

SECTION 42A REPORT

Report on submissions and further submissions

Topic: Energy

Report prepared by: Carolyn Wratt

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List of submitters and further submitters addressed in this report

Submission No	Submitter
2	NZ Helicopter Association
3	Heritage New Zealand Pouhere Taonga
31	Transpower
33	King Country Energy
42	Ventus Energy
46	Federated Farmers of New Zealand
47	Royal Forest & Bird Protection Society of New Zealand
53	Director General of Conservation
FS03	Director General of Conservation
FS05	Federated Farmers of New Zealand
FS10	King Country Energy
FS13	NZ Agricultural Aviation Association
FS16	New Zealand Historic Places Trust
FS23	Te Nehenehenui
FS24	The Lines Company
FS25	Ventus Energy

1. Introduction

1.1 Qualifications and Experience

1. My name is Carolyn Wratt. I am a Principal Policy Planner and Director of the consultancy firm Wratt Resource Management Planning Ltd. I am contracted by Waitomo District Council (**WDC**) to assist with the Proposed Waitomo District Plan
2. I hold the degrees of Bachelor of Science (Geography and Resource Management) (1997) and Masters of Science (Hons) in Coastal Geomorphology and Resource Management (1999), both from the University of Auckland. I am a full member of the New Zealand Planning Institute and an accredited Resource Management Commissioner under the Ministry for the Environment programme Making Good Decisions.
3. I have over 25 years' experience in planning – both regulatory and policy, including working primarily for local and regional authorities around New Zealand. In my capacity as both a consultant and council planner, I have provided policy advice to a number of clients. Of most relevance I have assisted various councils with their district plan reviews including Hamilton City Council, Auckland Council, Kapiti Coast District Council, Selwyn District Council, Taupo District Council, Kaipara District Council and Christchurch City Council. Most recently I have been involved in all of the processes associated with the Proposed Waikato District Council, which has now progressed to the stage of working through appeals.

1.2 Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

1.3 Conflict of Interest

6. I confirm that I have no real or perceived conflict of interest.

1.4 Preparation of this report

7. I am the author of this report.

8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. Scope of Report

2.1 Matters addressed by this report

9. The scope of this report is to consider the submissions and further submissions made in respect of the provisions in the Energy (ENGY) chapter of the Waitomo Proposed District Plan (**PDP**) and make recommendations.
10. This report is prepared in accordance with section 42A of the Resource Management Act (**RMA**). The purpose of a section 42A report such as this is to guide submitters and the independent hearings panel, but the contents are just the recommendations of the author. The decision ultimately lies with the independent hearings panel.
11. Provisions relating to management of the ENGYN include objectives and policies along with land use effects rules and the accompanying performance standards are addressed in this report. Activities may be addressed in other section 42A reports such as Natural Hazards, Network Utilities, Natural Character and Natural Features and Landscapes.
12. This s42A report also addresses the definitions which are specific to renewable electricity generation.

2.2 Overview of the topic / chapter

13. The Energy chapter is where all the provisions relating to renewable electricity are located. The provisions in this chapter apply across all zones.
14. Unlike the network utilities chapter which is self contained, the Energy chapter appears to relate back to provisions in Part 2 District-Wide Matters. This means that provisions such as earthworks and any renewable electricity structure proposed in an overlay (such as an outstanding natural feature of landscape) would be captured by both the rules in the ENGYN chapter and the relevant chapter(s) in Part 2 District-Wide Matters. I address this issue below in the context of the submissions.
15. Strategic support for the Energy chapter is provided by SD-O16 which supports the district's communities work towards reduced reliance on non-renewable sources of energy and increased use of renewable energy sources.

16. There are a number of references in the chapter (policies and rules) to hydro-electricity generation activities in the Rural production zone. This is because the following hydro power stations are located in that zone:
- a. Wairere Hydro Power Station – King Country Energy;
 - b. Mokauiti Hydro Power Station – King Country Energy;
 - c. Speedies Road Hydro Power Station – The Lines Company; and
 - d. Boulder Creek Hydro Power Station – Crusader Meats Limited.

2.3 Statutory Requirements

17. The PDP has been prepared in accordance with the Council's functions under the Resource Management Act (RMA), specifically section 31, Part 2 and the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses these provisions sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato Regional Policy Statement, the Manawatū Whanganui One Plan, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered.
18. Of specific relevance is RMA section 7 which directs councils, when managing the use, development and protection of natural and physical resources, to have particular regard to the benefits to be derived from the use and development of renewable energy. Section 7(j) indicates a clear preference for renewable energy over non-renewable energy.
19. The New Zealand Coastal Policy Statement (**NZCPS**) is a national policy statement, the purpose of which is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. The coastal environment has characteristics, qualities and uses that mean there are particular challenges in promoting sustainable management. District plans must give effect to this NZCPS under s75(3)(b). The provisions of this chapter have taken into account the NZCPS and protecting this important area by balancing whether the activity proposed will affect the quality of this important environment.
20. The objective of the National Policy Statement for Renewable Electricity Generation (**NPS-REG**) 2011 is:
- 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.

This objective is supported by 13 policies which set out methods to achieve the objective. The NPS-REG provides certainty regarding the benefits of renewable electricity generation and requires those benefits to be explicitly acknowledged.

21. There are provisions in the Waikato Regional Policy Statement (**RPS**) which are particularly relevant to Energy and renewable energy generation and significant infrastructure. Objective EIT-O1 – Energy talks to how energy use is managed, and generation and transmission is operated, maintained, developed and upgraded in ways that:
- 4. recognises and provides for the national significance of renewable electricity generation activities;
 - 5. recognises and provides for the national, regional and local benefits of electricity transmission and renewable electricity generation;
 - 6. reduces reliance on fossil fuels over time;
 - 8. recognises the technical and operational constraints of electricity generation activities; and
 - 9. recognises the contribution of existing and future electricity generation activities to regional and national energy needs and security of supply.

Objective EIT-O1 is supported by EIT-P1 Significant infrastructure and energy resources which seeks protection of this significant infrastructure, benefits gained and the location and technical practicalities of renewable energy generation. Methods of implementation for this policy state district plans include provisions that give effect to EIT-P1 and provide for renewable energy. The definition of Regionally significant infrastructure includes the infrastructure for electricity generation.

22. There are regional policy statement provisions in Horizons One Plan¹ which are relevant to renewable energy. Under EIT-O2 Council is directed to seek an 'An improvement in the efficiency of the end use of energy and an increase in the use of renewable energy resources within the Region.' This objective is supported by EIT-P4 relating to Renewable energy and council must have particular regard to: the benefits of the use and development of renewable energy in reducing greenhouse gases; the dependency on imported energy sources along with the Region's potential for the use and development of renewable energy resources; the need for renewable

¹ Waitomo is partially located within the Manawatu-Wanganui Region and therefore both the RPS and Horizons One Plan are relevant.

energy activities to locate where the renewable energy resource is located; and the benefits of enabling for existing renewable sources and the practicalities associated with their continuing operation. The policies recognise and provide for renewable energy and energy efficiency measures and recognise the benefits to be derived from the use and development of renewable energy, and the efficient use of energy and resources.

23. Te Ture Whaimana O Te Awa Waikato Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) is the Vision and Strategy and is the primary direction-setting document for the Waikato River and activities within its catchment. Te Ture Whaimana responds to four fundamental issues:
- a. The degradation of the Waikato River and the ability of Waikato River iwi to exercise kaitiakitanga or conduct their tikanga and kawa;
 - b. The relationships and aspirations of communities with the Waikato River;
 - c. The cumulative effects of physical intervention, land use and subsurface hydrological changes on the natural processes of the Waikato River;
 - d. The time and commitment required to restore and protect the health and well-being of the Waikato River.

The provisions in this chapter contribute to ensuring that activities undertaken in respect of hydro-electricity generation activities are in accordance with the vision.

2.4 Procedural matters

24. No submitter, prehearing or Clause 8AA meetings have been undertaken.
25. There has been no further consultation undertaken since notification.

3. Consideration of submissions received

3.1 Overview of submissions

26. The chapter attracted significant attention with 107 primary submissions points received and a high degree of support for the provisions. The submissions that sought changes addressed the following matters:
- e. Amendments to policies for clarity, s6 matters and the consideration of ecology and biodiversity;
 - f. Consideration to be given to amended activity status;
 - g. Amendments to definitions; and
 - h. Clarity on rules.
27. Ninety eight further submissions were received.

28. Where there is only support for a provision with no contrary view expressed by any other submitters, that provision is not discussed further in this report.

3.2 Structure of this report

29. Given the number, nature and extent of the submissions and further submissions received, I have structured the Section 42A report based largely on topics as follows:

Topic 1: Overview and general (Section 4)

Topic 2: Objectives (Section 5)

Topic 3: Policies (Section 6)

Topic 4: Rules (Section 7)

Topic 5: Definitions (Section 8)

30. See Appendix 2 for the corresponding section 32AA evaluation for any recommended amendments to provisions.

Topic 1: Overview and general

Introduction

31. The Overview provides a summary of what the chapter is relating to, and defines renewable electricity generation. It also describes the renewable electricity structures already existing in the District. A number of submission points addressed the chapter more generally and those are addressed in this section.

Submissions

32. Three primary submission points addressed the following matters:
- a. Retain the Energy chapter with amendments;
 - b. Amend the provisions to support SD-O16; and
 - c. Minor amendments to the wording of the Overview for clarity.

Analysis and recommendations

33. Transpower NZ Ltd [31.20] sought amendments that appropriately recognise and provide for renewable generation activities in support of Strategic Direction SD-O16. The wording for SD-O16 as notified is:

The district's communities work towards reduced reliance on non-renewable sources of energy, increased use of renewable energy sources and greater energy conservation.

34. This submission appears to be broad, with no specific relief sought. Given that I have recommended amendments in response to other submissions,

I recommend accepting in part this submission. However, I invite Transpower to produce evidence if it considers that the amended chapter does not deliver on the strategic direction of SD-O16.

35. Royal Forest and Bird Protection Society of New Zealand Inc. (**Forest and Bird**) [47.13] sought an amendment to the Overview to acknowledge the increased use in electric vehicles since the plan was notified. I agree that the wording of the first paragraph of the Overview does not accurately reflect the increase in use of electric vehicles, and recommend the following amendment:

Currently oil and petrol fuel the majority of our vehicles ...

Topic 2: Objectives

Introduction

36. Chapter 17 Energy has four objectives which address the following matters:
- d. increasing the resilience of communities by encouraging renewable energy electricity activities;
 - e. recognising and providing for the national significance of renewable energy generation activities;
 - f. encouraging the efficient use of energy; and
 - g. providing for authorised activities in the Rural production zone.
37. Twelve (12) primary submission points and 4 further submissions points were received. ENGY-O3 only has a submission in support, and as no contrary view was expressed by any other submitters, that provision is not addressed further. One submission requested a new objective be included, while other submissions seek mainly minor amendments.

Analysis and recommendations

ENGY-O1

38. ENGY-O1 is an enabling objective. Ventus Energy [42.02] sought clause (1) be amended to delete "where appropriate" so that it is a more explicit in its enablement of renewable electricity generation activities. The submitter agrees that renewable energy initiatives should be encouraged and supported by Council policies, however it considers that the qualifying and negative words 'where appropriate' are not needed because there are other provisions such as district-wide matters that must be complied with and will influence the location of renewable energy generation. I agree with the submitter that other sections of the plan will be considered which, when all are brought together, will define whether a site is appropriate or not. I consider the words "where appropriate" are not necessary.
39. The preface to the objectives makes it clear that the relevant objectives in Part 2 District-Wide Matters and Part 3 – Area Specific Matters will apply.

40. I therefore recommend accepting the submission point and amending ENGY-O1 as follows:

ENGY-O1

Increase the resilience of communities within the district by:

1. Enabling renewable electricity generation activities ~~where appropriate~~; and

ENGY-O2

41. ENGY-O2 is another enabling objective which recognises and provides for the national significance of renewable electricity generation activities. Ventus Energy [42.03] sought amendments to clause (1) to ensure that the objective captured both maintaining and/or increasing the use and supply of renewable electricity rather than one or the other.
42. In a similar submission point to the first objective, Ventus Energy also sought deletion of “where appropriate” in clause (3) to more explicitly enable the development of new renewable electricity generation activities. Objective 1 of the NPS-REG uses words ‘recognise’ and ‘providing’ but does not state ‘appropriate’. This part of the objective is not consistent with wording of the NPS-REG.
43. I agree with the submitter on both these clauses. In order to give effect to the NPS-REG, the objectives need to be directive and meaningfully recognise the national significance of renewable electricity generation activities. I therefore recommend the following amendment:

ENGY-O2

Recognise and provide for the national significance of renewable electricity generation activities by:

1. Maintaining ~~and~~/or increasing the use and supply of renewable electricity to communities both within the Waitomo district and wider network; and

...

3. Enabling ~~the appropriate~~ development of new renewable electricity generation activities; and

ENGY-O4

44. ENGY-O4 is an unusual objective in that it does not mention renewable electricity generation at all, and seeks to provide for authorised activities in the Rural production zone. On the face of it, the objective seems out of place in this chapter as it would relate to all authorised activities. Further, it is not clear what constitutes an “authorised activity”. I note that ENGY-R2 enables 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. This is the only rule in the Energy chapter which is specific to a zone. I infer from this that ENGY-O4 provides the policy framework for ENGY-R2 and relates to the four existing hydro-electricity generation structures. If this assumption is correct, then I suggest that the Hearings Panel consider framing ENGY-O4 more clearly. As I am not certain what the genesis or background to this objective is, I am loathe to make changes without a specific submission point to provide the scope.

45. In terms of specific changes requested, Forest and Bird [47.16] sought the inclusion of "where appropriate" in clause 1. This would have the effect of enabling growth and expansion to meet the future demand is only where appropriate. As I have set out above, the Energy chapter is still subject to the objectives in Part 2 District-Wide Matters and Part 3 – Area Specific Matters. In any case, I consider that the determination of what is appropriate should be in the policies and rules rather than the objectives.
46. Forest and Bird also sought to reword clause (2) to limit avoiding, remedying or mitigating measures to within the property boundary, instead of internalising effects to the property boundary. There is the potential for mitigation measures to be implemented offsite, which such an amendment would not allow. For this reason I recommend rejecting the submission point.
47. The Director-General of Conservation (**DOC**) [53.13] sought inclusion of the effects management hierarchy into clause (2). The submitter considered that the wording as notified does not provide appropriate direction to the protection of s6 RMA matters such as significant indigenous biodiversity, outstanding natural landscapes, outstanding natural features and outstanding natural character through consistent application of the effects management hierarchy, in line with the National Policy Statement on Freshwater Management (**NPS-FM**) and the National Policy Statement on Indigenous Biodiversity (**NPS-IB**). As I have set out above, the Energy chapter is still subject to the objectives in Part 2 District-Wide Matters which is where the objectives and policies on the effects management hierarchy are located. For this reason, I do not see the need to insert the effects management hierarchy in the objectives in the Energy chapter as it will cause duplication.

New objective

48. DOC [53.14] sought the inclusion of a new objective which avoids the adverse effects of renewable electricity generation on the identified characteristics and values of the sensitive environment the infrastructure is located within, and by applying the effects management hierarchy. As I have set out above, the Energy chapter is still subject to the objectives in Part 2 District-Wide Matters which is where the objectives and policies on sensitive environments (as covered by an overlay) and effects management hierarchy are located. For this reason, I do not see the need

to make the changes requested as it will result in duplication (and possibly inconsistencies between the chapters).

Topic 3: Policies

Introduction

49. There are fifteen policies supporting the objectives. The policies strike a balance of enabling renewable electricity generation as well as recognising that there may be adverse effects such as visual amenity effects. Policy ENGY-R7 also recognises the potential for reverse sensitivity effects to arise.
50. 41 primary submission clauses and 42 further submission points were received in regards to the Energy policies. There was a high degree of support with submissions generally seeking minor amendments, although several submissions sought clarity in some policies, stronger provisions in respect to biodiversity along with more direction on avoiding, remedying or mitigating adverse effects.

Analysis and recommendations

General

51. Forest and Bird [47.35] sought to amend the policies in the Energy chapter so that provision for ENGY does not override the protection and avoidance requirements of s6 of the RMA and the New Zealand Coastal Policy Statement, which are to be set out in provisions of other chapters including ECO and CEs and must be able to be fully applied. As I have set out above, the Energy chapter is still subject to the objectives and policies in Part 2 District-Wide Matters which is where the section 6 matters are addressed. For this reason, I do not see the need to make the changes requested as it will result in duplication (and possibly inconsistencies between the chapters).

ENGY-P1

52. ENGY-P1 enables the ongoing operation of existing renewable electricity generation activities balanced by avoiding, remedying or mitigating significant adverse effects on the environment.
53. Heritage New Zealand Pouhere Taonga (**HNZPT**) [03.06] sought inclusion of the wording “values of overlays and scheduled sites and features” in the policy. The submitter was concerned that, for the larger scale energy operation, the avoidance of adverse effects on historic heritage has not been recognised in the same way it has been for the small-scale electricity generation projects as identified in P2. In the experience of HNZPT, works related to existing energy facilities can still have the potential to cause adverse effects on historic heritage. I note that the policy is to enable existing renewable energy generation activities to operate, maintain, repair and undertake minor upgrades while also addressing any adverse

effects. Given that this policy only applies to existing renewable electricity structures I consider that impacts on heritage resources are unlikely. In addition, the preface to the policies states "Refer also to the relevant policies in Part 2 District - Wide Matters" which means that the policies in the HH Historic Heritage chapter will be engaged where relevant. I therefore recommend that HNZPT [03.06] be rejected.

54. King Country Energy Limited (**KCE**) [33.12] sought to expand the application of the policy to all upgrades, rather than just "minor upgrades". The basis for the submission is that the word "minor" is not contained in the NPS-REG objective. Similarly RPS Objective EIT-O1 does not only relate to "minor" upgrades. While I am aware that ENGY-R1 limits the permitted activity to "minor upgrades" and there is an associated definition for the term, I agree with KCE that there currently is no policy support for upgrading that may be more than minor. Therefore the PDP could be considered to not be giving full effect to the NPS-REG. I recommend that the submission point from KCE [33.12] be accepted, and ENGY-P1 amended as follows

ENGYP1

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.

55. Ventus Energy (**VE**) [42.04] sought inclusion of the word 'replacement' into the policy. The submitter considered that once established, renewable electricity generation activities should not have to go through an extensive consenting process for replacement. For example, wind turbine components sometimes need replacement, and at times whole turbines need replacement. Electricity transmission towers regularly need replacement as they age or due to other events e.g. storm damage. ENGY-R2 provides for operation, maintenance, repair, replacement and minor upgrade of existing hydro-electricity generation activity infrastructure as a permitted activity where performance standards in ENGY-R21 to ENGY-R23 are met. Replacement infrastructure would need to be within the standards to be permitted. When considering the word "replacement", I question whether this is so substantively different from maintenance, repair and upgrade that it warrants a special mention in the policy. I recommend rejecting the submission point, but welcome further information on this matter through evidence.
56. Forest and Bird [47.17] sought amendments to the wording of ENGY-P1, as it considers that the policy is uncertain for the protection of s6 matters and would conflict with the directives of Policies 11, 13 and 15 in the NZCPS. The wording sought by Forest and Bird would essentially introduce an effects hierarchy where significant effects are to be avoided, and other adverse effects are avoided, remedied or mitigated. This is essentially the hierarchy that appears in policies 11, 13 and 15 of the NZCPS. As I have set out above, the Energy chapter is still subject to the objectives and policies in Part 2 District-Wide Matters which is where the section 6

matters are addressed. The Coastal Environment chapter also sits within Part 2 District-Wide Matters. For this reason, I do not see the need to make the changes requested as it will result in duplication (and possibly inconsistencies) between the chapters. The submission sought an exclusion so that ENGY-P1 does not apply within the coastal environment. Given the continuing application of the Coastal Environment objectives and policies, I do not see the need for such an exclusion. I therefore recommend rejecting the submission point from Forest and Bird.

ENGY-P2

57. ENGY-P2 is an enabling policy specific to small-scale electricity generation. "Small and community-scale electricity generation" is defined in the NPS-REG as being for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.
58. While enabling small-scale electricity generation, ENGY-P2 also seeks to manage the values of overlays and scheduled sites and features. HNZPT [03.07] sought the inclusion of the word 'protecting' is included with regards to managing values. HNZPT agrees that the effects of these activities needs to be managed with regards the values of scheduled sites and features in order to preserve their values while they also need to be protected, and seek an amendment to that effect. HNZPT contends that the amended wording will assist in giving effect to s6(e) and s6(f). The submission from Forest and Bird [47.18] sought a similar amendment, on the basis that the word 'manage' is inconsistent with other policy direction and does not give effect to the RPS or other higher order documents.
59. As I have set out above, the Energy chapter is still subject to the objectives and policies in Part 2 District-Wide Matters which is where the section 6 matters are addressed. For this reason, I do not see the need to make the changes requested as it will result in duplication (and possibly inconsistencies) between the chapters. In addition, section 6, the national policy statements and RPS do not require of protection of every overlay from every activity. The language used in these documents is far more nuanced, such as "protected from inappropriate subdivision, use and development" in the context of section 6(a) and (b). A blanket requirement to "protect" with no qualification would be unnecessarily stringent and not accurately reflect the higher order planning documents. I recommend that the submission from HNZPT [03.07] and Forest and Bird [47.18] be rejected.

ENGY-P3

60. ENGY-P3 is an enabling policy for community-scale renewable electricity generation, and recognises the benefits to the community from sharing electricity generated locally.
61. Two submissions were received which supported the policy. Forest and Bird [47.19] sought recognition of the environmental benefits that arise

from small scale renewable electricity activities and the inclusion of the word 'renewable' electricity to provide clarity for the user. The submitter considered that the policy should recognise the environmental benefits of avoiding the need for large scale generation and distribution of infrastructure as well as avoiding the loss of power through long distance transmission. The policy is aimed at small scale generation within a confined area while other policies in the chapter provide for the larger generation necessary to supply the wider community. I agree with the submitter that a small scale renewable electricity generation facility is likely to have a better and more sustainable environmental outcome than energy generation that requires large areas, significant infrastructure and long distance transmission. For that reason I agree that the inclusion of the word "environmental" alongside the social and economic benefits is appropriate. I do not agree that there is a need to include the word 'renewable' as requested by the submitter as the first part of the policy refers to renewable electricity generation activities whereas the second part only needs to refer to electricity in a wider context. I recommend that the submission point from Forest and Bird [47.19] is accepted in part, and that ENGY-P3 is amended as follows:

ENGY-P3

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, environmental and economic benefit to the community from sharing electricity that has been generated locally.

ENGY-P4

62. ENGY-P4 manages the benefits and adverse effects of new renewable electricity generation activities. It is not specific to any particular scale of renewable electricity generation.
63. KCE [33.15] notes that the policy provides a balanced approach and that it is consistent with the direction provided within the NPS-REG and RPS objective EIT-O1, although it considers that some minor changes would be beneficial. The submitter considered that clause (1) should be amended to refer to "adverse effects on amenity" rather than "anticipated changes in amenity". I agree that "adverse effects" is consistent with the RMA. Anticipated changes in amenity will be harder to evaluate, particularly when considering a resource consent whereby the activity proposed could not be described as "anticipated". I agree that the wording should be consistent with that in the RMA and which has been well tested in case law and recommend that clause (1) be amended.
64. KCE also sought inclusion of an additional clause that specifically addresses the contribution of new renewable electricity generation development to the district, regional and national security and supply. I agree that the inclusion of this matter will better give effect to the NPS-REG.

65. VE [42.05] sought deletion of clauses (4) to (6) of the policy on the basis that clause (3) of the policy adequately covers the activity's effects and there is no need to highlight only some of the effects which may occur. Clause (3) states "*the scale, intensity duration or frequency of the activity's effects including at the time of construction*". I note that clause (3) only relates to construction and not the on-going effects of the structure. Potential and on-going effects can include reflectivity, noise, visual, effects on birds and bats through blade strike, lights etc. While clause (3) addresses construction effects, it does not adequately cover on-going effects. I therefore recommend rejecting the submission point.
66. Conversely, the submission from Forest and Bird [47.20] sought clauses be added to the policy which are specific to the effects on indigenous biodiversity including highly mobile species. I am aware that clause (6) requires consideration of the effects on scheduled sites, features or overlays, however indigenous species including highly mobile species can occur outside significant natural areas (which is an overlay). I therefore recommend an additional clause.

ENGY-P4

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:

1. The benefits of the activity, recognising that benefits may offset adverse effects on anticipated changes in amenity; and

...

7. The contribution of the activity to the District, Regional and National electricity needs and security of supply; and

8. Effects on indigenous species including highly mobile species.

ENGY-P5

67. ENGYP5 is a restrictive policy that sets out locations where investigation, identification and assessment of potential sites and energy sources for renewable electricity generation must be avoided. The sites listed are the overlays relating to section 6 matters.
68. HNZPT [03.09] sought inclusion of additional wording in clauses (4) and (5) to capture "the surroundings" of a significant archaeological site or a site or area of significance to Māori. The submitter considered that the policy should be more explicit in that there is reference to the surrounds of the archaeological or area of significance as rules have consideration to surrounds of such sites. The submitter is correct in that within chapters 24 Historic Heritage and Chapter 25 Sites and Areas of significance to Māori rules do consider the surroundings of these important sites. The context of these sites and surrounds can be found in Schedule 1 Heritage Buildings

and Structures, Schedule 2 Significant Archaeological sites and Schedule 3 Sites and areas of significance to Māori. All of these schedules identify either by point or by property boundary the significant item. Given that ENGY-P5 is an “avoid” policy, I consider the focus should be on the identified and mapped item or feature rather than an undefined surrounding. The sites as listed in schedules have all been identified and defined by processes that occurred leading up to notification. I therefore recommend rejecting the submission. I am aware that my recommendation does create an inconsistency given that ENGY-P5.3 relates to the surroundings of a heritage building or structure.

69. KCE [33.16] sought a softening of the “avoid” position in the chapeau of the policy by adding the words “unless any adverse effects associated with them are no more than minor in scale”. The submitter considered that the absolute avoid direction of the policy within significant areas is not necessary. The submitter observed that there are often low impact activities that may have less than minor effect on the environment and provided the example of the placement of monitoring equipment and various surveys. For this reason, the submitter considers that the avoid ‘all’ investigation in areas identified in clauses 1 – 6 is contrary to the enabling nature of the NPS-REG and to other provisions within the energy chapter that enable renewable electricity generation activities.
70. VE [42.06] had similar concerns and sought inclusion of a requirement for effects to be “avoided, remedied or mitigated”. VE also considered that for the investigative phase of the renewable generation, “avoidance” is too extreme and contrary to the effects hierarchy of the RMA. The submitter considered that the PDP provides the consenting process for these activities and this process should take into account effects and if these are to be avoided, remedied or mitigated.
71. Looking at the policy critically, it has been worded so that the *activity* is avoided, rather than any adverse effects. This sets an extremely high bar and one that would be difficult to overcome in a consenting process. I note it is more restrictive than section 6 of the RMA, any national policy statements or the RPS. I agree with the primary submitters that it is an unnecessarily strong policy direction, particularly given that investigative and exploration structures are usually temporary for the purposes of collecting data. I agree also that it does not give effect to Policy G of the NPS-REG which requires district plans to include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites. The associated rule is ENGY-R10 has activity statuses that range between restricted discretionary, non-complying and prohibited for exploration activities in the overlays. This range of activity statuses (particularly the restricted discretionary activity status) does not support an avoid policy position.
72. Of the alternative wording proffered by the submitters, I suggest a hybrid. The wording suggested by KCE suffers from the activity still being avoided (rather than any adverse effects), while VE simply repeats section 5(2)(c) of the Act.

73. I am aware that the associated rule ENGY-R10 classifies renewable electricity exploration activities as a prohibited activity in outstanding natural features, significant natural area (regional, national and international significance) and high/very high natural character which makes sense for an “avoid” policy. Submissions received on this rule mean I have recommended a slightly less restrictive approach which I address later in this report.
74. Forest and Bird [47.21] sought to replace the word “allow” with “provide for” at the start of the policy. The submitter considered it may not be appropriate to allow these activities in all areas beyond those set out. Forest and Bird considered that the wording as suggested in their submission is a less directive term which sets policy direction for such provision to be made but is not as directive as “allow”. While I consider that “allow” would clearly give effect to Policy G of the NPS-REG, I note that the verb used in the NPS-REG is “provide for”. I agree with Forest and Bird that depending on the scale and duration of the exploration activities, it may not always be appropriate in particular zones.
75. The submitter also sought an additional clause to include areas of significant habitat which would provide for highly mobile species such as bats and seabirds. Forest and Bird considered that as bats range over wide areas and their habitat is not currently adequately covered by significant natural areas and seabird migration pathways are over land in places. DOC sought a similar inclusion of a bat protection area. Clauses 1 – 6 of ENGY-P5 identifies the overlays and features which are spatially identified on the PDP maps. This correlates to the overlays listed in rule ENGY-R10. I do not support the inclusion of an additional clause as the spatial extent of the policy (and flowing from that, any consequential amendments to ENGY-R10) to be too uncertain. I therefore recommend that the submission from Forest and Bird be accepted in part.
76. DOC [53.15] sought that the policy be extended to encompass renewable electricity generation activities as well as activities associated with the investigation of potential sites and energy sources. I do not support this change as it would confuse the application of the policies. At present, ENGY-P4 sets out the policy support for new renewable electricity generation, and ENGY-P5 relates to investigation and exploration. I consider this delineation between the activities to be appropriate.
77. Having considered all the submissions, I recommend the following:
- ENGY-P5
- ~~Allow~~ Provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, however ~~they~~ adverse effects must be ~~avoided~~ no more than minor in scale within:
78. DOC makes a good point though that there is no policy for new infrastructure within section 6 overlays. It does seem odd that (as notified)

there was a highly restrictive policy for exploratory activities, but a policy gap for new renewable electricity generation activities within an overlay. As a starting point I suggest the following which matches that in the Waikato PDP and invite discussion from parties through evidence:

ENG-Y-PX

- (1) Ensure consideration of the values, qualities and characteristics of overlays, scheduled sites and features when proposing new renewable electricity generation activities or undertaking significant upgrades to existing renewable electricity generation activities.
- (2) Provide for regionally significant infrastructure within overlay, scheduled site and feature where:
 - (a) There is a demonstrated functional or operational need for the infrastructure to be located within the overlay, scheduled site and feature;
 - and
 - (b) It is demonstrated through an options assessment that locating within the overlay, scheduled site and feature is the best practicable option, having particular regard to the financial implications, social, cultural and environmental effects of the preferred option, compared to other alternative options.

79. The reference to regionally significant infrastructure is to give effect to policies in the RPS such as EIT-P1 and EIT-M6.

ENG-Y-P6

80. ENG-Y-P6 addresses the effect of renewable electricity generation activities on visual amenity values.
81. VE [42.07] sought deletion of the second half of the policy which states that the level of adverse visual effects may not be appropriate in some overlays, scheduled sites and features. The submitters considered these matters are more appropriately addressed through other provisions and in particular provisions such as those dealing with Outstanding Natural Landscapes and Outstanding Natural Features. VE are concerned that the policy as written may elevate the importance of lower level landscapes and features to be considered as if they are outstanding. I accept the point made by the submitters and that visual effects may not be relevant to every overlays, scheduled sites and features. However the flexible wording in the policy would allow the visual effects to be considered where appropriate.
82. KCE [33.17] sought deletion of the policy in its entirety. KCE consider that policies ENG-Y-P4 and ENG-Y-P5 already ensure that renewable electricity generation activities are considered in the context of the values of the receiving environment and therefore that ENG-Y-P6 is not required. I acknowledge that ENG-Y-P4.4 addresses visual effects, but I consider that

ENGY-P6 more explicitly recognises that renewable electricity generation structures and activities may alter visual amenity values. I consider ENGY-P6 more effectively manages public perceptions of the visual effects.

ENGY-P7

83. ENGY-P7 is the key policy which addresses the potential for reverse sensitivity to arise near existing renewable electricity generation activities.
84. ENGY-P7 seeks to minimise reverse sensitivity, but the submission from KCE [33.18] sought to replace this with word “avoid”. Policy D of the NPS-REG requires decision-makers to manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities to the extent reasonably possible. The RPS takes a more measured approach in UFD-M2 and requires local authorities to have particular regard to the potential for reverse sensitivity when reviewing district plans. RPS objective UFD-O1.7 seeks to minimise land use conflicts, including the potential for reverse sensitivity. I accept that minimise is a lower threshold than what is required under the NPS-REG and councils are required to give effect to these higher order documents. For this reason I agree with the submitter and recommend that the policy is amended to reflect the language of the NPS-REG:

Policy ENGY-P7

Manage new development and land use activities near existing renewable electricity generation activities to ~~avoid minimise~~ reverse sensitivity effects to the extent reasonably possible.

ENGY-P8

85. ENGY-P8 requires development to comply with the flightpath height restrictions for the Te Kūiti Aerodrome. KCE [33.19] supported the policy but considers that this reads more like a statement than a policy. The submitter sought it be reworded to “avoid” development that does not comply with the flightpath height restrictions while the policy as drafted provides direction in that development must comply flightpath height restrictions for the Te Kūiti Aerodrome. I agree with the submitter that the wording proffered is clearer and provides more direction, particularly as non-compliance with the Te Kūiti Aerodrome Flightpath height restrictions shown on the Planning Maps is a prohibited activity (ENGY-R16). I am aware that this policy is not unique to the Energy chapter. If the Panel agree that the wording proposed by KCE is preferable to that which was notified, I recommend that all similar policies throughout the PDP be reworded. I recommend that Policy ENGY-P8 is amended as below and that the submission point from KCE [33.19] is accepted.

ENGY-P8

~~Avoid d~~Development that does not must comply with the flightpath height restrictions for the Te Kūiti Aerodrome.

ENGY-P9

86. ENGY-P9 is an enabling policy which supports the use of temporary generators in emergencies or when electricity supply is disrupted. KCE [33.20] supported the policy but queried whether this could be incorporated into another policy or rule. Many parts of Waitomo District are relatively isolated and the distribution networks may not always be available such as in periods of severe weather events or other emergencies. The use of generators is a way to ensure the community can still function efficiently, and this is explicitly enabled by ENGY-P9I consider that the policy is helpful and can be retained.

ENGY-P10

87. ENGY-P10 establishes the policy direction for co-generation or waste to energy conversion. It is a balanced policy which recognises the benefits but also recognises that there may be adverse effects.
88. The submission from Federated Farmers of New Zealand (**Federated Farmers**) [46.18] sought amendments to that wording so that the policy requires there to be a functional need for co-generation and waste to energy conversion to be in the Rural production and General rural zones. Federated Farmers acknowledge the national importance of energy and energy generation however consider recognition is required of the impacts that generation activities can have on their surrounding environment(s). Federated Farmers consider that it is important that this is recognised in this chapter of the proposed district plan.
89. "Functional need" is a defined term in the National Planning Standards and is used to justify a project's need to locate or operate in a particular location. I do not consider that including the words "functional need" is appropriate. Given the explanation above, the activity may not *need* to be located in the rural zone for functional reasons e.g. the activity is not an activity that relies on the productive capacity of soil. However it may be *more appropriate* to locate in this zone for operational needs. I therefore recommend that the submission point be rejected as the inclusion of the words requested would be unreasonably restrictive.
90. Forest and Bird [47.22] sought a number of amendments to the policy including:
- a. Deletion of the words "waste to energy conversion" so that the policy only applied to co-generation;
 - b. Include a definition for "co-generation";
 - c. Deletion of clause (2) which relates to management of more than minor adverse effects, and replacement with a requirement to avoid significant adverse effects on the environment and other adverse effects avoided, remedied or mitigated.
 - d. Inclusion of a clause to ensure that, within the coastal environment, effects are managed in accordance with the coastal chapter and biodiversity provisions in the coastal environment.
91. I do not support any of the changes sought. I consider it appropriate that the policy addresses waste to energy conversion. To provide context,

waste to energy technology refers to a family of technologies that process some kind of waste material to generate energy. Since the PDP was notified, a waste to energy conversion resource consent application has been lodged for Te Awamutu. While this application is in the neighbouring Wāipa District, the Energy chapter of the PDP is the most appropriate location for a policy framework for any new proposals of this nature.

92. I do not see the need for inclusion of a definition for “co-generation” as this is not unique to the PDP or used in a context which needs defining. A web search readily indicates that co-generation is the simultaneous production of electricity and heat, both of which are used.
93. I do not support including an effects hierarchy where significant adverse effects are avoided, and other effects have a lesser test. Given that this is relatively new technology, I consider the wording as notified to be appropriate.
94. Turning to the request to ensure effects are managed in accordance with the coastal chapter and biodiversity provisions in the coastal environment, this is already achieved by the fact that the policies in the ECO and CE chapter will apply. The application of the policies in Part 2 District-Wide Matters is explicitly stated above the ENGY policies. Therefore I do not consider that there is a need to include another clause as requested by the submitter about these facilities being managed in accordance with the coastal chapter and biodiversity provisions in the coastal environment.

ENGY-P11

95. ENGY-P11 is an enabling policy which supports facilities which produce biogas by anaerobic fermentation of waste. There seems to be a high degree of overlap between ENGY-P10 and ENGY-P11, with ENGY-P11 being specific to the generation of biogas. While there is no submission requesting the merging of the policies, I would support the rationalisation of the two policies if the Panel are minded to streamline the PDP.
96. Forest and Bird [47.23] were generally supportive of the production of biogas by anaerobic fermentation of organic materials but only where this is the most environmentally appropriate use of such materials. It submitted that the policy should not use the term “waste”, and instead use “organic materials”. The submission sought inclusion of the qualifier “where this is the most environmentally appropriate use of such material”. I do not agree with these amendments sought as they would narrow the application of the policy considerably. The wording sought would also introduce fairly stringent tests in order to be consistent with the policy, i.e. the need to demonstrate that the proposal is the most environmentally appropriate use of such material.
97. Forest and Bird also expressed concern with the use of the word “Allow” and preferred “Provide for”. The second sentence in the policy ENGY-R11 signals clearly that these activities are not suitable in all zones and the activity status is non-complying in some zones for that reason. This being the case, I consider that the word “Provide for” as suggested by the

submitter is a more accurate reflection of the rules. I therefore recommend the following amendments:

ENGY-P11

~~Allow~~ Provide for facilities which produce biogas by anaerobic fermentation of waste, ensuring both the benefits and any effects, including the potential for reverse sensitivity effects, are taken into account. Avoid locating these facilities in areas of the district where a non-complying activity status is signalled in the rules.

ENGY-P12

98. ENGY-P12 is a collation of four different activities that should be avoided. It includes activities that exceed the radiofrequency emissions, electric and magnetic fields, coal fired electricity generation and hydro electric generation that exceeds 5kW located in an outstanding natural feature.
99. KCE [33.22] considered that clause 4 of the policy should be deleted as it is overly restrictive. The submitter noted that Section 6(b) of the RMA provides for the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development, but this does not mean that hydro-electricity generation activities with an output of more than 5 kw should automatically be avoided in an outstanding natural feature. Rather it considers that applications like this should be considered on its merits to determine whether it is appropriate to be located within a particular location.
100. This policy cascades to ENGY-R8 which classifies hydro electricity generation between 5kW and 20kW a non-complying activity within outstanding natural features. I have researched the reasoning behind this, and it is due to the outstanding natural features identified in the PDP being kaarst systems and features that are rare and quite often unique in NZ context. The intention was that these features are protected with an allowance for small hydro-electricity generation for domestic use. The small hydro-electric generation units are quite often in stream and do not have a lot of infrastructure on the bank. I consider this issue is most appropriately covered by the existing policies in the NFL chapter and recommend deleting ENGY-P12.4

ENGY-P13

101. ENGY-P13 addresses removal of indigenous vegetation in a significant natural area and sets out an effects hierarchy. The policy only applies to regionally significant infrastructure within the Rural production zone however.
102. Forest and Bird [47.25] sought deletion of the policy in its entirety. The reasons provided are the uncertainties and inconsistencies with higher order direction in this policy. This includes:

- a. Inconsistency with the avoid directive of the NZCPS;
 - b. Uncertainty to what "is unavoidable" or what happens when it is not possible to offset residual effects such as where limits to offsetting apply;
 - c. That when determining adverse effects that may not require avoidance for certain activities, the protection of s6(c) matters that are potentially adversely affected must inform any decision of whether adverse effects are to be avoided. It is not appropriate to make such a determination solely on the activity sought to be undertaken;
 - d. The policy does not appropriately establish residual adverse effects and therefore is not consistent with the Appendix 4 Biodiversity Offsetting Framework or best practice;
 - e. It is not clear on what basis offsetting is the only practical solution and the statement that the values and characteristics of the SNA will be maintained through offsetting is not born out by either of the measures set out in clauses a. and b. This is because the need to consider an offset is established by residual adverse effects which represent a loss. To maintain, would require values to be retained which is more aligned with avoidance, remediation and mitigation measures. It is hard to see how values can be lost and maintained within the same the SNA; and
 - f. The adequacy of offsetting principles, including limits to offsetting as addressed with respect to Appendix 4 in this submission.
103. DOC [53.16] expressed similar concern that the policy does not provide appropriate direction to the protection of s6 RMA matters such as significant indigenous biodiversity, through consistent application of the effects management hierarchy, in line with the NPS-FM and NPS-IB exposure draft. DOC sought that the chapeau be amended to make the policy clearer and more direct, and apply the effects management hierarchy. DOC also sought amendments to achieve a net gain rather than no net loss.
104. Given that policies in the ECO chapter will apply to renewable electricity generation activities, ECO-P1 sets out the effects management hierarchy. There is nothing in ENGY-P13 which provides leniency for regionally significant infrastructure. I am aware of the following wording in the Application section of the NPS-IB:
- Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities.
105. Despite this, there is still a requirement under section 75(3)(c) to give effect to the RPS.
106. On balance I recommend deleting ENG-P13. I consider that deleting ENGY-P13 will have the effect of making the PDP more clear and efficient in that there are not two similar policies in separate chapters that are marginally different.

ENG-Y-P13

~~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:~~

- ~~1. If offsetting adverse effects is the only practicable option, indigenous biodiversity values and ecological characteristics of the significant natural area will be maintained by:~~
 - ~~a. Providing a biodiversity offset that is consistent with the framework detailed in Appendix 4 Biodiversity Offsetting Framework; and~~
 - ~~b. 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.~~

ENG-Y-P14

107. ENG-Y-P14 seeks to enable existing hydro-electricity generation and associated activities located within the rural production zone, but recognises that there will be adverse effects. The purpose of this policy is not clear as existing hydro-electric generation should have either been consented or would have existing use rights under section 10 of the RMA.
108. Forest and Bird [47.26] sought an amendment to the start of the policy to "provide for lawfully established existing" hydro-electricity as opposed to "enable existing". The submitter considered that as the activities referred to within the policy are already established, the use of the word "enable" is not appropriate as these are not new and do not need to be "enabled". Instead, Forest and Bird considered that the policy should reflect that these are already lawfully established existing hydro electricity generation activities and that they should be provided for. I agree with the submitter that as noted in the policy these facilities are already established and as stated by the submitter already enabled, whereas to ensure that they can continue to operate and function the plan needs to provide for them. I therefore recommend the following amendments:

ENG-Y-P14

~~Enable~~ Provide for lawfully established existing hydro-electricity generation...

ENG-Y-P15

109. ENG-Y-P15 follows on from ENG-Y-P14 and addresses character and amenity effects of expanding existing hydro-electricity generation facilities. I questions whether both policies are required and whether they should be

combined, but in the absence of any submission explicitly seeking this I have not recommended the change.

110. KCE [33.25] sought amendments to delete the reference to “facility”, “industrial buildings” and delete mention of local character and amenity. The most significant of these amendments is the deletion of local character and amenity. It seems to me that the intent of the policy is that the expansion of existing hydro-electricity generation facilities does not adversely affect the local character or amenity. The purpose of the three clauses is to set out how this can be achieved. I therefore recommend accepting the minor corrections, and retaining the focus of the policy on not adversely affecting local character and amenity.

ENGY-P15.

Ensure the scale and location of any expansion of an existing hydroelectricity generation ~~activity facilities~~ located within the rural production zone do not adversely affect local character or amenity by:

...

3. Ensuring that ~~industrial~~ buildings are designed as far as practicable to not overshadow or overly dominate the wider surrounding area.

Topic 4: Activity Rules

Introduction

111. There are twenty three rules supporting the policies, with a mix of activity rules being R1-R16, and standards being R17-R27. The activity table has the following preface above it which explains that any activity in the Energy chapter will also need to comply with the rules in Part 2 District-Wide matters. This would include all the section 6 overlays such as significant natural areas and outstanding natural features, as well as the general chapters like noise, earthworks, signs etc.

The rules that apply to energy generation activities are contained in the tables listed below. To undertake any activity, it must comply with all the rules listed in:

- ENGY - Table 1 - Activities Rules; and
- ENGY - Table 2 - Performance Standards; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Unless specifically referenced in a rule, Part 3 Area Specific Matters do not apply to this chapter.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity. Refer to Part 1 - How the Plan Works for an explanation of how to use this Plan, including activity status abbreviations.

112. Having spoken with the planner who drafted the chapter, the intention was that this chapter be somewhat self-contained in terms of rules and the inclusion of the third bullet point was unintentional. While this may have been the intent, there are no submissions which seek its deletion. If there are more general submissions seeking an amendment of approach for the Energy chapter, the Panel may wish to consider exploring that option.
113. There are two rule tables – Table 1 contains the activities and Table 2 contains the standards. Both have the prefix ENGY-R.
114. 49 primary submission points and 49 further submissions points were received. 5 submission support provisions have no contrary view expressed by any other submitters, and that provision is not addressed further. While there is general support for the rules as notified, many submissions seek to amend the activity status that applies to various overlays.

Analysis and recommendations

ENGY-Rules general

115. There is a note above the rule table which states:

Note: Where Heritage Buildings and Structures are referred to it means the site or surroundings (of any building or structure listed in SCHED1)
116. The terms “site” is defined, and “surroundings (of any building or structure listed in SCHED1 - Heritage Buildings and Structures)” is defined as:

means in the general rural zone only, the land immediately surrounding buildings and structures listed in SCHED1 - Heritage Buildings and Structures, including any closely associated buildings, gardens, monuments and structures, but excluding any immediately adjacent open fields.
117. HNZPT [03.11] sought that the note regarding sites and surrounds of an item listed in SCHED1 is amended to more clearly relate to the proposed rule framework. Given that the rules in the Historic Heritage chapter apply to renewable electricity generation activities, I do not consider any further clarification is required.
118. HNZPT [03.26] also sought that the note at the end of the rules section is relocated to the front of the chapter under the heading rules and clarity provided regarding the rule’s framework for energy activities on and around heritage buildings and structures. I am not sure which text the submission is referring to as there does not seem to be any notes at the end of the rules. I invite HNZPT to provide further detail on its concerns.

119. Forest and Bird [47.27] sought to retain the statement in the Energy chapter that the provisions in Part 2 District-Wide chapters apply. Forest and Bird [47.28] also sought amendments to clarify that all rules in the Energy chapter for vegetation clearance must comply with the ECO rules. Given the statement above the rules table that makes it clear that activities must comply with all the relevant rules in Part 2 District-Wide Matters (of which the ECO chapter is one), I do not see the need to single out the ECO chapter.
120. Forest and Bird [47.29] sought inclusion of a condition or standard to all permitted activities in the Energy chapter to restrict the removal of individual trees, exotic tree shelterbelts and stands of trees that may provide habitat to NZ bats. Forest and Bird also sought a new matter of control/discretion be included in all rules in respect of the effects on the habitats of NZ bats. Forest and Bird [47.31] sought other amendments as needed to protect the habitats of indigenous fauna when providing for Energy activities. Given that the ECO chapter rules apply to renewable energy generation activities I do not see the need for any of the amendments requested by Forest and Bird. I note that Ms Callaghan in her section 42A report has recommended not including provisions around bats due to the requirement for the regional councils to identify and managed to maintain their populations.

ENGY-R1

121. ENGY-R1 enables the operation, maintenance, repair, replacement, minor upgrade, demolition or removal of existing buildings and structures of any existing energy generation activity as a permitted activity, provided that it meets the performance standards in ENGY-R17, ENGY-R18, ENGY-R21 and ENGY-R22.
122. KCE [33.26] sought to amend the activity enabled by the rule to replace the word "energy" with "renewable electricity". I agree that this wording better matches the term used in the NPS-REG and recommend the following amendment:

ENGY-R1

The operation, maintenance, repair, replacement, minor upgrade, demolition or removal of existing buildings and structures of any existing renewable electricity ~~energy~~ generation activity

ENGY-R2

123. ENGY-R2 is largely a duplication of ENGY-R1 except that it is specific to existing hydro-electricity generation activities in the Rural production zone. Due to the nature of the hydro electricity generation structures, ENGY-R2 includes the demolition or removal of existing buildings and structures and the use of the surface of the water for hydroelectric activities.

124. KCE [33.27] sought deletion of the word “infrastructure” from the description of the activity. I see no issues with this minor amendment and recommend the following:

ENGY-R2

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.

ENGY-R5 and ENGY-R6

125. ENGY-R5 and ENGY-R6 both relate to freestanding solar panels, but are different in the maximum size allowed, being up to 6m² and 6-25m² per site respectively.
126. KCE [33.30a] considered that there should only be one rule that is applicable to freestanding solar panels instead of two. The submitter suggested that this may over-complicate the rules for the same purpose. I considered whether the rules could be merged. But note that the larger solar panels become restricted discretionary activity for Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3, Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, and High/Very High Natural Character. I consider that providing two separate rules is easier for Plan users to interpret. I therefore recommend rejecting the submission from KCE.

ENGY-R7

127. ENGY-R7 manages hydro-electricity generation of up to and including 5kW of electricity per site. It is permitted in most of the zones and overlays, but is restricted discretionary for outstanding natural features, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character.
128. HNZPT [03.15] sought a restricted discretionary activity status instead of permitted for heritage structures and buildings. The submitter is concerned that the permitted activity status could affect historic heritage values and for this reason any activity related to this rule should be assessed or referred back directly to the historic heritage rule framework. The rules of the Historic Heritage chapter will still apply, so even though the ENGY-R7 allows small-scale hydro-electricity generation, where a scheduled historic heritage building or structure is affected, the relevant rules in the Historic Heritage chapter will be engaged. I looked at the rules in the Historic Heritage chapter to see the activity status, but it really depends on the form of the works. For example, external alterations to a scheduled building would be a discretionary activity for Category 1 and

restricted discretionary for Category 2 (HH-R5 and HH-R6), while additional structures on the same site as a scheduled building could be permitted if it is not visible from a public place (HH-R10). It therefore would be impossible to align the activity status for small scale hydro-electricity generation activities involving a scheduled historic heritage with the Historic Heritage chapter. There are too many variables to make it possible, and on this basis I recommend rejecting the submission point.

129. In a similar request to that outlined above, KCE [33.31a] sought combining ENGY-R7 and ENGY-R8 into a single rule. The key difference between the rules is the ENGY-R7 addresses up to 5kW of hydro-electricity while ENGY-R8 relates to 5-20kW. ENGY-R8 applies a more stringent activity status given the larger scale of electricity generation, and presumably larger structures required. I considered whether the rules could be combined, but concluded that separate rules results in a much clearer structure for Plan users. I therefore recommend rejecting the submission point from KCE.

ENGY-R9

130. ENGY-R9 establishes the activity status for:
- a. two wind turbines with a rated capacity of up to and including 5kW each per holding for the industrial, general rural, rural production zones and PREC3; and
 - b. One wind turbine with a rated capacity of up to and including 5kW per site in all other zones.
131. The activity status for outstanding natural features is prohibited, while outstanding natural landscapes is permitted. KCE [33.32] sought a more lenient activity status for outstanding natural features, from prohibited to discretionary. KCE considered this rule to be overly restrictive as it provides for up to two turbines in industrial, rural general and rural production zones as permitted while prohibiting them on outstanding natural features. The submitter accepts that 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 rather than a blanket prohibition.
132. Looking at the Natural Features and Landscapes chapter, I note that NFL-O1 mirrors the wording of section 6(b) of the RMA. For outstanding natural features, NFL-R1 applies a non-complying activity status for any building that is less than or equal to 5m in height and/or less than or equal to 30m² in size for categories A-E, and a permitted activity status of permitted for Category F. Taking this rule as a baseline, I consider that the prohibited activity status for up to two turbines per site that have a maximum height of 5m (due to the height standard in ENGY-R20) to be overly restrictive.

For consistency across chapters, I recommend that the activity status for wind turbines in outstanding natural features should be non-complying rather than prohibited.

ENGY-R9

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

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>PER: Outstanding natural landscapes</p> <p>DIS: Heritage buildings and structures, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character</p> <p><u>NC: Outstanding natural features</u></p> <p>PR: Outstanding natural features</p>

133. Forest and Bird [47.32] sought inclusion of a new clause 2a so that the activity is not undertaken in an area known to be used by seabirds. Where condition 2a is not met, the activity is a discretionary activity. The reason for the amendment is that birds, as highly mobile species, can be impacted by wind turbines. While I understand the concerns expressed in the submission, the condition proposed is not certain or objective enough. Standards must be black and white and it clear whether the activity complies or not. I recommend that the submission point be rejected.
134. DOC [53.17] sought a more stringent activity status for wind turbines in outstanding natural landscapes and significant natural areas. The activity status is currently permitted, but DOC sought this be discretionary. In addition, DOC sought inclusion of "bat protection area" and that turbines within them be a discretionary status also. DOC considered that the provisions as notified do not provide appropriate direction to the protection of s6 matters such as significant indigenous biodiversity, outstanding natural landscapes, outstanding natural features and outstanding natural character through consistent application of the effects management hierarchy, in line with the NPS-FM and NPS-IB exposure draft. The approach in the Natural Features and Landscapes chapter for outstanding natural landscapes is significantly more lenient than outstanding natural features. The activity status in NFL-R1 is permitted for outstanding natural landscapes. For consistency between chapters, I recommend retaining the

permitted activity status for small scale wind generation activities in outstanding natural landscapes.

135. Turning to the ECO chapter, I note that ECO-R12 explicitly enables small-scale renewable electricity generation activities as a permitted activity. With regards to bat protection areas, I am aware that Ms Callaghan has not recommended including such a mechanism in the PDP in her consideration of submissions. I therefore recommend rejecting the submission from DOC on these matters.

ENGY-R10

136. ENGY-R10 is the rule which governs exploration activities. It is a permitted activity, but has a fairly restrictive activity status in the overlays ranging from restricted discretionary to prohibited.
137. KCE [33.33] sought to have the rule amended to have exploration activities permitted in all zones and where compliance is not achieved, a restricted discretionary or discretionary status is applied. VE [42.12] sought a similar outcome in that the activity status in outstanding natural landscapes, outstanding natural features and outstanding natural character becomes discretionary. In contrast, HNZPT supported the non-complying activity status for outstanding natural landscapes, outstanding natural character, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites. KCE considered that the non complying activity status is too restrictive given that many of the exploration activities are often low impact. It also considered that the restrictive nature is contrary to the enabling nature of the NPS-REG and 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 which will allow council to set limits of compliance over certain areas without restricting entire zones.
138. As the submitter stated, the purpose of the NPS-REG is to enable renewable energy activities however that is not the only legislation that needs to be considered. Section 6 of the RMA must also be considered especially (a), (b), (e) and (f). These provisions protect the uniqueness of these environments and while I agree with the submitter that some exploration activities may be low impact, a resource consent process will allow those effects to be considered. I am aware of Policy G in the NPS-REG which requires district plans to include objectives, policies and rules to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation. Given that the overlay chapters allow some form of development (albeit small), I consider the activity status for what is essentially a temporary activity (with a maximum of 5 years due to the standard) to be overly restrictive.
139. Having considered the range of activity statuses available, I consider that the most appropriate activity status is restricted discretionary, with the most relevant matters of discretion being (c) the actual or potential effects on the values associated with any overlay or scheduled site or feature. This

would allow resource consents to be declined where the structure had an unacceptable effect on the values associated with the site or overlay. I consider this approach would give effect to the NPS-REG. The one exception to this is outstanding natural features where I note that the activity status in NFL-R1 for even a very small structure is non-complying. For consistency, I consider non-complying could be applied to outstanding natural features.

ENGY-R10.	Renewable energy exploration activities			
	<p>RDIS: Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3</p>	<p>NC RDIS: Outstanding natural landscapes, outstanding natural character, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites</p> <p>PR NC: Outstanding natural features</p>	<p>PER: Industrial, general rural and rural production zones and PREC3</p>	<p>RDIS: Significant natural area (local significance), Coastal environment, karst overlay, landscapes of high amenity value</p> <p>NC RDIS: Significant natural area (regional, national and international significance), high/very high natural character</p>

ENGY-R11

140. ENGY-R11 is essentially a catch-all rule which relates to new renewable electricity generation activities including community scale renewable electricity activities not provided for elsewhere in Table 1.
141. KCE [33.34] sought a more permissive activity status for outstanding natural landscapes, outstanding natural features, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites. The rule classifies outstanding natural features and outstanding natural character as prohibited, with the other overlays having a non-complying activity status. VE [42.14] sought a similar amendment. While the NPS-REG is enabling, it is not drafted in such a way that it would trump section 6 matters. Given the sensitivity of the sites identified as being in an overlay, I consider the notified activity status to be appropriate. The notified approach aligns with the relevant rules in the overlay chapter.
142. KCE [33.07] sought 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. The activity classification in ENGY-R11 for outstanding natural features is both non-complying and prohibited. Having two activity statuses is clearly an error. NFL-R1 classifies small buildings as a non-complying activity for outstanding natural features, with anything larger than 5m height and

30m² in size being prohibited. Given this strong direction in the NFL chapter, I consider prohibited to be the more appropriate activity status for new renewable electricity generation activities that are not otherwise provided for. I therefore recommend the following amendment:

ENGY-R11. New renewable electricity generation activities including community scale renewable electricity activities not provided for elsewhere in Table 1

NC: Outstanding natural landscapes, ~~outstanding natural features~~, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites

PR: Outstanding natural features, outstanding natural character

143. KCE also sought that the rule framework is amended to provide two rules for each type of renewable electricity generation activity in the plan 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. Policy E in the NPS-REG requires district plans to provide for small and community-scale renewable electricity generation. I consider that the Energy chapter already establishes a rule framework for small and community-scale renewable electricity generation through the following rules:

ENGY-R4	Solar panels attached to an existing building
ENGY-R5	Freestanding solar panels up to and including 6 m ² in area per site
ENGY-R6	Freestanding solar panels greater than 6 m ² and up to 25 m ² in area per site
ENGY-R7	Hydro-electricity generation of up to and including 5kW of electricity per site
ENGY-R8	Hydro electricity generation activities with an output of more than 5kW and up to 20kW of electricity per site
ENGY-R9	One wind turbine with a rated capacity of up to and including 5kW per site Maximum of two wind turbines with a rated capacity of up to and including 5kW each per holding for

	industrial, general rural, rural production zones & PREC3
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144. My understanding is that ENGY-R11 captures larger scale renewable electricity generation activities, and those not covered by the rules listed above (which are essentially small and community-scale activities). I consider this to be an appropriate approach.
145. DOC [53.18] generally supported the rule but sought significant natural areas (local significance) be a non-complying activity. The reasoning provided for the requested amendments is to ensure appropriate direction is given for the protection of section 6 RMA matters such as significant indigenous biodiversity. As notified, significant natural areas) local significance) is a discretionary activity. Given the lesser significance of these areas, I consider the notified activity status to be appropriate.

ENGY-R14

146. ENGY-R14 applies to coal fired electricity generation and energy generated from non-renewable sources not listed in Table 1. In outstanding natural features and outstanding natural character overlays this is a prohibited activity, and a non-complying activity in all other zones and overlays.
147. Forest and Bird [47.33] sought amendments to the rule so that reconsenting of lawfully established activities is a non-complying activity, but any new coal fired electricity generation and energy generated from non-renewable sources is prohibited. Forest and Bird considered that these activities are no longer appropriate due to climate change impacts, except for the short term emergency measures allowed for in ENGY-R3. Given that any resource consent application made under this rule would need to pass through the gateway test of section 104D, I consider that the notified activity status is appropriate. I therefore recommend rejecting the submission from Forest and Bird.

Topic 5: Standards

Introduction

148. The structure of the rules is that ENGY-Table 1 contains the activity rules, while ENGY-Table 2 contains performance standards. Most of the rules in Table 1 require compliance with the standards in Table 2. Although Table 2 does not expressly say, it could be interpreted that non-compliance with each standard is a restricted discretionary activity, given that there are matters of discretion attributed to each standard. The exception to this is ENGY-R21 emission of radiofrequency fields and ENGY-R22 emission of electric and magnetic fields which cascade to a non-complying activity.

Analysis and recommendations

ENGY-R18

149. ENGY-R18 is the standard which addresses earthworks associated with an energy activity. Instead of containing volumes and areas as would be expected, it signposts to rules in other chapters including NFL-R8, CE-R8 and the EW Earthworks chapter.
150. Forest and Bird [47.36] sought moving the reference to CE-R8 from clause 2 up to clause 1 of the rule. This would have the effect of signposting earthworks in outstanding natural landscapes, outstanding natural features, outstanding natural character, karst overlay, landscapes of high amenity value, high/very high natural character to CE-R8. I do not agree with this, as the structure of the rule is clear that earthworks in the coastal environment would go to CE-R8. Not all overlays listed in clause (1) will be located within the coastal environment, and therefore CE-R8 would not be relevant. I therefore recommend rejecting the submission from Forest and Bird.
151. Forest and Bird [47.37] sought inclusion of a new clause referring to CE rules for earthworks within coastal hazard areas. Having looked at the natural hazard chapter, there is a rule for earthworks within a natural hazard overlay (NH-R6). I therefore consider it to be appropriate that reference to NH-R6 is included.

ENGY-R18. Earthworks associated with an energy activity

1. In outstanding natural landscapes, outstanding natural features, outstanding natural character, karst overlay, landscapes of high amenity value, high/very high natural character NFL-R8 applies; and
 2. In the coastal environment CE-R8 applies; and
 3. In significant natural areas, significant archaeological sites, heritage buildings, and structures and sites and area of significance to Māori, earthworks associated with an energy activity are DIS activities;
 4. In natural hazard areas within the coastal environment, NH-R6 applies;
and
 5. In all other situations, refer to the rules in the earthworks chapter.
152. Forest and Bird [47.38] also sought addition of a new clause that other than as provided for in the CE rules listed above, earthworks in the coast environment associated with an energy activity are discretionary activities. ENGY-R18 as drafted signposts earthworks within the coastal environment to look at CE-R8. CE-R8 has its own activity cascade and includes a reliance on the EW Earthworks rules where earthworks is within the coastal environment but not in an area of outstanding natural character or area of high / very high natural character. I consider that the amendments sought by Forest and Bird would complicate the clarity of the rules, and therefore recommend rejecting the submission point.

ENGY-R19 and ENGY-R20

153. ENGY-R19 sets out the standards which apply for one wind turbine per site outside of the industrial, general rural, rural production zones and PREC3. ENGY-20 sets out the standards for up to two wind turbines per holding within the Industrial, General rural, Rural production zones and PREC3. These standards relate to ENGY-R9 which is for "one wind turbine with a rated capacity of up to and including 5kW per site, except for the industrial, general rural, rural production zones and PREC3". Given that this standard is directly linked to a single rule, I question why the standards were not simply incorporated into ENGY-R9. If the Panel were minded to simplify the Plan, I would support amalgamating ENGY-R19 into ENGY-R9 as it would improve the clarity.
154. HNZPT [03.24 and 03.25] expressed its opposition to the permitted activity approach and considered that a restricted discretionary activity would enable better management of effects on scheduled sites or features or the setting and surrounds. ENGY-R19 is a performance standard which is referred to in ENGY-R9, and ENGY-R9 classifies a single wind turbine (or two in the Industrial, General rural, Rural production zones and PREC3) as a discretionary activity for the following overlays:
- a. Heritage buildings and structures;
 - b. Sites and areas of significance to Māori; and
 - c. Significant archaeological sites.
155. Should an application not meet the permitted activity standards of ENGY-R19 this becomes a restricted discretionary activity with the matters of discretion listed as (a) to (j), but in the overlays listed above the starting activity status is discretionary anyway and this standard does not apply. In my opinion, the concern of the submitter is already addressed by ENGY-R9.
156. KCE [33.36] sought to amend ENGY-R19 and ENGY-R20 to create a single rule for small and community scale wind energy generation and the development, operation, maintenance and upgrading of the same. ENGY-R19 and R20 are the performance standards which relate to ENGY-R9. ENGY-R9 manages two different environments:
- a. Industrial, General rural, Rural production zones and PREC3 where two wind turbines are permitted; and
 - b. All other zones where one wind turbine is permitted.
157. Given that the environments are different, I consider it appropriate that the standards are also different, and this is reflected in the two standards being ENGY-R19 and ENGY-R20. The areas of difference include:
- a. Maximum height;
 - b. Maximum rotor diameter;
 - c. Diameter of the support structure; and
 - d. Setback from sensitive zones.

158. However I am willing to explore whether the standards could be recast, or even better incorporated within ENGY-R9, and invite suggested drafting from KCE in this regard through evidence.
159. Forest and Bird [47.39 and [47.40] sought an additional matter of discretion for the actual or potential effects on bats and birds. The submission observed that bats and birds, as highly mobile species, are not restricted to significant natural areas. While I agree that highly mobile species are not limited to significant natural areas, I am mindful that this standard applies to ENGY-R9 which is a single turbine, or at most two with a maximum rotor diameter of 2m. I consider the risk to highly mobile species to be low and a matter of discretion is not warranted. Larger scale windfarms are addressed by ENGY-R11 and that has an activity status ranging from discretionary to prohibited depending on the overlay. I therefore recommend rejecting the submission point.

ENGY-R23

160. ENGY-R23 sets out the standards which apply to 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. This standard is linked to ENGY-R2 with the same title. As above, if the Panel were minded to simplify the Plan, I would support amalgamating ENGY-R23 into ENGY-R2 as it would improve the clarity and bring the rules into one location.
161. KCE [33.37] sought amendments to clause 11 which sets the standards for signs. KCE sought that the standard applies the maximum area per site rather than per zone, and enable signage for the purposes of health and safety as it is required to erect signs for health and safety reasons in order to comply with the Health and Safety at Work Regulations 2016. 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. I agree that the total area of signs should be "per site" as it would be impossible to have a meaningful and measurable condition that applied to the whole zone. I also agree that the sign standards should not be limited where it is required to meet legislative requirements such as health and safety legislation. I note that SIGN-R1 takes a similar approach.
162. Forest and Bird [47.30] sought deletion of the specific limits on vegetation clearance. Clause 20 limits the amount of clearance of indigenous vegetation within a significant natural area to 50m² per calendar year. Instead, Forest and Bird sought compliance with the ECO chapter rules. The submitter considered that provisions maybe made for maintenance purposes and minor upgrades to lawfully established existing hydro, however this should be limited to within a few metres of the infrastructure rather than providing for extending areas of clearance on an annual basis. That approach would lead to cumulative loss and effects. I am aware that this standards (and its attendant activity rule ENGY-R2) applies to four

existing hydro-electricity generation sites. Because of the limited application of the rule, I consider it is not likely to result in substantive destruction of indigenous vegetation. I therefore recommend rejecting the submission from Forest and Bird.

Topic 6: Definitions

Introduction

163. For completeness, the submissions which addressed definitions associated with renewable electricity generation are addressed here.

Analysis and recommendations

Community scale renewable electricity activities

164. KCE [33.01] sought that the definition reflect that it relates to electricity “generation” activities. I agree that this is necessary and will match the terminology used in the NPS-REG.

Community scale renewable electricity generation activities
means a renewable electricity generation activity intended to supply...

Renewable energy exploration activities

165. KCE [33.05] sought amendments to recognise other energy sources other than those explicitly listed. I agree that this is appropriate and recommend the following amendment.

Renewable energy exploration activities
means activities to monitor and measure solar, wind, hydroelectricity, ~~and~~ of geothermal or other energy sources for potential renewable electricity generation activities.

Renewable electricity generation activities

166. KCE [33.06] sought amendments to make it clearer. I agree with the exception of reference to “distributed” renewable generation as this is not relevant to small scale whether it might only provide electricity for a single house.

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 generation activities and the system of electricity conveyance

required to convey electricity to the distribution network, and/or the national grid and electricity storage technologies associated with renewable electricity.

4. Conclusion

167. For the reasons included in this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.
168. Appendix 1 contains recommended amendments to the Energy chapter and Appendix 2 contains the s32 evaluation.

APPENDIX 1 RECOMMENDED AMENDMENTS

****tracked changes provisions****

APPENDIX 2 SECTION 32AA EVALUATION

1 Introduction

This section 32AA evaluation relates to the recommended amendments to the Energy part of the Energy chapter (Chapter 17) and supports the discussion, analysis and recommendation in the section 42A report.

A section 32AA evaluation is only required for changes recommended since notification; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in this report needs to be at a level of detail that corresponds to the scale and significance of the changes recommended.

1.1 Format of the report

The section 32AA evaluation report is structured in a similar order to the topics in the s42A to enable the reports to be read together. In accordance with the requirements of section 32, the tests for objectives are different from provisions.

2 Objectives and policies

Appropriateness of Objectives

Below are the objectives that are recommended to be added, amended or deleted. Having considered a range of options including retaining unchanged the notified objectives of the PDP, these objectives are the most appropriate way to achieve the purpose of the RMA, as demonstrated in the table below.

Objective or group of objectives	
ENGY-O1.	Increase the resilience of communities within the district by: <ol style="list-style-type: none">1. Enabling renewable electricity generation activities where appropriate; and ...
ENGY O2.	Recognise and provide for the national significance of renewable electricity generation activities by: <ol style="list-style-type: none">1. Maintaining and/or increasing the use and supply of renewable electricity to communities both within the Waitomo district and wider network; ...3. Enabling the appropriate development of new renewable electricity generation activities.

Evaluation of objectives	
Part 2 RMA	Comment
Section 5 Purpose	The contribution of renewable electricity generation towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment. Enabling and providing for the development and ongoing supply of renewable energy to the community will better enable people and communities to provide for their well-being now and in the future.
Section 7 Other matters	<p>The most relevant parts of section 7 are:</p> <p>Section 7 (i) the effects of climate change: the use of renewable energy sources as source of energy will be central in climate change mitigation and a clean energy transition (compared to the use of non-renewable sources).</p> <p>Section 7(j) the benefits to be derived from the use and development of renewable energy: the objectives provide an enabling framework for the development and ongoing supply of renewable energy to the community.</p>

Objectives ENG-Y-O3 and ENG-Y-O4 are also relevant to this topic (in addition to ENG-Y-O1 and ENG-Y-O2). The appropriateness of these objectives has been assessed previously and no changes are proposed through the s42A recommendations.

Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified for amendments to ENG-Y-P1, ENG-Y-P3, ENG-Y-P4, ENG-Y-P5, ENG-Y-P7, ENG-Y-P8, ENG-Y-P11, ENG-Y-P14, ENG-Y-P15 and ENG-Y-PX:

Option 1 – Retain the policies as notified

Option 2 – Amend the policies as per Appendix 2.

Preferred Option

Option 2 is the preferred option as it will:

- i. Provide policy support for upgrades that may be more than minor;
- ii. Recognise that a small scale renewable electricity generation facility is likely to have positive environmental outcomes;
- iii. Align terminology with the RMA and the NPS-REG and generally provide clearer directives;
- iv. Acknowledge that highly mobile indigenous species can occur outside significant natural areas; and
- v. Provide for renewable electricity generating infrastructure within section 6 overlays.

Overall, it is considered that Option 2 will best achieve the objective.

Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
Environmental	No environmental costs are identified for this option.	Better enables the environmental benefits for projects to be considered. Provides a clear direction regarding renewable electricity generation within section 6 overlays.
Economic	Additional consideration and potential investigations relating to the impacts on highly mobile indigenous species will be required in certain circumstances which may contribute to overall project costs.	Upgrades that are considered to be more than minor will be able to be undertaken with reduced consenting and therefore cost requirement.
Social	No social costs are identified for this option.	Increased clarity around expected outcomes for renewable electricity generation within the district.
Cultural	No cultural costs are identified for this option.	No cultural benefits are identified for this option.
Economic growth provided or reduced	No change in economic growth opportunities as a result of this amendment.	
Employment opportunities	No change in employment opportunities as a result of this amendment.	

Uncertain or insufficient info	There is sufficient information to support the proposed changes.
Risk of acting or not acting	There is sufficient information to act.
Effectiveness	
<p>The amendments to the policies will better achieve the objectives as it provides greater clarity for expected outcomes and addresses policy gaps relating to:</p> <ul style="list-style-type: none"> - Positive environmental outcomes of renewable energy generation; - The protection of highly mobile indigenous species; and Renewable electricity generation within section 6 overlays. 	
Efficiency	
<p>The amendments to the policies provide enhanced clarity and direction and will ultimately assist plan users, thereby providing for an efficient outcome overall. This is demonstrated by the above assessment which identifies that the benefits outweigh the cost of the preferred option.</p>	
Summary	
<p>The proposed provisions are considered to be the most effective means of achieving the objectives as together they will:</p> <ul style="list-style-type: none"> - Give effect to the NPS-RG in relation to the providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. - Give effect to the RPS by recognising the importance of, and providing for, existing and new renewable energy generation activities. - Enables the Council to fulfil its statutory obligations, including addressing climate change and reducing greenhouse gasses. 	

APPENDIX 3: ACCEPT / REJECT RECOMMENDATIONS

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
02.10	NZHA	Support	17. Energy	ENGY-O4	Retain the objective as notified.	Accept
FS13.10	New Zealand Agricultural Aviation Association	Support			Retain the objective as sought	Accept
02.11	NZHA	Support	17. Energy	ENGY-P1	Retain the policy as notified.	Accept in part
FS13.11	New Zealand Agricultural Aviation Association	Support			Retain the policy as sought	Accept in part
02.12	NZHA	Support	17. Energy	ENGY-P5	Retain the policy as notified.	Accept in part
FS13.12	New Zealand Agricultural Aviation Association	Support			Retain the policy as sought	Accept in part
03.06	NZHPT	Support in Part	17. Energy	ENGY-P1	That ENGY-P1 is retained and amended as follows; "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, <u>including on the values of overlays and scheduled sites and feat</u> <u>res,</u> are avoided, remedied or mitigated."	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
FS10.01	King Country Energy	Oppose			Disallow	Accept
03.07	NZHPT	Support in Part	17. Energy	ENGY-P2	That ENGY-P2 is retained and amended as follows; "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 <u>protecting and</u> managing the values of overlays and scheduled sites and features,"	Reject
FS10.02	King Country Energy	Oppose			Disallow	Accept
03.08	NZHPT	Support	17. Energy	ENGY-P4	That ENGY-P4 is retained.	Accept in part
03.09	NZHPT	Support in part	17. Energy	ENGY-P5	However, they must be avoided within: 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 <u>and its surroundings</u> ; or 5. A site or area of significance to Māori <u>and its surroundings</u> ; or A significant natural area."	Reject
FS10.03	King Country Energy	Oppose			Disallow	Accept
03.10	NZHPT	Support	17. Energy	ENGY-P6	That ENGY-P6 is retained.	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
03.11	NZHPT	Support in part	17.Energy	Rules Note: Where Heritage Buildings and Structures are referred to it means the site or surroundings (of any building or structure listed in SCHED1)	That the note "Where Heritage Buildings and Structures are referred to it means the site or surroundings (of any building or structure listed in SCHED1)", is amended to more clearly relate to the proposed rule framework, which relates to the scheduled buildings and the sites and surroundings.	Reject
03.12	NZHPT	Support	17.Energy	ENGY-R4	That this rule, activity status for solar panels on a scheduled building or structure is retained.	Accept
03.13	NZHPT	Support	17. Energy	ENGY-R5	That the restricted discretionary activity ENGY-R5 in relation to Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites and the associated matters over which discretion are restricted is retained.	Accept
03.14	NZHPT	Support	17. Energy	ENGY-R6	That the restricted discretionary activity ENGY-R6 in relation to Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites and the associated matters over which discretion are restricted is retained.	Accept
03.15	NZHPT	Support in part	17. Energy	ENGY-R7	That ENGY-R7 is retained and amended such that permitted activities relating to heritage structures and buildings and their sites and surroundings are assessed as a restricted discretionary activity.	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
03.16	NZHPT	Support	17. Energy	ENGY-R8	That the discretionary activity status of "Mini hydro generation with an output of more than 5kW and up to 20kW of electricity per site" locating within or on: "Heritage buildings and structures, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character" is retained.	Accept
03.17	NZHPT	Support	17. Energy	ENGY-R9	That the discretionary activity status of "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" locating within or on: "Heritage buildings and structures, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character" is retained.	Accept
FS23.03	Te Nehenehenui	Oppose			TNN recommends that where there is a reference to sites and areas of significance to Māori, this part is separated or removed and/ or amended to become part of the non-complying activity status.	Reject
03.18	NZHPT	Support	17. Energy	ENGY-R10	HNZPT seeks that the non-complying activity status of ENGY-R10, in relation to the location of "Renewable energy exploration activities", within "Outstanding natural landscapes, outstanding natural character, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites." is retained.	Reject
03.19	NZHPT	Support	17. Energy	ENGY-R11	HNZPT seeks that the non-complying activity status of ENGY-R11, in relation to the location of "New Renewable electricity generation activities including Community scale renewable energy activities not provided for elsewhere in Table 1" within "Outstanding natural landscapes, outstanding natural character, heritage	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					buildings and structures, sites or areas of significance to Māori, significant archaeological sites." is retained.	
03.20	NZHPT	Support	17. Energy	ENGY-R12	HNZPT seeks that the non-complying activity status of ENGY-R12 in relation to the "Biogas produced by anaerobic fermentation of waste" locating in "Outstanding natural features, outstanding natural character, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites." is retained.	Accept
03.21	NZHPT	Support	17. Energy	ENGY-R13	HNZPT seeks that the non-complying activity status of ENGY-R13 in relation to the "Co-generation plants and waste to energy plants " locating in "Outstanding natural features, outstanding natural character, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites." is retained.	Accept
03.22	NZHPT	Support	17. Energy	ENGY-R14	HNZPT seeks that the non-complying activity status of ENGY-R14 in relation to the " Coal Fired Electricity generation and Energy generated from non-renewable sources not listed in Table 1 " locating in "Outstanding natural features, outstanding natural character, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites." is retained.	Accept
03.23	NZHPT	Support	17. Energy	ENGY-R18	That ENGY-R18.3-Discretionary activity is retained.	Accept
03.24	NZHPT	Oppose	17. Energy	ENGY-R19	HNZPT cannot support this permitted activity approach and seeks that such an activity is a restricted discretionary activity to better enable the management	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					of effects on scheduled sites or features or the setting and surrounds.	
FS10.04	King Country Energy	Oppose			Disallow	Accept in part
03.25	HNZPT	Oppose	17. Energy	ENGY-R20	HNZPT cannot support this permitted activity approach and seeks that such an activity is a restricted discretionary activity to better enable the management of effects on scheduled sites or features or the setting and surrounds.	Accept in part
FS05.06	Federated Farmers	Oppose			Decline the relief sought	Accept in part
FS10.05	King Country Energy	Oppose			Disallow	Accept in part
03.26	NZHPT	Oppose in part	17. Energy	Note	That the note at the end of the rules section is relocated to the front of the chapter under the heading rules and clarity provided regarding the rule's framework for energy activities on and around heritage buildings and structures.	Reject
31.20	Transpower	Amend	17. Energy, Infrastructure and Transport	Energy, Infrastructure and Transport	Amend Chapter 17 Energy, Infrastructure and Transport to appropriately recognise and provide for renewable generation activities in support of Strategic Direction SD-016. And Any consequential amendments.	Accept in part
FS10.07	King Country Energy	Support			Allow	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
FS24.09	The Lines Company	Support			Allow	Accept in part
33.01	King Country Energy (KCE)	Support with amendment	9. Definitions	Community scale renewable electricity activities	Amend the definition for 'community scale renewable electricity activities' as follows: community scale renewable electricity <u>generation</u> activities – means a renewable electricity <u>generation</u> activity intended to supply...	Accept
33.04	KCE	Support	9. Definitions	Renewable energy	Retain definition for 'renewable energy' as notified.	Accept
33.05	KCE	Support with amendment	9. Definitions	Renewable energy exploration activities	Amend the definition for 'renewable energy exploration activities' as follows: means activities to monitor and measure solar, wind, hydroelectricity or geothermal <u>or other</u> energy sources for potential renewable electricity generation activities.	Accept
33.06	KCE	Support with amendment	9. Definitions	Renewable electricity generation activities	Amend the definition for 'renewable electricity generation activities' definition as follows: means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community scale <u>distributed</u> renewable electricity-generation activities 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.	Accept in part
33.07	KCE	Support with amendmen	17. Energy	ENGY - Overview	Amend the Overview of the Energy chapter to provide for large scale energy activities within identified outstanding natural features and areas of outstanding natural	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
		t			character, to be considered as a discretionary activity.	
FS16.12	NZHPT	Oppose			That the submission point is declined	Accept
33.08	KCE	Support	17. Energy	ENG-Y-O1	Retain ENG-Y-O1 as notified.	Accept in part
33.09	KCE	Support	17. Energy	ENG-Y-O2	Retain ENG-Y-O2 as notified.	Accept in part
33.10	KCE	Support	17. Energy	ENG-Y-O3	Retain ENG-Y-O3 as notified.	Accept
33.11	KCE	Support	17. Energy	ENG-Y-O4	Retain ENG-Y-O4 as notified.	Accept
33.12	KCE	Support with amendment	17. Energy	ENG-Y-P1	Amend ENG-Y-P1 as follows: 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.	Accept
FS23.122	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Reject
33.13	KCE	Support	17. Energy	ENG-Y-P2	Retain ENG-Y-P2 as notified.	Accept
33.14	KCE	Support	17. Energy	ENG-Y-P3	Retain ENG-Y-P3 as notified.	Accept in part
33.15	KCE	Support with amendment	17. Energy	ENG-Y-P4	Amend ENG-Y-P4 as follows: ...matters to considered include: 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 amenity</u> ; and ... 7. <u>The contribution of the activity to District, Regional and National needs and security of supply.</u>	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
33.16	KCE	Oppose	17. Energy	ENGY-P5	Amend ENGY-P5 to read: 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 the following areas, <u>unless any adverse effects associated with them are no more than minor in scale</u> : ...	Accept in part
FS16.11	NZHPT	Oppose			That the submission point is declined	Accept in part
FS23.123	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Accept in part
33.17	KCE	Oppose	17. Energy	ENGY-P6	Delete ENGY-P6.	Reject
FS23.124	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Accept
33.18	KCE	Support with amendment	17. Energy	ENGY-P7	Amend ENGY-P7 as follows: Manage new development and land use activities near existing renewable electricity generation activities to <u>avoid minimise</u> reverse sensitivity effects.	Accept in part
33.19	KCE	Support with amendment	17. Energy	ENGY-P8	Amend ENGY-P8 as follows: <u>Avoid development that does not must</u> comply with the flightpath height restrictions for the Te Kūiti Aerodrome.	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
33.20	KCE	Support with amendment	17. Energy	ENG-Y-P9	Retain ENG-Y-P9, while considering its incorporation into another policy or rule.	Accept in part
33.21	KCE	Support	17. Energy	ENG-Y-P10	Retain ENG-Y-P10 as notified.	Accept
33.22	KCE	Oppose	17. Energy	ENG-Y-P12.4	Delete ENG-Y-P12.4.	Accept
FS23.125	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Reject
33.23	KCE	Support with amendment	17. Energy	ENG-Y-P13	Amend ENG-Y-P13 as follows: Within the rural production zone where the the-removal...	Accept in part
33.24	KCE	Support	17.. Energy	ENG-Y-P14	Retain ENG-Y-P14 as notified.	Accept in part
33.25	KCE	Support with amendment	17 Energy	ENG-Y-P15	Amend ENG-Y-P15 as follows: Ensure the scale and location of any expansion of an existing hydro <u>electricity</u> generation <u>activity</u> <u>facility</u> located within the rural production zone: does not adversely affect local character or amenity by: ... 3.Ensuring that industrial buildings are designed as far as practicable to not overshadow or overly dominate the wider surrounding area.	Accept in part
FS23.126	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					submission that are not aligned to our Taiao and cultural values, or those we have noted support for	
33.26	KCE	Support with amendment	17. Energy	ENGY-R1	Amend ENGY-R1 as follows: 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.	Accept
FS23.127	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Reject
33.27	KCE	Support with amendment	17. Energy	ENGY-R2	Amend ENGY-R2 as follows: The operation, maintenance, repair, replacement, and minor upgrade of an existing hydro-electricity generation activity infrastructure identified on the Planning Maps.....	Accept
FS23.128	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Reject
33.28	KCE	Support	17. Energy	ENGY-R3	Retain ENGY-R3 as notified.	Accept
33.29	KCE	Support	17. Energy	ENGY-R4	Retain ENGY-R4 as notified.	Accept
33.30	KCE	Support with amendment	17. Energy	ENGY-R5	Amend ENGY-R5 and ENGY-R6 to provide one rule for freestanding solar panels.	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
FS16.13	NZHPT	Oppose			That the submission point is declined	Accept
33.31	KCE	Support with amendment	17. Energy	ENGY-R7	Amend ENGY-R7 and R8 to recast and simplify to provide one rule for small scale and community scale hydro-electricity generation and the development, operation, maintenance and upgrading of the same.	Reject
FS23.129	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Accept
33.32	KCE	Support with amendment	17. Energy	ENGY-R9	Amend ENGY-R9 as follows: DIS: Heritage buildings and structures, sites and Areas of significance to Māori, significant archaeological sites, outstanding natural character, <u>and Outstanding Natural Features</u> PR: Outstanding natural features ...	Accept in part
FS03.67	Director-General of Conservation	Oppose			Disallow	Accept in part
FS23.130	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Accept in part
33.33	KCE	Support with amendment	17. Energy	ENGY-R10	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	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					applied.	
FS23.131	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Accept in part
33.34	KCE	Support with amendment	17. Energy	ENGY-R11	<p>Amend ENGY-R11 as follows:</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>DIS NC: Outstanding natural landscapes, outstanding natural features, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites.</p> <p>DIS PR: Outstanding natural features, outstanding natural character.</p> <p>...</p> <p>And</p> <p>Amend the rule framework to provide two rules for each type of renewable electricity generation activity 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>	Reject
FS03.68	Director-General of Conservation	Oppose			Disallow	Accept
FS23.132	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	
33.35	KCE	Support	17. Energy	ENGY-R18	Retain ENGY-R18 as notified.	Accept in part
33.36	KCE	Support with amendment	17. Energy	ENGY-R19	Amend ENGY-R19 and ENGY-R20 to recast and simplify to provide one rule for small and community scale wind energy generation and the development, operation, maintenance and upgrading of the same.	Reject
FS23.133	Te Nehenehenui	Oppose			Te Nehenehenui have stated support for other submitters submission points that may conflict with several aspects of this submission, therefore TNN oppose the points of this submission that are not aligned to our Taiao and cultural values, or those we have noted support for	Accept
33.37	KCE	Support with amendment	17. Energy	ENGY-R23	Amend ENGY-R23(11) as follows: ...11. No individual sign may exceed 2 m ² , with the total area of signs per zone <u>site</u> being no more than 8 m ² , however, signage for the purpose of health and safety is exempt from this provision.	Accept
42.01	Ventus Energy (VE)	Support with amendment	17. Energy	Entire chapter	Retain the ENERGY chapter with amendments.	Accept
FS23.155	Te Nehenehenui	Support in part			Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto's Environmental Management Plan. If submission points do align to enhance the protection and	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points.	
42.02	Ventus Energy (VE)	Support with amendment	17. Energy	ENG-Y-01	Retain ENG-Y-01. And Amend ENG-Y-01 as follows: 1. Enabling renewable electricity generation activities where appropriate ; and	Accept
FS23.156	Te Nehenehenui	Oppose / Support in part			Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan. Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature and requests that Waitomo District Council consider this when finalising the PDP review. If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points	Accept in part
42.03	Ventus Energy (VE)	Support with amendment	17. Energy	ENG-Y-02	Retain ENG-Y-02. And Amend ENG-Y-02 as follows: 1. Maintaining and/or increasing the use and supply of renewable electricity 3. Enabling the appropriate development of new renewable electricity generation activities; and ...	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
42.04	Ventus Energy (VE)	Support with amendment	17. Energy	ENGY-P1	Retain ENGY-P1. And Amend ENGY-P1 as follows: Enable the ongoing operation, maintenance, repair, <u>replacement</u> and minor upgrade ...	Reject
FS10.08	King Country Energy	Support			Allo w	Reject
FS16.01	NZHPT	Oppose			That the submission point is declined	Accept
FS23.157	Te Nehenehenui	Oppose / Support in part			Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan. Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature and requests that Waitomo District Council consider this when finalising the PDP review. If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points	Accept in part
42.05	Ventus Energy (VE)	Support with amendment	17. Energy	ENGY-P4	Retain ENGY-P4. And Amend ENGY-P4 as follows: ... 3. the scale, intensity duration or frequency of the activity’s effects	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					including at the time of construction; and 2. Adverse amenity, visual, traffic generation, safety, light overspill, shadow, earthworks, glare and noise effects; and 3. Adequate separation distances from existing and consented sensitive activities to ensure conflict between activities, adverse effects and reverse sensitivity effects are minimised; and 4. Effects on scheduled sites, features or overlays. 5. In doing so...	
FS16.02	NZHPT	Oppose			That the submission point is declined	Accept
FS23.158	Te Nehenehenui	Oppose / Support in part			<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature and requests that Waitomo District Council consider this when finalising the PDP review.</p> <p>If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points</p>	Accept in part
42.06	VE	Support with amendment	17. Energy	ENGY-P5	<p>Amend ENGY-P5 as follows:</p> <p>Allow activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, however they <u>effects</u> must be avoided, <u>remedied or mitigated</u> within: ...</p>	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
FS10.09	King Country Energy	Support			Allow	Accept in part
FS16.03	NZHPT	Oppose			That the submission point is declined	Accept in part
FS23.159	Te Nehenehenui	Oppose / Support in part			<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature and requests that Waitomo District Council consider this when finalising the PDP review.</p> <p>If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points</p>	Accept in part
42.07	VE	Support with amendment	17. Energy	ENGY-P6	<p>Retain ENGY-P6. And</p> <p>Amend ENGY-P6 as follows:</p> <p>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.</p>	Reject
FS03.74	Director-General of Conservation	Oppose			Disallow	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
FS10.10	King Country Energy	Support			Allow	Reject
FS16.04	NZHPT	Oppose			That the submission point is declined	Accept
FS23.160	Te Nehenehenui	Oppose / Support in part			<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature and requests that Waitomo District Council consider this when finalising the PDP review.</p> <p>If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points</p>	Accept in part
42.08	VE	Support	17. Energy	ENGY-P7	Retain ENGY-P7 as notified.	Accept in part
FS23.161	Te Nehenehenui	Oppose / Support in part			<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature and requests that Waitomo District Council consider this when finalising the PDP review.</p> <p>If submission points do align to enhance the protection and</p>	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points	
42.09	VE	Support with amendment	17. Energy	ENGY-P13	<p>Retain ENGY-P13.</p> <p>And</p> <p>Amend ENGY-P13 as follows:</p> <p>Within the rural production zone where the removal of indigenous vegetation in a significant natural area is unavoidable to provide for regionally or <u>nationally</u> significant <u>energy</u> infrastructure, adverse effects must be remedied in the first instance, or mitigated or offset if this is not possible:</p>	Reject
FS10.11	King Country Energy	Support			Allow	Reject
FS23.162	Te Nehenehenui	Oppose / Support in part			<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature and requests that Waitomo District Council consider this when finalising the PDP review.</p> <p>If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points</p>	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
42.10	VE	Support	17. Energy	ENGY-R1	Retain ENGY-R1 as notified.	Accept in part
42.11	VE	Support	17. Energy	ENGY-R10 General Rural Zone – Permitted	Retain ENGY-R10 – Permitted Activity Status for General Rural Zone as notified.	Accept
FS16.05	NZHPT	Oppose			That the submission point is declined	Reject
FS23.163	Te Nehenehenui	Oppose / Support in part			<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature and requests that Waitomo District Council consider this when finalising the PDP review.</p> <p>If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points</p>	Accept in part
42.12	VE	Oppose	17. Energy	ENGY-R10 Non-complying status in the ONL, ONF, and ONC,	Amend ENGY-R10 from Non-Complying to Discretionary in the ONL, ONF, and ONC.	Accept in part
FS03.75	Director-General of Conservation	Oppose			Disallow	Accept in part
FS23.164	Te Nehenehenui	Oppose / Support in			Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
		part			<p>taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature and requests that Waitomo District Council consider this when finalising the PDP review.</p> <p>If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points</p>	
42.13	VE	Support	17. Energy	ENGY-R11 Table 1 – Discretionary	Retain NGY-R11 Table 1 – Discretionary status for General rural zone and landscapes of high amenity value and significant natural areas (local significance) as notified.	Accept
FS16.06	NZHPT	Oppose			That the submission point is declined	Reject
FS23.165	Te Nehenehenui	Oppose / Support in part			<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, and all taonga within TNN area of interest, TNN opposes submission points of this nature and requests that Waitomo District Council consider this when finalising the PDP review.</p> <p>If submission points do align to enhance the protection and maintenance of its people and all taonga within the taiao and the TNN area of interest, TNN is in support of these points</p>	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
42.14	VE	Oppose with amendment	17. Energy	ENGY-R11 Non complying activity	Amend ENGY-R11 as the non-complying activity status is opposed for Outstanding natural landscapes, outstanding natural features, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites, but there is also a prohibited activity status for Outstanding natural features, outstanding natural character.	Reject
FS03.76	Director-General of Conservation	Oppose			Disallow	Accept
FS23.166	Te Nehenehenui	Oppose			Oppose where the activity impacts sites and areas of significance to Māori and significant archaeological sites, iwi, hapu and mana whenua cultural values must be provided for	Accept
46.17	FF	Support	17. Energy	ENGY-P7	Retain ENGY-P7 as notified.	Accept in part
46.18	FF	Support with amendment	17. Energy	ENGY-P10	Amend ENGY-P10 to require a functional need for co-generation and waste to energy conversion to be in the rural production and general rural zones. And Any consequential amendments required as a result of the relief sought.	Reject
47.13	F&B	Support with amendment	17. Energy	Overview	Amend the Overview of the Energy chapter as follows: Oil and petrol <u>currently</u> fuel <u>most of</u> our vehicles... And Any consequential changes or alternative relief to achieve the relief sought.	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
47.14	F&B	Support	17. Energy	ENGY-O1	Retain ENGY-O1 as notified.	Accept in part
47.15	F&B	Support	17. Energy	ENGY-O2	Retain ENGY-O2 as notified.	Accept in part
47.16	F&B	Support with amendment	17. Energy	ENGY-O4	<p>Amend ENGY-O4 as follows:</p> <p>...</p> <p>1. Enabling the growth and expansion of such activities to meet the future demand of the district <u>where appropriate</u>; and</p> <p>2. Managing adverse environmental effects on the receiving environment by internalising effects to the property boundary, or through avoid, remedy, or mitigation measures <u>within the property boundary</u> as far as practicable.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
47.17	F&B	Support with amendment	17. Energy	ENGY-P1	<p>Amend ENGY-P1:</p> <ul style="list-style-type: none"> so that significant adverse effects are to be avoided and other adverse effects avoided, remedied or mitigated, and to ensure the policy does not apply within the coastal environment. <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
FS03.101	Director-General of	Support			Allow	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
	Conservation					
47.18	F&B	Support with amendment	17. Energy	ENGY-P2	<p>Amend the wording of ENGY-P2 to “protect” the values of overlays and scheduled sites and features.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
FS10.24	King Country Energy	Oppose			Disallow	Accept
FS16.08	NZHPT	Support			That the submission point be allowed	Reject
FS25.02	Ventus Energy	Oppose			Disallow	Accept
47.19	F&B	Support with amendment	17. Energy	ENGY-P3	<p>Amend ENGY-P3 to read:</p> <p>... recognise the social, <u>environmental</u> and economic benefit to the community from sharing <u>renewable</u> electricity that has been generated locally.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Accept
47.20	F&B	Support with amendment	17. Energy	ENGY-P4	<p>Add a new matter of discretion to ENGY-P4 as follows:</p> <p><u>7. Effects on indigenous species including highly mobile species</u> Or</p>	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					<u>7. Effects on indigenous biodiversity</u> And Any consequential changes or alternative relief to achieve the relief sought.	
FS03.102	Director-General of Conservation	Support			Allow	Accept
FS25.03	Ventus Energy	Oppose			Disallow	Reject
47.21	F&B	Support with amendment	17. Energy	ENGY-P5	Amend ENGY-P5 as follows: Allow <u>Provide</u> <u>for activities</u> And Add a new clause to ENGY-P5 as follows: <u>7. Areas of significant habitat of highly mobile species such as bats and seabirds.</u> And Any consequential changes or alternative relief to achieve the relief sought.	Accept in part
FS03.103	Director-General of Conservation	Support			Allow	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
FS10.25	King Country Energy	Oppose			Disallow	Accept in part
FS25.04	Ventus Energy	Oppose			Disallow	Accept in part
47.22	F&B	Oppose	17. Energy	ENGY-P10	<p>Amend ENGY-P10 as follows:</p> <p>For any co-generation or waste-to-energy conversion:</p> <p>1. Acknowledge the benefits of the efficient use and disposal of waste; and</p> <p>2. Manage more than minor adverse environmental effects created by this activity; and</p> <p>And</p> <p>Add a new clause to ENGY-P10 that states that significant adverse effects on the environment are to be avoided and other adverse effects avoided, remedied or mitigated.</p> <p>And</p> <p>Add a new clause to ENGY-P10 to ensure that within the coastal environment, effects are managed in accordance with the coastal chapter and biodiversity provisions in the coastal environment.</p> <p>And</p> <p>Add a definition for "co-generation"</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
47.23	F&B	Support with amendment	17. Energy	ENGY-P11	<p>Amend ENGY-P11 as follows:</p> <p>Allow—Provide for facilities which produce biogas by anaerobic fermentation of waste, organic materials, where this is the most environmentally appropriate use of such material, ensuring both the benefits and any effects, including the potential for reverse sensitivity effects, are taken into account. Avoid locating these facilities in areas of the district where a non-complying activity status is signalled in the rules.</p> <p>And</p> <p>Add a new definition of “organic materials” to capture those generally used in produce of biogas by anaerobic fermentation process. And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Accept in part
47.24	F&B	Support	17. Energy	ENGY-P12	Retain ENGY-P12 as notified.	Accept in part
47.25	F&B	Oppose	17. Energy	ENGY-P13	<p>Delete ENGY-P13.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Accept
FS10.26	King Country Energy	Oppose			Disallow	Reject
FS25.05	Ventus Energy	Oppose			Disallow	Reject
47.26	F&B	Oppose	17. Energy	ENGY-P14	Amend ENGY-P14 as follows:	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
		with amendment			<p>Enable Provide for lawfully established existing hydro-electricity generation and associated activities located within the rural production zone...</p> <p>And</p> <p>Make a consequential change to ENGY-P15 to include "lawfully stablshed" before "existing".</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	
FS10.27	King Country Energy	Oppose			Disallow	Reject
47.27	F&B	Support with amendment	17. Energy	Rules Generally	Retain the statement in the Energy chapter that provisions in Part 2 district wide chapters apply.	accept
FS10.28	King Country Energy	Oppose			Disallow	Reject
FS25.06	Ventus Energy	Oppose			Disallow	Reject
47.28	F&B	Support with amendment	17. Energy	Rules Generally	Amend to clarify that all rules in the Energy chapter for vegetation clearance must comply with ECO rules.	Reject
FS03.104	Director-General of Conservation	Support			Allow	Reject
FS10.29	King Country Energy	Oppose			Disallow	Accept

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
FS25.07	Ventus Energy	Oppose			Disallow	Accept
47.29	F&B	Support with amendment	17. Energy	Rules Generally	<p>Add a condition or standard to all permitted activities in the Energy chapter to restrict the removal of individual trees, exotic tree shelterbelts and stands of trees that may provide habitat to NZ bats.</p> <p>And</p> <p>Add a matter of control/discretion in the Energy chapter rules to include effects on the habitats of NZ bats.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
FS10.30	King Country Energy	Oppose			Disallow	Accept
FS25.08	Ventus Energy	Oppose			Disallow	Accept
47.30	F&B	Support with amendment	17. Energy	Rules Generally	<p>Delete the specific limit on vegetation clearance in ENG Y –R23 and refer to compliance with the ECO rules including clearance limits sought in this submission.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
FS10.31	King Country Energy	Oppose			Disallow	Accept
FS25.09	Ventus Energy	Oppose			Disallow	Accept
47.31	F&B	Support with	17. Energy	Rules Generally	Include other Amendments as needed in the Energy chapter to protect the habitats of indigenous fauna when	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
		amendment			considering providing for ENG Y activities. And Any consequential changes or alternative relief to achieve the relief sought.	
FS10.32	King Country Energy	Oppose			Disallow	Accept
FS25.10	Ventus Energy	Oppose			Disallow	Accept
47.32	F&B	Oppose with amendment	17. Energy	ENG Y-R9	Amend ENG Y-R9 as follows: Where: ... <u>2A. the activity is not undertaken in an area known to be used by seabirds."</u> Clarify the provisions for non-compliance and include that where condition 2A is not met the activity is a discretionary activity. And Any consequential changes or alternative relief to achieve the relief sought.	Reject
47.33	F&B	Oppose with amendment	17. Energy	ENG Y-R14	Amend ENG Y-R14 so that provision is made to consider reconsenting of lawfully established activities as NC activities, but that new Coal Fired Electricity Generation and energy generated from non-renewable sources not listed in Table 1 the activity status should be Prohibited. And	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					Any consequential changes or alternative relief to achieve the relief sought.	
47.34	F&B	Support with amendment	17. Energy	ENGY-R18	Retain the discretionary activity status for earthworks in SNAs ENGY- R18.	Accept
FS10.33	King Country Energy	Oppose			Disallow	Reject
47.35	F&B	Support with amendment	17. Energy	ENGY-R18	<p>Amend policies in the Energy chapter so that provision for ENGY does not override the protection and avoidance requirements of s6 of the RMA and the NZCPS, which are to be set out in provisions of other chapters including ECO and CEs and must be able to be fully applied.</p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
FS03.105	Director-General of Conservation	Support			Allow	Reject
FS10.34	King Country Energy	Oppose			Disallow	Accept
47.36	F&B	Support with amendment	17. Energy	ENGY-R18	<p>Delete ENGY-R18(2).</p> <p>And</p> <p>Add "CE-R8" to ENGY-R18(1).</p> <p>And</p>	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					Any consequential changes or alternative relief to achieve the relief sought.	
FS10.35	King Country Energy	Oppose			Disallow	Accept
47.37	F&B	Support with amendment	17. Energy	ENGY-R18	Add a new clause in ENGY-R18 referring to CE rules for earthworks within coastal hazard areas. And Any consequential changes or alternative relief to achieve the relief sought.	Accept
FS10.36	King Country Energy	Oppose			Disallow	Reject
47.38	F&B	Support with amendment	17. Energy	ENGY-R18	Add a new clause in ENGY-R18 that other than as provided for in the CE rules listed above, earthworks in the coastal environment associated with an energy activity are DIS activities. And Any consequential changes or alternative relief to achieve the relief sought.	Reject
FS10.37	King Country Energy	Oppose			Disallow	Accept
47.39	F&B	Support with amendment	17. Energy	ENGY-R19	Add the following matter of discretion to ENGY-R19(j) Matters <u>(j) The actual or potential effects on bats and birds</u> And	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					Any consequential changes or alternative relief to achieve the relief sought.	
47.40	F&B	Support with amendment	17. Energy	ENGY-R20	<p>Add the following matter of discretion to ENGY-R20: <u>(j) The actual or potential effects on bats and birds</u></p> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Reject
FS25.11	Ventus Energy	Oppose			Disallow	Accept
53.13	DOC	Oppose in part	17. Energy	ENGY-O4	<p>I seek the following or relief to like effect: Provide for authorised activities in the rural production zone by:</p> <ol style="list-style-type: none"> 1. Enabling the growth and expansion of such activities to meet the future demand of the district; and 2. Managing adverse environmental effects on the receiving environment by or through avoid, remedy, or mitigation measures through consistent application of the as far as practicable effects management hierarchy. 	Reject
53.14	DOC	New	17. Energy	New Objective ENGY- Ox	<p>I seek the following or relief to like effect:</p> <p><u>The adverse effects of renewable electricity generation activities are:</u></p>	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					<ol style="list-style-type: none"> 1. <u>avoided on the identified characteristics and values of the sensitive environments the infrastructure is located within; and</u> 2. <u>managed by applying the effects management hierarchy to achieve the relevant objectives for the underlying zone in other areas.</u> 	
FS10.58	King Country Energy	Oppose			Disallow	Accept
FS25.18	Ventus Energy	Oppose			Disallow	Accept
53.15	DOC	Support in part	17. Energy	ENGY-P5	<p>I seek the following or relief to like effect:</p> <p>Allow <u>renewable electricity generation and activities</u> associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, however they must be avoided within:</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. 7. <u>A bat protection area.</u> 	Reject
FS10.59	King Country Energy	Oppose			Disallow	Accept
FS25.19	Ventus Energy	Oppose			Disallow	Accept
53.16	DOC	Oppose in part	17. Energy	ENGY-P13	I seek the following or relief to like effect:	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					<p>ENGY-P13. Within the rural production zone where the removal of indigenous vegetation in a significant natural area is <u>proposed</u> unavoidable to provide for: regionally significant infrastructure, adverse effects must be <u>managed by applying the effects management hierarchy</u>.</p> <p>1. If <u>the effects management hierarchy has been sequentially applied and</u> offsetting adverse effects is the only practicable option, indigenous biodiversity values and ecological characteristics of the significant natural area will be <u>restored and enhanced</u> maintained by:</p> <p>a. Providing a biodiversity offset that is consistent with the framework detailed in Appendix 4 Biodiversity Offsetting Framework: and</p> <p>b. Ensuring the biodiversity offset can achieve <u>a net gain or at minimum</u> 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.</p>	
FS10.60	King Country Energy	Oppose			Disallow	Accept
FS25.20	Ventus Energy	Oppose			Disallow	Accept
53.17	DOC	Oppose in part	17. Energy	ENGY-R9	<p>I seek the following or relief to like effect:</p> <p>One wind turbine with a rated capacity 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</p>	Reject

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
					<p>including 5kW each per holding.</p> <p>PER: Outstanding Natural landscapes</p> <p>DIS: Heritage buildings and structures, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character, <u>significant natural areas</u>, <u>bat protection areas</u>, <u>outstanding natural landscapes</u>.</p>	
FS10.61	King Country Energy	Oppose			Disallow	Accept
FS25.21	Ventus Energy	Oppose			Disallow	Accept
FS23.253	Te Nehenehenui	Support in part			Remove sites and areas of significance to Māori, significant archaeological sites.	Accept in part
53.18	DOC	Oppose in part	17. Energy	ENGY-R11	<p>New renewable electricity generation activities including community scale renewable electricity activities not provided for elsewhere in Table 1</p> <p>NC: Outstanding natural landscapes, outstanding natural features, heritage buildings and structures, sites or areas, <u>significant natural areas (local, regional, national or international significance)</u> or, as preferred by the D-G, delete differing significance hierarchy and <i>apply the standard significance test in accordance with WRPS APP5.</i></p> <p>DIS: Karst overlay, landscapes of high amenity value, significant natural areas (local significance), coastal environment.</p>	Reject
FS10.62	King Country Energy	Oppose			Disallow	Accept
FS25.22	Ventus Energy	Oppose			Disallow	Accept
FS23.254	Te Nehenehenui	Support in			Add sites and areas of significance to Māori, significant	Accept in part

Submission No	Submitter	Support / in part / oppose	Plan Section	Plan Provision	Relief Sought	Accept/Accept in Part/Reject
		part			archaeological sites	

Overview

The focus of this chapter is on energy generation. Also see the [national electricity and gas transmission chapter](#) for activities undertaken near transmission structures and the [network utilities chapter](#) for activities undertaken by network utility operators. Energy is essential to the efficient functioning of our communities and economy and energy demand is growing. ~~Currently~~ Oil and petrol fuel the majority of¹ our vehicles and electricity heats and lights our homes and workplaces. Renewable electricity generation is becoming increasingly important as a way of meeting future demand in an environmentally sustainable manner. The benefits of using renewable sources of energy is a matter that particular regard must be given to under section 7 of the Resource Management Act 1991, along with energy efficiency and climate change.

The contribution of renewable electricity generation towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment. The country's strategic target is that 100 per cent of electricity generated in New Zealand should be derived from renewable energy sources by 2035. Increasing renewable electricity generation can have local, regional and national benefits.

The Act defines renewable energy as energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave, and ocean current sources. To achieve this, the government has put in place a National Policy Statement for Renewable Electricity Generation (NPSREG). This plan must give effect to the NPSREG. In order to meet the government's target, it will be necessary to increase the output capacity of renewable electricity generation through the development of new renewable electricity generation activities along with the protection of output from existing activities.

In Waitomo District, the most probable forms of energy are based on renewable sources. There are several existing hydro-electricity generation schemes and there is the potential for similar schemes to develop in the future. The western hills are a recognised wind resource and over time wind farms are expected to develop in this area. The feasibility of solar energy for large scale electricity generation is improving. Large scale solar electricity generation facilities may also be developed on suitable urban or rural land in the district. As well as large scale energy projects, it is likely that more people and businesses will develop generation sources using wind or solar power. This could be on site at an individual/household scale or a community scale. Given the relative isolation of some parts of the district and the dependency on distribution networks, there are significant benefits in terms of cost and security of supply, for people to generate energy on-site. Other forms of fuel energy, such as biofuels and waste to energy plants, also have the potential to contribute to meeting future energy demands.

The location of renewable electricity generation activities is often driven by their functional and operational need to access natural resources. Often, these locations have other values associated with them such as important natural features and landscapes, coastal environment values and significant natural areas. Where possible a balance is

¹ Forest and Bird [47]

required to ensure renewable electricity generation activities can locate where resources are, providing these values are not unduly compromised. In some cases, applying a balancing approach is not appropriate because the values of the identified overlay, scheduled site or feature are so significant. For this reason, the development of new larger scale energy activities has been listed as a prohibited activity within identified outstanding natural features and areas of outstanding natural character. Additionally, it is not appropriate for safety reasons, for any structure that does not comply with the flightpath height restrictions for the Te Kūiti Aerodrome to be constructed. For this reason, this activity has also been listed as a prohibited activity.

Renewable electricity generation activities are often seen as a change to amenity that some people embrace - while others do not. The provisions in this chapter seek to manage these effects through controlling the location, scale and noise levels, whilst recognising visual amenity values may change over time.

This plan also provides for the efficient operation, management and upgrading of four existing hydro generation facilities in the district. The four facilities are Wairere Hydro Power Station, Mokauiti Hydro Power Station, Speedies Road Hydro Power Station and Boulder Creek Road Hydro Power Station. All of these facilities are located in the rural production zone and generate over 1MW of electricity and as such, are recognised as being regionally significant infrastructure. In the main, the rules for these facilities are located within this chapter. Depending on the type of activity and the characteristics of the site, other chapters in the plan may be relevant such as subdivision, financial contributions and natural hazards. A plan change to include new major energy infrastructure as a rural production zone is an option for energy companies and/or developers to consider.

Objectives

Refer also to the relevant objectives in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

ENGY-O1. Increase the resilience of communities within the district by:

1. Enabling renewable electricity generation activities ~~where appropriate~~²; and
2. Encouraging the development of on-site and community scale renewable electricity generation activities; and
3. Recognising the positive benefits and contribution of renewable electricity generation towards reducing the effects of climate change.

ENGY O2. Recognise and provide for the national significance of renewable electricity generation activities by:

1. Maintaining ~~and~~/or increasing the use and supply of renewable electricity to communities both within the Waitomo district and wider network; and
2. Protecting existing renewable electricity generation activities; and
3. Enabling ~~the appropriate~~³ development of new renewable electricity generation activities; and

² Ventus Energy [42]

³ Ventus Energy [42]

4. Acknowledging the functional and operational need of renewable electricity generation activities.

ENGY-O3. Encourage the efficient use of energy.

ENGY-O4. Provide for authorised activities in the rural production zone by:

1. Enabling the growth and expansion of such activities to meet the future demand of the district; and
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.

Policies

Refer also to the relevant policies in Part 2 District - Wide Matters and Part 3 - Area Specific Matters

ENGY-P1. Enable the ongoing operation, maintenance, repair and ~~minor~~⁴ upgrade of existing renewable electricity generation activities within the district, providing significant adverse effects on the environment are avoided, remedied or mitigated.

ENGY-P2. 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.

ENGY-P3. 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, environmental⁵ and economic benefit to the community from sharing electricity that has been generated locally.

ENGY-P4. 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:

1. The benefits of the activity, recognising that benefits may offset adverse effects on anticipated changes in⁶ amenity; and
2. Any functional or operational needs or constraints; and
3. The scale, intensity duration or frequency of the activity's effects including at the time of construction; and
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;~~;~~

⁴ King Country Energy Limited [33]

⁵ Forest and Bird [47]

⁶ King Country Energy Limited [33]

7. The contribution of the activity to the District, Regional and National electricity needs and security of supply; and⁷
8. Effects on indigenous species including highly mobile species⁸.

In doing so, recognise large scale activities will be more appropriate within the industrial, rural production, and general rural zones.

- ENG-P5.** ~~Allow~~ Provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, however ~~they~~ adverse effects must be ~~avoided~~ no more than minor in scale within⁹:
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.
- ENG-P6.** 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.
- ENG-P7.** Manage new development and land use activities near existing renewable electricity generation activities to avoid minimise reverse sensitivity effects to the extent reasonably possible¹⁰.
- ENG-P8.** Avoid ~~d~~Development ~~must~~ that does not comply with the flightpath height restrictions for the Te Kūiti Aerodrome¹¹.
- ENG-P9.** Recognise the short-term benefits from temporary generators at the time of an emergency or when electricity supply is disrupted.
- ENG-P10.** For any co-generation or waste to energy conversion:
1. Acknowledge the benefits of the efficient use and disposal of waste; and
 2. Manage more than minor adverse environmental effects created by this activity; and
 3. Appropriately locate these activities within the:
 - a. Rural production zone; or
 - b. General rural zone; or
 - c. Industrial zone.
- ENG-P11.** ~~Allow~~ provide for¹² facilities which produce biogas by anaerobic fermentation of waste, ensuring both the benefits and any effects, including

⁷ King Country Energy Limited [33]

⁸ Forest and Bird [47]

⁹ Forest and Bird [47], King Country Energy Limited [33] and Ventus Energy [42]

¹⁰ King Country Energy Limited [33]

¹¹ King Country Energy Limited [33]

¹² Forest and Bird [47]

the potential for reverse sensitivity effects, are taken into account. Avoid locating these facilities in areas of the district where a non-complying activity status is signalled in the rules.

ENG-Y-P12. Avoid activities where:

1. The radiofrequency emission cannot comply with NZS 27721:1999 Radiofrequency Fields – Maximum Exposure Levels – 3KHz to 300GHz; or
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 (1Hz-100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007); or
3. The activity is coal fired electricity generation or is based on non-renewable resources; or
- ~~4. The activity is hydro-electricity generation with an output of more than 5 kW in an outstanding natural feature.¹³~~

~~**ENG-Y-P13.** 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:~~

- ~~1. If offsetting adverse effects is the only practicable option, indigenous biodiversity values and ecological characteristics of the significant natural area will be maintained by:

 - ~~a. Providing a biodiversity offset that is consistent with the framework detailed in Appendix 4 Biodiversity Offsetting Framework; and~~
 - ~~b. 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.¹⁴~~~~

ENG-Y-P14. ~~Enable~~ Provide for lawfully established¹⁵ 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:

1. Managing dust, odour, noise, vibration, access, debris on roads and illumination to maintain amenity values, particularly during the night time; and
2. Ensuring that noise and vibration effects are not unreasonable and do not adversely affect amenity values in the surrounding area; and

¹³ King Country Energy [33.22]

¹⁴ Forest and Bird [47] and Department of Conservation [53]

¹⁵ Forest and Bird [47]

3. Managing actual and potential effects on public health and safety.

ENGY-P15. Ensure the scale and location of any expansion of an existing hydro-electricity generation activity facilities located within the rural production zone do not adversely affect local character or amenity by:

1. Maintaining boundary setbacks for activities and structures; and
2. Ensuring that outdoor storage is sufficiently landscaped and screened from roads, public spaces and adjoining neighbours; and
3. Ensuring that ~~industrial~~ buildings are designed as far as practicable to not overshadow or overly dominate the wider surrounding area.

ENGY-PX¹⁶.

1. Ensure consideration of the values, qualities and characteristics of overlays, scheduled sites and features when proposing new renewable electricity generation activities or undertaking significant upgrades to existing renewable electricity generation activities.
2. Provide for regionally significant infrastructure within overlay, scheduled site and feature where:
 - a. There is a demonstrated functional or operational need for the infrastructure to be located within the overlay, scheduled site and feature; and
 - b. It is demonstrated through an options assessment that locating within the overlay, scheduled site and feature is the best practicable option, having particular regard to the financial implications, social, cultural and environmental effects of the preferred option, compared to other alternative options.

¹⁶ Department of Conservation [53]

Rules

The rules that apply to energy generation activities are contained in the tables listed below. To undertake any activity, it must comply with all the rules listed in:

- ENG Y - Table 1 - Activities Rules; and
- ENG Y - Table 2 - Performance Standards; and
- Any relevant provision in Part 2 District-Wide Matters; and
- Unless specifically referenced in a rule, Part 3 Area Specific Matters do not apply to this chapter.

Where an activity breaches more than one rule, the most restrictive status shall apply to the activity.

[Refer to Part 1 - How the Plan Works](#) for an explanation of how to use this Plan, including activity status abbreviations.

Note: Where sites and areas of significance to Māori are referred to it means the mapped extent of sites listed in [SCHED3](#) and [SCHED4](#).

Note: Where Heritage Buildings and Structures are referred to it means the [site or surroundings \(of any building or structure listed in \[SCHED1\]\(#\)\)](#)

Pursuant to Section 86B(3) of the RMA, the following rules that protect areas of significant indigenous vegetation or areas of significant habitats of indigenous fauna, protect historic heritage, protect or relate to water have immediate legal effect: ENG Y-R18.3.

ENGY - Table 1 - Activities Rules

	All zones and all precincts. All overlays, scheduled sites and features	
ENGY-R1.	The operation, maintenance, repair, replacement, minor upgrade , demolition or removal of existing buildings and structures of any existing renewable electricity energy ¹⁷ generation activity.	
	Activity Status: PER Where: 1. Performance standards ENGY-R17 and ENGY-R18, and ENGY-R21 and ENGY-R22 are complied with.	Activity status where compliance is not achieved with ENGY-R17 or ENGY-R18: Refer to Table 2 Activity status where compliance is not achieved with ENGY-R21 or ENGY-R22: NC <i>Note: Where the building is listed in SCHD1 - Heritage Buildings and Structures, also see the historic heritage chapter.</i>
	Rural production zone only. All overlays, scheduled sites and features	
ENGY-R2.	The operation, maintenance, repair, replacement and minor upgrade of an existing hydro-electricity generation activity infrastructure ¹⁸ 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.	
	Activity Status: PER Where: 1. All of the performance standards in ENGY-R21 through to ENGY-R23 is complied with.	Activity status where compliance is not achieved with ENGY-R21 or ENGY-R22: NC Activity status where compliance is not achieved with ENGY-R23: RDIS Where the activity is RDIS, the matters over which discretion is restricted are:

¹⁷ King Country Energy Limited [33]¹⁸ King Country Energy Limited [33]

		(a) The matters of discretion associated with any performance standard which cannot be complied with in ENG-Y – Table 2.
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	All zones and all precincts. All overlays, scheduled sites and features	
ENG-Y-R3.	Temporary Generators	
	Activity Status: PER Where: <ol style="list-style-type: none"> 1. The temporary generator is associated with an energy activity and used for no longer than one (1) calendar month; or 2. The temporary generator is used during outages of electricity supply. 	Activity status where compliance is not achieved with ENG-Y-R3.1 or ENG-Y-R3.2: DIS Activity status where compliance is not achieved with ENG-Y-R21 or ENG-Y-R22: NC <i>Note: The use of generators and mobile equipment (including vehicles) for emergency purposes is permitted.</i> <i>Note: There are no noise rules applicable to temporary generators, however the duty to avoid unreasonable noise still applies.</i>

	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
ENG-Y-R4.	Solar panels attached to an existing building.			

	PER	PER where attached to buildings: Outstanding natural landscapes, outstanding natural features, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character RDIS where attached to buildings: Heritage buildings and structures	PER	PER
	Where the activity is RDIS, the matters over which discretion is restricted are: (a) The location of the panels; and (b) The size of the panels; and (c) Actual or potential effects on the values associated with the scheduled historical heritage site or feature.		<i>Note: Refer to the Hapori whānui chapter for rules related to glare</i>	

	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
ENGY-R5.	Freestanding solar panels up to and including 6 m² in area per site			
	PER	RDIS	PER	PER

	<p>For PER Activities:</p> <p>Where:</p> <ol style="list-style-type: none"> 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. 	<p>Activity status where compliance with ENGY-R5.1 is not achieved: Refer ECO-R12</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <ol style="list-style-type: none"> The location and size of the panels; and Actual or potential effects on the values associated with any overlay or scheduled site or feature. <p><i>Note: Refer to the Hapori whānui chapter for rules related to glare</i></p>
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	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
ENGY-R6.	Freestanding solar panels greater than 6 m ² and up to 25 m ² in area per site			
	RDIS	RDIS	PER	RDIS
	<p>For PER Activities:</p> <p>Where:</p> <ol style="list-style-type: none"> 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. 		<p>Activity status where compliance with ENGY-R6.1 is not achieved: RDIS</p> <p><i>Note: Refer to the Hapori whānui chapter for rules related to glare</i></p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <ol style="list-style-type: none"> The extent and effect of non-compliance with any relevant rule or standard and any relevant matters of discretion in the infringed rule(s); and The location and size of the panels; and 	

		(c) Actual or potential effects on the values associated with any precinct, overlay or scheduled site or feature
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	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
ENGY-R7.	Hydro-electricity generation of up to and including 5kW of electricity per site			
	PER	<p>PER: Outstanding natural landscapes, heritage buildings and structures.</p> <p>RDIS: Outstanding natural features, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character</p>	PER	PER
	<p>For PER and RDIS Activities:</p> <p>Where:</p> <ol style="list-style-type: none"> 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 the maximum total gross floor area of all structures must not exceed 2 m². The performance standards in ENGY-R21 and ENGY-R22 are complied with. 		<p>Activity status where compliance with ENGY-R7.1 is not achieved: Refer ECO-R12</p> <p>Activity status where ENGY-R7.2 is not achieved: RDIS</p> <p>Activity status where compliance is not achieved with ENGY-R21 and ENGY-R22: NC</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <ol style="list-style-type: none"> The effects at the time of construction; and The benefits from the generation of energy from using a renewable resource; and Actual or potential effects on the values associated with any overlay or scheduled site or feature; and Effects on the natural character of the coastline or water body and its margins; and 	

		<p>(e) The extent to which re-planting will assist in mitigating the adverse effects associated with any earthworks and vegetation clearance.</p> <p><i>Note: Resource Consent from Waikato Regional Council or Manawatu-Whanganui Regional Council may be required</i></p> <p><i>Note: All structures must also comply with NATC-R2.</i></p>
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	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
ENGY-R8.	Hydro electricity generation activities with an output of more than 5kW and up to 20kW of electricity per site			
	RDIS	<p>RDIS: Outstanding natural landscapes</p> <p>DIS: Heritage buildings and structures, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character</p> <p>NC: Outstanding natural features</p>	RDIS	RDIS
	<p>For RDIS and DIS activities:</p> <p>Where:</p> <p>1. The performance standards in ENGY-R21 and ENGY-R22 are complied with.</p>		<p>Activity status where compliance with ENGY-R21 and ENGY-R22 is not achieved: NC</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <p>(a) The effects at the time of construction; and</p> <p>(b) The benefits from the generation of energy from using a renewable resource; and</p>	

		<p>(c) The effect on the provisions of the Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River); and</p> <p>(d) Actual or potential effects on the values associated with any overlay or scheduled site or feature; and</p> <p>(e) Effects on the natural character of the coastline or water body and its margins; and</p> <p>(f) The extent to which re-planting will assist in mitigating the adverse effects associated with any earthworks and vegetation clearance.</p>
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	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
ENGY-R9.	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			
	PER	PER: Outstanding natural landscapes DIS: Heritage buildings and structures, sites and areas of significance to Māori, significant archaeological sites, outstanding natural character NC: Outstanding natural features¹⁹ PR: Outstanding natural features	PER	PER

¹⁹ King Country Energy Limited [33]

	<p>For PER Activities:</p> <p>Where:</p> <ol style="list-style-type: none"> 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 All of the performance standards in Table 2 are complied with. <p>For DIS Activities:</p> <ol style="list-style-type: none"> The performance standards in ENGY-R21 or ENGY-R22 are complied with. 	<p>Activity status where compliance with ENGY-R9.1 is not achieved: Refer ECO-R12</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 with ENGY-R19 to ENGY-R20 is not achieved: RDIS</p> <p>(a) The matters of discretion associated with any performance standard which cannot be complied with in ENGY – Table 2.</p> <p>Activity status where compliance ENGY-R21 or ENGY-R22 is not achieved: NC</p> <p><i>Note: Where the number of wind turbines exceed the number provided for in this rule, the relevant rule is ENGY-R11.</i></p> <p><i>Note: In PREC3 see the Te Kūiti Aerodrome flightpath height restrictions – ENGY-R16.</i></p>
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	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
ENGY-R10 ²⁰ .	Renewable energy exploration activities			
	RDIS	RDISNC: Outstanding natural landscapes, outstanding natural character, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites	PER	<p>RDIS: Significant natural area (local significance), Coastal environment, karst overlay, landscapes of high amenity value</p> <p>RDISNC: Significant natural area (regional, national and</p>

²⁰ King Country Energy Limited [33] and Ventus Energy [42]

		NCPR: Outstanding natural features		international significance), high/very high natural character
	For PER Activities: Where: <ol style="list-style-type: none">1. The activity must occur for no more than five (5) years from the date the equipment is erected; and2. The person responsible for erecting the equipment is required to notify the Council in writing as to the date the equipment is erected; and3. The equipment must be removed no later than two months after the monitoring has finished on the site; and4. Any wind monitoring mast must be set back a distance of at least ten (10) times the mast’s height, as measured from ground level, from the boundary of the holding; and5. The performance standards in ENGY-R21 and ENGY-R22 are complied with. For RDIS Activities: Where: <ol style="list-style-type: none">6. The performance standards in ENGY-R21 and ENGY-R22 are complied with.		Activity status where compliance with ENGY-R10.1 through to ENGY-R10.4 is not achieved: RDIS Activity status where compliance with ENGY-R21 and ENGY-R22 is not achieved: NC Where the activity is RDIS, the matters over which discretion is restricted are: <ol style="list-style-type: none">(a) The effects at the time of construction; and(b) How the activity and any required structures or connections affect anticipated levels of amenity including noise, visual effects, operating hours and traffic generation; and(c) Actual or potential effects on the values associated with any overlay or scheduled site or feature; and(d) The type, scale and form of any wind monitoring mast; and(e) The location of the equipment and/or wind monitoring mast on the site; and(f) The benefits from locating the equipment and/or wind monitoring mast in the proposed location; and(g) Any technological constraints.	

	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
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ENGY-R11.	New renewable electricity generation activities including community scale renewable electricity activities not provided for elsewhere in Table 1			
	DIS	NC: Outstanding natural landscapes, outstanding natural features ²¹ , heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites PR: Outstanding natural features, outstanding natural character	DIS: General rural, industrial, rural production zones and PREC3	DIS: Karst overlay, landscapes of high amenity value, significant natural areas (local significance), coastal environment. NC: High/very high natural character, significant natural areas (regional, national or international significance)
	For DIS Activities: Where: 1. The performance standards in ENGY-R21 or ENGY-R22 are complied with.		Activity status where compliance with ENGY-R21 and ENGY-R22 is not achieved: NC	

	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
ENGY-R12.	Biogas produced by anaerobic fermentation of waste			
	NC	PER: Outstanding natural landscapes NC: Outstanding natural features, outstanding natural character, heritage buildings and structures, sites	PER: General rural, rural production and industrial zones NC: PREC3	PER: Coastal environment, karst overlay, high/very high natural character, landscapes of high amenity value

²¹ Correction of an error recommended by the s42 Reporting Officer

		or areas of significance to Māori, significant archaeological sites		NC: Significant natural area
	For PER Activities: Where: <ol style="list-style-type: none"> 1. The waste must not exceed 4 m³ per day; and 2. The waste must not be stored and fermented within 250 m of the boundary of a residential, future urban, rural lifestyle, commercial, Māori purpose, tourism, settlement, open space or natural open space zone; and 3. The performance standards in ENGY-R21 and ENGY-R22 are complied with. 		Activity status where compliance with ENGY-R12.1 or ENGY-R2 is not achieved: RDIS Activity status where compliance with ENGY-R21 and ENGY-R22 is not achieved: NC Where the activity is RDIS, the matters over which discretion is restricted are: <ol style="list-style-type: none"> (a) The effects at the time of construction; and (b) The potential for reverse sensitivity effects; and (c) Actual or potential effects on the values associated with any overlay or scheduled site or feature; and (d) How the generation activity and any required structures or connections affect anticipated levels of amenity; and (e) The volume and type of waste, and the potential for effects; and (f) How the waste is managed; and (g) Location of the waste and associated plant on the site; and (h) The benefits obtained from using the waste. <p><i>Note: Resource Consent from Waikato Regional Council or Manawatū-Whanganui Regional Council may be required.</i></p>	

	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
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ENGY-R13.	Co-generation plants and waste to energy plants			
	NC	NC	DIS: General rural, rural production and industrial zones NC: PREC3	NC
	For DIS Activities: Where: 1. The performance standards in ENGY-R21 or ENGY-R22 are complied with.		Activity status where compliance with ENGY-R21 or ENGY-R22 is not achieved: NC	

	Residential, future urban, rural lifestyle, settlement, commercial, Māori purpose, tourism, open space and natural open space zones, all Precincts except PREC3	Outstanding Natural Landscapes, Outstanding Natural Features, Outstanding Natural Character, Heritage buildings and structures, sites or areas of significance to Māori and significant archaeological sites.	Industrial, general rural and rural production zones and PREC3	Significant Natural Areas, Coastal Environment, Karst Overlay, Landscapes of High Amenity Value, High/Very High Natural Character
ENGY- R14.	Coal Fired Electricity Generation and energy generated from non-renewable sources not listed in Table 1			
	NC	NC: Outstanding natural landscapes, heritage buildings and structures, sites or areas of significance to Māori, significant archaeological sites PR: Outstanding natural features, outstanding natural character	NC	NC

	All zones and all precincts. All overlays, scheduled sites and features
ENGY-R15.	Erection of any new electricity lines and associated support structures, except where provided for as part of ENGY-R23
	Refer to the network utilities chapter .
ENGY-R16.	Non-compliance with the Te Kūiti Aerodrome Flightpath height restrictions shown on the Planning Maps
	PR

ENGY - Table 2 – Performance Standards

ENGY-R17.	Structures, earthworks and removal of indigenous vegetation adjacent to water bodies, the open coast, Kawhia Harbour or a river in the coastal marine area
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1. The rules in the [coastal environment chapter](#) and in the [natural character chapter](#) apply to activities adjacent to the coastline and water bodies.

ENGY-R18.	Earthworks associated with an energy activity
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1. In outstanding natural landscapes, outstanding natural features, outstanding natural character, karst overlay, landscapes of high amenity value, high/very high natural character NFL-R8 applies; and
2. In the coastal environment CE-R8 applies; and
3. [In significant natural areas, significant archaeological sites, heritage buildings, and structures and sites and area of significance to Māori, earthworks associated with an energy activity are **DIS activities**;](#)
4. [In natural hazard areas within the coastal environment, NH-R6 applies;](#)²² and
5. In all other situations, refer to the rules in the earthworks chapter.

ENGY-R19.	One wind turbine per site outside of the industrial, general rural, rural production zones & PREC3
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²² Fores and Bird [47.37]

<ol style="list-style-type: none"> 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 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 The maximum diameter of any support structure must not exceed 200 mm; and Where attached to a building, the structure must not protrude more than 1 m above the highest point of the roof; and 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 Noise levels must be compliant with the recommended noise limits in NZS6808:2010 "Acoustics – Wind farm noise". 	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> The scale of the wind turbine and the actual and potential effects on amenity; and The location of the wind turbine within the site; and The proximity of the wind turbine to sensitive activities; and The proximity of the wind turbine to any significant natural areas and whether there are any effects associated with this proximity; and The level of noise and any special noise characteristics, and the potential to affect sensitive activities; and The benefits obtained from the use and development of renewable energy; and The effects at the time of construction; and Actual or potential effects on the values associated with any overlay or scheduled site or feature; and Any technical difficulties associated with locating a wind turbine on the site.
ENG-Y-R20.	Up to two wind turbines per holding within the industrial, general rural, rural production zones & PREC3
<ol style="list-style-type: none"> 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 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 Where attached to a building, the structure must not protrude more than 2 m above the highest point of the roof; and 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 ENG-Y-R20.6 applies; and 	<p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> The scale of the wind turbine(s) and the actual and potential effects on amenity; and The location of the wind turbine(s) within the site; and The proximity of the wind turbine(s) to sensitive activities; and The proximity of the wind turbine(s) to any significant natural areas and whether there are any effects associated with this proximity; and The level of noise and any special noise characteristics, and the potential to affect sensitive activities; and The benefits obtained from the use and development of renewable energy; and

<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>(g) The effects at the time of construction; and</p> <p>(h) Actual or potential effects on the values associated with any overlay or scheduled site or feature; and</p> <p>(i) Any technical difficulties associated with locating a wind turbine(s) on the site.</p>
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ENGY-R21. Emission of radiofrequency fields		
1.	The radiofrequency emission complies with NZS 27721:1999 Radiofrequency Fields – Maximum Exposure Levels – 3KHz to 300GHz.	Activity status where compliance is not achieved: NC
ENGY-R22. Emission of electric and magnetic fields		
1.	The emission of electric and magnetic fields must not exceed the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz-100kHz) (Health Physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).	Activity status where compliance is not achieved: NC
Rural Production Zone Only		
ENGY-R23.	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.	
Buildings and structures <ol style="list-style-type: none"> 1. An alteration or extension to any existing building must be no greater than 50 m² in gross floor area; and 2. Any new building must be no greater than 100 m² in gross floor area; and 3. Structures must not exceed 10 m in height as measured from ground level. Where the structure is proposed to be erected on a dam or spillway structure, the maximum height must be measured from the top of the existing dam or spillway; and 4. Any new building or building extension must be setback 10 m from internal site boundaries; and 5. For Mokauiti Hydro Power Station (RPROZ-15), any new structure must be setback 20 m from the boundary with the adjacent urupā; and 6. The total building coverage on a site must not exceed 30% of the net site area; 		Matters over which discretion is restricted: <ol style="list-style-type: none"> (a) Visual effects including the bulk, location and scale of structures, signs, support poles or fences on adjoining properties and on rural character; and (b) Whether alternative options are proposed to preserve the amenity, character and values of the surrounding environment; and (c) Effects on the natural character of the river and its margins; and (d) For RPROZ-15, any actual and potential effects on the adjoining urupa; and (e) The extent of the activity and the ability to internalise adverse effects; and (f) The location, timing, design and density of earthworks and vegetation removal activities and any proposed rehabilitation measures; and

<p>and</p> <ol style="list-style-type: none"> 7. New overhead and underground lines, operation, maintenance, upgrading and extension in length of lines conveying electricity and their support poles, at a voltage up to and including 110 kV are permitted provided that no support pole is greater than 25 m in height as measured from ground level; and 8. Any temporary building incidental to a construction or demolition project must be removed within two months of the completion of the project; and 9. Security fencing must be no higher than 3 m above ground level. Where a fence is proposed to be located on a dam or spillway structure, the maximum height must be measured from the top of the existing dam or spillway structure; <p>AND</p> <p><i>Note: Where the building is listed in SCHED1 - Heritage Buildings and Structures, also see the historic heritage chapter.</i></p>	<ol style="list-style-type: none"> (g) Measures taken during earthworks to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability, methods of sediment retention and sediment runoff control to be adopted; and (h) Effects on riparian margins or areas of indigenous vegetation and the extent to which any proposed re-vegetation mitigates or offsets effects on identified significant natural areas and/or the natural character of rivers and their margins.
<p>Signs</p> <ol style="list-style-type: none"> 10. 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 11. No individual sign may exceed 2 m², with the total area of signs per site zone²³ being no more than 8 m²; and 12. The maximum height of any freestanding sign must not exceed 10 m as measured from ground level; and 13. 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 14. ENGY-R23.10 - R23.13 apply in place of the provisions of the signs chapter; <p>AND</p>	
<p>Noise and light</p> <ol style="list-style-type: none"> 15. Noise – see NOISE-R12; and 	

²³ King Country Energy Limited [33]

<p>16. Light– see LIGHT-R1; AND</p>	
<p>Earthworks and vegetation clearance</p> <p>17. Earthworks must not exceed a total volume of 1,000 m³ in a single activity or in cumulative activities in any one calendar year, provided that this rule does not apply to earthworks incidental to an approved resource consent or building consent; and</p> <p>18. No earthworks shall occur within 20 m of the urupā that adjoins Mokauiti Hydro Power Station (RPROZ-15); and</p> <p>19. ENGY-R23.17 - R23.18 apply in place of the provisions of the earthworks chapter; and</p> <p>20. No more than 50 m² of indigenous vegetation shall be cleared from any identified significant natural area across a rural production zone in any one calendar year. This rule applies in place of the provisions of the ecosystems and indigenous biodiversity chapter;</p> <p>AND</p>	
<p>High trip generating activities</p> <p>21. See rule RPROZ-R17; AND</p>	
<p>Screening outdoor storage</p> <p>22. Any outdoor storage area visible from an adjacent residential property or road must be screened from the adjacent residential property or road by solid walls or fences not less than 1.8 m in height or landscaping with planting that will, within two years of planting, reach a minimum height of 2 m and a minimum width of at least 2 m from any shared internal boundary or road boundary.</p>	