



SECTION 42A REPORT

Renewable Electricity Generation

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Appendix 1.1: Recommended amendments to the Renewable Electricity Generation chapter



Appendix 1.2: Definitions recommendations for the Interpretation chapter

Appendix 2: Recommended decisions on submissions to the Renewable Electricity Generation chapter

List of Abbreviations

Table 1: List of Submitters and Abbreviations of Submitters' Names

Submitter Number	Abbreviation	Full Name of Submitter
S364	DOC	Director-General of Conservation (Department of Conservation)
S368	FNDC	Far North District Council
S159	Horticulture NZ	Horticulture New Zealand
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
S421	Federated Farmers	Northland Federated Farmers of New Zealand
S359	NRC	Northland Regional Council
S511	Forest & Bird	Royal Forest and Bird Protection Society of New Zealand

Note: This table contains a list of submitters relevant to this topic which are abbreviated and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

Table 2: Other abbreviations

Abbreviation	Full Term
FNDC	Far North District Council
NPS	National Policy Statement
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement



1 Executive summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The Renewable Electricity Generation Chapter is located in Part 2: District-Wide Matters and is one of the 3 chapters within the Energy, Infrastructure and Transport section of the PDP.
2. There were 16 original submitters (with 93 individual submission points) and 168 further submitters (with 722 individual submission points) on the Renewable Electricity Generation topic. 47 original submission points indicated general support for the provisions and requested these be retained as notified, 27 submission points indicated support in part, with changes requested, 6 submission points opposed the provisions, and the position of 13 submission points was not stated.
3. The submissions can largely be categorised into several key themes:
 - a. General Miscellaneous
 - b. Objectives
 - c. Policies
 - d. Notes
 - e. Rules
 - f. Definitions.
4. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
5. The key changes recommended in this report relate to:
 - a. Clarification of how the renewable electricity generation chapter interacts with Part 2 – District-Wide Matters and Part 3 – Area-Specific Matters, ensuring consistency across the plan.
 - b. Amendments to correct typographical errors and improve the overall clarity and accuracy of the provisions.
 - c. Amendments to improve consistency by removing references to matters already addressed in other chapters, including district-wide considerations such as historical, cultural, environmental, and coastal values.



- d. Amendments to better align provisions with higher-order planning documents, including the RPS and the NPS-REG.
- e. The introduction of specific rules for solar and wind electricity generation activities to reflect their anticipated effects, ensuring appropriate management of environmental and operational impacts.

2 Introduction

2.1 Author and qualifications

6. My full name is Kenton Robert Owen Baxter, and I am a Policy Planner in the District Planning Team at FNDC.
7. I hold the qualifications of a Master of Planning and a Bachelor of Environmental Management and Planning obtained from Lincoln University. I am an intermediate member of the New Zealand Planning Institute.
8. I have five years' experience in planning and resource management including policy development, formation of plan changes and associated s.32 assessments; s.42a report preparation and associated evidence; and the preparing of resource consent applications. This experience has been gained from working for both local government and in the private sector.
9. I was not involved in the preparation of the Renewable Electricity Generation chapter.

2.2 Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses 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.
11. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

3 Scope/Purpose of Report

12. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
 - a. Assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
 - b. Provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.



13. This report responds to submissions on the Renewable Electricity Generation chapter.
14. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
15. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16 corrections to the PDP since notification¹. These changes are neutral and do not alter the effect of the provisions. The Clause 16 corrections relevant to the Renewable Electricity Generation chapter are reflected in Appendix 1 to this Report (Officer's Recommended Provisions in response to Submissions). For clarity and consistency with the PDP, these corrections are not shown in strikethrough or underline in Appendix 1.

4 Statutory Requirements

4.1 Statutory documents

16. I note that the Renewable Electricity Generation Section 32 report provides detail of the relevant statutory considerations applicable to the Renewable Electricity Generation Chapter.
17. I also note that the s42A report for Hearing 1 (Strategic Direction), sets out the relationship between the sections of the RMA and "higher order documents" i.e. relevant iwi management plans, other relevant plans and strategies.
18. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
19. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan which must be given effect to. Those that are relevant to the Renewable Electricity Generation Chapter are discussed in sections 4.1.1 – 4.2.4 below.

4.1.1 Resource Management Act

20. The Government elected in October 2023, has repealed both the Spatial Planning Act 2023 and Natural and Built Environment Act 2023 on the 22of December 2023 and has reinstated the RMA as Zealand's primary resource management policy and plan making legislation. The Government has indicated that the RMA will ultimately be replaced, with work on replacement legislation to begin in 2024. The government has indicated that this replacement legislation will be introduced to parliament

¹ [Clause 16 Amendments | Far North District Council \(fndc.govt.nz\)](https://www.fndc.govt.nz/Clause-16-Amendments)



this term of government (i.e. before the next central government election in 2026). However, at the time of writing, details of the new legislation and exact timing are unknown. The RMA continues to be in effect until new replacement legislation is passed.

4.1.2 National Policy Statements

4.1.2.1 National Policy Statements Gazetted since Notification of the PDP

21. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be “prepared in accordance with” and “give effect to” a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.
22. The NPS-HPL took effect on 17 October 2022. The NPS-HPL has a single objective: “Highly productive land is protected for use in land-based primary production, both now and for future generations”. The objective is supported by nine policies and a set of implementation requirements setting out what local authorities must do to give effect to the objective and policies of the NPS-HPL, including restrictions on the urban rezoning, rural lifestyle rezoning, subdivision of highly productive land and requirements to protect highly productive land from inappropriate use and development.
23. The NPS-HPL has recently been amended, with changes gazetted on 16 August 2024, resulting in the removal of consenting barriers for new infrastructure, including renewable energy projects, indoor primary production and greenhouses. Therefore, a consenting pathway is available for specified infrastructure (which includes Renewable Energy Generation) on HPL provided it can be demonstrated there is an operational need or functional need to be there. For example, a solar farm that needs sunny and flat land. Driving amendments, was the agriculture, horticulture and renewable energy sectors’ concerns surrounding the NPS restricting activities needing to be located on highly productive land. These amendments came into effect on 14 September 2024.
24. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023. This was after the PDP was notified (27 July 2022), but while it was open for submissions. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe. The approach to give effect to the NPS-IB was considered in detail through the Ecosystem and Indigenous Biodiversity in Hearing 4 where it was recommended that the NPS-IB primarily be given effect to through a



future plan change. It should also be noted that there is an exception for Renewable Electricity Generation in the NPS-IB under clause 1.3 (3), which states that nothing in the NPS-IB applies to the development, operation, maintenance, or upgrade of renewable electricity generation assets and activities, as well as electricity transmission network assets and activities. The exemption in the NPS-IB for renewable electricity generation activities does not limit the obligations for these activities to be managed in a way that meets the requirements in section 6(c) and 31(1)(b)(iii) of RMA and gives effect to the relevant requirements in the NZCPS and RPS relating to indigenous biodiversity.

25. There are no other new NPSs or changes to operative NPSs that are of particular relevance to the submissions received on the Renewable Electricity Generation chapter. The other relevant NPSs were addressed as part of the Statutory Context within the Renewable Electricity Generation Section 32 Report.

4.1.2.2 National Policy Statements – Announced Future Changes

26. In October 2023 there was a change in government and several announcements have been made regarding work being done to amend or replace various National Policy Statements (summarised in **Table 1** below). The below NPS are anticipated to be of general relevance to the submissions received on the Renewable Electricity Generation topic.
27. Of particular relevance to the Renewable Electricity Generation topic is the proposed changes to the NPS-REG. Amendments to the NPS-REG were consulted on in 2023 and the new government is progressing a range of reforms and national direction through the Electrify NZ programme to make it easier to consent renewable electricity generation. This includes amendments to the NPS-REG so that it is more directive and enabling for renewable electricity generation. The proposed amendments to the NPS-REG as expected to be consulted on in early to mid-2025.

Table 1 Summary of announced future changes to National Policy Direction (as indicated by current Government, as of March 2024)

National Statement	Policy	Summary of announced future changes	Indicative Timing
National Policy Statement for Electricity Transmission (NPS-ET)		<ul style="list-style-type: none"> • Amendments to NPS-ET, but at this stage direction and amendments are unclear. 	2025
National Policy Statement for Highly Productive Land (NPS-HPL)		<ul style="list-style-type: none"> • Amendments to the NPS-HPL in light of needing to enable housing growth and remove consenting barriers. Possible amendments to the definition of 'Highly Productive Land' to enable more flexibility 	2024 - 2025



4.2 Council's Response to Current Statutory Context

28. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements). I note that the proposed amendments and replacement National Policy Statements do not have legal effect until they are adopted by Government and formally gazetted.
29. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process and must publicly notify the changes within five working days of making them. Any further changes required must be done through the RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).
30. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.
31. I have been mindful of this when making my recommendations and believe the changes I have recommended are either within scope of the powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.



4.2.1 National Planning Standards

32. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The Renewable Electricity Generation provisions proposed and recommended in this report follow this guidance.

4.2.2 Treaty Settlements

33. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

4.2.3 Iwi Management Plans – Update

34. When the PDP was notified in July 2022, Council had 14 hapū/iwi management planning documents which had been formally lodged with Council, as listed in the PDP section 32 overview reports. Council took these management plans, including the broader outcomes sought, into account in developing the PDP. Of the 14 hapū/iwi management planning documents, two have been revised since notification of the PDP:
 - a. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan
 - b. Ahipara Takiwā Environmental Management Plan.

Ngāti Hine Environmental Management Plan

35. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. In respect of the Renewable Electricity Generation Chapter the Ngāti Hine Environmental Management Plan has minimal specific reference to this topic. In section 4.2 (Work Plan) in regard to Population Growth & Movement the action mentioned is '*Advocate for building control standards that optimise energy efficient designs, methods, and materials.*'

Ahipara Takiwā Environmental Management Plan

36. The Ahipara Takiwā Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with Council in 2023, after notification of the PDP in July 2022. In respect of the Renewable Electricity Generation Chapter, the Environmental Management Plan provides direction in relation to the following:



- a. Issues relating to Air and Atmosphere – R18 Alternative forms of sustainable energy which do not generate greenhouse gases are required.

4.3 Section 32AA evaluation

37. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
38. The s32AA further evaluation for each key issue considers:
 - a. Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - b. The reasonably practicable options for achieving those objectives.
 - c. The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - d. The efficiency and effectiveness of the provisions for achieving the objectives.
 - e. The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
39. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.4 Procedural matters

40. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing.

4.4.1 Proposed Plan Variation 1

41. FNDC notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) for public submissions on 14 October 2024. The submission period closed on 12 November 2023. Proposed Plan Variation 1 makes minor amendments to; correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and workability of provisions. This includes amendments to the zoning of some properties, and the Coastal flood hazard areas.
42. Plan Variation 1 does not propose any amendments that are directly relevant to the Renewable Electricity Generation chapter.



5 Consideration of submissions received

5.1 Overview of submissions received.

43. A total of 16 original submitters (with 93 individual submission points) and 168 further submitters (with 722 individual submission points) made submissions on the Renewable Electricity Generation Chapter.
44. The main submissions on the Renewable Electricity Generation Chapter came from:
 - a. Iwi and Hapu groups including - Ngati Rangi ki Ngawha Hapu ("Ngati Rangi ki Ngawha Hapu" / S304), Ngati Rangi ki Ngawha ("Ngati Rangi ki Ngawha" / S515) and Te Hiku Iwi Development Trust ("Te Hiku Iwi Development Trust" / S399) who generally support the provisions in part but request amendments to reflect a number of matters raised.
 - b. Top Energy Limited ("Top Energy" / S483) who generally seek better integration between the provisions and the RPS. Top Energy also seek amendments to enable renewable energy activities to establish in a range of areas.
 - c. Federated Farmers (S421) who generally support the notified provisions with some minor amendments requested.
 - d. Key Interest Groups including - Forest and Bird (S511) and Kapiro Conservation Trust S442) who seek better integration between the provisions of this chapter and other chapters particularly in regard to indigenous vegetation clearance.
45. The key issues identified in this report are set out below:
 - a. Key Issue 1: General Miscellaneous
 - b. Key Issue 2: Objectives
 - c. Key Issue 3: Policies
 - d. Key Issue 4: Notes
 - e. Key Issue 5: Rules
 - f. Key Issue 6: Definitions.
46. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic



response assists in providing a concise response to, and recommended decision on, submission points.

5.2 Officer Recommendations

47. A copy of the recommended plan provisions for the Renewable Electricity Generation chapter is provided in **Appendix 1 and 1.1 – Recommended provisions to this report.**
48. A full list of submissions and further submissions on the Renewable Electricity Generation chapter is contained in **Appendix 2 – Recommended Decisions on Submissions to this report.**
49. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) Submissions database Far North District Council (fndc.govt.nz) the associated Section 32 report on this chapter [section-32-overview.pdf](#) (fndc.govt.nz) the overlays and maps on the ePlan Map - Far North Proposed District Plan (isoplan.co.nz).



5.2.1 Key Issue 1: General Miscellaneous

Overview

Provision(s)	Officer Recommendation(s)
Overview section	<ul style="list-style-type: none"> Amendments to clarify which other District-Wide matters chapters may apply to renewable electricity generation activities
Additional note	<ul style="list-style-type: none"> To clarify the zone rules in Part 3 – Area Specific Matters do not apply to renewable electricity generation unless otherwise specified in this Chapter.
Note 1	<ul style="list-style-type: none"> Amendments to clarify which District-Wide matters chapters apply to renewable electricity generation and may be more stringent than the rules in the Renewable Electricity Generation chapter.

Analysis of Submissions on Key Issue 1

Matters raised in submissions

50. NRC (S359.033) seek amendments to the renewable energy provisions to recognise that some forms of renewable energy are limited geographically and may be location specific. They state it is important to recognise some forms of renewable energy (such as wind speeds required for larger-scale wind farms for example) are limited geographically and may be location specific in the same way mineral resources or highly versatile soils are.
51. NRC (S359.034) seek amendments to the renewable energy provisions to enhance access to renewable energy sources. The submitters reasons for this are that as the nation shifts to a low carbon economy, the need for our Northland communities to maximise their use of renewable energy sources for electricity generation within the next decade will become paramount and we recommend careful consideration of the provisions which must enable this access.
52. Transpower New Zealand Ltd (S454.033) requests that all infrastructure provisions, including those for the National Grid, be consolidated within the Infrastructure chapter of the PDP, with clear cross-references in other chapters to highlight their relevance or primacy. If this isn't done, Transpower seeks amendments to other relevant sections (like District-Wide Matters, Zones, Overlays, and How the Plan Works) to ensure infrastructure is properly provided for and easily located.
53. The request stems from concerns that infrastructure provisions are currently scattered across multiple chapters (e.g., Natural Hazards, Ecosystems and Indigenous Biodiversity, Subdivision, and Earthworks), leading to duplication and complexity. Transpower believes a consolidated approach would streamline the Plan, improve usability, and better align



with the National Policy Statement on Electricity Transmission (NPSET). EPlan links can further assist users in navigating between chapters.

54. Top Energy (S483.076) requests amendments to amend the PDP to provide clarity around integration of this chapter with other Chapters in the Plan so that the provisions of the Renewable Electricity Generation chapter have precedence. The submitter states it is not clear how this chapter interacts with Part 3 – Area Specific Matters. It is assumed that the standards within Part 3 would apply (except where more permissive standards are provided in the Renewable Electricity Generation chapter). However, without specific direction within the chapter confirming that this is the case, this could generate confusion for plan users. The 'How the Plan works Chapter' gives specific direction as to how Part 2: District - Wide Matters interacts with the Sensitive Environment Overlays, but not how this chapter should be treated.
55. Te Rūnanga o Ngāti Rēhia (S559.008) seeks to amend land use to ensure there are no impediments to climate change mitigation. The applicants have provided an example of this issue which is that there are amenity-based rules on 'reflectivity', building height or similar that unduly limit opportunities for small to medium scale solar or wind generation.

Analysis

56. The relief sought by NRC to amend the chapter to include recognition that some forms of renewable energy are geographically limited and location-specific is broad in nature.
57. In my opinion, the relief sought by NRC is adequately addressed within the notified provisions which specifically recognise the 'operational need' and 'functional need' of renewable electricity generation activities to be in particular locations. Specifically, Policy REG-P11 is as follows:

"Manage renewable electricity generation activities to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- a. *Any locational, technical, functional, and operational needs and constraints, including the need to be located where the renewable resource is found, and the need for infrastructure to connect to the local electricity distribution network, the National Grid, or directly to high-energy users;..."*
58. This policy explicitly acknowledges the operational and functional need for renewable electricity generation activities to be situated where the renewable resource exists, addressing the point raised by NRC. The terms 'Operational need' and 'Functional need' are defined in the National Planning Standards and included in the PDP and are common and appropriate terms to apply in this context. There are also other objectives and policies including REG-O1, REG-P5 and REG-P6 that relate to similar



aspects and recognise that some forms of renewable energy are geographically limited and location-specific.

59. Given that no specific amendments have been proposed by the submitter, I consider that the notified provisions address the relief sought.
60. The other relief sought by NRC to amend the chapter to enhance access to renewable energy sources is also broad. In my opinion, the notified provisions already provide adequate access to renewable energy sources as these seek to enable renewable electricity generation activities to access these resources. Several activities related to renewable energy are permitted across all zones or within specific zones subject to compliance with permitted activity standards, including:
 - REG-R2: Small scale renewable electricity generation activity attached to buildings or structures (new and upgrading);
 - REG-R3: New buildings or structures associated with in-stream hydro investigation and electricity generation, excluding in-stream structures (new and upgrading);
 - REG-R5: Free standing small scale renewable electricity generation activity (new and upgrading); and
 - REG-R6: Community scale renewable electricity generation activity (new and upgrading).
61. REG-R7 also provides for large scale renewable electricity generation activity (new and upgrading) as discretionary in all zones which is supported by the enabling policies in the chapter.
62. In my opinion, these provisions provide sufficient access to renewable energy sources. As the submitter has not proposed specific amendments, I consider that the notified provisions adequately address the relief sought and I do not recommend any amendments in response to the submission points from NRC.
63. It should be noted that the relationship between the Infrastructure Chapter and other PDP chapters was a key focus of pre-hearing meetings on the Infrastructure Chapter. Issues raised, particularly regarding the interaction between this chapter and other chapters, are directly relevant to the Renewable Energy Chapter, as similar submission points were made especially in relation to Transpower (S454.033) and Top Energy (S483.076).
64. In the Infrastructure s.42A report, the reporting officer addressed concerns regarding the clarity of whether the Infrastructure Chapter should take precedence over other chapters and how its provisions interact with Part 2 (District-Wide Matters) and Part 3 (Area-Specific Matters).



65. A similar issue arises in relation to renewable energy provisions, where submitters have sought amendments to clarify their relationship with other PDP chapters. Rather than duplicating this analysis, I refer to the Infrastructure s.42A report *Key Issue 1: Relationship between Infrastructure Chapter and other PDP Chapters* and adopt a consistent approach, which involves:
- a. Clarifying that the District-Wide Matters chapters in Part 2 of the PDP apply to infrastructure and, by extension, renewable electricity generation activities.
 - b. Ensuring that rules specific to renewable energy apply across the district and that the zone rules in Part 3 of the PDP (Area-specific matters) do not apply to renewable electricity generation activities unless expressly stated.
 - c. Providing clearer direction on how effects management policies interact across relevant PDP chapters to avoid duplication and inconsistencies.
66. Aligning with the approach taken in the Infrastructure Chapter ensures consistency in how the PDP manages activities of district-wide significance while maintaining appropriate environmental protections.
67. Te Rūnanga o Ngāti Rēhia seeks relief to amend land use provisions to ensure there are no impediments to climate change mitigation. An example provided by the submitter being rules on 'reflectivity', building height or similar that unduly limit opportunities for small to medium scale solar or wind generation. In my opinion consideration of flicker, glare or reflectivity is appropriate when consent is required for Renewable Electricity Generation activities to mitigate adverse effects.
68. Overall, the provisions are considered to be enabling of Renewable Electricity Generation activities to assist with climate change mitigation and Part 3 rules do not apply to Renewable Electricity Generation activities as discussed above regarding the Top Energy submission. To clarify how the Renewable Electricity Generation chapter interacts with other chapters in the PDP the following note will be added at the beginning of the provisions "*The rules in this Chapter apply across the District either in all zones or within specified zone as set out in the relevant rule. The zone rules in Part 3 – Area Specific Matters do not apply to renewable electricity generation activities unless otherwise specified in this Chapter.*".
69. Many rules in the Renewable Electricity Generation chapter contain specific height and area standards, which take precedence over Area-Specific Matters. Additionally, the provisions in Part 2 – District-Wide Matters, including rules specific to the coastal environment for structures and buildings and also some specific rules for infrastructure (including Renewable Electricity Generation) would continue to apply to Renewable



Electricity Generation activities and would need to be addressed where relevant.

70. In my opinion, this approach is appropriate as it ensures that sensitive environments remain protected from adverse effects, including the potential adverse effects of renewable electricity generation activities.

Recommendation

71. For the reasons above, I recommend that these general submissions on the Renewable Electricity Generation chapter are accepted, accepted in part and rejected as set out in **Appendix 2**.
72. I recommend the following statement is added to the overview section "*In addition to the provisions in this Chapter, there are provisions in other Part 2: District Wide Matters that may be relevant for Renewable Electricity Generation, including the Heritage Area Overlays, Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment chapters.*"
73. I recommend amending REG-O3 and replacing REG-P5 and REG-P6 to ensure these do not duplicate or conflict with key effects management policies in the overlay chapters (discussed further under Key Issue 2 and 3 below).
74. I recommend an additional Advice Note is added to the notes section as follows:

"The rules in this Chapter apply across the District either in all zones or within specified zone as set out in the relevant rule. The zone rules in Part 3 – Area Specific Matters do not apply to renewable electricity generation activities unless otherwise specified in this Chapter."
75. I recommend amending existing Advice Note 1 as follows:

"There may be rules in other District-Wide Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. There may be rules in the following District-Wide Matters chapters that apply to renewable electricity generation and that may be more stringent than the rules in this chapter: Heritage Area Overlays, Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules."



Section 32AA evaluation

76. The recommended changes improve the clarity and integration of the Infrastructure and Renewable Electricity Generation provisions within the PDP. Adding a statement to the overview section clarifies that Renewable Electricity Generation provisions must be considered alongside other district-wide matters such as Historic Heritage, Indigenous Biodiversity, and Natural Character. This ensures better alignment across the PDP and provides certainty for plan users. The amendment to REG-O3 and replacing REG-P5 and REG-P6 remove unnecessary duplication and conflicts with overlay policies, streamlining the management of Renewable Electricity Generation effects.
77. The addition and refinement of advice notes improve clarity regarding how the Renewable Electricity Generation rules apply across different zones. Specifically, confirming that infrastructure rules which includes Renewable Electricity Generation apply district-wide and that zone-based rules do not apply unless expressly stated provides greater certainty and consistency. I understand that this approach aligns with pre-hearing discussions undertaken in relation to the infrastructure chapter and ensures that infrastructure (including Renewable Electricity Generating activities) are appropriately enabled while maintaining necessary environmental protections.
78. Overall, these amendments enhance plan usability, remove ambiguity, and ensure that renewable electricity generation provisions are appropriately managed alongside other district-wide matters. The changes are the most efficient and effective way to achieve the objectives of the PDP, as they provide clear direction while avoiding unnecessary duplication or regulatory conflicts. No additional costs or risks have been identified, and the amendments are considered the most appropriate response to the submissions received.

5.2.2 Key Issue 2: Objectives

Overview

Provision(s)	Officer Recommendation(s)
REG-O1	<ul style="list-style-type: none"> • Consequential wording amendments as a result of the amendments to REG-O3
REG-O2	<ul style="list-style-type: none"> • Minor wording amendments to clarify the objectives intent
REG-O3	<ul style="list-style-type: none"> • Wording amendments to avoid duplication or conflict with effects management policies in other chapters
REG-O4	<ul style="list-style-type: none"> • Minor wording amendments to improve clarity

Analysis of Submissions on Key Issue 2

REG-O1



Matters raised in submissions

79. Haititaimarangi Marae Kaitiaki Trust (S394.015) seeks to amend REG-O1 as follows "The significant local, regional and national benefits from the use and development of renewable electricity generation activities, and their technical, operational and functional needs and constraints, are recognised and provided for." The submitter states the wording of this provision elevates the importance of renewable energy. The submitter notes that the benefit from renewable energy is not a matter of national importance that must be recognised and provided for, but an 'other matter' that particular regard must be had regard to, per s 7(j) RMA.
80. Federated Farmers (S421.045) supports REG-O1 and seeks to retain this objective or ensure that amendments include similar wording that achieves the same intent.
81. Top Energy (S483.077) seeks to retain objective REG-O1 as notified. The submitter supports acknowledgement of the significance of the local regional and national benefits of renewable energy and recognition in the Plan of its inclusion as a matter of national significance in the RMA. Further the acknowledgment of the operation, functional, technical needs and constrains.

Analysis

82. Objective REG-O1 seeks to support the growth of renewable electricity generation by addressing its benefits and specific needs. The objective emphasizes integration into local, regional, and national frameworks to achieve sustainable energy outcomes while managing the challenges and impacts associated with such developments.
83. Haititaimarangi Marae Kaitiaki Trust seeks to delete the reference to renewable electricity generation activities being "provided for," asserting that renewable energy is not a matter of national importance but rather an "other matter" under section 7(j) of the Resource Management Act 1991 (RMA) that requires particular regard. In my view, this does not warrant removing the wording "provided for," as Objective REG-O1 does not directly refer to specific provisions of the RMA but must nonetheless give effect to higher-order documents which already gives effect to Part 2 of the RMA.
84. In this respect, I note that Policy A in the National Policy Statement for Renewable Electricity Generation 2011 (NPS REG), in Policy A, directs decision-makers to (**emphasis added**) "**recognise and provide** for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities."
85. These matters, along with others directed in the NPS-REG, have been given effect to in the Renewable Electricity Generation chapter of the PDP. Removing the wording "provided for" would narrow the objective to



merely recognising activities associated with Renewable Electricity Generation, which would not reflect the chapters intended purpose and would not give effect to this clear direction in the NPS-REG. Accordingly, I do not recommend any amendments in response to the submission point from Haititaimarangai Marae Kaitiaki Trust.

86. A consequential amendment to REG-O1 is required due to the proposed amendments to REG-O3. The changes to REG-O3 seek to ensure it does not duplicate or conflict with key effects management policies in the overlay chapters. It is recommended that REG-O1 focus on the benefits of Renewable Electricity Generation, while REG-O3 addresses the operational and functional need to locate within specific environments. This matter is further analysed in relation to Key Issue 2: Objectives – REG-O3.

Recommendation

87. For the reasons above, I recommend that these submissions on objective REG-O1 are accepted and rejected as set out in **Appendix 2**.
88. I recommend the following consequential amendment to REG-O1.

"The significant local, regional and national benefits from the use and development of renewable electricity generation activities, ~~and their technical, operational and functional needs and constraints,~~ are recognised and provided for."

REG-O2

Matters raised in submissions

89. Top Energy (S483.078) seeks to delete objective REG-O2 or amend to avoid objective being interpreted as a list of minimum requirements. As the submitter states it is unclear whether this objective seeks to direct minimum requirements or recognise the benefits of renewable energy. Top Energy considers it is likely the latter, and if this is the case the objective is unnecessary given that REG-O1 recognises and provides for the benefits and REG – P4 establishes what the benefits include.
90. Federated Farmers (S421.046) supports REG-O2 and seeks to retain this objective or ensure that amendments include similar wording that achieves the same intent.

Analysis

91. Objective REG-O2 seeks to align renewable electricity generation with broader environmental and community goals, ensuring benefits for current and future generations.
92. Top Energy submits that Objective REG-O2 lacks clarity in its intent, questioning whether it establishes minimum requirements or merely



recognizes the benefits of renewable energy. I agree with the submitter that that REG-O2 needs to be amended to provide clarity on its intent. In my opinion, the outcome of the objective is so that Renewable Electricity Generation activities provide the specified benefits (not matters they are required to achieve).

93. To achieve this intent, I recommend amended the wording of REG-O2 as follows "*Renewable electricity generation activities recognise and provide for the following benefits:*". In my opinion this amendment provides more consistency with Policy A in the NPS-REG which outlines a number of benefits associated with renewable electricity generation activities. It also clarifies the benefits are not specified requirements to be achieved.

Recommendation

94. For the reasons above, I recommend that these submissions on objective REG-O2 are accepted, accepted in part and rejected as set out in **Appendix 2**.
95. I recommend the following amendments to REG-O2:
96. "*Renewable electricity generation activities recognise and provide for the following benefits:*
 - a. ..."

REG-O3

Matters raised in submissions

97. Te Hiku Iwi Development Trust (S399.030) seek to amend Objective REG-O3 as follows: "*Renewable electricity generation activities are located and designed to avoid and minimise significant adverse effects on areas with historical, cultural, environmental and coastal values.*" Alternatively the words "avoid and" could be deleted. The submitter states the notified wording is ambiguous as it is not possible to avoid and minimise adverse effects.
98. Federated Farmers (S421.048) seek to amend Objective REG-O3 as follows: "*Renewable electricity generation activities where practical are located and designed to avoid and minimise adverse effects on areas with historical, cultural, environmental, and coastal values.*" Or wording with similar intent. The submitter states they have concerns over the proposed wording for objective REG-O3. The generation of renewable energy needs to occur where the energy source is located. The objective as currently drafted does not recognise this functional need as renewable energy needs to be located where the renewable source is located to ensure effective and efficient production.
99. Forest & Bird (S511.047) and Kapiro Conservation Trust (S442.066) seek to amend objective REG-O3 as follows: " ... avoid, remedy or mitigate



minimise ...". The submitters state the word 'minimise' is not appropriate and does not reflect the terminology used in RMA, s5. This chapter does not have any rules that address indigenous biodiversity. It may be that this objective is better reflected in the Indigenous Biodiversity chapter.

100. Top Energy (S483.079) seek to amend Objective REG-O3 as follows: *"Adverse effects from renewable energy generation activities on values mapped in the Plan are managed. Renewable electricity generation activities are located and designed to avoid and minimise adverse effects on areas with historical, cultural, environmental and coastal values."*
101. The submitter states the current wording is unclear whether adverse effects on values should be avoided or minimised. Managing adverse effects is more aligned with the RPS (Policy 5.3.3) noting that renewable energy generation is considered regionally significant infrastructure. Further, the reference to values should align with what is mapped in the Plan.

Analysis

102. Objective REG-O3 requires renewable electricity generation activities to be sited and designed in a manner that avoids and minimises adverse effects on areas of historical, cultural, environmental, and coastal significance.
103. Submitters have requested various amendments to this objective. Te Hiku Iwi Development Trust, Forest & Bird, Kapiro Conservation Trust, and Top Energy have raised concerns that adverse effects on such values cannot be both avoided and minimised simultaneously. These submitters propose different wording amendments to address this issue.
104. I agree with the concerns raised by the submitters regarding the ambiguity of the current wording. The relief sought by Te Hiku Iwi Development Trust is the deletion of "avoid and". In my opinion it is more appropriate to amend the 'and' to 'or' so that it states 'avoid or minimise' this clarifies that the objective pertains to avoiding adverse effects where possible or if not possible minimizing adverse effects, recognizing that any development near or within these areas is likely to have some level of effect, and therefore complete avoidance is not always feasible.
105. Te Hiku Iwi Development Trust has recommended that the objective should refer to "significant adverse effects" rather than "adverse effects." In my opinion, this amendment is not appropriate. Referring only to significant adverse effects would set a much higher threshold, which may compromise the effective protection of these values and make the objective more enabling. This does not appear to be the intent of the submitter.
106. The amendment proposed by Federated Farmers would add the phrase "where practical." While this acknowledges situational challenges, in my



opinion, it introduces subjectivity by creating uncertainty about what qualifies as "practical," potentially undermining the objective's effectiveness. As such, I do not consider this wording appropriate.

107. Federated Farmers also stated REG-O3 as currently drafted does not recognise the 'functional need' as renewable energy needs to be located where the renewable source is located to ensure effective and efficient production. I agree with this recommendation and in my opinion the functional and operational needs of renewable electricity generation activities to be in particular environments should be recognised.
108. Forest & Bird and Kapiro Conservation Trust recommend replacing "minimise" with "avoid, remedy, or mitigate," aligning the terminology with section 5 of the RMA. In my opinion, this amendment is unnecessary. While the RMA underpins District Plans including the PDP, it is not essential to replicate its exact terminology. The term "minimise" is often interpreted as reducing to the smallest amount practicable. Therefore, it supports practical and achievable outcomes while remaining aligned with the broader legislative framework.
109. Top Energy's relief references RPS *Policy 5.3.3 - Managing adverse effects arising from regionally significant infrastructure*, which uses the phrase "managing adverse effects". The submitter considers renewable electricity generation to be regionally significant infrastructure. In my opinion, not all renewable electricity generation activities meet the threshold of regionally significant infrastructure. REG-P1 recognizes renewable electricity generation activities as regionally significant infrastructure when they supply electricity to the National Grid, local distribution networks, or directly to high-energy users. In my view this would incorporate most but not all renewable electricity generation activities for example small-scale Renewable Electricity Generation activities would not be included. Notwithstanding the NPS-REG directs that the national significance of Renewable Electricity Generation activities is to be recognised and provided for (i.e. in most cases activities large scale would be considered nationally and regionally significant). Therefore, this objective in the PDP applies to a broader range of activities than those addressed by RPS Policy 5.3.3, so alignment with the RPS wording is not strictly necessary. It should also be noted 'manage' in terms of adverse effects gives no direction on how to manage effects without other words associated with it hence the recommended amendments as outlined below.
110. Additionally, Top Energy proposes limiting the consideration of values to areas mapped in the PDP. I do not support this amendment, as although many of the outstanding/significant areas are mapped not all of the areas with historical, cultural, environmental, and coastal value have been mapped. Excluding unmapped areas from consideration would lead to unintended gaps in protection, which is not appropriate in my opinion. The key point is that the provisions in the overlay chapters should apply



to Renewable Electricity Generating activities and REG-O3 should not conflict with that direction hence the recommended amendments to REG-O3 as outlined above.

111. However, despite the submitters' requested amendments and the above analysis, these changes are not recommended because REG-O3 needs to be amended to align with the approach outlined in Key Issue 1, which is also consistent with the Infrastructure s.42A approach. The notified wording of REG-O3 refers to "areas with historical, cultural, environmental, and coastal values"; however, these matters are already addressed in other specific district-wide chapters and therefore do not need to be managed within the Renewable Electricity Generation chapter otherwise this can create duplication and inconsistencies. Therefore, this reference should be deleted. The amendments I am recommending to REG-O3 reflect a shift towards a more consistent and balanced approach to managing renewable electricity generation activities within the PDP. Additionally, the revision explicitly acknowledges the operational need and functional needs of renewable electricity generation activities to be located in specific environments, which is a critical consideration for the viability of such activities. This change resolves potential conflicts with policy direction in the District-wide chapters, particularly regarding the management of adverse effect.

Recommendation

112. For the reasons above, I recommend that these submissions on objective REG-O3 are accepted, accepted in part and rejected as set out in **Appendix 2**.
113. I recommend the following amendments to REG-O3.

"Renewable electricity generation activities are located and designed to avoid and minimise adverse effects. The adverse effects of renewable electricity generation activities are managed in a way that recognises and provides for the operational and functional need of renewable electricity generation activities to be in particular environments. on areas with historical, cultural, environmental, and coastal values."

REG-O4

Matters raised in submissions

114. Ngati Rangi ki Ngawha Hapu (S304.002) and Ngati Rangi ki Ngawha (S515.007) seek amendments to REG-O4 to ensure consistency with Ngati Rangi Hapu objectives regarding renewable energy, including: Clean, renewable energy is harnessed in a way that does not impact the environmental, cultural, visual, and spiritual connections Ngāti Rangi have with Ranginui, our Whenua, and waterways. To protect the mauri of air from adverse effects related to the discharge of contaminants into the air. Ngāti Rangi is involved in regional decision-making on air quality issues.



The submitter states the council will investigate joint approaches to renewable energy development and use, including the possible Transfer of Power or Joint Management Agreements, between itself and FNDC, NRC, or other authorities, including recognised Iwi Authorities and Mandated Iwi Authorities.

115. Top Energy (S483.080) seeks to amend Objective REG-O4 as follows: *"The ongoing efficient operation, maintenance, repair and upgrading of existing renewable electricity generation activities is enabled, including through avoiding, ~~or otherwise mitigating~~, the reverse sensitivity effects from sensitive activities in close proximity to community and large-scale renewable electricity activities."*
116. The submitter states they support the enablement of operation, maintenance, and upgrade of these activities, and the protection from reverse sensitivity effects, but consider that repair should also be included. Top Energy also highlights that the use of "or otherwise mitigating" reverse sensitivity effects is inconsistent with and does not give effect to the RPS, and in particular Policy 5.1.1(2) which requires that subdivision use and development be located, designed and built in a manner that "should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity".
117. Horticulture NZ (S159.039), Federated Farmers (S421.047), and the MOE (S331.018) support the retention of Objective REG-O4. Federated Farmers request that if any amendments are made, they retain similar wording to achieve the same intent. The primary reason for supporting this objective is to avoid or mitigate reverse sensitivity effects arising from sensitive activities. This includes managing potential conflicts where sensitive activities, such as schools, are located near community or large-scale renewable electricity activities.

Analysis

118. Objective REG-O4 seeks to enable the efficient operation, maintenance, and upgrading of existing renewable electricity generation activities. It emphasizes the need to avoid, or, where avoidance is not possible, mitigate reverse sensitivity effects arising from sensitive activities located near community and large-scale renewable electricity generation facilities.
119. Ngāti Rangī ki Ngāwhā Hapū and Ngāti Rangī ki Ngāwhā request an amendment to Objective REG-O4 to align more closely with their objectives regarding renewable energy. In my opinion, the matters raised by the submitters are already provided for within the District-Wide chapters which still apply to Renewable Electricity Generating activities as clarified within Key Issue 1. This will ensure renewable electricity generation activities will be located and designed to avoid or minimise adverse effects on areas of historical, cultural, environmental, and coastal significance.



120. Although REG-O4 does not explicitly reference the spiritual connections Ngāti Rangī ki Ngāwhā have with Ranginui, whenua, and waterways, I consider that including such values within the objective would not be appropriate. This is because multiple iwi and hapū across the Far North District have distinct and overlapping spiritual connections to these elements. Incorporating specific references into the objective may risk excluding the perspectives of others. In my opinion, the existing chapters within the *'Historical and Cultural Values'* section of the PDP which must be addressed as district wide chapters broadly addresses the submitters' concerns. It is also important to note some of the matters raised are outside the scope of the PDP to address and it is not appropriate for the objectives of the Renewable Electricity Generation chapter to provide direction on these matters. Therefore, I do not recommend adopting the relief sought.
121. Top Energy has requested the addition of the term "repair" to Objective REG-O4 to ensure the objective explicitly enables the repair of existing renewable electricity generation activities. The notified objective currently lists operation, maintenance, and upgrading. In my view, the inclusion of "repair" is both necessary and appropriate, as this activity is distinct from maintenance and upgrading. Repair is integral to the ongoing operation of renewable electricity generation facilities, and its explicit inclusion would provide clarity and alignment with the objective's purpose. This also aligns with approach recommended in relation to the infrastructure chapter as discussed with the author. Accordingly, I recommend this amendment.
122. Top Energy has also sought to delete the phrase "or otherwise mitigating" from Objective REG-O4, contending that it does not give effect to RPS Policy 5.1.1(e). In my assessment, the RPS policy uses the term "should not" rather than the more directive "must not," allowing some flexibility for mitigation where appropriate. I consider that the phrase "or otherwise mitigating" is consistent with this policy direction. Retaining this wording provides for situations where reverse sensitivity effects can be sufficiently mitigated. Accordingly, I do not support the relief sought and recommend maintaining the notified wording.
123. It should also be recognised that it is not always possible to avoid all reverse sensitivity effects. In my opinion the wording of REG-O4 achieves the same intent as the NPS-REG Policy D which states "*Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.*".

Recommendation

124. For the reasons above, I recommend that these submissions on objective REG-O4 are accepted, accepted in part and rejected as set out in **Appendix 2.**



- 125. I recommend the following amendments to REG-O4.
- 126. *'The ongoing efficient operation, maintenance, repair and upgrading of existing renewable electricity generation activities is enabled, including through avoiding, or otherwise mitigating, the reverse sensitivity effects from sensitive activities in close proximity to community and large-scale renewable electricity activities.'*

Section 32AA evaluation

- 127. The proposed changes to the objectives aim to clarify and streamline the management of renewable electricity generation activities within the PDP. Removing the phrase "and their technical, operational and functional needs and constraints" as a consequential amendment in REG-O1 simplifies the objective by focusing on the significant benefits of renewable energy, without addressing operational and functional aspects in the same objective. This avoids unnecessary duplication and aligns with REG-O3, which will manage those aspects. The added wording in REG-O2 clarifies that this objective provides for, and lists, the benefits associated with renewable electricity generation activities.
- 128. The change to REG-O3 regarding the location and design of renewable electricity generation activities shifts the focus to managing adverse effects in a manner that recognises the operational and functional needs of these activities in specific environments. This revision ensures that renewable energy development is not unduly restricted by overly prescriptive requirements, while still safeguarding sensitive areas. It resolves potential conflicts with policies in the overlay chapters that already address these matters and ensures consistency across the PDP.
- 129. Finally, the addition of "repair" to REG-O4, concerning the ongoing operation, maintenance, and upgrading of existing renewable electricity generation activities, ensures that all necessary actions, including repair, are enabled. This change supports the long-term sustainability and functionality of renewable energy infrastructure while addressing reverse sensitivity effects. Overall, these revisions enhance the clarity, consistency, and effectiveness of the PDP, facilitating the development and maintenance of renewable energy infrastructure while maintaining environmental protections.

5.2.3 Key Issue 3: Policies

Overview

Provision(s)	Officer Recommendation(s)
REG-P2	<ul style="list-style-type: none"> • Minor wording amendments
REG-P4	<ul style="list-style-type: none"> • Minor wording amendments to improve clarity and correcting topographical errors
REG-P5 and REG-P6	<ul style="list-style-type: none"> • Delete as they duplicate or conflict with effects management policies in other chapters



Provision(s)	Officer Recommendation(s)
REG-P11	<ul style="list-style-type: none"> Minor wording amendments to improve clarity

Analysis of Submissions on Key Issue 3

New Policy

Matters raised in submissions

130. Top Energy (S483.093) request a new policy (REG-PX) as follows: "Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation". The submitters reasons for the request are because Method 5.4.3 of the RPS directs Council to Encourage and Provide for activities associated with investigation for the identification renewable energy sources. In the context of Top Energy's interests, this is of particular relevance to geothermal energy where sub surface investigation is often required to understand the availability of the resource to inform feasibility. The inclusion of such a policy also supports REG - 3 and REG - 4 which provide for investigation activities associated with hydro and wind.

Analysis

131. In my opinion, the relief sought by Top Energy to include a new policy enabling activities associated with the investigation, identification, and assessment of potential sites and energy sources for renewable electricity generation is not necessary. REG-P3 covers those matters sought by Top Energy. REG-P3 is as follows "*Enable new small scale renewable electricity generation activities and activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation where the activity:*
- a. *is of a form, location, and scale that minimises adverse effects on the environment; and*
 - b. *will not result in significant adverse effects on the character and amenity values of the zone."*
132. Therefore, I do not agree a new policy is needed as recommended by Top Energy. In my opinion, existing REG-P3 already gives effect to Method 5.4.3 of the RPS and Policy G in the NPS-REG.

Recommendation

133. For the reasons above, I recommend that this submission requesting a new policy is accepted in part as set out in **Appendix 2**.
134. I do not recommend any amendments to the Renewable electricity generation chapter.



REG-P1

Matters raised in submissions

135. Haititaimarangai Marae Kaitiaki Trust (S394.016) request Policy REG-P1 is amended as follows: "~~Recognise and provide~~ *Consider the benefits of renewable electricity generation activities that supply electricity to the National Grid or local electricity distribution network or directly to high energy users as regionally significant infrastructure.*" The submitter states the wording of this provision elevates the importance of renewable energy. Benefit from renewable energy is not a matter of national importance that must be recognised and provided for, but a 'other matter' that attracts particular regard, per s 7(j) RMA.
136. Federated Farmers (S421.049) and Top Energy (S483.081) support the retention of Policy REG-P1. Federated Farmers request that if any amendments are made, they retain similar wording to achieve the same intent.

Analysis

137. Policy REG-P1 recognizes renewable electricity generation activities as regionally significant infrastructure when they supply electricity to the National Grid, local distribution networks, or directly to high-energy users, emphasizing their importance in supporting sustainable energy needs and ensuring their prioritization in development and operations. It should also be noted NPS-REG Objective and Policy A recognise and provide for the national significance of Renewable Electricity Generation activities as previously outlined.
138. The relief sought by Haititaimarangai Marae Kaitiaki Trust involves amending the wording from "recognise and provide" to "consider the benefits of" in relation to renewable electricity generation activities. In the submitter's view, the amended wording is more appropriate as renewable energy is not a matter of national importance, but rather a matter that requires particular regard under s.7(j) of the Resource Management Act (RMA). In my opinion, the amended wording is unnecessary as renewable electricity generation activities of this nature are considered regionally significant infrastructure. Objective 3.7 of the RPS is as follows "*Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.*" In my opinion the notified wording gives greater effect to the RPS than the recommended wording. REG-P1 also gives effect to the NPS-REG which already gives effect to Part 2 of the RMA therefore I consider that the wording as notified aligns with the relevant provisions of the RMA including s.7(j).



Recommendation

139. For the reasons above, these submissions on policy REG-P1 are accepted, accepted in part and rejected as set out in **Appendix 2**.
140. I do not recommend any amendments to REG-P1.

REG-P2

Matters raised in submissions

141. Top Energy (S483.082) requests Policy REG-P2 is amended as follows: "~~Provide for~~ *Enable the continued operation, maintenance, repair, upgrading and replacement of renewable electricity generation activities to maintain and increase generation capacity*". The submitter supports the provision for ongoing maintenance, operation and upgrade but considers that this should be enabled and seeks wording to reflect this in the policy and amendments to associated rules to reflect this.
142. Federated Farmers (S421.050) supports the retention of Policy REG-P2 or if any amendments are made, they retain similar wording to achieve the same intent.

Analysis

143. Policy REG-P2 seeks to ensure the ongoing operation, maintenance, upgrading, and replacement of renewable electricity generation activities, with the objective of maintaining and increasing generation capacity. It emphasizes the longevity and expansion of renewable energy infrastructure, enabling the continued growth of renewable electricity production to meet demand and support sustainability goals.
144. I agree with the relief sought by Top Energy and the wording amendments they have recommended. The use of the term "enable" focuses on making an activity possible by actively facilitating or supporting its implementation, whereas "provide for" is about ensuring that something is accounted for or supported within a framework. In the context of the ongoing operation, maintenance, upgrading, and replacement of renewable electricity generation activities, it is crucial that this is actively enabled, as these activities provide essential infrastructure and electricity for the Far North District. It should be noted that any significant upgrade project would still be captured by relevant effects management policies within the District Wide chapters.
145. I also agree that the term "repair" should be added to the policy for the reasons outlined in Key Issue 2 – Objectives REG-O4.

Recommendation

146. For the reasons above, I recommend that these submissions on policy REG-P2 are accepted, accepted in part and rejected as set out in **Appendix 2**.



147. I recommend the following amendments to REG-P2.
148. ~~Provide for~~ Enable the continued operation, maintenance, repair, upgrading and replacement of renewable electricity generation activities to maintain and increase generation capacity.

REG-P3

Matters raised in submissions

149. Federated Farmers (S421.051) and Top Energy (S483.083) support the retention of Policy REG-P3. Federated Farmers request that if any amendments are made, they retain similar wording to achieve the same intent.

Analysis

150. All submissions are in support therefore no further analysis is required.

Recommendation

151. For the reasons above, these submissions on policy REG-P3 are accepted, accepted in part and rejected as set out in **Appendix 2**.
152. I do not recommend any amendments to REG-P3.

REG-P4

Matters raised in submissions

153. FNDC (S368.030) and Te Hiku Iwi Development Trust (S399.031) requests to amend Policy REG-P4 as follows: "... *g. adverse effects are managed in accordance with REG-P5 and P6...*". As the submitters have identified a typo with reference to policies that do not exist.
154. Top Energy (S483.084) request to amend Policy REG-P4 as follows: "Recognise and provide for the benefits of new community scale and new large-scale renewable electricity generation activities, which include:
- a. *security of electricity supply;*
 - b. *increased energy independence and improvements in resilience of supply resulting from local generation;*
 - c. *economic benefits to the local, regional or national economy;*
 - d. *helping to meet local, regional or central government renewable electricity and emission reduction targets;*
 - e. *improved quality of life and standard of living; and*



f. *public health.; andg. ~~adverse effects are managed in accordance with REE-P5 and P6~~*

155. The submitter supports the intent of this policy but seek amendments to:
- Recognise and provide for the benefits in alignment with RPS and NPS-REG;
 - Specifically acknowledge improved resilience (through a variety of energy sources) as a benefit;
 - Remove REG-P4(g) as it is not a 'benefit' and does not fit in this policy.
156. Federated Farmers (S421.052) supports the retention of Policy REG-P4 or if any amendments are made, they retain similar wording to achieve the same intent.

Analysis

157. Policy REG-P4 provides for the benefits of new community-scale and large-scale renewable electricity generation activities, recognizing their contribution to various societal and environmental goals. These benefits include enhancing the security of electricity supply, increasing energy independence, generating economic benefits at local, regional, and national levels, and helping meet renewable electricity and emission reduction targets. Furthermore, the policy highlights the importance of improving quality of life and public health. Additionally, the policy ensures that any adverse effects of these activities are managed in line with the requirements of REG-P5 and REG-P6, thereby promoting sustainable and responsible development.
158. FNDC and Te Hiku Iwi Development Trust have identified a typographical error within REG-P4, where it refers to "REE-P5 and P6," which are not policies in the PDP. This needs to be amended to "REG-P5 and REG-P6." I agree with the relief sought for the reasons identified by the submitters however as outlined below I am recommending removing point (g) in its entirety.
159. The relief sought by Top Energy relates to a number of wording amendments. The submitter requests that "Recognise and" is added to the policy so that the benefits are not only provided for but also recognised. As this amendment aligns with the wording used in the RPS (Policy 5.4.1) and the NPS-REG (Policy A), I consider the wording amendment appropriate for the reasons outlined by the submitter.
160. Top Energy has also requested that benefit (b) be expanded to specifically acknowledge improved resilience (through a variety of energy sources) as a benefit. In my opinion, this amendment is appropriate as it provides further context by specifying the improved resilience of electricity supply



resulting from local generation. This amendment relates to increased energy independence but also merits specific inclusion as it is an important sub-benefit of this matter.

161. Top Energy has also requested that REG-P4(g) be removed as it is not a "benefit" and does not fit within this policy. I agree with the relief sought for the reasons outlined by the submitter. Point (g) is not a benefit, as it relates to adverse effects being managed in accordance with policies REG-P5 and REG-P6, which in my opinion should not be included in this policy.

Recommendation

162. For the reasons above, I recommend that these submissions on policy REG-P4 are accepted, accepted in part and rejected as set out in **Appendix 2**.
163. I recommend the following amendments to REG-P4.
164. *'Recognise and provide for the benefits of new community scale and new large-scale renewable electricity generation activities, which include:*
- a. security of electricity supply;*
 - b. increased energy independence and improvements in resilience of supply resulting from local generation;*
 - c. economic benefits to the local, regional or national economy;*
 - d. helping to meet local, regional or central government renewable electricity and emission reduction targets;*
 - e. improved quality of life and standard of living; and*
 - f. public health; ~~and~~*
 - ~~g. adverse effects are managed in accordance with REE-P5 and P6.'~~*

REG-P5

Matters raised in submissions

165. DOC (S364.025) request Policy REG-P5 is amended as follows: "...*a. avoiding adverse effects on ~~the qualities and characteristics of significant natural areas, outstanding natural features or landscapes, areas of outstanding natural character...~~*". The submitter is generally supportive of Policy REG-P5, however, notes that SNAs and the coastal environment have value in of itself, not just in characteristics and qualities and the wording should reflect this.
166. Te Hiku Iwi Development Trust (S399.032) requests to amend point d. of Policy REG-P5 as follows: "*d. having regard to biodiversity offsetting and*



environmental compensation measures where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated.”
The amendment avoids doubt, by referring to biodiversity offsetting.

167. Federated Farmers (S421.053) supports the retention of Policy REG-P5 or if any amendments are made, they retain similar wording to achieve the same intent.
168. Forest & Bird (S511.048) and Kapiro Conservation Trust (S442.067) request that the words Regionally Significant Infrastructure is replaced with 'Renewable Electricity Generation'. The submitters also request the policy is amended with the same relief as I-P2.
169. The submitter argues that this policy duplicates I-P2, and their concerns about it are the same as those for I-P2. They note that this chapter lacks rules regulating the removal of indigenous biodiversity, so it may not be the appropriate place for such policies. This creates confusion for plan users, who must navigate between the Indigenous Biodiversity and Infrastructure chapters for activities involving infrastructure.
170. In addition, the submitter states that the policy elevates all infrastructure in the Far North to the same status as RSI, the National Grid, electricity transmission, and renewable electricity generation, which is unsupported by higher-level planning documents. It fails to meet NZCPS requirements by incorrectly applying the effects mitigation hierarchy to all infrastructure, conflicting with NZCPS directives for ONLs, ONFs, and policy 11(a) matters, as well as RPS policies 5.3.3, 4.4.1, 4.6.1, and 4.6.2.
171. The submitters also note that the RPS restricts access to the mitigation hierarchy to RSI in specific cases and doesn't allow offsetting and compensation in the Coastal Environment for new or re-consented RSI, except for maintenance or upgrades of existing RSI under policy 5.5.3. General infrastructure must adhere to RPS policies 4.4.1, 4.6.1, and 4.6.2, and no additional policy direction is needed in this chapter. Instead, resource consent applications should rely on the objectives and policies in the natural environment chapter.
172. Top Energy (S483.085) requests that Policy REG-P5 is amended as follows: "*In the coastal environment, manage the effects of the development, operation, maintenance and upgrading of renewable electricity generation activities by:*
 - a. *avoiding adverse effects that are more than minor on the characteristics of significant natural areas, and mapped outstanding natural features or landscapes, areas of outstanding natural character;*
 - b. *avoiding significant adverse effects that are more than minor on other mapped natural features and landscapes, and areas of natural character;*



- C. ...
- d. *having regard to offsetting and environmental compensation measures including measures or compensation which benefit the local environment and community affected where there are more than minor residual adverse effects that cannot be avoided, remedied or mitigated'*
173. The submitter states more balance needs to be provided for in terms of the avoidance directive in this policy. Renewable energy activities (e.g., wind in particular) are inevitably located within the coastal environment. An outright 'avoid' directive for any adverse effects is not realistic and will unduly constrain renewable energy generation activities. Top Energy seeks additional amendments to better align this policy with the NPS -REG and the RPS.
174. Haititaimarangai Marae Kaitiaki Trust (S394.017) requests that policy REG-P5 is amended as follows: "*In the coastal environment, manage the effects of the development, operation, maintenance and upgrading of renewable electricity generation activities by:*
- a. *avoiding adverse effects on the natural character of the coastal environment and the qualities and characteristics of significant natural areas, outstanding natural features or landscapes, areas of outstanding natural character;*
 - b. *avoiding ~~significant~~ adverse effects on other natural features and landscapes, and areas of natural character;*
 - c. *avoiding significant adverse effects on cultural values and remedying or mitigating other adverse cultural effects...*"
175. The submitter states the natural character of the coastal environment must be preserved under s 6(e) RMA. Protection of SNA, ONF and ONL is a starting point. Effects should not need to be significant to trigger avoidance. Provision to address potential effects on cultural values within the coastal environment is also important in the context of ss 6(e), 7(a), 8 of the RMA.

Analysis

176. REG-P5 seeks to manage the effects of renewable electricity generation activities in the coastal environment by avoiding adverse effects on significant natural areas, outstanding natural features, landscapes, and areas of outstanding natural character. It also requires avoiding significant adverse effects on other natural features and landscapes while considering the technical, operational, and functional constraints of such activities. Where residual adverse effects remain, the policy provides for offsetting and environmental compensation measures if they cannot be avoided, remedied, or mitigated.



177. As outlined earlier in this report and in the Infrastructure Section 42A Report, pre-hearing meetings were held with various infrastructure providers in late 2024 to clarify the relationship between the Infrastructure Chapter and other PDP chapters (refer to Key Issues 1, 3, and 4 of the Infrastructure Report). A key issue identified was the overlap and potential conflicts between effects management policies across different PDP chapters, particularly in relation to sensitive environments and overlays.
178. The deletion of I-P2 and I-P3 within the Infrastructure Chapter was recommended to resolve these conflicts, ensuring a clear delineation between infrastructure provisions and other PDP policies that manage adverse effects. The same reasoning applies to REG-P5 and REG-P6 in the Renewable Electricity Generation Chapter in my view, as they duplicate or conflict with effects management policies in other chapters, such as those addressing the Coastal Environment and Natural Features and Landscapes.
179. To maintain consistency across the PDP, avoid duplication, and ensure that effects management is addressed through the appropriate provisions, it is recommended that REG-P5 and REG-P5 be deleted, aligning with the approach taken in the Infrastructure Chapter.
180. As I am recommending the deletion of these policies, I do not support accepting the submitters' requested amendments. However, I acknowledge the concerns raised by submitters such as Forest & Bird and Kapiro Conservation. In my opinion, these concerns will be addressed through the recommended approach of relying on overlay policies rather than duplicating provisions. I also note that Top Energy participated in the pre-hearing meetings regarding the infrastructure chapter.

Recommendation

181. For the reasons above, I recommend that these submission points on REG-P5 are accepted, accepted in part, or rejected as set out in **Appendix 2**.
182. I recommend REG-P5 is deleted.

REG-P6

Matters raised in submissions

183. DOC (S364.026) and Federated Farmers (S421.054) supports the retention of Policy REG-P6. Federated Farmers states that if any amendments are made, they retain similar wording to achieve the same intent.
184. Te Hiku Iwi Development Trust (S399.033) requests to amend point d. of Policy REG-P6 as follows: "*d. having regard to biodiversity offsetting and environmental compensation measures where there are more than minor*



residual adverse effects that cannot be avoided, remedied or mitigated."
The amendment avoids doubt, by referring to biodiversity offsetting.

185. Forest & Bird (S511.049) and Kapiro Conservation Trust (S442.068) request that the words Regionally Significant Infrastructure is replaced with 'Renewable Electricity Generation'. The submitters also request the policy is amended with the same relief as I-P3. It is unclear what the submitter's requested relief is.
186. The submitters state this policy mirrors I-P3 Forest & Bird's concerns are the same as those for I-P3. The policy does not give effect to the RPS, policies 5.3.3, 4.4.1(3) and 4.6.1.
187. Top Energy (S483.086) requests that Policy REG-P6 is amended as follows: "*Outside the coastal environment, manage the effects of the development, operation, maintenance and upgrading of renewable electricity generation activities by:*
 - a. *avoiding significant effects that are more than minor on significant natural areas, and mapped historical and cultural values, ~~significant natural areas~~, and outstanding natural features or landscapes to the extent practicable;*
 - b. *minimising or remedying adverse effects on mapped historical and cultural values, natural environment values that cannot be avoided...*"
188. The submitter states they are seeks amendments to better align with the NPS-REG and the RPS.

Analysis

189. REG-P6 directs the management of renewable electricity generation activities outside the coastal environment by prioritising the avoidance of effects on historical, cultural, and significant natural values where practicable. Where avoidance is not possible, adverse effects should be minimised or remedied. The policy also recognises the technical, operational, and functional constraints of such activities and provides for offsetting or environmental compensation where residual adverse effects remain.
190. The analysis section above in relation to *Key Issue 3: Policies – REG-P5* also applies to REG-P6 as such I also recommend deleting this policy.

Recommendation

191. For the reasons above, I recommend that these submission points on REG-P6 are accepted, accepted in part, or rejected as set out in **Appendix 2**.
192. I recommend REG-P6 is deleted.



REG-P7

Matters raised in submissions

193. Federated Farmers (S421.055) and Top Energy (S483.087) supports the retention of Policy REG-P7. Federated Farmers states that if any amendments are made, they retain similar wording to achieve the same intent. Top Energy supports separate policy direction for solar electricity generation that recognises the discrete nature of the adverse effects associated with the activity.

Analysis

194. All submissions are in support therefore no further analysis is required.

Recommendation

195. For the reasons above, these submissions on policy REG-P7 are accepted, accepted in part and rejected as set out in **Appendix 2**.
196. I do not recommend any amendments to REG-P7.

REG-P8

Matters raised in submissions

197. Top Energy (S483.088) requests to amend Policy REG-P8 as follows "*Require sensitive activities to be designed and located to avoid to the extent possible, or otherwise mitigate, reverse sensitivity effects on existing or consented community scale and largescale renewable electricity generation activities.*" The submitter states they support protecting large scale renewable electricity generation activities. However, Top Energy is concerned that the use of "to the extent possible, or otherwise mitigate" reverse sensitivity effects is inconsistent with, and does not give effect to the RPS, and in particular Policy 5.1.1(2) which requires that subdivision use and development be located, designed and built in a manner that "should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity".
198. Federated Farmers (S421.056) and MOE (S331.019) supports the retention of Policy REG-P8. Federated Farmers states that if any amendments are made, they retain similar wording to achieve the same intent. The MOE supports the policy REG-P8 and the need for sensitive activities to be designed to avoid or mitigate reverse sensitivity effects on renewable electricity generation activities, where a new school is established in close proximity to these activities.

Analysis

199. Policy REG-P8 requires sensitive activities to be designed and located in a manner that avoids, to the greatest extent possible, or otherwise mitigates



reverse sensitivity effects on existing or consented community-scale and large-scale renewable electricity generation activities.

200. In relation to the relief sought by Top Energy, similar relief was addressed in relation to Key Issue 2: Objectives – REG-O4. Top Energy has sought to delete the phrase "to the extent possible, or otherwise mitigate" from Objective REG-P8, contending that it does not give effect to RPS Policy 5.1.1(e) which is as follows: *Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:*
- (e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;*
201. In my opinion, the RPS policy uses the term "should not" rather than the more directive "must not," allowing some flexibility for mitigation where appropriate. I consider that the phrase "to the extent possible, or otherwise mitigate" is consistent with this policy direction. It should also be recognised that it is not always possible to avoid all reverse sensitivity effects. In my opinion the wording of REG-P8 achieves the same intent as the NPS-REG -Policy D "Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.". Retaining this wording provides for situations where reverse sensitivity effects can be sufficiently mitigated. Accordingly, I do not support the relief sought and recommend maintaining the notified wording.

Recommendation

202. For the reasons above, these submissions on policy REG-P8 are accepted, accepted in part and rejected as set out in **Appendix 2**.
203. I do not recommend any amendments to REG-P8.

REG-P9

Matters raised in submissions

204. Horticulture NZ (S159.040) requests that Policy REG-P9 is amended as follows: "*Avoid locating large-scale renewable electricity generation activities outside the Rural Production zone or highly productive land unless it can be demonstrated that adverse effects will be no more than minor.*" The submitter states the policy seeks that large scale renewable electricity generation activities should generally be in the Rural Production Zone. There should be consideration that such activities do not locate on highly productive land.
205. Top Energy (S483.089) request that Policy REG-P9 is deleted because renewable energy resources are located throughout the district and not just within the Rural Production Zone. The submitter notes that in some instances there will be technical, operation and functional needs for such an activity to be located outside of the Rural Production Zone. It is



acknowledged that the opportunity for this will generally be limited due to the area of land required for such an activity, none the less Top Energy seeks that this provision be deleted.

206. Federated Farmers (S421.057) supports the retention of Policy REG-P9 and state that if any amendments are made, they retain similar wording to achieve the same intent.

Analysis

207. Policy REG-P9 seeks to avoid locating large-scale renewable electricity generation activities outside the Rural Production Zone unless it can be demonstrated that any adverse effects will be no more than minor.
208. The relief sought by Horticulture NZ relates to adding the phrase “or highly productive land.” This amendment would result in avoiding large-scale renewable electricity generation activities outside the Rural Production Zone or on highly productive land within the Rural Production Zone. However, the relief sought is no longer appropriate given the amendments to the National Policy Statement for Highly Productive Land (NPS-HPL) relating to “specified infrastructure”, which came into effect in 2024. The NPS-HPL includes the following definition of “specified infrastructure” which includes renewable electricity generation activities both through the definition of lifeline utilities and regionally significant infrastructure:

“Specified infrastructure means any of the following: (a) infrastructure that delivers a service operated by a lifeline utility; (b) infrastructure that is recognised as regionally or nationally significant in a National Policy Statement, New Zealand Coastal Policy Statement, regional policy statement, or regional plan:...”
209. Section 3.9(2)(j)(i) of the NPS-HPL enables the use or development of highly productive land if it is associated with the development, operation, or decommissioning of specified infrastructure. This includes (but is not limited to) its construction, maintenance, upgrade, expansion, replacement, or removal, where there is a functional or operational need for the use or development to occur on highly productive land and measures are taken to minimise the loss of highly productive land.
210. As district plans must give effect to the NPS-HPL, the relief sought by Horticulture NZ is no longer appropriate. The relief sought by Horticulture NZ imposes different requirements than the NPS-HPL therefore it is inappropriate, and it is more efficient to rely on clause 3.9 in the NPS-HPL rather than amend REG-P9 to replicate those requirements in my view.
211. The relief sought by Top Energy involves deleting Policy REG-P9 on the basis that there may be technical, operational, and functional needs for large-scale renewable electricity generation activities to be located outside the Rural Production Zone. While I acknowledge that such needs may arise in certain circumstances, I consider that deleting the policy is not



appropriate. It is preferable for large-scale renewable electricity generation activities to be located within the Rural Production Zone. However, the policy appropriately allows for such activities to be located in other zones where it can be demonstrated that adverse effects will be no more than minor. In my opinion, this provides sufficient flexibility and ensures adverse effects from large-scale renewable electricity activities within more sensitive zones are adequately managed.

212. Additionally, it is important to note that in the notified provisions all large-scale renewable electricity generation activities (including new developments and upgrades) located in any zone require resource consent as a discretionary activity under REG-R7. This allows for a site-specific assessment of the proposed renewable electricity generation activity and its appropriateness in the proposed location.

Recommendation

213. For the reasons above, these submissions on policy REG-P9 are accepted, accepted in part and rejected as set out in **Appendix 2**.
214. I do not recommend any amendments to REG-P9.

REG-P10

Matters raised in submissions

215. Top Energy (S483.090) request that Policy REG-P10 is deleted and inserted as a matter of consideration as part of REG-P11. The submitter states they have no problem with this policy in principle, however it would be better placed as a matter under REG -P11 for consideration at resource consent stage.
216. Federated Farmers (S421.058) supports the retention of Policy REG-P10 and state that if any amendments are made, they retain similar wording to achieve the same intent.

Analysis

217. Policy REG-P10 requires that during or after the decommissioning of any renewable electricity generation activity, all associated structures, buildings, and concrete areas must be removed or otherwise mitigated to ensure compatibility with future land use.
218. Top Energy seeks to delete this policy and instead include it as a matter of consideration in REG-P11. In my opinion, this approach is not appropriate. The matters listed in REG-P11 pertain to the assessment of proposed renewable electricity generation activities and their compliance with specific criteria. In contrast, REG-P10 establishes a requirement that, during or following decommissioning, renewable electricity generation structures, buildings, and concrete areas must either be removed or mitigated to align with future land use.



219. I consider that this requirement is distinct from the evaluative matters in REG-P11 and is more appropriately addressed as a standalone policy.

Recommendation

220. For the reasons above, these submissions on policy REG-P10 are accepted, accepted in part and rejected as set out in **Appendix 2**.
221. I do not recommend any amendments to REG-P10.

REG-P11

Matters raised in submissions

222. Te Hiku Iwi Development Trust (S399.034) requests to amend point 3. of Policy REG-P11 as follows: "the extent of earthworks or indigenous vegetation removal and the ecological and cultural significance of that vegetation;" The submitter states with respect to removal of indigenous vegetation it is also relevant to consider the ecological and cultural significance of that vegetation.
223. Top Energy (S483.091) request to delete Policy REG-P10 and insert it as a matter for consideration as part of REG-P11. The submitter states they have no problem with this policy in principle, it would be better placed as a matter under REG -P11 for consideration at resource consent stage.
224. Top Energy (S483.092) requests to insert a new point in Policy REG-P11 as follows (or to the same effect) "plan for rehabilitation of the site following decommissioning of any renewable electricity generation activity, including removal of buildings, and concrete areas." The submitter considers that this policy gives useful direction for plan users but seek some amendments to provide additional direction.
225. Federated Farmers (S421.059) supports the retention of Policy REG-P11 and state that if any amendments are made, they retain similar wording to achieve the same intent.

Analysis

226. Policy REG-P11 manages renewable electricity generation activities requiring resource consent by addressing factors such as location, design, environmental impacts, cultural and heritage values, community well-being, and broader social, economic, and cultural benefits. It ensures that adverse effects are avoided, mitigated, or offset, with consideration of tangata whenua values.
227. The relief sought by Te Hiku Iwi Development Trust pertains to amending point 3, which outlines a matter of consideration for resource consent applications for renewable electricity generation activities. The submitter requests additional wording to include the ecological and cultural significance of the vegetation. In my opinion, the requested amendments



are too specific. I recommend amendments to point 3 as follows: "*the extent of earthworks or indigenous vegetation removal and proposed measures to mitigate any adverse effects*". This amendment addresses the relief sought by the submitter in a less specific way. This will ensure it is more relevant and applicable to a larger range of matters.

228. I do not support the relief sought by Top Energy to delete Policy REG-P10 and insert it as a matter for consideration as part of REG-P11 for the reasons set out under Key Issue 5: Policies – REG-P10.
229. The relief sought by Top Energy to amend the wording of the proposed new point in REG-P11 is not supported for the reasons outlined under Key Issue 5: Policies – REG-P10. In my opinion, the wording amendments sought by Top Energy if applied to REG-P10 (given I am recommending retaining this policy) are unnecessary, as the notified wording already achieves the intended outcome.
230. The function of REG-P11 as a 'consideration policy' v assessment criteria has been considered a number of previous hearings on the PDP. For example, in the Coastal Environment Section 42A Report it stated in relation to the corresponding policy in that chapter: "I note that CE-P10 functions as a 'consideration' policy, which is an approach that has been adopted consistently at the end of the policies across the PDP chapters to provide a consistent way of ensuring all relevant matters can be assessed when resource consent is required under the relevant chapter. I consider that this is an appropriate drafting approach to achieve consistency across the PDP and recommend that CE-P10 is retained on that basis". I also recommended amendments to the chapeau of that policy which are equally applicable to REG-P11 and other consideration policies in the PDP.

On that basis, I recommend that REG-P11 is retained as a 'consideration policy' consistent with other PDP chapters and the chapeau is amended to be clearer on its purpose and application as follows: "~~Manage renewable electricity generation activities to address the effects of the activity requiring resource consent, including (but not limited to) Consideration of the following matters where relevant when assessing and managing the effects of renewable electricity generation activities to the application...~~" I note there is no specific submissions on this matter within the renewable electricity generation topic however it is an amendment with minor effect and therefore I consider it within the scope of a Clause 16 correction.

Recommendation

231. For the reasons above, these submissions on policy REG-P11 are accepted, accepted in part and rejected as set out in **Appendix 2**.
232. I recommend the following amendments to REG-P11.

~~"Manage renewable electricity generation activities to address the effects of the activity requiring resource consent, including (but not limited to)~~



Consideration of the following matters where relevant when assessing and managing the effects of renewable electricity generation activities to the application..."

"... 3. the extent of earthworks or indigenous vegetation removal and proposed measures to mitigate any adverse effects;..."

Section 32AA evaluation

- 233. The proposed amendments to REG-P2, REG-P4, REG-P5, REG-P6, and REG-P11 enhance policy clarity, improve alignment with national and regional planning instruments, and remove unnecessary duplication. The change to REG-P2 replaces "provide for" with "enable," ensuring that the ongoing operation, maintenance, upgrading, and replacement of renewable electricity generation activities are actively supported rather than just recognised. This strengthens the policy’s intent to facilitate renewable electricity generation activities in the Far North District.
- 234. Amendments to REG-P4 include adding "Recognise and" to align with the RPS and NPS-REG, explicitly acknowledging the resilience benefits of diverse energy sources, and removing REG-P4(g) as it is not a "benefit" but rather a matter of effects management. The inclusion of "repair" also broadens the policy’s scope to better reflect necessary maintenance activities. These changes improve policy effectiveness by ensuring the full range of benefits associated with renewable electricity generation is appropriately recognised.
- 235. The deletion of REG-P5 and REG-P6 is justified as their provisions are already addressed within the District Wide effects management policies, making them redundant. This streamlining reduces complexity without diminishing environmental protections. The amendment to REG-P11 refines the scope of consideration for indigenous vegetation removal and earthworks, ensuring the policy remains flexible and relevant without being overly prescriptive.
- 236. Overall, these changes enhance the efficiency and effectiveness of the provisions. They ensure a clearer, more consistent planning framework that better supports renewable electricity generation while maintaining appropriate environmental safeguards. The amendments reduce duplication, improve alignment with higher-order planning documents, and maintain a balanced approach to enabling development of renewable electricity generation activities while managing adverse effects.

5.2.4 Key Issue 4: Notes

Overview

Provision(s)	Officer Recommendation(s)
Note 1	<ul style="list-style-type: none"> • Amendments to clarify which District-Wide matters chapters apply to infrastructure and may be more



Provision(s)	Officer Recommendation(s)
	stringent than the rules in the Renewable Electricity Generation chapter.

Analysis of Submissions on Key Issue 4

Matters raised in submissions

- 237. Forest & Bird (S511.050) and Kapiro Conservation Trust (S442.069) seek to amend note 1 to include reference to “Area-Specific Matters Chapter”. This is because Note 1 only refers to other District Wide Matters as potentially applying. In the submitters opinion it should say that Area Specific Matters may apply as well.
- 238. Top Energy (S483.094) amend to provide clarity in the plan around how renewable electricity generation interacts with Part – 3 Area Specific Chapters. The submitter states it is unclear how the renewable electricity generation chapter interacts with Part-3 Area Specific Matters. An additional Note is one way this clarity could be provided.

Analysis

- 239. The relief sought by Forest & Bird, Kapiro Conservation Trust and Top Energy has been addressed above under Key Issue 1 and the additional recommended note (see below) clarifies which other provisions apply to Renewable Electricity Generation activities.

"#. The rules in this Chapter apply across the District either in all zones or within specified zone as set out in the relevant rule. The zone rules in Part 3 – Area Specific Matters do not apply to renewable electricity generation activities unless otherwise specified in this Chapter."

- 240. To improve the clarity of note 1 and ensure it aligns with the recommendations of the infrastructure chapter I am recommending the following *"There may be rules in the following District-Wide Matters chapters that apply to renewable electricity generation and that may be more stringent than the rules in this chapter: Heritage Area Overlays, Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules."*
- 241. Further analysis for this amendment is outlined above in relation to Key Issue 1.

Recommendation

- 242. For the reasons above, I recommend that these submission points on the notes section of the Renewable Electricity Generation chapter are accepted, accepted in part or opposed as set out in **Appendix 2.**



243. I recommend the following amendments to note 1.
244. ~~There may be rules in other District-Wide Matters that apply to a proposed activity, in addition to the rules in this chapter. These other rules may be more stringent than the rules in this chapter. Ensure other relevant District-Wide Matters chapters are also referred to, in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. There may be rules in the following District-Wide Matters chapters that apply to renewable electricity generation and that may be more stringent than the rules in this chapter: Heritage Area Overlays, Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.~~

Section 32AA evaluation

245. The recommended amendment improves note 1 by providing more specific guidance, which helps users more easily navigate the PDP and understand where to find relevant and potentially more stringent rules. The benefits of increased clarity outweigh any costs associated with this amendment. The change provides an effective improvement in terms of plan usability and also alignment with the Infrastructure chapter s.42A recommendations. Therefore, the amended note is considered appropriate and necessary.

5.2.5 Key Issue 5: Rules

Overview

Provision(s)	Officer Recommendation(s)
New Rules	<ul style="list-style-type: none"> A new permitted rule for upgrading or repowering existing renewable electricity generation activities New rule relates specifically to large scale or community scale wind energy. It is a permitted activity where it can meet the permitted standards and discretionary where it cannot.
REG-R3	<ul style="list-style-type: none"> Amendments to incorporate all types of renewable energy generation investigation activities within the permitted standards.
REG-R6	<ul style="list-style-type: none"> Amendments so this rule relates specifically to large scale or community scale solar energy. It is a permitted activity where it can meet the permitted standards and restricted discretionary where it cannot.
Definitions	<ul style="list-style-type: none"> Amendments to the definition of 'Community Scale Renewable Electricity Generation Activities' to remove the reference to an arbitrary measurement of 10MW and improve clarity.



Provision(s)	Officer Recommendation(s)
	<ul style="list-style-type: none"> Amendments to the definition of 'Large Scale Renewable Electricity Generation Activities' to improve clarity.
New Definition	<ul style="list-style-type: none"> Add a new definition of "local electricity users" to improve clarity particularly in regard to the amended definition of 'Community Scale Renewable Electricity Generation Activities'.
REG-R3, REG-R4 and REG-R5	<ul style="list-style-type: none"> Delete assessment criteria 'vegetation clearance'.

Analysis of Submissions on Key Issue 5

General matters that relate to rules and new rule requests

Matters raised in submissions

246. Top Energy (S483.095) requests a new permitted activity rule as follows (or to the same effect):

"REG - RX - Upgrading or repowering existing renewable electricity generation activities Permitted Where: 1. The upgrade or repowering does not result in an overall increase to the footprint or envelope of the renewable electricity generation activity. 2. For wind farms, compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise."

247. The submitter seeks the addition of a new rule to enable minor upgrades to an appropriate scale and increased power generation. Enabling such upgrades as a permitted activity without triggering the need for a discretionary resource consent (as would otherwise be required pursuant to REG - R7 for large scale projects) is critical to ensuring the viability and resilience of this critical infrastructure, noting that this is consistent with how it is addressed in the Infrastructure Chapter.

248. Top Energy (S483.101) requests a new restricted discretionary rule as follows (or to the same effect):

"REG - RX Large scale solar renewable electricity generation activity

Activity status: Restricted discretionary

Matters of discretion are restricted to:

a. adverse visual amenity effects resulting from the scale of the buildings or structures and whether landscaping can effectively manage any such effects

b. adverse effects on the natural character of the site or surrounding area

c. adverse noise effects on adjoining properties



d. adverse effects on transportation network resulting from construction traffic

e. adverse effects on adjoining properties or the wider catchment resulting from stormwater runoff

249. The submitter considers that adverse effects associated with solar renewable electricity generation are readily understandable and therefore this activity should be enabled as a restricted discretionary activity with clear matters of discretion. This rule could be applied to specific zones only e.g. Rural Production where the Chapter encourages renewable electricity generation activities to locate.

250. Top Energy (S483.102) requests a new rule as follows (or to the same effect):

"REG-RX Renewable energy generation investigation activity.

Permitted

Where:

PER 1 Any building or structure located above ground associated with the investigation activity does not exceed a GFA of 25m²

PER 2 Any building or structure can comply with the height, setback, height in relation to boundary performance standards of the underlying zone."

251. The submitter states Method 5.4.3 of the RPS directs Council to 'Encourage and Provide' for activities associated with investigation for the identification renewable energy sources, this is of relevance for geothermal renewable electricity generation. Top Energy seeks a new rule to provide for investigation activities other than those currently provided in REG - 3 and REG - 4. Without such a rule, these activities would default to discretionary activity.

Analysis

252. Top Energy has requested several new rules within the Renewable Electricity Generation chapter.

253. The submitter seeks a new permitted activity rule to enable the upgrading and repowering of existing renewable energy generation, subject to specified standards. These standards require that the upgrade or repowering does not increase the footprint or envelope of the renewable electricity generation activity.

254. In my view, the inclusion of this permitted activity rule is appropriate. Allowing upgrades and repowering within an established area and height ensures that existing generation activities—where effects are well-



understood—can continue to operate without triggering unnecessary consenting requirements. The limitation on area and height expansion appropriately distinguishes upgrades with minimal environmental effects from those that may require further assessment through a resource consent process.

255. Where an upgrade or repowering proposal does not comply with the permitted activity standards, such as an increase in area or height, a restricted discretionary activity status is appropriate. This provides a necessary framework to assess potential effects beyond the established area and height while ensuring an efficient and proportionate consenting pathway for renewable energy generation activities. The matters of discretion, including location, scale, and potential effects on historical, cultural, and natural values, allow for a targeted assessment of site-specific impacts. Additionally, factors such as shadow flicker, glare, and noise levels at site boundaries ensure that effects associated with any increased scale can be adequately assessed.
256. Top Energy also seeks a new restricted discretionary rule for large-scale solar renewable electricity generation activity. I agree with the intent of the submitter's request; however, in my view, it is more appropriate to amend the existing provisions and definitions to accommodate this within the notified framework along with adding a new rule. Introducing a singular new separate rule as recommended by Top Energy would add unnecessary complexity and would not fit within the existing rule framework.
257. As outlined by Top Energy, solar power is a widely understood technology, and the proposed restricted discretionary requirement is appropriate to address the relevant effects. An unrestricted assessment as a discretionary activity, as currently proposed under the notified REG-R7, is unnecessary.
258. In my opinion, REG-R6 should be amended to include both community-scale and large-scale solar renewable electricity generation activities, subject to the permitted standards which have been amended to relate specifically for solar. Where these standards cannot be met, the activity would become restricted discretionary. This amendment would continue to apply to the Rural Production Zone, Māori Purpose Zone, and Open Space Zone, where these activities are anticipated.
259. REG-R6 as notified relates specifically to community-scale renewable electricity generation. As consequential amendment of the recommended changes to this rule the definition of 'community-scale renewable electricity generation' should be amended as it refers to an arbitrary threshold of 10MW, which is problematic. The size of electricity generation in terms of megawatts does not directly correlate to the environmental effects associated with it. The effects are already sufficiently managed by the permitted standards within REG-R6, including PER-1 – PER-6. The



recommended changes to the definition are as follows: *'Community Scale Renewable Electricity Generation Activities - means renewable electricity generation primarily supplying an immediate community that is supplied to local electricity users, with provision for excess electricity to be supplied to or the distribution network, and where the installed capacity does not exceed 10MW.'*

260. The other wording amendments ensure there is sufficient differentiation between this definition and the definition of *'Large Scale Renewable Electricity Generation'*.
261. These changes also align better with the definition of 'small and community-scale distributed electricity generation' in the NPS-REG, which does not specify a MW capacity. Aligning with national policy ensures consistency across regulatory frameworks and avoids unnecessary restrictions that do not relate to potential effects.
262. Given this recommended change to the definition of 'community-scale renewable electricity generation,' the definition of 'large-scale solar renewable electricity generation' also needs to be amended as a consequential amendment. The current definition refers to 'renewable electricity generation activities that have more generation output than community-scale renewable electricity generation,' which would no longer be appropriate.
263. The recommended definition for 'large-scale solar renewable electricity generation' is as follows *'Large Scale Renewable Electricity Generation Activities - ~~means renewable electricity generation activities that have more generation output than community scale renewable electricity generation.~~*
- means renewable energy generation activity for the purpose of exporting electricity directly into the distribution or transmission network. It does not include:*
- a. Small Scale Renewable Energy Generation Activities; or*
 - b. Community Scale Renewable Energy Generation Activities.'*
264. In my opinion this definition provides further detail on what relates to Large Scale Renewable Electricity Generation Activities and specifies that it only applies when the Renewable Electricity Generation activity does not fit within the definitions of 'small-scale renewable electricity generation' or 'community-scale renewable electricity generation.' This ensures clarity and avoids regulatory gaps.
265. The notified matters of discretion in REG-R6 are more appropriate than the matters recommended by Top Energy as they cover a wider range of matters enabling a more complete assessment of solar renewable electricity generation types of activities.



266. As part of this amendment, I am also recommending a new rule (REG-RY) specifically for wind-based community-scale and large-scale renewable electricity generation activities, subject to the relevant permitted standards that relate specifically to wind generation. Where these standards are breached, the activity would become discretionary. A separate rule for wind generation is appropriate due to the distinct nature of its effects compared to solar generation.
267. As these amendments comprehensively cover both solar and wind renewable electricity generation, REG-R7 is no longer necessary and can be deleted. Importantly, while REG-R6 and REG-RY provide for permitted activities, any activity that does not comply with the permitted parameters will be captured and require resource consent. This ensures that these changes do not result in widening the scope for permitted activities.
268. Additionally, Top Energy seeks another permitted rule to enable renewable energy generation investigation activities. The notified Plan currently includes two permitted rules (REG-R3 and REG-R4) that enable certain aspects of renewable energy generation investigations, including those associated with in-stream hydro investigations and temporary monitoring masts. However, these rules are limited to hydro and wind energy investigations. In my opinion, instead of creating a new rule it is more appropriate to modify REG-R3 to include all types of renewable energy generation, this will make it more generic and enable investigations into other types of energy sources for electricity generation, thus broadening the scope of permitted activity in the Plan.
269. I have made some minor amendments to the requested rules to ensure consistency across provisions in this chapter.

Recommendation

270. For the reasons above, I recommend that these submissions requesting new rules are accepted, accepted in part and rejected as set out in **Appendix 2**.
271. I recommend the following new rules and amended rules for the Renewable electricity generation chapter.
272. **REG - RX - Upgrading or repowering existing renewable electricity generation activities**

All zones

Activity status: Permitted

Where:

PER-1



The upgrade or repowering does not result in an overall increase to the area or height of the renewable electricity generation activity.

PER-2

For wind farms, compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise.

Activity status where compliance not achieved with PER-1 or PER-2: Restricted Discretionary

Matters of discretion are restricted to:

- a. location, scale and size of the activity;
- b. adverse effects on any area with historical or cultural values, natural environment values or coastal environment values;
- c. shadow flicker and glare on surrounding sites, waterbodies and private and public roads;
- d. character, level, duration of noise received at the boundary or national boundary of another site;
- e. effects on migratory birds using any identified and scientifically established flight path;
- f. function and operational need to be in that location;
- g. alternative design options for the structure; and
- h. colour scheme of structure(s), screening and landscaping.

273. **REG-R3 New buildings or structures associated with ~~in-stream hydro investigation and electricity generation~~, a renewable energy generation investigation activity, excluding in-stream structures (new and upgrading)**

All Zones

Activity status: Permitted

Where:

PER-1

The building or structure does not exceed a GFA of 25m² and the total GFA of all buildings or structures shall not exceed 50m² in total.

PER-2



It is not located on an esplanade reserve or strip, marginal strip or any consented or planned public access area.

PER-3

It is not located on any unformed road.'

274. **'REG – R6 Solar energy large scale or community scale renewable electricity generation activity (new and upgrading)**

Rural Production zone

Māori Purpose zone

Open Space zone

Activity status: Permitted

Where:

PER-1

No structure or device, including any attachments ~~or turbine blades~~, exceeds a maximum height above ground level of 20m.

PER-2

All devices and supporting structures attached to land, including solar panels, cover a total area of no more than 5,000m².

PER-3

Any structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site and is not within the notional boundary of any other site.

PER-4

The setback of any structure from a road, is at least three times the height of structure or 20m, whichever is the greatest distance.

PER-5

~~Compliance is achieved with NZS 6808:2010 Acoustics – Wind farm noise for any proposal involving wind generation.~~

PER- 5 6

Written notice is provided to Council at least 1 month prior to the installation of the structures, or the upgrade of any existing structure. The written notice shall detail the location and function of the activity, details



of ownership and management responsibilities, and where the electricity will be supplied to.

Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER- 4, or PER-5, ~~PER-6 or PER-7~~: Restricted Discretionary

Matters of discretion are restricted to:

- a. location, scale and size of the activity;
- b. adverse effects on any area with historical or cultural values, natural environment values or coastal environment values;
- c. shadow flicker and glare on surrounding sites, waterbodies and private and public roads;
- d. character, level, duration of noise received at the boundary or national boundary of another site;
- e. effects on migratory birds using any identified and scientifically established flight path;
- f. function and operational need to be in that location;
- g. alternative design options for the structure; and
- h. colour scheme of structure(s), screening and landscaping.'

275. **REG – RY Wind generation large scale or community scale renewable electricity generation activity (new and upgrading)**

Rural Production zone

Māori Purpose zone

Open Space zone

Activity status: Permitted

Where:

PER-1

No structure or device, including any attachments or turbine blades, exceeds a maximum height above ground level of 20m.

PER-2



All devices and supporting structures attached to land, including solar panels, cover a total area of no more than 5,000m².

PER-3

Any structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site and is not within the notional boundary of any other site.

PER-4

The setback of any structure from a road, is at least three times the height of structure or 20m, whichever is the greatest distance.

PER-5

Compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation.

PER-6

Written notice is provided to Council at least 1 month prior to the installation of the structures, or the upgrade of any existing structure. The written notice shall detail the location and function of the activity, details of ownership and management responsibilities, and where the electricity will be supplied to.

Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4, PER-5 or PER-6: Discretionary

276. ~~'REG-R7 Large scale renewable electricity generation activity (new and upgrading)~~

~~All zones~~

~~Activity status: Discretionary~~

~~Where:~~

~~DIS-1~~

~~Compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation.~~

~~Activity status where compliance not achieved: Non-complying'~~

277. I recommend the following amendments to definitions that relate to the Renewable electricity generation chapter.

'Community Scale Renewable Electricity Generation Activities - means renewable electricity generation primarily supplying an immediate



~~community that is supplied to local electricity users, with provision for excess electricity to be supplied to or the distribution network, and where the installed capacity does not exceed 10MW.~~

~~'Large Scale Renewable Electricity Generation Activities - means renewable electricity generation activities that have more generation output than community scale renewable electricity generation.~~

~~Means renewable energy generation activity for the purpose of exporting electricity directly into the distribution or transmission network. It does not include:~~

~~a. Small Scale Renewable Energy Generation Activities; or~~

~~b. Community Scale Renewable Energy Generation Activities.~~

REG-R1

Matters raised in submissions

278. Federated Farmers (S421.060) supports the retention of Rule REG-R1 and state that if any amendments are made, they retain similar wording to achieve the same intent.

Analysis

279. All submissions are in support therefore no further analysis is required.

Recommendation

280. For the reasons above, these submissions on rule REG-R1 are accepted, accepted in part and rejected as set out in **Appendix 2**.
281. I do not recommend any amendments to REG-R1.

REG-R2

Matters raised in submissions

282. FNDC (S368.031) requests to amend REG-R2 as follows:

"PER-1 The small scale renewable electricity generation activity does not exceed the permitted maximum height standard for the zone it is located in, by more than 3m." The submitter states these amendments will improve the PDP usability by including 'small scale renewable electricity generation activity' within the rule to provide a link to the definition.

283. Top Energy (S483.096) requests Rule REG-R2 is amended to apply to all zones consistently. The submitter states they support the inclusion of these permitted thresholds but seek that these rules apply to all zones. Renewable energy generation activities are located based on the availability and feasibility of the resource and should not be constrained



by artificial zoning lines on a map. The Overlays will still apply and can address any sensitivities in specific environments.

284. Federated Farmers (S421.061) supports the retention of Rule REG-R2 and state that if any amendments are made, they retain similar wording to achieve the same intent.

Analysis

285. Rule REG-R2 is a permitted activity for small-scale renewable electricity generation attached to buildings or structures (including both new and upgraded structures), provided that the activity does not exceed the permitted maximum height standard for the zone in which it is located by more than 3 meters.
286. The Far North District Council (FNDC) seeks to amend Rule PER-1 by incorporating the defined term "small-scale renewable electricity generation" into the rule wording. In my opinion, this amendment is not necessary or appropriate, as it would create inconsistencies with other provisions PDP that follow a similar structure. The existing rule title provides sufficient clarity regarding its application, and repeating the defined term within the provision itself is unnecessary. Plan users can refer to the definitions section of the PDP for further clarification if required.
287. The relief sought by Top Energy seeks an amendment to Rule REG-R2 to ensure consistent application across all zones. However, it is important to clarify that Rule REG-R2 already applies to all zones as a permitted activity. Specifically, PER-1 states that small-scale renewable electricity generation activities attached to buildings or structures must not exceed the maximum permitted height standard for the relevant zone by more than 3 meters.
288. In my opinion, this provision is reasonable and appropriate. It is crucial that structures and buildings within each zone comply with a prescribed height limit to mitigate the potential for visual dominance, which could adversely impact the amenity values of neighbouring properties. By restricting the height of such structures, the rule ensures that the design and scale of developments do not result in disproportionate effects on the surrounding environment, particularly in terms of visual amenity and shading.
289. Therefore, it is my view that this rule should be retained as currently drafted, with the exception of the wording amendments discussed above, which would enhance both the clarity and the functionality of the rule.

Recommendation

290. For the reasons above, I recommend that these submissions on rule REG-R2 are accepted, accepted in part and rejected as set out in **Appendix 2**.
291. I do not recommend any amendments to REG-R2.



REG-R3

Matters raised in submissions

292. Federated Farmers (S421.063) requests to amend PER-2 of Rule REG-R3 as follows: "*Approval or consent has been received if it is not located on an esplanade reserve or strip, marginal strip or any consented or planned public access area...*" (inferred) or wording with a similar intent. The submitter states they support the rule in part but would like performance standard PER-2 amended so that it is recognised that an activity is permitted where the appropriate approval or consent has been obtained. Doing this will reduce any unnecessary barriers for landowners wanting to pursue these types of activity.
293. Forest & Bird (S511.051, S511.052, S511.053) and Kapiro Conservation Trust (S442.070, S442.071, S442.072) request REG-R3, REG-R4 and REG-R5 is amended to make abundantly clear that these activities do not include indigenous vegetation clearance or areas of non-indigenous vegetation that is significant habitat for indigenous fauna and that the Indigenous Biodiversity chapter on indigenous vegetation clearance apply. The submitters state the scope of these activities is not clear. Within the restricted discretionary matters of discretion, it lists vegetation clearance. The context of the wording seems to imply that the activity includes vegetation clearance. (Note the same point relates to multiple rules so is not repeated.)
294. Top Energy (S483.097) requests Rule REG-R3 is amended to apply to all zones consistently. The submitter states they supports the inclusion of these permitted thresholds but seek that these rules apply to all zones. Renewable energy generation activities are located based on the availability and feasibility of the resource and should not be constrained by artificial zoning lines on a map. The Overlays will still apply and can address any sensitivities in specific environments.

Analysis

295. Rule REG-R3 permits new buildings or structures for in-stream hydro electricity generation, subject to specific conditions: the Gross Floor Area (GFA) of each structure must not exceed 25m², with a total GFA for all structures capped at 50m². Furthermore, such structures cannot be located on esplanade or marginal strips, public access areas, or unformed roads.
296. The relief sought by Federated Farmers seeks amended wording to avoid unnecessary barriers for landowners pursuing these activities. In my opinion, the requested relief is unnecessary as the activity is already permitted, provided it complies with the required standards. Since permitted activities do not require prior approval or consent, specifying this in the rule is redundant. Landowners can undertake this activity as of right subject to compliant with the permitted activity standards.



297. Forest & Bird and the Kapiro Conservation Trust have sought clarification that rules REG-R3, REG-R4 and REG-R5 do not extend to vegetation clearance, which is subject to separate provisions in the Indigenous Biodiversity chapter. As outlined in *Key Issue 1: General Miscellaneous* the recommended amended note 1 at the beginning of the rules section addresses this relationship, stating:

"1. There may be rules in the following District-Wide Matters chapters that apply to renewable electricity generation and that may be more stringent than the rules in this chapter: Heritage Area Overlays, Historic Heritage, Sites and Areas of Significance to Māori, Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment. Refer to the how the plan works chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules."

298. In my opinion, this note provides adequate clarity by specifying that any activity must also be assessed against other District-Wide Matters. The submitter has highlighted a matter of discretion in all of these rules "vegetation clearance," In light of amended note 1 and the associated guidance on how the Renewable Electricity Generation chapter interacts with other District-Wide Matters chapters in my view this assessment criteria is not necessary and can be deleted. Vegetation clearance is covered in the Indigenous Biodiversity chapter and reference to 'adverse effects on natural values' is made in relation to another matter of discretion in these rules which allows broader ecological effects to be considered.
299. Top Energy seeks that REG-R3 applies consistently across all zones. In my view, it is clear that the notified version of REG-R3 already applies to all zones, and therefore no further amendments are required.

Recommendation

300. For the reasons above, these submissions on rule REG-R3 are accepted, accepted in part and rejected as set out in **Appendix 2**.
301. I recommend the following amendments to REG-R3.

'Matters of discretion are restricted to:...

e. ~~vegetation clearance;~~...'

REG-R4

Matters raised in submissions

302. Top Energy (S483.098) requests Rule REG-R4 is amended to apply to all zones consistently. The submitter states they supports the inclusion of these permitted thresholds but seek that these rules apply to all zones. Renewable energy generation activities are located based on the



availability and feasibility of the resource and should not be constrained by artificial zoning lines on a map. The Overlays will still apply and can address any sensitivities in specific environments.

Analysis

303. Rule REG-R4 permits temporary monitoring masts in the Rural Production, Rural Lifestyle, Māori Purpose, and Open Space zones, subject to specific conditions. These include a height limit of 80m, a maximum of three masts per site, removal within five years, and a setback of at least the height of the mast from site boundaries. Written notice must also be provided to the Council at least one month prior to installation or relocation, detailing the location, ownership, and management of the mast.
304. The relief sought by Top Energy seeks to apply this rule to all zones, rather than limiting it to the specified zones. In my opinion, this approach is not appropriate, as the specified zones encompass most of the Far North District and are the least sensitive to this type of activity. If such an activity were to be located within a zone not listed, I consider a restricted discretionary resource consent requirement to be appropriate, especially as it permits a mast of up to 80m in height. This would not be appropriate in more sensitive zones. Unless the submitter provides specific examples of land outside the specified zones with potential for this activity where adverse effects will be minimal, I do not support the proposed change.

Recommendation

305. For the reasons above, these submissions on rule REG-R4 are accepted, accepted in part and rejected as set out in **Appendix 2**.
306. I recommend the following amendments to REG-R4.

'Matters of discretion are restricted to:...

f. ~~vegetation clearance;~~...

REG-R5

Matters raised in submissions

307. FNDC (S368.015) requests REG-R5 is amended as follows: "PER-3 *Any structure is setback at least three times the height of the structure from the boundary of any other site and is not within the ~~national~~ notional boundary of any other site.*" The submitter states they have identified a spelling error.
308. Top Energy (S483.099) requests Rule REG-R5 is amended to apply to all zones consistently. The submitter states they supports the inclusion of these permitted thresholds but seek that these rules apply to all zones. Renewable energy generation activities are located based on the availability and feasibility of the resource and should not be constrained



by artificial zoning lines on a map. The Overlays will still apply and can address any sensitivities in specific environments.

309. Federated Farmers (S421.062) supports the retention of Rule REG-R5 and state that if any amendments are made, they retain similar wording to achieve the same intent.

Analysis

310. Rule REG-R5 permits small-scale renewable electricity generation in the Rural Production, Rural Lifestyle, Māori Purpose, and Rural Residential zones, provided structures comply with height, size, and setback requirements, meet wind farm noise standards, and provide written notice to the Council at least two weeks before installation or upgrades. This rule does not apply to in-stream generation devices.
311. The relief sought by the Far North District Council (FNDC) relates to a spelling error, where the notified plan incorrectly used "national boundary" instead of "notional boundary" as identified by the submitter. While the submitter referenced PER-3, this provision is correctly worded, and no amendment is required.
312. The relief sought by Top Energy is similar to that addressed for Rule REG-R4. In my opinion, this approach is not appropriate, as the specified zones encompass most of the Far North District and are the least sensitive to this type of activity. If such an activity were to be located within a zone not listed, I consider a restricted discretionary resource consent requirement to be appropriate. Unless the submitter provides specific examples of land outside the specified zones with potential for this activity where adverse effects will be minimal, I do not support the proposed change.

Recommendation

313. For the reasons above, these submissions on rule REG-R5 are accepted, accepted in part and rejected as set out in **Appendix 2**.
314. I recommend the following amendments to REG-R5.

'Matters of discretion are restricted to:...

c. ~~vegetation clearance;~~...

REG-R6

Matters raised in submissions

315. FNDC (S368.016) requests REG-R6 is amended as follows: "PER-3 *Any structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site and*



is not within the ~~national~~ notional boundary of any other site." The submitter states they have identified a spelling error.

316. Top Energy (S483.100) requests Rule REG-R6 is amended to apply to all zones consistently. The submitter states they supports the inclusion of these permitted thresholds but seek that these rules apply to all zones. Renewable energy generation activities are located based on the availability and feasibility of the resource and should not be constrained by artificial zoning lines on a map. The Overlays will still apply and can address any sensitivities in specific environments.

Analysis

317. Rule REG-R6 permits community-scale renewable electricity generation in the Rural Production, Māori Purpose, and Open Space zones, subject to specific conditions. Structures must not exceed 20m in height, must cover no more than 5,000m², and must be set back at least three times their height from site boundaries, roads, and notional boundaries. Proposals involving wind generation must comply with NZS 6808:2010 (Acoustics – Wind Farm Noise). Additionally, written notice must be provided to the Council at least one month prior to installation or upgrades, outlining the location, purpose, ownership, management, and electricity supply arrangements.
318. The relief sought by the Far North District Council (FNDC) relates to a spelling error in the notified plan, where "national boundary" was incorrectly used instead of "notional boundary," as identified by the submitter. While the specific passage in PER-3 is correctly worded, matter of discretion (d) includes this error and should be updated as recommended by the submitter.
319. The relief sought by Top Energy seeks to extend the application of this rule to all zones rather than limiting it to the specified zones. In my opinion, this approach is not appropriate, as the specified zones encompass most of the Far North District and are the least sensitive to this type of activity. If such an activity were to locate within a zone not listed, I consider a restricted discretionary resource consent requirement to be more suitable. Unless the submitter provides specific examples of land outside the specified zones that is suitable for this activity, I do not support the proposed change.

Recommendation

320. For the reasons above, these submissions on rule REG-R6 are accepted, accepted in part and rejected as set out in **Appendix 2**.
321. I recommend the following amendments to REG-R6.

'd. character, level, duration of noise received at the boundary or ~~national~~ notional boundary of another site;'



REG-R7

Matters raised in submissions

322. Julianne Sally Bainbridge (S163.015) it is inferred the submitter requests the activity status for REG-R7 to prohibited as the submitter states there should be no further approvals of solar or wind farms in the Far North. The submitters reasoning is there is a need to protect our rural landscape from the production loss and eyesores of solar and wind electricity generation. There is already lots of roof space available in urban settings where the electricity is required most.
323. DOC (S364.027) requests REG-R7 is retained. They support the requirement for large scale renewable electricity generation activities (such as wind farms) to require resource consent as a Discretionary Activity.

Analysis

324. Rule REG-R7 categorizes large-scale renewable electricity generation in all zones as a discretionary activity, requiring compliance with NZS 6808:2010 (Acoustics – Wind Farm Noise) for any wind generation proposals.
325. The relief sought by Julianne Sally Bainbridge relates to prohibiting solar and wind farms in the farm north. In my opinion this is not appropriate given the higher order documents which direct Councils to provide for renewable energy generation activities. These are outlined in the overview section of the chapter "*There are requirements under the RMA and National Policy Statement for Renewable Electricity Generation 2011 to recognise and provide for the benefits from the use and development of renewable energy and renewable electricity generation and have particular regard to the efficient use of energy. The Government has set a target of 100% renewable electricity to help achieve New Zealand's emission reduction targets under the Climate Change Response Act 2002. There are also responsibilities under the NRPS to recognise and promote the benefits of electricity generation facilities as regionally significant infrastructure, including the Ngāwhā geothermal power station.*"
326. In my opinion this provides sufficient explanation for the reasoning behind why renewable energy generation activities provisions are necessary.
327. DOC supports the retention of Rule REG-R7 as notified. I agree with this position for the reasons outlined by the submitter and those above.

Recommendation

328. For the reasons above, these submissions on rule REG-R7 are accepted, accepted in part and rejected as set out in **Appendix 2**.
329. I do not recommend any amendments to REG-R7.



Section 32AA evaluation

330. The proposed amendments and new rules within the Renewable Electricity Generation chapter improve clarity, efficiency, and consistency in managing renewable energy activities. The introduction of a permitted activity rule for upgrading and repowering existing renewable electricity generation activities ensures that necessary maintenance and enhancements can occur without unnecessary resource consent requirements, provided the existing footprint and envelope are maintained. This approach recognises the importance of maintaining and improving renewable infrastructure while managing potential adverse effects. Similarly, amending REG-R6 to incorporate both community-scale and large-scale solar renewable electricity generation activities, subject to appropriate standards, streamlines the regulatory framework by consolidating relevant provisions rather than introducing separate, redundant rules. This amendment aligns with the NPS-REG and ensures consistency in how the District Plan manages renewable electricity generation.
331. The amendment to the definition of 'community-scale renewable electricity generation' removes the arbitrary 10MW threshold, instead focusing on the nature and effects of the activity rather than an inflexible generation capacity limit. The revised definition also ensures clearer differentiation from 'Large Scale Renewable Electricity Generation' by specifying that 'local electricity users' are consumers within the Far North District. This distinction reinforces the localised nature of community-scale generation, ensuring it remains distinct from large-scale operations. These changes improve alignment with the NPS-REG by classifying renewable electricity generation activities based on operational and environmental characteristics rather than an artificial distinction in output. Additionally, the introduction of a new rule (REG-RY) specifically for wind-based community-scale and large-scale renewable electricity generation recognises the distinct effects of wind energy compared to solar, ensuring that appropriate effects management measures are applied to each technology. As a consequential amendment, the removal of REG-R7 streamlines the provisions while ensuring all relevant activities are captured under the revised framework.
332. Further modifications to REG-R3 to include all renewable energy investigation activities, rather than limiting them to hydro and wind, provide a more flexible approach to renewable energy research and development. This ensures that emerging technologies are not unnecessarily constrained by outdated or overly specific regulatory provisions. Minor amendments to wording across the chapter also enhance consistency, ensuring that the rules are practical, clear, and enforceable. The proposed amendment to remove vegetation clearance as a matter of discretion in REG-R3, REG-R4, and REG-R5 is appropriate, as this issue is already addressed within the Indigenous Biodiversity chapter. The amendment improves clarity by ensuring that assessments



focus on relevant district-wide matters without redundant overlap, aligning with the principles of effective and streamlined regulation.

- 333. Overall, these amendments represent the most appropriate way to achieve the objectives of the Plan, as they balance the need to enable renewable energy development while ensuring potential adverse effects are appropriately managed. By refining definitions, consolidating rules, and removing unnecessary provisions, the changes enhance regulatory efficiency.

5.2.6 Key Issue 6: Definitions

Overview

Provision(s)	Officer Recommendation(s)
Definitions	Except as outlined in Key Issue 5

Analysis of Submissions on Key Issue 6

Matters raised in submissions

- 334. Top Energy (S483.014) supports the definition of 'Renewable Electricity Generation' and requests the definition is retained as worded.
- 335. Top Energy (S483.016) supports the definition of 'Small Scale Renewable Electricity Generation' and requests the definition is retained as worded.
- 336. Top Energy (S483.004) supports the definition of 'Community Scale Renewable Electricity Generation Activities' and requests the definition is retained as worded.
- 337. Top Energy (S483.007) supports the definition of 'Large Scale Renewable Electricity Generation Activities' and requests the definition is retained as worded.
- 338. Forest & Bird (S511.014) and Kaprio Conservation Trust (S442.034) support in part the definition of 'Renewable Electricity Generation Activities'. The submitters request that the definition be amended to clarify its application to generation structures and associated/ancillary infrastructure and to limit the definition to Regionally Significant Infrastructure (RSI). Specifically, the submitters propose that the definition apply only to renewable electricity generation of more than 1 MW and its supporting infrastructure where the electricity generated is supplied to electricity distribution and transmission networks.
- 339. The reasons for these requested changes are that the current definition lacks clarity and appears to extend beyond "structures associated with renewable electricity generation" to include other infrastructure and possibly earthworks and planting for site rehabilitation. The submitters also raise concerns about whether the definition encompasses structures



directly for renewable electricity generation, as opposed to those associated with it. They consider that the inclusion of ancillary activities should only occur where renewable electricity generation meets the RSI threshold. Restricting the definition to RSI is seen as appropriate, given the specific considerations provided for in the Ecosystems and indigenous biodiversity and Coastal Environment chapters, particularly regarding the management of adverse environmental effects.

340. Top Energy (S483.015) supports the definition of 'Renewable Electricity Generation Activities' and requests the definition is retained as worded.

Analysis

341. The relief sought by Forest & Bird and Kapiro Conservation Trust relates to the definition of 'Renewable Electricity Generation Activities'. The notified definition is as follows:

"means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable 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."

342. The notified definition is consistent with the definition provided in the NPS-REG. Any changes to this definition in the PDP would result in inconsistency with this higher-order document. Under section 75(3)(a) of the RMA, district plans are required to give effect to national policy statements, including the NPS-REG. Therefore, in my opinion the requested changes to the definition are not appropriate as this would not give effect to the NPS-REG and would create inconsistencies and potential interpretation issues.
343. Adding a note to clarify that the definition has the same meaning as renewable electricity generation activities in the NPS-REG could be helpful for plan users. This approach is commonly adopted in other district plans and provides additional context regarding the definition's origin. Such an amendment would be best considered in relation to the interpretation topic, as if this change were made all the relevant definitions that come from the NPS would need to be amended for consistency. There is a submission point (S454.001) allocated to the interpretation topic which provides scope for this consideration.
344. It should also be noted as notified the definition of 'Community Scale Renewable Electricity Generation Activities' are different from the definition given in the NPS-REG which could be problematic. I have recommended amendments to 'Community Scale Renewable Electricity Generation Activities' and 'Large Scale Renewable Electricity Generation Activities' as a result of submission points addressed in relation to Key Issue 5, refer to this section for further analysis.



Recommendation

345. For the reasons above, I recommend that these submissions on the definitions associated with the Renewable Electricity Generation chapter are accepted, accepted in part and rejected as set out in **Appendix 2**.
346. I do not recommend any further amendments to the definitions.

Section 32AA evaluation

347. No change to the provisions is recommended at this stage. On this basis, no evaluation under Section 32AA is required.

6 Conclusion

348. This report has provided an assessment of submissions received in relation to the Renewable Electricity Generation chapter. The primary amendments that I have recommended relate to:
- a. Clarification of how the renewable electricity generation chapter interacts with Part 2 – District-Wide Matters and Part 3 – Area-Specific Matters, ensuring consistency across the plan.
 - b. Amendments to correct typographical errors and improve the overall clarity and accuracy of the provisions.
 - c. Amendments to improve consistency by removing references to matters already addressed in other chapters, including district-wide considerations such as historical, cultural, environmental, and coastal values.
 - d. Amendments to better align provisions with higher-order planning documents, including the RPS and the NPS-REG.
 - e. The introduction of specific rules for solar and wind electricity generation activities to reflect their anticipated effects, ensuring appropriate management of environmental and operational impacts.
349. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Renewable Electricity Generation chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in **Appendix 2**.
350. I recommend that provisions for the Renewable Electricity Generation matters be amended as set out in the Renewable Electricity Generation chapter in **Appendix 1 and 1.1** below for the reasons set out in this report.



Recommended by: Kenton Baxter – Policy Planner, Far North District Council.

Approved by: James R Witham – Team Leader District Plan, Far North District Council.

Date: 31/03/2024