outstanding natural character, should they be considered to be an appropriate use or development.	
<p>ENGY-O1.</p> <p><i>Increase the resilience of communities within the district by:</i></p> <ol style="list-style-type: none"> <i>1. Enabling renewable electricity generation activities where appropriate; and</i> <i>2. Encouraging the development of on-site and community scale renewable electricity generation activities; and</i> <i>3. Recognising the positive benefits and contribution of renewable electricity generation towards reducing the effects of climate change.</i> 	Support	KCE recognises that this objective focuses on community resilience and notes that community resilience as a top priority for the district is appropriate given the context in which energy operates.	Retain ENGY-O1 as notified.
<p>ENGY O2.</p> <p><i>Recognise and provide for the national significance of renewable electricity generation activities by:</i></p> <ol style="list-style-type: none"> <i>1. Maintaining or increasing the use and supply of renewable electricity to communities both within the Waitomo district and wider network; and</i> <i>2. Protecting existing renewable electricity generation activities; and</i> <i>3. Enabling the appropriate development of new renewable electricity generation activities; and</i> <i>4. Acknowledging the functional and operational need of renewable electricity generation activities.</i> 	Support	KCE considers that this objective is appropriate and that it is consistent with the NPS-REG Objective, which requires that the national significance of renewable electricity generation activities is 'recognised and provided for'. Further this objective is also consistent with the direction provided within the RPS, including provisions such as LF-P6, which recognises the importance of maintaining the generation of electricity from renewable electricity generation activities.	Retain ENGY-O2 as notified.

<p>ENGY-O3.</p> <p><i>Encourage the efficient use of energy.</i></p>	Support	KCE considers that this objective is generally consistent with section 7(ba) if the RMA, and thus, supports the inclusion of this objective.	Retain ENGY-O3 as notified.
<p>ENGY-O4.</p> <p><i>Provide for authorised activities in the rural production zone by:</i></p> <ol style="list-style-type: none"> <i>1. Enabling the growth and expansion of such activities to meet the future demand of the district; and</i> <i>2. Managing adverse environmental effects on the receiving environment by internalising effects to the property boundary, or through avoid, remedy, or mitigation measures as far as practicable.</i> 	Support	KCE considers that this objective is appropriate, and as such, supports its inclusion in the proposed Plan.	Retain ENGY-O4 as notified.
<p>ENGY-P1.</p> <p><i>Enable the ongoing operation, maintenance, repair and minor upgrade of existing renewable electricity generation activities within the district, providing significant adverse effects on the environment are avoided, remedied or mitigated.</i></p>	Support	KCE generally supports the inclusion of this policy, however, seeks a minor change so as to be consistent with the NPS-REG Objective, that states “ <i>To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.</i> ” In addition, KCE considers that its requested change is consistent with the RPS Objective EIT-O1, which requires that “ <i>energy use is managed and electricity generation and transmission is operated, maintained, developed and upgraded...</i> ”	<p>Amend ENGY-P1 as follows:</p> <p><i>Enable the ongoing operation, maintenance, repair and minor upgrade of existing renewable electricity generation activities within the district, providing significant adverse effects on the environment are avoided, remedied or mitigated.</i></p>
<p>ENGY-P2.</p>	Support	KCE supports the inclusion of this policy. KCE notes that this policy requires a balanced approach, which accords with the purpose of the RMA, together with section 7(j).	Retain ENGY-P2 as notified.

<p><i>In all zones and precincts, recognise the benefits of small-scale electricity generation in a form that is commensurate with the function, nature and scale of the anticipated activities, while managing the values of overlays and scheduled sites and features.</i></p>		<p>Further, this policy accords with the direction provided in the NPS-REG, which includes the benefits of renewable electricity generation as a matter of national significance.</p>	
<p>ENGY-P3.</p> <p><i>Recognise the potential for community scale renewable electricity generation activities in most zones in the district where the electricity generated is shared with consumers in the same community. For any application recognise the social and economic benefit to the community from sharing electricity that has been generated locally.</i></p>	<p>Support</p>	<p>KCE supports the inclusion of this policy. As highlighted above, KCE notes that the matters of national significance, as set out within the NPS-REG include the benefits of renewable electricity generation. Further, KCE considers that this policy accords with Policy A of the NPS-REG that requires decision-makers to recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities.</p>	<p>Retain ENGY-P3 as notified.</p>
<p>ENGY-P4.</p> <p><i>Manage the development of new renewable electricity generation activities including community scale renewable electricity generation activities, recognising that developments will be of varying scale with different benefits and levels of effects. Matters to consider include:</i></p> <ol style="list-style-type: none"> <i>1. The benefits of the activity, recognising that benefits may offset anticipated changes in amenity; and</i> <i>2. Any functional or operational needs or constraints; and</i> <i>3. The scale, intensity duration or frequency of the activity's effects including at the time of construction; and</i> <i>4. Adverse amenity, visual, traffic generation, safety, light overspill,</i> 	<p>Support in part</p>	<p>KCE generally supports the inclusion of this policy. In this regard, KCE considers that the policy provides a balanced approach. Further, the policy requires the benefits of renewable electricity generation activities to be recognised, highlights that benefits may offset effects and acknowledges the functional and operational needs or constraints associated with the same. This is consistent with the direction provided within the NPS-REG. Further, while KCE notes that the policy is generally consistent with RPS Objective EIT-O1, some minor changes are requested to as follows.</p>	<p>Amend ENGY-P4 as follows:</p> <p>ENGY-P4.</p> <p><i>Manage the development of new renewable electricity generation activities including community scale renewable electricity generation activities, recognising that developments will be of varying scale with different benefits and levels of effects. Matters to consider include:</i></p> <ol style="list-style-type: none"> <i>1. The benefits of the activity, recognising that <u>the national, regional or local</u> benefits may offset <u>adverse effects on anticipated changes in</u> amenity; and</i> <i>2. Any functional or operational needs or constraints; and</i> <i>3. The scale, intensity duration or frequency of the activity's effects including at the time of construction; and</i>

<p>shadow, earthworks, glare and noise effects; and</p> <ol style="list-style-type: none"> 5. Adequate separation distances from existing and consented sensitive activities to ensure conflict between activities, adverse effects and reverse sensitivity effects are minimised; and 6. Effects on scheduled sites, features or overlays. <p><i>In doing so, recognise large scale activities will be more appropriate within the industrial, rural production, and general rural zones.</i></p>			<ol style="list-style-type: none"> 4. Adverse amenity, visual, traffic generation, safety, light overspill, shadow, earthworks, glare and noise effects; and 5. Adequate separation distances from existing and consented sensitive activities to ensure conflict between activities, adverse effects and reverse sensitivity effects are minimised; and 6. Effects on scheduled sites, features or overlays. 7. <u>The contribution of the activity to District, Regional and National needs and security of supply</u> <p><i>In doing so, recognise large scale activities will be more appropriate within the industrial, rural production, and general rural zones.</i></p>
<p>ENGY-P5.</p> <p><i>Allow activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, however they must be avoided within:</i></p> <ol style="list-style-type: none"> 1. An identified outstanding natural landscape or an outstanding natural feature; or 2. An area of outstanding natural character or high/very high natural character; or 3. The site or surroundings of a heritage building or structure; or 4. A significant archaeological site; or 5. A site or area of significance to Māori; or 6. A significant natural area. 	<p>Oppose</p>	<p>KCE considers that this policy is overly restrictive. In this regard, KCE considers that activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, are often low impact activities, that may have a less than minor effect on the environment, for example, the placement of monitoring equipment and various surveys. Given this, the Company considers that to avoid ‘all’ investigation, identification and assessment type activities within those areas identified in clauses 1 – 6 is contrary to the enabling nature of the NPS-REG and to those other provisions within the Energy Chapter of the proposed Plan that enable renewable electricity generation activities.</p> <p>Further, KCE notes that investigation, identification and assessment work may be necessary for the on-going operation, maintenance and upgrading of existing renewable electricity generation activities. To prohibit these activities from occurring where they may be located</p>	<p>Amend ENG-P5 as follows:</p> <p>ENGY-P5.</p> <p><i>Allow activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, however they must be avoided within <u>the following areas, unless any adverse effects associated with them are no more than minor in scale:</u></i></p> <ol style="list-style-type: none"> 1. An identified outstanding natural landscape or an outstanding natural feature; or 2. An area of outstanding natural character or high/very high natural character; or 3. The site or surroundings of a heritage building or structure; or 4. A significant archaeological site; or 5. A site or area of significance to Māori; or 6. A significant natural area.

		<p>in those areas identified in ENGY-P5 clauses 1 - 6 may be detrimental to the continued operation of these existing activities.</p> <p>Given this, KCE seeks that the Council amend ENGY-P5, so that the policy provides for those investigation, identification and assessment activities that may bring about a less than minor effect.</p>	
<p>ENGY-P6. <i>Recognise that increasing levels of renewable electricity generation activities may alter existing visual amenity values, but the level of adverse visual effects may not be appropriate in some overlays, scheduled sites and features.</i></p>	Oppose	<p>KCE seeks that this policy is deleted as policies ENGY-P4 and ENGY-P5 already ensure that renewable electricity generation activities are considered in the context of the values of the receiving environment.</p>	<p>Delete ENGY-P6.</p> <p>ENGY-P6. <i>Recognise that increasing levels of renewable electricity generation activities may alter existing visual amenity values, but the level of adverse visual effects may not be appropriate in some overlays, scheduled sites and features.</i></p>
<p>ENGY-P7. <i>Manage new development and land use activities near existing renewable electricity generation activities to minimise reverse sensitivity effects.</i></p>	Support in part	<p>KCE is generally supportive of this policy, however KCE considers that it should be amended so as to be more consistent with the wording of Policy D of the NPS-REG which requires that “<i>Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.</i>”</p>	<p>Amend ENGY-P7 as follows:</p> <p>ENGY-P7. <i>Manage new development and land use activities near existing renewable electricity generation activities to avoid minimise reverse sensitivity effects.</i></p>
<p>ENGY-P8. <i>Development must comply with the flightpath height restrictions for the Te Kūiti Aerodrome.</i></p>	Support in part	<p>KCE generally supports this policy, but seeks minor amendments to the wording of the same, so as to read more as a policy than a statement.</p>	<p>Amend ENGY-P8 as follows:</p> <p>ENGY-P8. <i>Avoid dDevelopment that does not must comply with the flightpath height restrictions for the Te Kūiti Aerodrome.</i></p>
<p>ENGY-P9. <i>Recognise the short-term benefits from temporary generators at the time of an</i></p>	Support in part	<p>KCE is not opposed to this policy, but questions whether it belongs as a stand-alone policy or could be incorporated into another policy or rule.</p>	<p>Retain ENGY-P9, while considering its incorporation into another policy or rule.</p>

<p><i>emergency or when electricity supply is disrupted.</i></p>			
<p>ENGY-P10.</p> <p><i>For any co-generation or waste to energy conversion:</i></p> <ol style="list-style-type: none"> <i>1. Acknowledge the benefits of the efficient use and disposal of waste; and</i> <i>2. Manage more than minor adverse environmental effects created by this activity; and</i> <i>3. Appropriately locate these activities within the:</i> <ol style="list-style-type: none"> <i>a. Rural production zone; or</i> <i>b. General rural zone; or</i> <i>c. Industrial zone.</i> 	<p>Support</p>	<p>KCE supports the inclusion of this policy, noting that converting waste to energy can substantially reduce the amount of waste entering landfills, and supports the Government’s target of 90% of electricity from renewable sources by 2025.</p>	<p>Retain ENGY-P10 as notified.</p>
<p>ENGY-P12.</p> <p><i>Avoid activities where:</i></p> <ol style="list-style-type: none"> <i>1. The radiofrequency emission cannot comply with NZS 27721:1999 Radiofrequency Fields – Maximum Exposure Levels – 3KHz to 300GHz; or</i> <i>2. The emission of electric and magnetic fields exceeds the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007); or</i> 	<p>Oppose</p>	<p>KCE considers that this policy should be amended so as to delete clause 4. In this regard, the Company considers clause 4 to be overly restrictive. KCE records that section 6(b) of the RMA provides for the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. KCE does not take this to mean that hydro-electricity generation activities with an output of more than 5 kW should automatically be avoided in an outstanding natural feature, rather KCE considers that hydro-electricity generation facilities should be considered on their merits, in order to determine whether they are appropriate to be located within a particular location.</p>	<p>Amend ENGY-P12 as follows:</p> <p>ENGY-P12.</p> <p><i>Avoid activities where:</i></p> <ol style="list-style-type: none"> <i>1. The radiofrequency emission cannot comply with NZS 27721:1999 Radiofrequency Fields – Maximum Exposure Levels – 3KHz to 300GHz; or</i> <i>2. The emission of electric and magnetic fields exceeds the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007); or</i>

<p>3. The activity is coal fired electricity generation or is based on non-renewable resources; or</p> <p>4. The activity is hydro-electricity generation with an output of more than 5 kW in an outstanding natural feature.</p>			<p>3. The activity is coal fired electricity generation or is based on non-renewable resources; or</p> <p>4. The activity is hydro-electricity generation with an output of more than 5 kW in an outstanding natural feature.</p>
<p>ENGY-P13.</p> <p><i>Within the rural production zone where the the removal of indigenous vegetation in a significant natural area is unavoidable to provide for regionally significant infrastructure, adverse effects must be remedied in the first instance, or mitigated or offset if this is not possible:</i></p> <p>1. <i>If offsetting adverse effects is the only practicable option, indigenous biodiversity values and ecological characteristics of the significant natural area will be maintained by:</i></p> <p>A. <i>Providing a biodiversity offset that is consistent with the framework detailed in Appendix 4 Biodiversity Offsetting Framework; and</i></p> <p>B. <i>Ensuring the biodiversity offset can achieve no net loss of indigenous biodiversity values at a regional scale, preferably in the affected significant natural area, or where that is not practicable, in the ecological district in which the affected significant natural area is located.</i></p>	<p>Support in part</p>	<p>KCE supports the inclusion of this policy within the proposed Plan. KCE notes that one minor change is necessary to fix a minor grammatical error within the provision.</p>	<p>Amend ENGY-P13 as follows:</p> <p>ENGY-P13.</p> <p><i>Within the rural production zone where the the removal of indigenous vegetation in a significant natural area is unavoidable to provide for regionally significant infrastructure, adverse effects must be remedied in the first instance, or mitigated or offset if this is not possible:</i></p> <p>1. <i>If offsetting adverse effects is the only practicable option, indigenous biodiversity values and ecological characteristics of the significant natural area will be maintained by:</i></p> <p>A. <i>Providing a biodiversity offset that is consistent with the framework detailed in Appendix 4 Biodiversity Offsetting Framework; and</i></p> <p>B. <i>Ensuring the biodiversity offset can achieve no net loss of indigenous biodiversity values at a regional scale, preferably in the affected significant natural area, or where that is not practicable, in the ecological district in which the affected significant natural area is located.</i></p>
<p>ENGY-P14</p>	<p>Support</p>	<p>KCE agrees with the enabling direction and the effects management hierarchy provided within this policy.</p>	<p>Retain ENGY-P14 as notified.</p>

<p><i>Enable existing hydro-electricity generation and associated activities located within the rural production zone, provided that the adverse effects of the activities are internalised, or avoided, remedied or mitigated as far as practicable through methods such as management practices, rehabilitation plans and mitigation measures that include: ...</i></p>			
<p>ENGY-P15</p> <p><i>Ensure the scale and location of any expansion of an existing hydroelectricity generation facilities located within the rural production zone do not adversely affect local character or amenity by:</i></p> <ol style="list-style-type: none"> <i>1. Maintaining boundary setbacks for activities and structures; and</i> <i>2. Ensuring that outdoor storage is sufficiently landscaped and screened from roads, public spaces and adjoining neighbours; and</i> <i>3. Ensuring that industrial buildings are designed as far as practicable to not overshadow or overly dominate the wider surrounding area.</i> 		<p>KCE notes that this policy appears to establish a hierarchy of natural values over energy values, which is inappropriate within the Energy Chapter. KCE considers that it is possible to achieve the objectives of both values without having one trump the other by adjusting the tone of the policy.</p> <p>Further to suggesting amendments to the chapeau, KCE has sought an amendment to clause 3., as hydro-electricity generation activities and structures are not considered as 'industrial.'</p>	<p>Amend ENGY-P15 as follows:</p> <p>ENGY-P15</p> <p><i>Ensure the scale and location of any expansion of an existing hydro <u>electricity</u> generation <u>activity</u> facilities located within the rural production zone: does not adversely affect local character or amenity by:</i></p> <ol style="list-style-type: none"> <i>1. Maintaining boundary setbacks for activities and structures; and</i> <i>2. Ensuring that outdoor storage is sufficiently landscaped and screened from roads, public spaces and adjoining neighbours; and</i> <i>3. Ensuring that industrial buildings are designed as far as practicable to not overshadow or overly dominate the wider surrounding area.</i>
<p>ENGY-R1</p> <p><i>The operation, maintenance, repair, replacement, minor upgrade, demolition or removal of existing buildings and structures of any existing energy generation activity.</i></p> <p>All zones and all precincts.</p> <p>Activity Status: PER</p>	<p>Support in part</p>	<p>KCE supports ENGY-R1 being permitted, in this regard, KCE considers that these activities are required for the day-to-day operation and upkeep of existing renewable electricity generation activities, and the effects existing generation has on the environment are generally known.</p> <p>KCE requests that the wording in the rule is changed so that it refers to renewable electricity generation activities, so as to be consistent with the wording used in the NPS-REG.</p>	<p>Amend ENGY-R1 as follows:</p> <p><i>The operation, maintenance, repair, replacement, minor upgrade, demolition or removal of existing buildings and structures of any existing <u>renewable electricity</u> energy generation activity.</i></p> <p>Activity Status: PER</p>

<p>Where:</p> <p>1. Performance standards ENGY-R17 and ENGY-R18, and ENGY-R21 and ENGY-R22 are complied with.</p> <p>Activity status where compliance is not achieved with ENGY-R17 or ENGY-R18: Refer to Table 2</p> <p>Activity status where compliance is not achieved with ENGY-R21 or ENGY-R22: NC</p> <p>Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, also see the historic heritage chapter.</p>			<p>Where: 1. Performance standards ENGY-R17 and ENGY-R18, and ENGY-R21 and ENGY-R22 are complied with.</p> <p>Activity status where compliance is not achieved with ENGY-R17 or ENGY-R18: Refer to Table 2</p> <p>Activity status where compliance is not achieved with ENGY-R21 or ENGY-R22: NC</p> <p>Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, also see the historic heritage chapter.</p>
<p>ENGY-R2</p> <p>The operation, maintenance, repair, replacement and minor upgrade of an existing hydro-electricity generation activity infrastructure identified on the Planning Maps as RPROZ-14 to RPROZ-17 including the demolition or removal of existing buildings and structures and the use of the surface of the water for hydroelectric activities.</p> <p>Rural production zone only. All overlays, scheduled sites and features.</p> <p>Activity Status: PER</p> <p>Where: 1. All of the performance standards in ENGY-R21 through to ENGY-R23 is complied with.</p> <p>Activity status where compliance is not achieved with ENGY-R21 or ENGY-R22: NC.</p>	<p>Support in part</p>	<p>KCE supports the inclusion of this rule. In this regard, KCE considers it appropriate that a less restrictive rule apply to identified hydro-electricity generation schemes classified as regionally significant infrastructure within the Rural Production Zone.</p> <p>While KCE is generally supportive of this rule, the Company seeks a minor change to the same.</p>	<p>Amend ENGY-R2 as follows:</p> <p>The operation, maintenance, repair, replacement and minor upgrade of an existing hydro-electricity generation activity infrastructure identified on the Planning Maps as RPROZ-14 to RPROZ-17 including the demolition or removal of existing buildings and structures and the use of the surface of the water for hydroelectric activities.</p> <p>Activity Status: PER</p> <p>Rural production zone only. All overlays, scheduled sites and features.</p> <p>Where: 1. All of the performance standards in ENGY-R21 through to ENGY-R23 is complied with.</p> <p>Activity status where compliance is not achieved with ENGY-R21 or ENGY-R22: NC.</p>

<p><i>Activity status where compliance is not achieved with ENGY-R23: RDIS</i></p> <p><i>Where the activity is RDIS, the matters over which discretion is restricted are:</i></p> <p><i>(a) The matters of discretion associated with any performance standard which cannot be complied with in ENGY – Table 2.</i></p>			<p><i>Activity status where compliance is not achieved with ENGY-R23: RDIS</i></p> <p><i>Where the activity is RDIS, the matters over which discretion is restricted are:</i></p> <p><i>(a) The matters of discretion associated with any performance standard which cannot be complied with in ENGY – Table 2.</i></p>
<p>ENGY-R3</p> <p><i>Temporary Generators</i></p> <p><i>All zones and all precincts. All overlays, scheduled sites and features.</i></p> <p><i>Activity Status: PER</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>1. The temporary generator is associated with an energy activity and used for no longer than one (1) calendar month; or</i> <i>2. The temporary generator is used during outages of electricity supply.</i> <p><i>Activity status where compliance is not achieved with ENGY-R3.1 or ENGY-R3.2: DIS.</i></p> <p><i>Activity status where compliance is not achieved with ENGY-R21 or ENGY-R22: NC.</i></p> <p><i>Note: The use of generators and mobile equipment (including vehicles) for emergency purposes is permitted.</i></p>	<p>Support</p>	<p>KCE considers this rule appropriate, as it enables the use of diesel generators for emergencies or planned outages without the need for a consent.</p>	<p>Retain ENGY-R3 as notified.</p>

<p><i>Note: There are no noise rules applicable to temporary generators, however the duty to avoid unreasonable noise still applies.</i></p>			
<p>ENGY-R4</p> <p><i>Solar panels attached to an existing building.</i></p> <p><i>Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.</i></p> <p><i>PER where attached to buildings: Outstanding natural landscapes, outstanding natural features, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character.</i></p> <p><i>RDIS where attached to buildings: Heritage buildings and structures...</i></p>	<p>Support</p>	<p>KCE considers this rule appropriate, as it enables solar panels to be attached to buildings, in almost all instances (with heritage buildings and structures being the exception). This is consistent with the objectives and policies of the Energy Chapter and national and regional policy direction.</p> <p>The Company believes that it should be up to home and property owners to determine individual generation requirements and find solutions that work for them, this rule provides the flexibility to do that.</p>	<p>Retain ENGY-R4 as notified.</p>
<p>ENGY-R5</p> <p><i>Freestanding solar panels up to and including 6 m2 in area per site</i></p> <p><i>Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.</i></p> <p><i>RDIS</i></p> <p><i>Industrial, general rural and rural production zones and PREC3...</i></p>	<p>Support in part</p>	<p>KCE considers it appropriate that ENGY-R5 and ENGY-R6 establish a rule framework for freestanding solar panels, separate and distinct to the rule framework for solar panels attached to buildings.</p> <p>Further to ENGY-R4 above, KCE considers that enabling freestanding solar panels to be established as a permitted activity in a number of zones and overlays is appropriate and consistent with the objectives and policies of the Energy Chapter, together with national and regional policy direction. KCE questions, however, whether two separate rules for freestanding solar panels are needed, and suggests that this may over-complicate the rules for the same.</p>	<p>Amend ENGY-R5 and ENGY-R6 to provide one rule for freestanding solar panels.</p>

<p>ENGY – R6</p> <p><i>Freestanding solar panels greater than 6 m2 and up to 25 m2 in area per site.</i></p> <p><i>Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.</i></p> <p><i>RDIS</i></p> <p><i>Industrial, general rural and rural production zones and PREC3</i></p> <p><i>PER</i></p> <p><i>Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character</i></p> <p><i>RDIS</i></p> <p><i>For PER Activities:</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>1. The minimum setback from road boundaries, minimum setback from internal boundaries and height in relation to boundary standards for the relevant zone are complied with.</i> <p><i>Activity status where compliance with ENGY-R6.1 is not achieved: RDIS</i></p> <p>...</p>	<p>Support in part</p>	<p>As discussed above.</p>	<p>Amend ENGY-R5 and ENGY-R6 to provide one rule for freestanding solar panels.</p>
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<p>ENGY-R7</p> <p><i>Hydro-electricity generation of up to and including 5kW of electricity per site</i></p> <p><i>PER in all zones and overlays except outstanding natural features, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character where consent is required as RDIS.</i></p> <p><i>For PER and RDIS Activities:</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>1. located within or partly within a significant natural area, the rules for indigenous vegetation clearance contained in the ecosystems and indigenous biodiversity chapter are complied with; and</i> <i>2. the maximum total gross floor area of all structures must not exceed 2 m2.</i> <i>3. The performance standards in ENGY-R21 and ENGY-R22 are complied with.</i> <p><i>Activity status where compliance with ENGY-R7.1 is not achieved: Refer ECO-R12</i></p> <p><i>Activity status where ENGY-R7.2 is not achieved: RDIS</i></p> <p><i>Activity status where compliance is not achieved with ENGYR21 and ENGY-R22: NC</i></p> <p>...</p>	<p>Support in part</p>	<p>KCE supports the inclusion of rule framework that provides for hydro-electricity generation. KCE considers that this is consistent with the direction provided within the NPS REG, Policy E2, that requires provisions for hydro-electricity resources to be provided within regional policy statements and regional and district plans.</p> <p>KCE notes however, that the NPS REG, at Policy F requires provision for small and community-scale renewable electricity generation activities be incorporated into regional policy statements and regional and district plans, that provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district.</p> <p>Small and community-scale distributed electricity generation is defined within the NPS REG to mean renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</p> <p>Given the direction provided in the NPS-REG, KCE questions whether both ENGY – R7 and R8 are required. The Company considers that the provisions should be simplified to provide for small and community scale hydro-electricity generation together in one provision, and then the development, operation, maintenance and upgrading of larger hydro-electricity generation activities.</p>	<p>KCE seeks that ENGY-R7 and R8 are recast and simplified so as to provide one rule for small scale and community scale hydro-electricity generation and the development, operation, maintenance and upgrading of the same.</p>
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<p>ENGY – R8</p> <p><i>Hydro electricity generation activities with an output of more than 5kW and up to 20kW of electricity per site</i></p> <p><i>RDIS in all zones and overlays except;</i></p> <p><i>DIS: Heritage buildings and structures, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character;</i></p> <p><i>NC: Outstanding natural features.</i></p> <p><i>For RDIS and DIS activities:</i></p> <p><i>Where:</i></p> <p><i>1. The performance standards in ENGY-R21 and ENGY-R22 are complied with.</i></p> <p><i>Activity status where compliance with ENGY-R21 and ENGY-R22 is not achieved: NC ...</i></p>	<p>Support in part.</p>	<p>KCE supports ENGY-R8 in part, for the reasons set out to ENGY-R7 above.</p>	<p>KCE seeks that ENGY-R7 and R8 are recast and simplified so as to provide one rule for small scale and community scale hydro-electricity generation and the development, operation, maintenance and upgrading of the same.</p>
<p>ENGY-R9</p> <p><i>One wind turbine with a rated capacity of up to and including 5kW per site, except for the industrial, general rural, rural production zones & PREC3 where the maximum is two wind turbines with a rated capacity of up to and including 5kW each per holding.</i></p> <p><i>PER in all zones and overlays, except,</i></p> <p><i>DIS: Heritage buildings and structures, sites and areas of significance to Māori, significant</i></p>	<p>Support in part</p>	<p>While KCE supports the inclusion of a rule that provides for small scale wind energy generation activities, the Company considers this rule to be overly restrictive. In this regard, the rule provides for up to two turbines to be erected in industrial, rural general and rural production zones as a permitted activity, while these activities are proposed to be prohibited in outstanding natural features. While, this may be appropriate in some instances, the direction stipulated within the RMA, section 6(b), provides for the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development, given this KCE considers a discretionary activity status more appropriate.</p>	<p>Amend ENGY-R9 as follows:</p> <p><i>One wind turbine with a rated capacity of up to and including 5kW per site, except for the industrial, general rural, rural production zones & PREC3 where the maximum is two wind turbines with a rated capacity of up to and including 5kW each per holding.</i></p> <p><i>PER in all zones and overlays, except,</i></p> <p><i>DIS: Heritage buildings and structures, sites and areas of significance to Māori, significant</i></p>

<p>archaeological sites, outstanding natural character</p> <p>PR: Outstanding natural features</p> <p>For PER Activities:</p> <p>Where:</p> <ol style="list-style-type: none"> 1. located within or partly within a significant natural area, the rules for indigenous vegetation clearance contained in the ecosystems and indigenous biodiversity chapter are complied with; and 2. All of the performance standards in Table 2 are complied with. <p>...</p>			<p>archaeological sites, outstanding natural character, <u>and Outstanding Natural Features</u></p> <p>PR: Outstanding natural features...</p>
<p>ENGY-R10</p> <p>Renewable Energy Exploration Activities</p> <p>Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.</p> <p>NC: Outstanding natural landscapes, outstanding natural character, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites</p> <p>PR: Outstanding natural features.</p>	<p>Support in part</p>	<p>KCE supports the inclusion of a rule for Renewable Energy Exploration Activities, in particular that such activities are permitted within the rural production zone. However, KCE considers that a non-complying or prohibited activity status for this activity is inappropriate, given, renewable energy exploration activities are often low impact activities, that may have a minor effect on the environment, for example (and as highlighted in ENGY-P5 above), the placement of monitoring equipment and various surveys.</p> <p>The Company considers that to avoid ‘all’ exploration type activities within outstanding natural features, or for a non-complying activity status to be afforded to renewable energy exploration activities in outstanding natural landscapes, outstanding natural character, heritage buildings and structures, sites or areas of significance to</p>	<p>Amend ENGY-R10 to provide for renewable energy exploration activities to be permitted in all zones, and where compliance is not achieved, a restricted discretionary or discretionary activity status is to be applied.</p>

<p><i>Industrial, general rural and rural production zones and PREC3</i></p> <p>PER</p> <p><i>Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character</i></p> <p><i>RDIS: Significant natural area (local significance), Coastal environment, karst overlay, landscapes of high amenity value</i></p> <p><i>NC: Significant natural area (regional, national and international significance), high/very high natural character.</i></p> <p>...</p>		<p>Māori and significant archaeological sites is overly restrictive and contrary to the enabling nature of the NPS-REG and to those other provisions within the Energy Chapter of the proposed Plan that enable renewable electricity generation activities.</p> <p>KCE considers that a permitted activity provision for all zones is appropriate and where compliance is not achieved, a restricted discretionary or discretionary activity status is adopted. This allows Council to set limits of compliance over certain areas without restricting entire zones.</p>	
<p>ENGY-R11</p> <p><i>New renewable electricity generation activities including community scale renewable electricity activities not provided for elsewhere in Table 1.</i></p> <p><i>Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3.</i></p> <p>DIS</p> <p><i>Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures,</i></p>	<p>Support in part</p>	<p>KCE supports the inclusion of a catch-all rule to allow for any new renewable electricity generation activities that are not otherwise provided for as a discretionary activity. However, the Company considers that, where a provision has been provided for a particular type of renewable electricity generation activity, at a small and community scale, then a corresponding rule should be provided for the same activity at a larger scale.</p> <p>In this regard, KCE considers that that the rule framework should provide two rules for each type of activity depending on whether the activity fits within or exceeds the definition of small and community scale. KCE considers this approach to be more consistent with the direction provided in Policy E³ of the NPS-REG which requires</p>	<p>Amend ENGY-R11 as follows:</p> <p><i>New renewable electricity generation activities including community scale renewable electricity activities not provided for elsewhere in Table 1.</i></p> <p><i>Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3.</i></p> <p>DIS</p> <p><i>Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of</i></p>

³ E. Incorporating provisions for renewable electricity generation activities into regional policy statements and regional and district plans

<p>sites or areas of significance to Māori and significant archaeological sites.</p> <p><i>NC: Outstanding natural landscapes, outstanding natural features, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites</i></p> <p><i>PR: Outstanding natural features, outstanding natural character.</i></p> <p><i>Industrial, general rural and rural production zones and PREC3</i> <i>DIS.</i></p> <p><i>Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character</i> DIS</p> <p><i>For DIS Activities:</i></p> <p><i>Where:</i></p> <p><i>1. The performance standards in ENGY-R21 or ENGY-R22 are complied with.</i></p> <p><i>Activity status where compliance with ENGY-R21 and ENGY-R22 is not achieved: NC</i></p>		<p>provisions for various renewable electricity generation activities, as set out at clauses E1 – E4 and at Policy F.⁴</p>	<p><i>significance to Māori and significant archaeological sites.</i></p> <p><i>DIS NC:</i> <i>Outstanding natural landscapes, outstanding natural features, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites</i></p> <p><i>DIS PR:</i> <i>Outstanding natural features, outstanding natural character.</i></p> <p><i>Industrial, general rural and rural production zones and PREC3</i> <i>DIS.</i></p> <p><i>Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character</i> DIS</p> <p><i>For DIS Activities:</i></p> <p><i>Where:</i></p> <p><i>1. The performance standards in ENGY-R21 or ENGY-R22 are complied with.</i></p> <p><i>Activity status where compliance with ENGY-R21 and ENGY-R22 is not achieved: NC</i></p> <p>Further to the amendments to ENGY-R11, extend the rule framework to provide two rules for each type of renewable electricity generation activity</p>
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⁴ F. Incorporating provisions for small and community-scale renewable electricity generation activities into regional policy statements and regional and district plans

			within the Waitomo District, as per policies E and F of the NPS-REG depending on whether the activity fits within or exceeds the definition of small and community scale.
<p>ENGY-R18</p> <p><i>Earthworks associated with an energy activity...</i></p> <p>1.</p>	Support in part	KCE supports the inclusion of cross- referencing to assist with plan usability.	Retain ENGY-R18 as notified.
<p>ENGY-R19</p> <p><i>One wind turbine per site outside of the industrial, general rural, rural production zones & PREC3</i></p> <p>1. <i>Where located within or partly within a significant natural area, the rules for indigenous vegetation clearance contained in the ecosystems and indigenous biodiversity chapter are complied with; and</i></p> <p>2. <i>The maximum height as measured from ground level, of any wind turbine (as measured from the top of the mast/support structure) must be no more than 2 m above the maximum height permitted in the relevant zone or overlay (as applicable), with a maximum rotor diameter of 2 m; and</i></p> <p>3. <i>The maximum diameter of any support structure must not exceed 200 mm; and</i></p> <p>4. <i>Where attached to a building, the structure must not protrude more than 1 m above the highest point of the roof; and</i></p>	Support in part	<p>KCE supports the inclusion of a rule framework that provides for wind resources. KCE considers that this is consistent with the direction provided within the NPS REG, Policy E3, that requires provisions for wind energy generation activities to be provided within regional policy statements and regional and district plans.</p> <p>KCE notes however, that the NPS REG, at Policy F, requires provision for small and community-scale renewable electricity generation activities be incorporated into regional policy statements and regional and district plans, that provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district.</p> <p>As previously highlighted, small and community-scale distributed electricity generation is defined within the NPS REG to mean renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</p> <p>Given the direction provided in the NPS-REG, KCE questions whether both ENGY – R19 and R20 are required.</p>	KCE seeks that ENGY-R19 and R20 are recast and simplified so as to provide one rule for small scale and community scale wind energy generation and the development, operation, maintenance and upgrading of the same.

<p>5. <i>All parts of the wind turbine must comply with the minimum setback from road boundaries, minimum setback from internal boundaries and height in relation to boundary standards for the relevant zone; and</i></p> <p>6. <i>Noise levels must be compliant with the recommended noise limits in NZS6808:2010 “Acoustics – Wind farm noise”.</i></p> <p><i>Matters over which discretion is restricted:</i></p> <p>...</p>		<p>The Company considers that the provisions should be simplified to provide for small and community scale wind energy generation activities together in one provision, and then the development, operation, maintenance and upgrading of larger wind energy generation activities within a corresponding provision.</p>	
<p>ENGY-R20</p> <p><i>Up to two wind turbines per holding within the industrial, general rural, rural production zones & PREC3</i></p> <p>1. <i>Where located within or partly within a significant natural area, the rules for indigenous vegetation clearance contained in the ecosystems and indigenous biodiversity chapter are complied with; and</i></p> <p>2. <i>The maximum height as measured from ground level, of any wind turbine (as measured from the top of the mast/support structure) must be no more than 5 m above the maximum height permitted in the relevant zone or overlay (as applicable), with a maximum rotor diameter of 2.5 m; and</i></p> <p>3. <i>Where attached to a building, the structure must not protrude more than</i></p>	<p>Support in part</p>	<p>KCE supports ENGY-R20 in part, for the reasons set out in ENGY-R19 above.</p>	<p>KCE seeks that ENGY-R19 and R20 are recast and simplified so as to provide one rule for small scale and community scale wind energy generation and the development, operation, maintenance and upgrading of the same.</p>

<p>2 m above the highest point of the roof; and</p> <p>4. All parts of the wind turbine must comply with the minimum setback from road boundaries, minimum setback from internal boundaries and height in relation to boundary standards for the relevant zone, except where ENGY-R20.6 applies; and</p> <p>5. Were the site adjoins a residential, future urban, rural lifestyle, commercial, Māori purpose, tourism, settlement, open space or natural open space zone, the minimum setback from internal boundaries must be at least 30 m; and</p> <p>6. Noise levels must be compliant with the recommended noise limits in NZS6808:2010 “Acoustics – Wind farm noise”.</p> <p>Matters over which discretion is restricted: ...</p>			
<p>ENGY-R23</p> <p><i>The operation, maintenance, repair and minor upgrade of existing hydro-electricity generation infrastructure identified on the Planning Maps as RPROZ-14 to RPROZ-17 including the demolition and removal of existing buildings and structures and the use of the surface of the water for hydroelectric activities.</i></p> <p>Rural Production Zone Only</p> <p>Buildings and Structures</p>	<p>Support in part</p>	<p>KCE generally supports ENGY-23. The Company notes that clauses 5. and 18. refer to setbacks for RPROZ-15, which is the reference given to KCE’s Mokaiti HEPS within the Rural Production Chapter of the proposed Plan.</p> <p>KCE notes that it is able to comply with the permitted activity setback from the boundary of 20m for new structures, and 20m for earthworks within close proximity to the urupā that adjoins Mokaiti HEPS. Further, KCE supports a restricted discretionary activity status where compliance is not achieved.</p>	<p>Amend ENGY-R23 as follows:</p> <p>The operation, maintenance, repair and minor upgrade of existing hydro-electricity generation infrastructure identified on the Planning Maps as RPROZ-14 to RPROZ-17 including the demolition and removal of existing buildings and structures and the use of the surface of the water for hydroelectric activities....</p> <p>11. <i>No individual sign may exceed 2 m², with the total area of signs per zone <u>site</u> being no more than 8 m², <u>however, signage for</u></i></p>

<p>Signs</p> <ol style="list-style-type: none"> 1. <i>Signs must only relate to hydro-electricity generation activities undertaken on-site or health and safety or be for the direction and control of traffic or pedestrians; and</i> 2. <i>No individual sign may exceed 2 m2, with the total area of signs per zone being no more than 8 m2; and</i> 3. <i>The maximum height of any freestanding sign must not exceed 10 m as measured from ground level; and</i> 4. <i>Signs must not be placed so that they block sight distances at entranceways and must be no closer than 20 m from an intersection; and</i> 5. <i>ENGY-R23.10 - R23.13 apply in place of the provisions of the signs chapter;</i> <p>AND</p> <p>...</p> <p>(a)</p>		<p>With regard to signs, and in particular, clause 11, KCE records that it is required to erect signs for health and safety reasons in order to comply with the Health and Safety at Work Regulations 2016, given this, KCE seeks that the proposed Plan provisions provide for such requirements, rather than restricting the total area of signage required for a particular hydro-electricity generation activity.</p>	<p><u><i>the purpose of health and safety is exempt from this provision.</i></u></p>
Ecosystems and Indigenous Biodiversity			
<p>ECO-01</p> <p><i>Indigenous biodiversity in Significant Natural Areas identified in SCHED6 is protected or enhanced, where appropriate</i></p>	<p>Support</p>	<p>KCE considers that ECO-01 is consistent with Section 6 (c) of the RMA. Further, ECO-01 is generally consistent with the RPS wording of Policy ECO-P2 which requires regional and district plans to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p>	<p>Retain ECO-01 as notified.</p>
<p>ECO-02</p> <p><i>Ensure that the cultural and spiritual relationships of Māori with significant natural areas are recognised and provided for as part of subdivision, use and development activities.</i></p>	<p>Support</p>	<p>KCE considers the wording of ECO-02 appropriate. In this regard, KCE notes that Section 6 of the RMA requires the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga to be <i>'recognised and provided for.'</i></p>	<p>Retain ECO-02 as notified.</p>

		<p>Further, IM-07 of the RPS states that the relationship of tāngata whenua with the environment is to be recognised and provided for.</p> <p>As such, ECO-02 is consistent with these provisions.</p>	
<p>ECO-03</p> <p><i>Provide for identified permitted activities which have been assessed as having no more than minor adverse effects on the values of significant natural areas.</i></p>	Support	<p>KCE considers that provision for permitted activities that have no more than minor adverse effects on the values of significant natural areas is appropriate.</p>	Retain ECO-03 as notified.
<p>ECO-04</p> <p><i>Maintain or enhance and where practicable restore district-wide indigenous biodiversity outside of significant natural areas.</i></p>	Support	<p>Objective 1 of the Draft National Policy Statement for Indigenous Biodiversity ('NPS IB') requires that indigenous biodiversity is maintained.</p> <p>ECO-P1, together with the principal reasons provided in ECO-PR1 of the RPS require that indigenous biodiversity is maintained or enhanced.</p> <p>KCE consider that ECO-04 as currently worded is accords with the provisions of both the NPS IB and the RPS, as set out above, and is thus, appropriate.</p>	Retain ECO-04 as notified.
<p>ECO-06</p> <p><i>Ensure that the Waikato River Vision and Strategy is given effect to</i></p>	Support	<p>Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River ('Vision and Strategy') is the primary direction-setting document for the Waikato and Waipa Rivers and their catchments. The Vision and Strategy is deemed to be part of the RPS. Given this, KCE considers that it is appropriate for the proposed Plan to give effect to the Vision and Strategy.</p>	Retain ECO-06 as notified.
<p>ECO-P1</p> <p><i>Recognise and protect the values, characteristics or extent of significant natural areas identified in SCHED6 by:</i></p> <p>...</p>	Support	<p>KCE considers the wording of ECO-P1 to be appropriate. ECO-P1 provides a cascade approach to the maintenance and protection of Significant Natural Areas ('SNA's).</p> <p>Like ECO-O1, ECO-P1 is generally consistent with the RPS wording of ECO-P2 and ECO-M13 which requires regional and district plans to protect areas of significant indigenous</p>	Retain ECO-P1 as notified.

		vegetation and significant habitats of indigenous fauna. Indeed, ECO-P1 uses a lot of the same wording as RPS Method ECO-M13.	
<p>ECO-P2</p> <p><i>Recognise, protect, and enhance the ecological sustainability, indigenous biodiversity values and characteristics of significant natural areas by:</i></p> <ol style="list-style-type: none"> 1. <i>Only allowing the removal of indigenous vegetation in sustainable quantities within locally significant natural areas; and</i> 2. <i>Only allowing the removal of indigenous vegetation in limited circumstances within internationally, nationally or regionally significant natural areas; and</i> 3. <i>Avoiding indigenous vegetation clearance in locations that are of significance to mana whenua; and</i> 4. <i>Protecting the health and functioning of significant natural areas that are wetland or include part of a wetland, by avoiding inappropriate land use practices, subdivision and development.</i> 5. <i>Protect and enhance connectivity along and between significant natural areas and other areas of indigenous vegetation and habitat of indigenous fauna</i> 	Oppose	<p>The SNA's associated with the Mokaiti HEPS site include R17028 – Marginal Strips – Mokaiti Stream and R17UP035. These are defined in Schedule 6 of the draft Plan.</p> <p>SNA R17028 is noted to be of regional significance. Its values, as set out within Schedule 6 are said to include “Patches of bushland alongside the Mokaiti Stream, with existing or potential riparian habitat, aquatic habitat and water and soil conservation values. Likely dominated by secondary tawa forest with patches of manuka-treefern scrub and exotic pasture. Regionally significant as it is a reserve.”</p> <p>Further, SNA R17UP035 which also encompasses a large part of the Mokaiti Scheme site is recorded as being of local significance, with its values described as follows “An SNA of more-or-less contiguous areas of riparian areas along Mokau River and Kiwitararau Stream, immediately west of Aria. The SNA provides connectivity through the riparian areas and the broader landscape to other local SNAs and acts as a buffer to instream values of the Mokau River. Indigenous riparian margin vegetation has been greatly reduced in extent in the Waikato Region.”</p> <p>While the SNAs appear to avoid the Mokaiti Power Station and Dam, as viewed in the proposed Plan maps it appears that they sit in very close proximity to the same, as such, they may impinge upon the operations and activities that occur on the Mokaiti HEPS site. KCE seeks that the SNA's do not cover any parts of its Mokaiti Scheme.</p>	<p>Amend ECO-P2 as follows:</p> <p>ECO-P2 <u><i>While providing for those activities explicitly referenced within ECO-P2, Recognise, protect, and enhance the ecological sustainability, indigenous biodiversity values and characteristics of significant natural areas by: ...</i></u></p> <ol style="list-style-type: none"> 3. <i>Avoiding indigenous vegetation clearance in locations that are of significance to mana whenua, <u>to the maximum extent practicable, while providing for the maintenance, repair and minor upgrading of existing nationally and regionally significant infrastructure;</u> and ...</i> <p>Further, KCE seeks that R17028 and R17UP035 are not overlaid on any parts of its Mokaiti Scheme.</p>

		<p>Further, KCE considers that it is important to ensure that the proposed Plan provisions adequately provide for the continued operation, maintenance and upgrading of the Mokauiti HEPS.</p> <p>KCE notes that part 3 of ECO-P2 requires avoiding indigenous vegetation clearance in locations that are of significance to mana whenua. This effectively establishes a veto with regard to vegetation clearance, regardless of effect, and is of particular concern to KCE.</p> <p>KCE seeks that ECO-P2 is recast to provide for activities such as existing nationally or regionally significant infrastructure.</p>	
<p>ECO-P3</p> <p><i>Provide for permitted activities and for the continued operation of lawfully established activities in and adjacent to significant natural areas by enabling the removal of indigenous vegetation for:</i></p> <ol style="list-style-type: none"> 1. <i>The relocation, maintenance or construction of fence lines for stock exclusion; and</i> 2. <i>Conservation activities; and</i> 3. <i>Construction of permitted building platforms including services and access; and</i> 4. <i>Maintenance of existing roads, driveways, tracks and water intake/discharge structures; and</i> 5. <i>Sustainable harvesting of indigenous vegetation and/or removal of manuka or kanuka where the indigenous biodiversity values and ecological</i> 	<p>Support in part</p>	<p>While KCE supports the inclusion of this provision, the Company considers that it should be extended to provide for both maintenance, repair and upgrading in addition to the continued operation of lawfully established activities.</p> <p>Further, KCE considers that ECO-P2 could be extended to specifically reference nationally or regionally significant industry and infrastructure, and those activities associated with significant mineral resources.</p>	<p>Amend ECO-P3 as follows:</p> <p>ECO-P3</p> <p><i>Provide for permitted activities and for the continued operation, <u>repair, maintenance and upgrading</u> of lawfully established activities in and adjacent to significant natural areas by enabling the removal of indigenous vegetation for:</i></p> <ol style="list-style-type: none"> 1. <i>The relocation, maintenance or construction of fence lines for stock exclusion; and</i> 2. <i>Conservation activities; and</i> 3. <i>Construction of permitted building platforms including services and access; and</i> 4. <i>Maintenance of existing roads, driveways, tracks and water intake/discharge structures; and</i> 5. <i>Sustainable harvesting of indigenous vegetation and/or removal of manuka or kanuka where the indigenous biodiversity</i>

<p>characteristics of the significant natural area are maintained or enhanced; and</p> <p>6. Limited indigenous vegetation removal to manage fire risk; and</p> <p>7. Limited indigenous vegetation removal for small scale renewable energy generation.</p> <p>...</p>			<p>values and ecological characteristics of the significant natural area are maintained or enhanced; and</p> <p>6. Limited indigenous vegetation removal to manage fire risk; and</p> <p>7. <u>Indigenous vegetation removal for nationally or regionally significant infrastructure,</u></p> <p>8. Limited indigenous vegetation removal for small scale renewable energy <u>electricity</u> generation.</p>
<p>ECO-P4</p> <p><i>In limited circumstances, provide for the unavoidable removal of indigenous vegetation for larger scale activities only where the ensuing operations remedy or mitigate adverse effects in the first instance or if this is not practicable, offset residual adverse effects on the indigenous biodiversity values and ecological characteristics of the significant natural area by:</i></p> <ol style="list-style-type: none"> 1. <i>Providing a biodiversity offset that is consistent with the framework detailed in Appendix 4 Biodiversity Offsetting Framework; and</i> 2. <i>Ensuring the biodiversity offset is as close as practicable to the affected significant natural area and achieves no net loss of indigenous biodiversity at a regional scale.</i> 	Support	KCE consider ECO-P4 appropriate in that from time to time, the removal of indigenous vegetation may be unavoidable.	Retain ECO-P4 as notified.
<p>ECO-P5</p> <p><i>Where the limited circumstances of unavoidable removal of indigenous vegetation, or habitats of</i></p>	Support in part	KCE considers that the removal of indigenous vegetation or habitats of indigenous fauna may also be considered appropriate for those activities that are important on a national or regional scale including whether the indigenous	Amend ECO-P5 as follows: ECO-P5

<p><i>indigenous fauna, or disturbance of wetland areas are being considered (including situations provided for in ECO-P4), regard must be given to the following matters:</i></p> <p>...</p>		<p>vegetation is required to be removed to enable the continued operation repair maintenance and upgrading of nationally or regionally significant infrastructure.</p>	<p><i>Where the limited circumstances of unavoidable removal of indigenous vegetation, or habitats of indigenous fauna, or disturbance of wetland areas are being considered (including situations provided for in ECO-P4), regard must be given to the following matters: ...</i></p> <p><u>11. Whether the activity is required for the continued operation, repair, maintenance and upgrading of nationally or regionally significant infrastructure.</u></p>
<p>ECO-P13</p> <p><i>When removal of indigenous vegetation, or habitats of indigenous fauna, or disturbance of wetland areas occurs outside of significant natural areas, ensure the following matters are considered when avoiding, remedying or mitigating adverse effects on indigenous biodiversity:</i></p> <p>...</p>	<p>Support in part</p>	<p>KCE notes that Policy ECP12 lists a number of matters to be considered when avoiding, remedying and mitigating adverse effects on indigenous biodiversity.</p> <p>KCE notes that the Objective of the NPS REG requires provision for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. Further the RPS requires provision for national or regionally significant infrastructure. Given this, KCE seeks that an additional matter be included within ECO-P13 to address the same.</p>	<p>Amend ECO-P13 as follows:</p> <p>ECO-P13</p> <p><i>When removal of indigenous vegetation, or habitats of indigenous fauna, or disturbance of wetland areas occurs outside of significant natural areas, ensure the following matters are considered when avoiding, remedying or mitigating adverse effects on indigenous biodiversity:</i></p> <p><u>8. The need for the activity to provide for nationally or regionally significant infrastructure or for renewable electricity generation.</u></p>
<p>Ecosystems and Indigenous Biodiversity Rules</p>			
<p>ECO-R3</p> <p><i>To remove, dead or damaged indigenous vegetation or indigenous vegetation presenting an imminent danger to human life</i></p>	<p>Support</p>	<p>KCE supports the inclusion of this permitted activity rule, and, in particular, considers it imperative to be able to remove any indigenous vegetation presenting an imminent danger to human life</p>	<p>Retain this rule as notified.</p>
<p>ECO-R5</p>	<p>Support in part</p>	<p>While indigenous vegetation clearance for maintenance purposes on or within 2 metres of existing roads, driveways tracks and fences may be appropriate, a larger area may be</p>	<p>Amend ECO-R5 as follows:</p> <p>ECO-R5</p>

<p><i>For maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or water intake/discharge structures</i></p>		<p>required for the removal of indigenous vegetation associated with water intake and discharge structures and other structures associated with renewable electricity generation.</p> <p>By way of example, if there is a tree / other large debris that requires removal from an intake structure associated with the Mokauiti HEPS, the use of trucks / trailers / other equipment to assist with the removal may be required. This may mean a larger area of indigenous vegetation may need to be removed. Given this, KCE considers that a 5 metre area may be more appropriate.</p> <p>In this instance, should this rule remain unchanged, there is a risk that resource consent may be required to remove debris from the HEPS intake structure. KCE contends that this would be inappropriate, given that it may bring about risk to the safe operation of the Scheme.</p>	<p><i>For maintenance purposes on or within 2 m of existing roads, driveways, tracks, fences or <u>and within 5 m of existing</u> water intake/discharge structures <u>associated with renewable electricity generation.</u></i></p>
<p>ECO-R8 <i>For Māori cultural and customary uses or for scientific purposes.</i></p>	<p>Support</p>	<p>KCE considers this rule appropriate and supports the retention of this rule.</p>	<p>Retain ECO-R8 as notified.</p>
<p>ECO-R9 <i>For pest management activities as identified in the Waikato Regional Pest Management Plan</i></p>	<p>Support</p>	<p>KCE considers this rule appropriate and supports the retention of this rule.</p>	<p>Retain ECO-R9 as notified.</p>
<p>ECO-R1 – R10 <i>Activity Status: PER</i></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <i>From 20 October 2022 any clearance must be no more than a maximum of 500 m² or less of indigenous vegetation at any one time or in total cumulatively per holding OR less than 1% of the SNA size at any one time or in total</i> 	<p>Support in part</p>	<p>While KCE is generally supportive of providing permitted activity limits for indigenous vegetation clearance so that it is clear to see where resource consent is required, the Company notes that Schedule 6 of the draft Plan does not provide any detail of the area size of each SNA, as such it is difficult to easily determine what 1% of the particular SNA might be in square metres.</p> <p>Given this, KCE considers that the SNA areas are specifically provided within the proposed Plan, or that guidance on</p>	<p>Amend ECO-R1 – R10 as follows:</p> <ol style="list-style-type: none"> To provide a link to guidance on where to determine the areas of those SNA's located within the Waitomo District, or That the proposed plan provides detail of the area size of each SNA within Schedule 6.

<p><i>cumulatively per holding – whichever is the lesser.</i></p> <p><i>Activity status where compliance is not achieved: The activity is subject to the provisions of ECO-R16.</i></p>		<p>where to determine the areas of the SNAs is provided, so that compliance can readily be determined.</p>	
<p>ECO-R12</p> <p><i>Small Scale Renewable Energy Generation</i></p> <p><i>Activity Status: PER Where:</i></p> <ol style="list-style-type: none"> 1. <i>The removal of indigenous vegetation is for the construction of one wind turbine per holding compliant with output, height and diameter requirements of ENGY-R9; or</i> 2. <i>The removal of indigenous vegetation is to install one group of freestanding solar panels up to 6 m² in area per holding (see ENGY-R5); or</i> 3. <i>The removal of indigenous vegetation is for the construction of hydro-electricity generation of up to and including 5 kW of electricity per holding (see ENGY-R7); AND in all cases:</i> 4. <i>The removal of indigenous vegetation does not exceed 100 m².</i> <p><i>Activity status where compliance is not achieved: The activity is subject to the provisions of ECO- R16.</i></p>	<p>Support in part</p>	<p>KCE supports the inclusion of links to the Energy chapter within ECO-12, noting that this is appropriate for plan usability, and reduces the risk of conflicting provisions across the chapters.</p> <p>However, while ECO-R12 provides for the removal of indigenous vegetation associated with new ‘small scale’ renewable electricity generation, KCE notes that there is no alternate permitted activity rule for either existing or new renewable energy generation (that falls outside of the definition of small-scale) or for national or regionally significant infrastructure, within this chapter.</p>	<p>Retain ECO-R12 as notified.</p>
<p>ECO-R16</p>	<p>Support in part</p>	<p>KCE notes that ECO-R16 provides for discretionary and non-complying activity consent where the permitted activity requirements of ECOR1 – 12 cannot be achieved.</p>	<p>Amend ECO-R16 as follows:</p> <p>ECO-R16</p>

<p><i>Removal of indigenous vegetation for any other purpose (and where not compliant with ECO-R1 to ECO-R12)</i></p> <p>Activity Status: DIS</p> <p>Where:</p> <ol style="list-style-type: none"> 1. <i>The activity is located in a significant natural area – local category; or</i> 2. <i>The activity is located in a significant natural area – local or regional category and the land has been returned under Te Tiriti o Waitangi settlements;</i> <p>AND</p> <ol style="list-style-type: none"> 3. <i>A report from an experienced ecologist is submitted at the time of application which demonstrates that the site is not vegetation or habitat that is currently a naturally uncommon or significantly underrepresented ecosystem or habitat for indigenous species or associations of indigenous species that are classified as threatened or at risk, endemic to the Waikato region or at the limit of their natural range.</i> <p>Activity status where compliance is not achieved: NC</p>		<p>KCE seeks an amendment to specifically highlight that the removal of vegetation associated with nationally or regionally significant infrastructure that exceeds 500 m² at any one time, or in total cumulatively per holding is a discretionary activity.</p>	<p><i>Removal of indigenous vegetation for any other purpose (and where not compliant with ECO-R1 to ECO-R12)</i></p> <p>Activity Status: DIS</p> <p>Where:</p> <ol style="list-style-type: none"> 1. <i>The activity is located in a significant natural area – local category; or</i> 2. <i>The activity is located in a significant natural area – local or regional category and the land has been returned under Te Tiriti o Waitangi settlements; <u>or</u></i> 3. <u>The removal of vegetation is associated with nationally or regionally significant infrastructure that exceeds 500 m² at any one time, or in total cumulatively per holding</u> <p>AND</p> <ol style="list-style-type: none"> 4. <i>A report from an experienced ecologist is submitted at the time of application which demonstrates that the site is not vegetation or habitat that is currently a naturally uncommon or significantly underrepresented ecosystem or habitat for indigenous species or associations of indigenous species that are classified as threatened or at risk, endemic to the Waikato region or at the limit of their natural range.</i> <p>Activity status where compliance is not achieved: NC</p>
<p>Natural Features and Landscapes</p>			

<p>NFL-O4-</p> <p><i>Recognise, maintain, and where practicable, enhance the qualities and values of the landscapes of high amenity value identified in SCHED9, including those values associated with working agricultural, pastoral and horticultural landscapes.</i></p>	Support	KCE considers that NFL-O4 is in keeping with section 7 of the RMA, as such, no specific changes are recommended	Retain NFL-O4 as notified.
<p>NFL-P4.</p> <p><i>Maintain and where practicable, enhance the qualities and values of the landscapes of high amenity value during subdivision, land use and development by:</i></p> <ol style="list-style-type: none"> <i>1. Ensuring that the effects of any activity which could compromise the qualities and values of the landscapes of high amenity value are minimised; and</i> <i>2. Ensuring that buildings, structures and infrastructure are integrated into landscapes of high amenity value to minimise, to the maximum extent practicable, any visual impacts; and</i> <i>3. Managing the adverse effects of earthworks for buildings, driveways, new tracks and farm quarries through appropriate subdivision and development design; and</i> <i>4. Ensuring developments in locations that are of significance to mana whenua appropriately assess those effects and any resulting development is managed in a way that protects the values of the site; and</i> <i>5. Minimising the removal of indigenous vegetation as far as practicable; and</i> 	Support in part	<p>KCE supports the inclusion of clause 7. Which specifically provides for renewable electricity generation, which is appropriate given the direction provided in the higher order documents, namely the NPS REG and the RPS.</p> <p>KCE seeks some minor amendments to this provision, so that it uses consistent wording to other provisions within the proposed Plan and its suggested amendments to the same.</p>	<p>Amend NFL-P4 as follows:</p> <p>NFL-P4.</p> <p><i>Maintain and where practicable, enhance the qualities and values of the landscapes of high amenity value during subdivision, land use and development by:</i></p> <ol style="list-style-type: none"> <i>1. Ensuring that the effects of any activity which could compromise the qualities and values of the landscapes of high amenity value are minimised; and</i> <i>2. Ensuring that buildings, structures and infrastructure are integrated into landscapes of high amenity value to minimise, to the maximum extent practicable, any visual impacts; and</i> <i>3. Managing the adverse effects of earthworks for buildings, driveways, new tracks and farm quarries through appropriate subdivision and development design; and</i> <i>4. Ensuring developments in locations that are of significance to mana whenua appropriately assess those effects and any resulting development is managed in a way that protects the values of the site; and</i> <i>5. Minimising the removal of indigenous vegetation as far as practicable; and</i>

<p>6. Providing for the continued operation of lawfully established farming activities; and</p> <p>7. Providing for the continued operation, maintenance and repair of lawfully established renewable electricity generation activities.</p>			<p>6. Providing for the continued operation of lawfully established farming activities; and</p> <p>7. Providing for the continued operation, maintenance and repair and upgrading of lawfully established renewable electricity generation activities.</p>
Natural Features and Landscapes – Cave and Sinkholes			
<p>NFL-R17</p> <p><i>Any earthworks or clearance of vegetation (other than plant pest species, wilding pines, or when required in emergency situations such as the recovery of stock) within a 20 m radius of an entry or opening into any cave or sinkhole</i></p> <p>Activity Status: NC</p> <p>Where: Outstanding Natural Features, Outstanding Natural Landscapes, Karst Overlay.</p> <p>Activity Status: DIS</p> <p>Landscapes of High Amenity Value.</p> <p>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 in the outstanding natural features and outstanding natural landscapes and in the karst overlay</p>	<p>Oppose</p>	<p>KCE notes that there is a cave located in close proximity to the Wairere HEPS. Given this, vegetation clearance may occur within 20 metres of a cave entrance.</p> <p>As NFL-R17 reads, if this activity was not conducted in accordance with a resource consent (or if this activity sits outside of existing use rights), then a discretionary activity resource consent would be required for any vegetation clearance (other than plant pest species or wilding pines), no matter how minor. Given this, KCE seek an exemption to this provision to ensure that the operation of regionally significant renewable electricity infrastructure is not compromised.</p>	<p>Amend NFL-R17 as follows:</p> <p>NFL-R17</p> <p><i>Any earthworks or clearance of vegetation (other than plant pest species, wilding pines, or when required in emergency situations such as the recovery of stock) within a 20 m radius of an entry or opening into any cave or <u>sinkhole, except where required for the continued operation, maintenance or minor upgrading of lawfully established renewable electricity generation activities.</u></i></p> <p>Activity Status: NC <u>DIS</u></p> <p>Where: Outstanding Natural Features, Outstanding Natural Landscapes, Karst Overlay, and Landscapes of High Amenity Value.</p> <p>Activity Status: DIS</p> <p>Landscapes of High Amenity Value.</p>