

**BEFORE**

**THE HOROWHENUA  
DISTRICT COUNCIL**

**IN THE MATTER**

of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

of the Proposed  
Horowhenua District  
Plan

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**Statement of Planning Evidence of Ben Farrell**  
**For and on behalf of the New Zealand Wind Energy Association**

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## Introduction

1. My name is Ben Farrell. I am a self-employed Environmental Planning Consultant and I am employed part-time on a temporary basis by the New Zealand Wind Energy Association ('NZWEA') as its Senior Environmental Planner & Guidelines Project Manager.
2. In this matter I am providing planning evidence in support of the submission by NZWEA.
3. I have the following qualifications and experience relevant to the evidence I shall give:
  - (a) Master of Environmental Policy (2004) and a Bachelor of Resource Studies – Environmental Policy & Planning (2002), from Lincoln University, Canterbury.
  - (b) I have previously worked in planning/resource management roles for Wellington Regional Council, Auckland Regional Council, Upper Hutt City Council, Connell Wagner Ltd (Christchurch), and Boffa Miskell Ltd (Wellington). In these roles, particularly consultancy, I have worked for a range of clients over a range of planning projects, including the preparation and administration of District Plans.
  - (c) I have worked for NZWEA since August 2010. In this time I have been involved in all tiers of RMA policy development relating to the provision for wind energy development (i.e. RMA reform, national policy statements, regional policy statements, district plans, guidelines). I am also responsible for preparing a set of Best Practice Wind Farm Development Guidelines for NZ.
  - (d) My planning role at NZWEA exposes me to a wide range of wind industry interests, activities, policy development and consenting development proposals across New Zealand and to a lesser extent internationally. I have gained a particular appreciation of the issues associated with consenting wind farms under the RMA. I have also participated heavily in stakeholder discussions associated with the development and implementation of the National Policy Statement for Renewable Electricity Generation (NPSREG) including the development of Implementation Guidance for the NPSREG and the NZ Coastal Policy Statement (NZCPS), and the NPSREG Monitoring and Evaluation Programme.
  - (e) I am a member of the New Zealand Planning Institute and a former chairman of the Institute's Wellington Branch.

## Scope of Evidence

4. The scope of this evidence is restricted to the following matters discussed in the Section 42A Report in response to specific NZWEA submission points:
  - (a) Recognising the need for renewable energy in the **Introduction to Chapter 12** (submission point reference 100.00);
  - (b) Providing for renewable electricity generation in **Issue 12.2** as a matter of national significance (submission point reference 100.01);
  - (c) **Permitting metrological masts** (submission point reference 100.13 and 503.06);
  - (d) **Managing wind turbine noise** (submission point reference 100.15 and 100.17); and
  - (e) Discussion about “**Wind energy facility**” versus “**wind farm**” (submission point reference 100.20).
5. My evidence **does not** address all of the matters raised in NZWEAs submissions and it **does not** address all the applicable recommendations provided in the Section 42A Report that may affect wind farm development in the district. The Hearings Panel will still need to address any residual matters in accordance with section 10 in Schedule 1 of the RMA.
6. In preparing my evidence I have referred to the following documents:
  - (a) *Resource Management Act*;
  - (b) *National Policy Statement for Renewable Electricity Generation 2011*;
  - (c) *Proposed Horowhenua District Plan* notified 14 September 2012;
  - (d) *NZWEA Submission* dated 12 November 2012;
  - (f) *Proposed Horowhenua District Plan Summary of Submissions* notified 5 December 2012;
  - (g) *NZWEA Further Submission* dated 18 December 2012;
  - (h) *Section 42A Report District Plan Review Hearing Panel Proposed Horowhenua District Plan Utilities and Energy* dated April 2013 (‘the Section 42A Report’);
  - (i) *Supplementary Section 42A Report to the District Plan Review Hearing Panel Proposed Horowhenua District Plan Utilities and Energy* dated April 2012;

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- (j) *Analysis of Submissions* prepared by Acousafe Limited (appended to the *Section 42A Report to the District Plan Review Hearing Panel Proposed Horowhenua District Plan Rural Environment dated April 2013*);
  - (k) *Operative Clutha District Plan Change 23-25 and Proposed Plan Changes 23 - 25 to the Clutha District Plan Energy Decision of Hearing Committee*;
  - (l) *New Zealand Standard 6808:2010 Acoustics – Wind Farm Noise* ('NZS6808:2010'); and the
  - (m) *Technical Guide on the National Policy Statement for Renewable Electricity Generation 2013*, produced by the Energy Efficiency and Conservation Authority.
7. The opinions expressed in my evidence can be considered representative of NZWEA members but my opinion may not necessarily reflect the opinions of each individual member.
8. While I am employed by NZWEA, I and my employer recognise and acknowledge my overriding duty to the Hearings Panel. I am not employed by NZWEA to advocate for the wind energy industry, rather I am employed as an expert planning advisor.
9. Unless I state otherwise my evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

### **Recognising the need for renewable energy in the Introduction to Chapter 12 (Submission Ref 100.00)**

10. As discussed on page 20 of the Section 42A Report NZWEA (100.00) seeks an amendment to the introduction section and reporting officer supports the relief sought subject to the inclusion of the qualifying term "*where appropriate*":

*...NZWEA supports the Introduction but has requested that an amendment be included to the Energy section of the Introduction to substantiate how the benefits of renewable energy would be recognised in the Plan. The change provides some additional clarification and may be helpful to Plan users.*

*I accept the wording as proposed by the submitter, subject to the inclusion of the words "where appropriate". The recommended wording would read "The benefits and need for renewable energy is recognised where appropriate through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities..."*

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11. In the context of the introduction section I consider the term “*where appropriate*” to be ambiguous and creates uncertainty about how the council is providing for renewable energy<sup>1</sup> development in the district plan. The reporting officer has not discussed the rationale for introducing the term “*where appropriate*” or explained its implication.
12. Additionally, in my opinion there is no ‘proviso’ in the NPSREG that allows councils to limit their recognition of, and provision for, renewable energy development “*where appropriate*”. The NPSREG (namely the objective and policies A, E1-E4, and F) impose an obligation on the Council to ensure the district plan recognises and provides for the national significance of renewable energy development by, among other things, including objectives, policies and methods (including rules) that provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities to the extent applicable in the district.
13. I note that my interpretation of the phrase “*to the extent applicable in the district*” provided in NPSREG policies E1-E4 relate to the physical presence of the renewable energy resource in the district. Accordingly, in my opinion, the council must recognise and provide for renewable energy development where the wind resource exists within the district<sup>2</sup>.
14. Without sufficient justification for introducing the term “*where appropriate*” I consider the recommendation by the reporting officer will undermine the requirements of NPSREG. Accordingly the relief sought by NZWEA should be accepted without amendment.

*Conclusion and recommendation*

15. I consider introducing the term “*where appropriate*” has not been justified and I do not support its inclusion as recommended by the reporting officer.
16. I recommend the relief sought by NZWEA should be accepted without amendment.

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<sup>1</sup> For the sake of clarity I assume the term “renewable energy development” captures the development of “renewable electricity generation”

<sup>2</sup> I assume it is accepted that the wind energy resource may exist throughout the district, as implied by the discussion on page 12-7 of the proposed plan.

**Providing for renewable electricity generation in Issue 12.2 as a matter of national significance (Submission Ref 100.01)**

17. In response to NZWEAs submission point (100.01) the reporting officer states the following on page 49 of the Section 42A Report:

*...Whilst I agree that Councils across New Zealand must provide for the development of renewable energy facilities, the words "as a matter of national significance" are misleading. Someone reading the Plan could determine that this is a matter listed under section 6 of the Act (Matters of National Importance) but it is not. The Council must have regard to the benefits to be derived from the use and development of renewable energy as required under Section 7 but the need to provide for renewable energy is actually driven by the NPS on renewable energy. As such, I accept in part the submission from NZWEA (100.01) and recommend that it be included in the Plan albeit with some amendment. I therefore reject submission point 516.07.*

18. Having regard to the NPSREG provisions listed below and section 45(1) of the RMA I do not agree that the relief sought by NZWEA is "misleading":

Matters of national significance

*The matters of national significance to which this national policy statement applies are:*

- a) the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and*
- b) the benefits of renewable electricity generation.*

Objective

*To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities...*

POLICY A

*Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities.*

Section 45(1)

*The purpose of national policy statements is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of this Act.*

19. Having regard to the above provisions I consider the relief sought by NZWEA is entirely consistent with the requirements of the NPSREG and is relevant to achieving the purpose of the RMA.

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20. I also consider the reporting officer has overstated concerns regarding potential for confusion between matters of national importance and matters of national significance. In my view these concerns are somewhat trivial. "*Matters of national importance*" are those matters set out in section 6 of the RMA and "*matters of national significance*" are those matters set out in a national policy statement. Notwithstanding this, if Council is of the view that readers could become confused between the two matters then I recommend the proposed district plan be amended to provide explanatory text accordingly.

*Conclusion and recommendation*

21. I believe the relief sought by NZWEA is not "*misleading*" and is appropriate. Accordingly, I recommend the relief sought by NZWEA (100.01) should be accepted.
22. To address the reporting officers concerns regarding confusion, I recommend the Council consider amending the district plan to provide an explanatory note that explains the difference between matters of national significance and matters of national importance.

**Permitting metrological masts (Submission Ref 100.13 and 503.06)**

23. I have reviewed the reporting officer's response to the submission points by NZWEA (100.13 & 503.06) and Genesis Energy (44.17, 44.18, 44.19) in regard to the permitted activity standards for metrological masts in Rule 22.1.8(b). I agree with reasons provided by the reporting officer. Accordingly I concur with the reporting officer that Rule 22.1.8(b)(ii) should be amended as recommended in the Section 42A Report.

**Managing wind turbine noise (Submission Ref 100.15 and 100.17)**

24. The proposed district plan does not provide any wind turbine noise limit nor does it specify how wind turbine noise should be predicted and measured (it refers to NZS6808:2010 but it does not codify NZS6808:2010). Accordingly, NZWEA (100.15) requested a permitted noise limit for wind turbines, which would establish a degree of certainty about how certain aspects of NZS6808:2010 should be applied, what noise limits are likely to be considered acceptable, and provide some guidance around managing wind turbine noise and health effects that might be attributed to wind turbine noise.

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25. In my experience applicants, submitters, noise experts and decision makers involved in wind farm proposals exert significant time and resources debating the application of NZS6808:2010 and health effects that might be attributed to wind turbine noise. In my opinion much of this debate, and consequentially much of the time, risks and costs, can be substantially reduced if the district plan provides appropriate statutory guidance on this matter.
26. Having considered the officers response to NZWEA's request (100.15) I accept a permitted activity status is not necessary. However, I believe the district plan should manage wind turbine noise through codifying NZS6808:2010 and providing some guidance about health effects that might be attributed to wind turbine noise.
27. In respect of NZS6808:2010 I note the environment court has repeatedly determined that NZS6808:2010 is the appropriate tool for managing wind farm noise<sup>3</sup>;
28. I would like to draw the Commissioners attention to the recent Clutha District Council Decision on Plan Change 23-25 which recently addressed this same issue<sup>4</sup>. In that case the Clutha District Council Hearing Panel concluded<sup>5</sup>:

*...Having had regard to all the evidence in front of it, the Committee was not convinced that a workable permitted activity rule, based on the standard, could be achieved. While we agree that compliance with the standard will ensure noise effects are no more than minor, the difficulties around now defining high amenity areas within the District Plan would be significant. We are mindful of the purpose of the standard and therefore feel it is more appropriate to include a policy that recognises the standard. The new Policy we have included in the Plan Change recognises that compliance with this standard will ensure that noise and health effects associated with wind farms will be no more than minor. However the policy also acknowledges that non-compliance with the standard in certain circumstances does not necessarily mean that noise and health effects are significant.*

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<sup>3</sup> For example refer Ohariu Preservation Society v Wellington City Council at par 109, Mainpower v Hurunui District Council at par 398, or Meridian Energy Limited direct referral 2013 NZEnvC 59 (project Hurunui).

<sup>4</sup> NZWEA made a submission and requested a permitted noise limit similar to NZWEA's request of Horowhenua District Council.

<sup>5</sup> Refer Page 65 of *Proposed Plan Changes 23 - 25 to the Clutha District Plan Energy Decision of Hearing Committee*.



29. As a consequence of this decision, the following policy is now provided in the Operative Clutha District Plan:

With respect to the assessment of wind farm noise effects during both the assessment of any resource consent application and the ongoing operation of wind farms, to:

- (a) Require that wind farm sound be predicted, measured and assessed in accordance with NZS 6808:2010 Acoustics – Wind Farm Noise; and
- (b) Recognise that compliance with this standard will ensure that noise and health effects associated with wind farms will be no more than minor; but
- (c) Acknowledging that non-compliance with the standard in certain circumstances does not necessarily mean that noise and health effects are significant.
30. In my opinion the above policy helps codify NZS6808:2010 and provides specific guidance about assessing and safeguarding potential health effects associated with wind turbine noise while providing some flexibility about setting noise limits (I understand from their respective reports that the reporting officer and Mr Lloyd seek flexibility about setting noise limits).
31. Accordingly, I recommend that, as an alternative<sup>6</sup> to the permitted noise limit sought by NZWEA, the Horowhenua District Plan be amended to include a new policy that gives effect to relief sought by NZWEA. This new policy should be the same as the abovementioned policy provided in the operative Clutha District Plan.
32. In my opinion introducing this policy into the Horowhenua District Plan will make the district plan less uncertain and more effective, will make wind farm consenting processes simpler and more efficient, and will provide direction about how to safeguard people's health in turbines of wind turbine noise.
33. I note that the Clutha District Plan Change 23-25 provides a useful reference point for this plan change process because:
- (a) The Clutha District Plan Change 23-25 is the only example of operative district plan provisions prepared after the NPSREG was gazetted for managing renewable energy development.

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<sup>6</sup> For the avoidance of doubt I consider the insertion of a new policy instead of permitted noise limit is "other amendment that has the effect of the relief sought by NZWEA" and is therefore within the scope of NZWEAs submission.

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- (b) Like Horowhenua, the Clutha District is primarily a rural district with small town centres, a coastal environment, and hill country backdrops.
- (c) Two wind farms were consented and constructed in the Clutha District before the Council notified its plan change. This means the Council is experienced with wind farm consent processes and wind farm development.
- (d) The Council's decision was not appealed to the Environment Court. This is unique<sup>7</sup> and implies the plan change was acceptable to all submitters.

*Clause 15.7.16(e)*

- 34. I consider Clause 15.7.16(e) should be amended as sought by NZWEA (100.17) because the clause, as proposed, duplicates some of the assessment matters covered by NZS6808:2010<sup>8</sup> and this duplication will not benefit any party.
- 35. In respect of NZS6808:2010 I note NZS6808:2010 requires an assessment of noise effects on potentially affected settlements and dwellings and an assessment of special audible characteristics.
- 36. I also consider clause 25.7.13(e), as proposed, implies that all wind turbines will have special audible characteristics, which in my opinion is an overstatement. I have reviewed the reporting officers and Mr Lloyds comments about the special audible characteristics of wind turbines<sup>9</sup>, including the following statement provided on pages 5-6 of Mr Lloyds report:

*... NZWEA seeks to delete reference to a particular consideration being given to special audible characteristics in 25.7.13(e). West Wind wind farm exhibited three different types of special audible characteristics at start-up which finally took six months to fully identify and correct. The presence of these characteristics aggravated the situation for neighbours and complaints reduced considerably once they had been corrected. It has since been recognised that wind farms need to be designed to avoid special audible characteristics and that tests should be undertaken during the commissioning of the wind farms to ensure that the actual design is appropriate...*

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<sup>7</sup> To the best of my knowledge this is the only plan change process designed to give effect to the NPSREG which has not been appealed to the Environment Court.

<sup>8</sup> NZS6808:2010 specifically addresses special audible characteristics and sets out how potential noise effects on settlements and dwellings should be assessed.

<sup>9</sup> Refer Section 42A Report pages 129 and 143-144.

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37. I am familiar with NZS6808:2010 and the resource consent decision for West Wind. I find the above statements slightly misleading and, in respect of the relief sought by NZWEA, I consider the example of special audible characteristics at West Wind should not be used as a reason for rejecting NZWEAs submission point (100.17). In this regard:
- (a) West wind was not subject to NZS6808:2010 (it was subject to an outdated version of NZS:6808 which has now been superseded by NZS6808:2010).
  - (b) Mr Lloyd fails to confirm that NZS6808:2010 was updated after West Wind was constructed to address, among other things, special audible characteristics. I understand a primary driver for updating the standard was to review and address the noise issues encountered at West Wind.
  - (c) The special audible characteristics at West Wind were only temporary, occurring during the wind “turbine commissioning stage” of the project development.

*Conclusion and recommendation*

38. In my view it is appropriate to reject NZWEAs request (100.15), as recommended by the reporting officer, provided a new policy is introduced into the district plan that helps codify NZS6808:2010 and provides guidance about assessing and safeguarding potential health effects associated with wind turbine noise while providing some flexibility about setting noise limits.
39. I consider insertion of such a new policy is within the scope of NZWEAs submission points (100.15 and 100.22).
40. I also consider the amendments sought by NZWEA (100.17) to clause 15.7.13(e) are appropriate.
41. Accordingly, I recommend:
- (a) That clause 15.7.13(e) is amended as sought by NZWEA (100.17);  
and
  - (b) The relief sought by NZWEA 100.15 and 100.22 is accepted in part in so far as the following new policy be included in the district plan:

New Policy

With respect to the assessment of wind farm noise effects during both the assessment of any resource consent application and the ongoing operation of wind farms, to:

- (a) Require that wind farm sound be predicted, measured and assessed in accordance with NZS 6808:2010 Acoustics – Wind Farm Noise; and
- (b) Recognise that compliance with this standard will ensure that noise and health effects associated with wind farms will be no more than minor; but
- (c) Acknowledging that non-compliance with the standard in certain circumstances does not necessarily mean that noise and health effects are significant.

**Discussion about “wind energy facility” versus “wind farm”  
(Submission Ref 100.20)**

42. In respect of NZWEAs submission point (100.20) and the discussion on pages 148-149 of the Section 42A Report I believe the terms “wind farm” and “wind energy facility” are largely synonymous. However, in my experience, the most common<sup>10</sup> and plainer of the two terms is “wind farm”.
43. I note the reporting officers following statement on page 148 of the Section 42A Report:
- ...While I appreciate the submitter's desire for wind energy facilities to be seen as a farming activity in a similar way to a typical rural primary production activity. The proposed change does create some issues of consistency. Neither the RMA nor the NPS REG refers to wind farms. The term “wind energy facility” is however used within the NPS REG. In my mind the term wind farm also gives the impression of a group of wind turbines (more than one or two). The term wind energy facility is sufficiently neutral in that it could be used in reference to a single wind turbine or a group of them.*
44. In regard to this statement, I am not aware of any national or regional level statutory RMA document that binds or uses either term “wind farm” or “wind energy facility”. I understand there are mixed approaches within existing district plans across New Zealand<sup>11</sup>.
45. In terms of non-statutory guidance on this matter, I note NZS6808:2010 uses the term “wind farm” and the recently published *Technical Guide on the National Policy Statement for Renewable Electricity Generation*

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<sup>10</sup> For example popular and respected international reference documents including the Oxford Dictionary and Wikipedia define the term wind farm but not wind energy facility.

<sup>11</sup> For example the operative Tararua, Porirua and Clutha district plans refer to “wind farm” while the operative Wairarapa and Wellington district plans refer to “wind energy facility”. The operative Far North District Plan refers to both “wind farm” and “wind energy facility”.

## Proposed Horowhenua District Plan

2013<sup>12</sup> uses the term “*wind farm*” over fifty times and “*wind energy facility*” once.

46. In my view the relief sought by NZWEA (100.20) to replace “*wind energy facility*” with “*wind farm*” throughout the district plan is appropriate because:
- (a) The term “*wind farm*” is plainer, more common, and widely understood;
  - (b) Wind farms are primarily located in the rural farming environment;
  - (c) There is inconsistency across New Zealand on this point and NZWEA, which represents the New Zealand wind energy industry, is attempting to promote a nationally consistent approach by encouraging use of the term “*wind farm*” in its submissions on district plans throughout New Zealand<sup>13</sup>. Additionally, NZWEA uses the term “*wind farm*” in all its material and NZWEA will soon be publishing a wind farm development guidelines document which will include a definition for “*wind farm*”; and
  - (d) The relief sought by NZWEA (100.20) is supported by Genesis Energy (501.17) and is not opposed by any other party.

*Conclusion and recommendation*

47. There is no statutory national or regional planning document that uses either term “*wind farm*” or “*wind energy facility*” and both terms are used in other district plans. While I consider the terms largely synonymous the term “*wind farm*” is more common.
48. I consider both the relief sought by NZWEA and the reporting officer appropriate. However, I prefer the term “*wind farm*” because it is the more common and plainer term. Accordingly, I recommend the relief sought by NZWEA (100.20) be accepted.



**Signed:** Ben Farrell

**Date:** 29 April 2013

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<sup>12</sup> Refer: *Technical Guide on the National Policy Statement for Renewable Electricity Generation* produced by the Energy Efficiency and Conservation Authority, 2013.

<sup>13</sup> I acknowledge this point is not clear from NZWEA submission.

**Proposed Plan Changes 23 - 25 to the  
Clutha District Plan  
Energy**

**Decision of Hearing Committee**

**December 2012**

**Hearing Committee**

Councillor Hamish Anderson (Chair)

Mayor Bryan Cadogan

Councillor Bruce Vollweiler

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## **1. INTRODUCTION AND BACKGROUND**

The Clutha District Council's District Plan, prepared under the Resource Management Act 1991 (the Act), was publicly notified on 14 January 1995. On 30 June 1998 it became one of the first resource management plans in the country to be deemed operative. Early in 2007, work on the review of the District Plan commenced. At that time, Council was required to undertake a full review of the Plan as required by section 79(2) of the Act. However changes to the RMA in 2010 removed the need for an overall review of the Plan after ten years and replaced it with a requirement to review any provisions that have not already gone through a review or plan change within the last ten years. For a number of reasons, in particular changing government policy and uncertainty around the review of Otago Regional Policy Statement ("RPS"), Council has decided to adopt that approach. As a result, Council is undertaking a number of plan changes as each section is reviewed.

The first of these plan changes relates to Section 3.4 of the District Plan which relates to energy, in particular the production of electricity. The Clutha District is relatively rich in energy resources. Located within the District are a number of energy generation facilities. These include the hydro-electric scheme on the Waipori River; the Deep Stream Enhancement Hydro Scheme; the Mahinerangi Wind Farm; and the recently constructed Mount Stuart wind farm. There is also potential for further development from both renewable and non-renewable sources.

The RMA definition of "natural and physical resources" includes energy and as a consequence, the development and use of energy resources must be addressed by the District Plan. The RMA also specifically refers to the use and development of renewable energy. Section 7(j) requires Council to have particular regard to "the benefits to be derived from the use and development or renewable energy".

This has led to the development of a National Policy Statement on Renewable Electricity Generation. Council has been required to have regard to this NPS since 13 May 2011. Section 55 of the Resource Management Act 1991 (the Act) requires Council to amend the District Plan to give effect to the provisions of an NPS. This plan change incorporates the requirements of NPSREG into the District Plan.

Clause 3 of the First Schedule of the Act requires Council to consult with various Ministers, local authorities, and tangata whenua during the preparation of a Plan Change. In this case Council has gone beyond this statutory requirement – as well as consulting with the Minister

of Conservation, the Minister for the Environment, adjoining local authorities, the Otago Regional Council, Kai Tahu ki Otago Ltd and Te Ao Marama Inc, Council has consulted extensively with stakeholders representing environmental and industry interests. A number of iterations of the plan changes were developed and revised through this process before they were notified.

Proposed Plan Changes 23 to 25 were publicly notified on 12 November 2011, with submissions closing on 9 December 2011. Thirteen submissions were received during the first notification period. A report which summarised the decisions requested in these submissions was publicly notified on 28 January 2012, closing on 13 February 2012, but it was then realised that the Department of Conservation's submission had been omitted from the summary. Accordingly, an amended summary was notified on 25 February 2012, closing on 9 March 2012. A total of eight further submissions were received on the decisions requested in the submissions.

After submissions were received, pre-hearing meetings were held with submitters to discuss the issues raised and possible resolutions. As a result of these meetings, the hearing into these plan changes was delayed so that staff recommendations on the plan change provisions could be reviewed and revised to reflect the outcome of these meetings.

The Committee's role in this process is to consider the submissions received on PPC 23 to 25, the evidence presented at the hearing, and the advice of the Council Staff before making a decision on the submissions. In this capacity the Committee has the option to accept or reject the submissions, or accept the submissions in part. We have chosen to address the submissions by grouping them according to the matter to which they relate as was done in the Section 42A report. As required by the Act, our decision gives reasons for accepting or rejecting the submissions and also includes the consequential alterations to PPC 23 to 25 arising from the decision. The decision adopts a similar format to that contained within the Section 42A for ease of reference.

Once the appeal period has ended, the full Council provides final approval to the plan change and any subsequent amendments to the plan change that have been made.

## 2. THE HEARING

The hearing of the Plan Change and the submissions received was conducted at the office of the Clutha District Council in Balclutha on 13 and 14 August 2011.

### ***Monday 13 August, 2012***

The following appearances were recorded:

#### Clutha District Council Staff

Murray Brass – Planning and Environment Manager, CDC

Allan Cubitt – Consultant Planner

#### Submitters

Federated Farmers of New Zealand – Ms Kim Reilly, Senior Policy Advisor.

Royal Forest and Bird Protection Society - Ms Sue Maturin (Otago/Southland Field Officer),  
Genesis Energy Ltd - Mr John Kyle, Consultant Planner; Ms Kellie Roland, Environmental Policy Manger of Genesis Energy; Ms Anita Anderson, Genesis Energy Environmental Advisor for Slopedown Wind Farm project.

**Ms Reilly**, on behalf of the **Federated Farmers of New Zealand**, was the first submitter to speak. She advised that the general purpose of Federated Farmers' submission was to achieve a reasonable balance between primary production and energy generation. Ms Reilly acknowledged the requirements of the NPSREG but noted that it does not require decision makers to ignore the effects of renewable electricity generation. She submitted that it is vital that landowners have the opportunity to be involved in decisions which can negatively impact on farming operations.

Dealing with the issue of reverse sensitivity, Ms Reilly considers the submission of Genesis Energy exceeds the requirements of Policy D of the NPSREG. She agrees with the Section 42A report that reverse sensitivity is best dealt with in the zone provisions. With respect to Objective 2, she supports the Department of Conservation's position that it should apply to the consented footprint only given that land use can be constrained by such infrastructure. She then advised that Federated Farmers are supportive of the three new objectives proposed in the Section 42A report (1A, 2 and 4). However they request that the word 'appropriately' be removed from Objectives 2 and 4 so that they sufficiently recognise the

potential for adverse effects to occur. With respect to Objective 6, Ms Reilly requested that it apply solely to renewable electricity generation facilities for consistency with the NPSREG.

Turning to the policies, Ms Reilly advised that Federated Farmers are supportive of Policy 3, in particular reference to high class and special soil types. With respect to Policy 5, Ms Reilly does not believe it is sufficiently balanced to recognise the impacts on existing land uses and requested a change accordingly. Ms Reilly also requested that the definition of 'Electricity Generation Facility' be adopted without the addition of the distribution network and/or national grid as requested by some submitters.

**Ms Maturin**, on behalf of the **Royal Forest and Bird Protection Society**, was the next submitter to speak. She read from her written submission that provided further detail and clarification around the Society's original submission. The first issue addressed by Ms Maturin was the reference to coal and lignite resources in the introductory section. She felt these resources should be discouraged in the national interest. She was also concerned with the use of the word 'intrinsic' in the context of electricity generation within the rural environment. She felt this was not consistent with the RMA definition of the word.

With respect to the objectives, Ms Maturin supports the new Objective 1B in relation to renewable energy but believes it should not refer to non-renewables. Accordingly she submitted that it only partly achieves Policy A of the NPSREG. She then requested removal of the word 'appropriately' from Objective 2 and submitted that Objective 3 should only enable development within the existing envelope. With respect to 'Objective 6 (the 'offsetting' objective), Ms Maturin requested a number of amendments including limiting it to renewable facilities and introducing the 'no net loss' principle. She went on to request the inclusion of a set of principles for environmental compensation (taken from Environment Court cases) in the objectives, policies or definitions.

Ms Maturin then went on to discuss the policies. She believes the word 'significance' should be deleted from Policy 1 as it relates to ecological values because there is no 'significance' qualifier in relation to biodiversity. RFBPS supports Policy 2 but requested a number of changes to Policy 3 as it relates to landscape and ecological issues. With respect to the new Policy 4, Ms Maturin submitted that this policy conflates effects with mitigation as it talks about matters to be considered when determining the significance of effects. She requests that offsetting principles be referenced in this policy. In line with the submission on Objective 2, RFBPS believe the new Policy 5 should be restricted to the existing envelope and should

not refer to schedules that are not complete. Ms Maturin does not support the new Policy 6 now also applying to non-renewable resources. She finished by commenting on the proposed rules and outlined RFBPS's concern with them.

**Mr John Kyle**, a Consultant Planner for **Genesis Energy Ltd**, was the next submitter to address the Committee. He provided an overview of the Genesis submission and the NPSREG. As a result of the consultation process undertaken, Mr Kyle was of the view that the proposed plan change achieves a high degree of consistency with the NPSREG. As a consequence, Mr Kyle's evidence focussed on the issue of environmental offsetting and the use of the New Zealand wind farm noise standard.

Mr Kyle discussed the issue of environmental offsetting at length. For the most part he felt the drafting of the plan change has had appropriate regard for the relevant NPS policy on this issue. He raised concern, however, with the introduction of the 'no net loss' principle. He considers this to be problematic and not consistent with achieving sustainable management. Mr Kyle then outlined the findings of the Board of Inquiry decision on the Transmission Gully project and concluded that it is undesirable for any plan to specify 'no net loss' as an outcome in the face of such a precedent.

Mr Kyle then went on to discuss the merits of utilising the wind farm noise standard from NZS 6808:2010 as a permitted activity standard. He outlined the purpose of NZS 6808:2010 and does not believe it is appropriate to use this standard to determine the status of activities. Rather it should continue to be used as a basis for assessing the merits of wind farm resource consents. He also outlined some unintended consequences that may occur with this approach. In his opinion the more effective approach is to require wind farm applications to be accompanied by an appropriate noise effects assessment which would determine compliance or otherwise with the standard. In his view, Policy 3 should be amended to refer to the standard.

***Tuesday 14 August, 2012***

The following appearances were recorded:

Clutha District Council Staff

Murray Brass – Planning and Environment Manager, CDC.

Allan Cubitt – Consultant Planner.

### Submitters

Solid Energy New Zealand – Mr Timothy Lester, Resource Management Planner;  
Trustpower Ltd – Ms Laura Marra, Environmental Advisor, Trustpower Ltd; Ms Claire Hunter, Consultant Planner.

New Zealand Wind Energy Association – Mr Eric Pyle, Chief Executive, NZWEA; Mr Ben Farrell, Senior Environmental Planner.

**Mr Lester**, a planner with **Solid Energy**, was the first submitter to speak on the second day of the hearing. He began by noting that a key concern of Solid Energy is that the translation of the NPSREG into the plan change is somewhat misaligned in regard to the significance of non-renewable or conventional energy. New Zealand currently produces 33% of its electricity from non-renewable sources. He then went on to highlight the significant non-renewable resources located within the Clutha District. He noted that Solid Energy has maintained throughout the consultation process that these resources need to be given greater prominence. He does not believe this has been adequately provided for in the proposed plan change or the Section 42A recommendations. However Solid Energy welcomes the proposed new minerals section to be introduced into the District Plan and believes it will address most of their concerns. Notwithstanding that, he notes that this must go through the plan change process and therefore faces uncertainty. Consequently the submitter considers it must pursue their submissions. Their concern would be allayed by incorporating much of the draft mineral section into the proposed plan change. Alternatively the chapter could be renamed 'Electricity Generation' to avoid the confusion over what the chapter actually provides for.

Mr Lester then addressed the issue of 'offsets' and 'environmental compensation'. He noted that the RMA was not a 'no effects' statute and that no one matter will prevail over another. He considered the 'no net loss' approach was at odds with this. He suggested some wording changes to ensure it is clear that in some situations residual effects may be acceptable. Mr Lester also advised that Solid Energy has extensive experience in applying biodiversity offsets and supports a cascade approach to dealing with effects in this context.

Mr Lester then addressed the greenhouse gas emission issue and noted that Council is precluded from having regard to this issue. He submitted that the word 'global' should be removed from Policy 1(c) accordingly. Mr Lester also agreed with the section 42A report that reference to 'non-renewable energy projects' should be removed from Rule 1(c). He also

advised that it is not appropriate to provide for small scale gas extraction trail plants within this rule.

**Ms Marra**, on behalf of **Trustpower Ltd**, then addressed the hearing. Her evidence highlighted the generation assets that Trustpower owns within the Clutha District and then outlined the various concerns of Trustpower. These concerns related to reference to 'no net loss'; protection from reverse sensitivity; interpretation of the windfarm noise standard; and the permitted height for meteorological masts.

**Ms Claire Hunter**, a consultant planner for **Trustpower Ltd**, then provided a brief summary of the NPSREG and concluded that the recommended re-draft of the plan change generally gives effect to the NPS. She then went on to address the concerns alluded to by Ms Marra. Ms Hunter first addressed the 'no net loss' principle and noted that the RMA does not require all residual effects of a proposal to be addressed. In her view Policy 4 was not consistent with that approach. Ms Hunter also referred to the Board of Inquiry decision on the Transmission Gully project in making her point.

Ms Hunter then discussed Policy 5, which she felt created uncertainty in terms of ensuring unnecessary regulation and constraints do not impact on the operational capacity and on-going resource availability of existing assets. In her view this Policy should focus on protecting these assets from reverse sensitivity effects.

Turning to the rules section, Ms Hunter supports the intention to retain this as a complete code. She is also supportive of the scheduling approach for existing assets. However she was concerned that the proposed wind farm noise rule may also apply to the scheduled assets. She believes the most appropriate approach is to use the standard as a relevant assessment matter for any work otherwise authorised by Rule 3.4.4(1)(a). Ms Hunter also had concerns with the reference to Rules RRA.13 and COA.6. She felt temporary site investigation activities should be exempt from these rules. Finally Ms Hunter addressed the issue of metrological masts and sought a height of 100 metres for these. In her view the slim design and temporary nature of these activities would mean little difference between the proposed 80 metres and the 100 metres sought through the submissions.

**Mr Pyle** then gave a presentation on behalf of the New **Zealand Wind Energy Association**. He outlined the benefits of wind energy and indicated that wind energy is likely to grow in the country. He noted that it only takes 6 months to build a wind farm but it takes 3 to 5 years to

get the appropriate consents. As a consequence good planning documents are considered critical for the industry to progress. He then provided more detail on the development of the wind industry; the electricity situation and forecasts; why he believes wind energy will expand; the economic aspect of the industry; and the planning issues faced by the industry.

**Mr Farrell** then gave planning evidence on behalf of the **New Zealand Wind Energy Association**. He was largely supportive of the recommendations in the Section 42A Report and focussed his evidence on the issue of 'no net loss' and managing wind farm noise. With respect to the 'no net loss' issue, Mr Farrell advised that he was largely in agreement with the submission of Mr Kyle for Genesis Energy. He believed that the plan should ensure decision makers understand that offsetting relates to the ability to directly address adverse effects and is a subset of mitigation while environmental compensation is not a form of direct mitigation but can be a legitimate method for indirectly counterbalancing residual adverse effects.

Mr Farrell then provided useful background on the use of NZS 6808:2010. He then outlined the benefits of a permitted wind farm noise standard. These benefits revolve around the reduction in uncertainty associated with managing wind farm noise in a resource consent application. Establishing this baseline will reduce cost and uncertainty for all parties and will ensure concern over health effects is dealt with by the plan, rather than individual consent applications.

Mr Farrell then addressed the recommended permitted noise standard. In his view it was contrary to the noise limits recommended in NZS 6808:2010. He suggested an alternative rule, along with adding a reference to the standard in Policy 3. His alternative approach was as follows:

- Retention of the permitted noise limits originally requested by NZWEA but amended so that it does not apply to High Amenity Areas. This approach should remove all concerns around uncertainty.
- If accepted the onus would be on Council to identify in its plan where High Amenity Areas exist.

If the amended rule was not accepted, he considered the recommended permitted and controlled rules in the section 42A report should be deleted altogether.



Two written briefs were also tabled at the hearing, the first from **Contact Energy Ltd** and the second from **Transpower NZ Ltd**. The letter from **Ms Rosemary Dixon** on behalf of **Contact Energy** addressed the offsetting issue, in particular the ‘no net loss’ principle. Contact opposes this approach and also referred to the Board of Inquiry decision on the Transmission Gully project. They recommended that the issue could be easily addressed if Policy 4(f)(i) was stopped at the end of the first sentence (consistent with **Mr Kyle’s** suggestion). It was also recommended that the definition of ‘offsetting’ be deleted or if this was not acceptable, a number of alternative definitions of offsetting were proposed.

**Mr David le Marquand** (of Burton Consultants) tabled a written statement on behalf of **Transpower NZ Ltd**. Transpower supports the overall intent of the plan change and the objectives and policies within it. The only area of concern relates to the definition of ‘Electricity Generation’ and the Federated Farmers request that a specific exclusion of the national grid is added to the definition. Transpower believes this could lead to confusion in circumstances where the connection to the national grid is undertaken by Transpower and therefore the connection becomes part of the national grid. They suggest an amendment to the definition to overcome this problem.

### **3. DECISIONS ON SUBMISSIONS**

#### **3.1. Section 3.4.1 Introduction**

The notified provision reads as follows:

##### **3.4.1 Introduction**

*The use of energy is of fundamental importance to the development and functioning of modern society. The RMA definition of “natural and physical resources” includes energy and as a consequence, the development and use of energy resources must be addressed by the District Plan. This section only deals with activities that convert natural resources into electricity or transform another energy type into electricity.*

*The Clutha District is relatively rich in energy resources. Development of a hydro-electric scheme began on the Waipori River in May 1900, with the Waipori Hydro-Electric Power Station commissioned on the 27th April 1907. The river has since been progressively developed, with the Waipori Hydro Scheme today consisting of four generation stations. Waipori 1A delivers 10 MW, and Waipori 2A, 3 and 4 deliver 58 MW, 7.6 MW and 8 MW respectively.*

*The construction of a further hydro scheme in this catchment (the Deep Stream Enhancement Hydro Scheme) began in mid-2006 and was commissioned in 2008. This scheme channels water flowing from an existing Deep Stream diversion, impounds that water in a storage reservoir, and then allows the water to be released through canals*

containing two 2.5 MW generating units to Lake Mahinerangi. This scheme begins in the Dunedin City District but ends in the Clutha District.

Also located within the Waipori River catchment is the Mahinerangi Wind Farm. Resource consents are in place for a 200MW wind farm north of Lake Mahinerangi, which allow for a maximum of 100 turbines at a maximum height of 145-metres. The first stage of this development, which involves 12 three MW turbines, was completed in April 2011.

A smaller 7.65MW wind farm at Mount Stuart, comprising 9 turbines with a maximum height of 75-metres, was also constructed in 2011.

There are also other resources within the District that have potential for the development of electricity generation. These include the Lower Clutha River (which has been seen as a significant potential resource for hydro development for some years now) and significant coal and lignite reserves. Further opportunities also exist within the District for the development of wind powered generation.

While electricity is critical to the efficient functioning of our communities, the development of generation facilities has the potential to both adversely and positively affect the environment. Depending on the type of generation facility developed, these effects can occur at a local level through to the global level. Global level adverse effects can arise from generation facilities that release greenhouse gases, whereas renewable electricity generation facilities can result in positive global effects.

In response to the greenhouse gas issue, Central Government has set a target for 90% of the country's electricity to be generated from renewable resources by the year 2025. To achieve this, they have put in place a National Policy Statement for Renewable Electricity Generation. This District Plan must give effect to this National Policy Statement. It is recognised that to achieve the target New Zealand will require new renewable electricity generation.

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Contact Energy  Further Submitter – Genesis Power	<b>Support</b>  Support in part	Retain the introductory text to section 3.4.1.
Genesis Power Ltd  Further Submitter – Director-General of Conservation  Further Submitter – Federated Farmers  Further Submitter – TrustPower	<b>Support in part</b>  Oppose  Oppose  Support	<b>3.4.1 Introduction</b> - Add the following paragraph after the 6 <sup>th</sup> paragraph:  <u>“Given the established electricity generation facilities within the Rural Resource Area and the significant potential for further sustainable development of renewable energy resources within the Rural Resource Area identified above, renewable electricity generation is recognised as an intrinsic part of the rural environment within the Clutha District. The reverse sensitivity effects of other activities that occur in the rural environment on renewable electricity generation are</u>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<u>required to be avoided under Policy D of the National Policy Statement for Renewable Electricity Generation.</u>
L&M Lignite Kaitangata Ltd  <i>Further Submitter – Solid Energy NZ Ltd</i>	<b>Support in part</b>  <i>Support</i>	<b>3.4.1 Introduction</b> – delete the sentence “This section only deals with activities that concern natural resources into electricity or transform another energy type into electricity” and include a new sentence that acknowledges coal, lignite etc. in the district and the extraction/processing of these resources as a source of energy. ”
Meridian Energy Ltd  <i>Further Submitter – Genesis Power</i>	<b>Support</b>  <i>Supports in part</i>	<b>Retain</b>
NZ Wind Energy Association	<b>Support</b>	Retain.
Pioneer Generation Ltd	<b>Support</b>	Retain
Royal Forest and Bird Protection Society of NZ Inc.  <i>Further Submitter – Solid Energy NZ Ltd</i>	<b>Support in part</b>  <i>Deletion of references to non-renewable energy sources and new policy – oppose</i>	Amend as follows: <b>3.4.1 (para.6) -</b> These include the Lower Clutha River (which has been seen as a significant potential resource for hydro development for some years now) <del>and significant coal and lignite reserves.</del> <del>F</del> and further opportunities also exist within the District for the development of wind powered generation.  <b>3.4.1 (para. 7) -</b> While electricity is critical to the efficient functioning of our communities, the development of generation facilities has the potential to both adversely and positively affect the environment. Depending on the type of generation facility developed, these effects can occur at a local level through to the global level. Global level adverse effects can arise from generation facilities that release greenhouse gases, whereas renewable electricity generation facilities can result in positive global effects. <u>Furthermore it is possible that the energy resource is harvested from within the Clutha District but the energy generation facility may be located outside of the District.</u>
Solid Energy	<b>Support in part</b>	<b>Introduction: page 1, paragraph 6</b> – add the following: “The District is also rich in other energy resources including biomass and biofuel as crops

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p><u>which can be used for energy generation”.</u></p> <p><b>Introduction: page 1, paragraph 7</b> – add the following underlined words: “<u>If not adequately offset, Global level adverse effects can arise...</u>”</p> <p><b>Introduction: page 2</b> – add the following to the final sentence “<u>...whilst acknowledging that there is still a requirement for conventional non-renewable electricity generation.</u>”</p>
TrustPower Limited	<b>Support in part</b>	<b>Introduction</b> – introduce specific reference to section 7(j) of the RMA and Policies B and D of the NPSREG.
Director-General of Conservation  <i>Further Submitter – Genesis Energy</i>	<b>Support</b>  <i>Support in part</i>	<b>Retain</b>

## **DECISION**

Submitter Name	Accept / Accept in Part / Reject
Genesis Power Ltd; TrustPower Limited	Accept
Contact Energy; L&M Lignite Kaitangata Ltd; Meridian Energy Ltd ;NZ Wind Energy Association; Pioneer Generation Ltd; Solid Energy;; Director-General of Conservation	Accept in part
Royal Forest and Bird Protection Society of NZ Inc.	Reject

## **REASONS**

The Committee acknowledges that the Rural Resource Area does contain the majority of the existing and potential energy resources of the District. It specifically recognises that the majority of activities located within the rural environment do so because they rely upon the physical characteristics of the area or need a large open area where they can generate adverse effects without significantly affecting more sensitive activities. Hence the changes requested by Genesis and Trustpower are considered appropriate although they have been amended slightly.

The references to reverse sensitivity reflect the requirements of the NPS. However the Committee agrees with the Section 42A report that the appropriate place to deal with reverse sensitivity issues is within the provisions of the various zones contained within the District Plan. However the addition of further policy that addresses the reverse sensitivity issue is considered appropriate and is discussed at 3.13 of this decision document.

The Committee is not comfortable with the request to delete reference to non-renewable sources in the introductory section of the chapter. We note that approximately 33% of New Zealand's electricity needs are provided by non-renewable energy resources. This, along with the potential for further contributions to the New Zealand's energy needs, should be recognised and acknowledged.

However the Committee agrees with the Section 42A Report that reference to conversion of resources into other energy types (such as fuel) is not appropriate in this section of the District Plan. The provisions of this chapter deal solely with the generation of electricity. To remove the confusion around this issue, the Committee accepts Solid Energy's submission that the chapter should be renamed 'Electricity Generation'. It also acknowledges the concern Solid Energy raised over the uncertainty around the timing of any plan change relating to the draft minerals section that was appended to the Section 42A report. The Committee intends to recommend to the full Council that the plan change process for this draft section begin as soon as is reasonably practicable.

#### **AMENDMENTS TO PROPOSED PLAN CHANGE**

(a) Amend the heading of the chapter to read 'Electricity Generation'.

(b) Amend the first paragraph by adding the following line at the end of the paragraph:

*The extraction, processing and use of minerals and biomass in generating other energy forms are dealt with in other sections of the plan.*

(c) Amend the introduction section by adding the following paragraph after the 6<sup>th</sup> paragraph:

*Given the established electricity generation facilities within the Rural Resource Area and the significant potential for further sustainable development of energy resources within the Rural Resource Area identified above, electricity generation resources are recognised as an important part of the rural environment within the Clutha District. The reverse sensitivity effects of other activities that occur in the rural environment on existing and consented renewable electricity generation are required to be managed to the extent reasonably possible under Policy D of the National Policy Statement for Renewable Electricity Generation. The rules that address this matter are set out within the various zone provisions of the District Plan.*

(d) Adding the following to the last line in paragraph 7:

*Global level adverse effects can arise from generation facilities that release greenhouse gases if not adequately offset, whereas renewable electricity generation facilities can result in positive global effects.*

(e) Add the following to the last line of the last paragraph:

It is recognised that to achieve the target New Zealand will require ~~new renewable electricity generation~~ significant development of renewable electricity generation activities along with the protection of output from existing activities. This is further reinforced by Section 7(j) of the Act which requires Council to have particular regard to the benefits derived from the use and development of renewable energy. However this Plan acknowledges that there will still be a requirement for conventional non-renewable electricity generation over the life of the Plan.

### 3.2 Objective 1

The notified provision reads as follows:

#### **Energy Objective 1 – Recognition of Energy Resources**

*To ensure that the District’s renewable and non-renewable energy resources are recognised as locally and nationally important in the sustainable management of the District’s resources.*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Genesis Power Ltd	<b>Support with amendments</b>	<b>Objective 1</b> - Amend to include reference to energy resources being “regionally” important.
Meridian Energy Ltd  <i>Further Submitter – Genesis Power Ltd</i>	<b>Support</b>  <i>Support in part</i>	<b>Retain as notified</b>
NZ Wind Energy Association  <i>Further Submitter - Genesis Power</i>	<b>Support</b>  <i>Support</i>	<b>Retain as notified</b>
Pioneer Generation Ltd	<b>Support</b>	Retain
Royal Forest and Bird Protection Society of NZ Inc.	<b>Oppose</b>	Amend as follows: To ensure that the <u>sustainable management</u> of the District’s renewable <del>and non-renewable</del> energy resources <del>are</del> is recognised as locally and nationally important. <del>in the sustainable management of the District’s resources</del>
Solid Energy  <i>Further Submitter – Director –General of Conservation</i>	<b>Support in part</b>  <i>Oppose</i>	Amend as follows: “To ensure that the District’s renewable and non-renewable energy resources are recognised <u>and adequately protected</u> as locally and nationally important in the sustainable management of the District’s resources

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Transpower NZ Ltd <i>Further Submitter - Genesis Power</i>	<b>Support</b> <i>Support in part</i>	Retain
TrustPower Limited	<b>Support in part</b>	<b>Objective 1</b> – add reference to “regionally

## **DECISION**

Submitter Name	Accept / Accept in Part / Reject
Genesis Power Ltd; TrustPower Limited	Accept
Meridian Energy Ltd ;NZ Wind Energy Association; Pioneer Generation Ltd; Solid Energy; Transpower NZ Ltd;	Accept in part
Royal Forest and Bird Protection Society of NZ Inc.	reject

## **REASONS**

The Committee accepted that the objectives should recognise that the District’s energy resources are also important at a regional level. However we do not accept that non-renewable energy resources should not be recognised as also being important at a local, regional and national level. Given that non-renewable energy resources provide New Zealand with approximately 33% of its electricity needs, they clearly play an important role. The Committee notes that the request to “adequately protect” resources relates to minerals and this will be dealt with in the proposed minerals section plan change.

## **AMENDMENTS TO PROPOSED PLAN CHANGE**

As the Section 42A Report noted, many of the submission points that have been accepted have not necessarily led to a specific change of the objective that was the subject of the submission. Instead, the amendments proposed have led to a wider restructure of the existing objectives along with the development of a number of new objectives. Rather than set out each recommended change individually the Committee has set out the amended version at the end of this section of the decision document. This will enable the changes to be read in a context that illustrates the overall effect of the changes made by the Committee.

### **3.3 Objective 2**

The notified provision reads as follows:

#### ***Energy Objective 2 – Existing Electricity Generation Facilities***

*To enable the ongoing operation, maintenance, upgrade and development of lawfully established electricity generation facilities.*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Genesis Power Ltd	<b>Support</b>	<b>Retain as notified</b>
Meridian Energy Ltd <i>Further Submitter – Genesis Power</i>	<b>Support</b> <i>Support in part</i>	<b>Retain as notified</b>
NZ Wind Energy Association <i>Further Submitter – Genesis Power</i>	<b>Support</b> <i>Support</i>	<b>Retain as notified</b>
Pioneer Generation Ltd	<b>Support</b>	Retain
Royal Forest and Bird Protection Society of NZ Inc.  <i>Further Submitter – Transpower NZ</i>  <i>Further Submitter – Genesis Power</i>  <i>Further Submitter – Meridian Energy</i>  <i>Further Submitter – Director –General of Conservation</i>  <i>Further Submitter – TrustPower</i>	<b>Oppose</b>  <i>Oppose.</i>  <i>Oppose.</i>  <i>Oppose</i>  <i>Support.</i>  <i>Oppose.</i>	Amend as follows: To enable the ongoing operation, maintenance, upgrade and development within the <u>existing envelope</u> of lawfully established electricity generation facilities.
Solid Energy	<b>Support</b>	
Transpower NZ Ltd <i>Further Submitter – Genesis Power</i>	<b>Support</b>	Retain
TrustPower Limited	<b>Support</b>	Retain
Director-General of Conservation  <i>Further Submitter – Transpower NZ Ltd</i>  <i>Further Submitter – Genesis Energy</i>	<b>Oppose.</b>  <i>Oppose</i>  <i>Oppose</i>	Amend to read:  <i>To enable the ongoing operation, maintenance, upgrade and development within their existing <u>consented footprint</u> of lawfully established electricity generating facilities.</i>



Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<i>Further Submitter – Federated Farmers</i>	<i>Support.</i>	

**DECISION**

Submitter Name	Accept / Accept in Part / Reject
Genesis Power Ltd; Meridian Energy Ltd ;NZ Wind Energy Association; Pioneer Generation Ltd ; Solid Energy; Transpower NZ Ltd; TrustPower Limited	Accept
Royal Forest and Bird Protection Society of NZ Inc.; Director-General of Conservation	Reject

**REASONS**

The Committee notes that the majority of submitters support this objective without change. However both the DoC and RFBPS submissions request the inclusion of a reference to the ‘consented footprint’ in the objective. The Committee does not consider it appropriate to limit the ability to provide for existing facilities within their existing footprint only. It is considered appropriate that the objectives of the Plan allow for some growth outside the existing footprint provided adverse effects are appropriately dealt with. How that translates in practice, however, is a matter for the rules of the plan.

**AMENDMENTS TO PROPOSED PLAN CHANGE**

No changes are required as a result of this decision.

**3.4 Objective 3**

The notified provision reads as follows:

**Energy Objective 3 – Development of New Electricity Generation Facilities**

*To ensure that the development of new, large-scale electricity facilities has both local and national benefits and that adverse environmental effects and local costs (environmental, social, cultural and economic) are appropriately avoided, remedied or mitigated.*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
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Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p>Contact Energy Ltd</p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter – Director –General of Conservation</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><b>Oppose</b></p> <p><i>Oppose.</i></p> <p><i>Oppose in part.</i></p> <p><i>Oppose.</i></p> <p><i>Oppose in part.</i></p>	<p>Amend to read:</p> <p><i>“To ensure that the local costs (environmental, social, cultural and economic) of new large-scale electricity facilities are appropriately avoided, remedied or mitigated”.</i></p>
<p>Federated Farmers of New Zealand</p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><b>Support</b></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p><b>Retain</b></p>
<p>Genesis Power Ltd</p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter – Director –General of Conservation</i></p>	<p><b>Oppose</b></p> <p><i>Oppose</i></p> <p><i>Oppose.</i></p>	<p>Delete.</p>
<p>Meridian Energy Ltd</p> <p><i>Further Submitter – Genesis Power</i></p>	<p><b>Support</b></p> <p><i>Support in part</i></p>	<p><b>Retain as notified</b></p>
<p>NZ Wind Energy Association</p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter – Director –General of Conservation</i></p>	<p><b>Oppose</b></p> <p><i>Support</i></p> <p><i>Oppose in part.</i></p> <p><i>Oppose.</i></p>	<p><b>Objective 3</b> – amend and provide explanatory text to state:</p> <p><i>To provide for the development, upgrading, maintenance, and operation of renewable electricity generation activities and ensure that the development of new, large-scale electricity generation facilities has both local and national benefits and that adverse environmental effects and local costs (environmental, social, cultural and economic) are appropriately avoided, remedied or mitigated.</i></p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p>Further Submitter – Contact Energy</p> <p>Further Submitter – TrustPower</p>	<p>New Objective – support.</p> <p>Support</p>	<p>AND</p> <p>Add new objective to state:</p> <p><u>To recognise that renewable electricity generation activities, at any scale, have local, regional and national benefits as identified in the national policy statement for renewable electricity generation.</u></p>
<p>Pioneer Generation Ltd</p>	<p><b>Support</b></p>	<p>Retain</p>
<p>Royal Forest and Bird Protection Society of NZ Inc.</p> <p>Further Submitter – Solid Energy NZ Ltd</p> <p>Further Submitter – Contact Energy</p>	<p><b>Oppose</b></p> <p>Deletion of references to non-renewable energy sources and new policy – oppose</p> <p>Oppose.</p>	<p>Amend as follows:</p> <p>To ensure the development of new, large-scale <u>renewable</u> electricity facilities has both local and national benefits and that adverse environmental effects and local costs (environmental, social, cultural and economic) are <u>appropriately</u> avoided, remedied or mitigated.</p>
<p>Solid Energy</p>	<p><b>Oppose</b></p>	<p>Amend as follows:</p> <p>“To ensure that the development of new, large-scale electricity facilities <u>and energy resources</u> <del>has</del> have both local and national benefits...”</p>
<p>Transpower NZ Ltd</p> <p>Further Submitter Genesis Power</p>	<p>Support</p>	<p>Retain</p>
<p>TrustPower Limited</p> <p>Further Submitter – Genesis Power</p> <p>Further Submitter – Director –General of Conservation</p> <p>Further Submitter – Contact Energy</p>	<p><b>Oppose</b></p> <p>Support;</p> <p>Oppose</p> <p>New objective 3A - support</p>	<p>amend as follows:</p> <p><del>To ensure that the local, regional and national benefits when considering existing and new the development of new, large-scale electricity facilities in particular has both local and national benefits and that adverse environmental effects and local costs (environmental, social, cultural and economic) are appropriately avoided, remedied or mitigated.:</del></p> <p><u>(a) The maintenance or enhancement of electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;</u></p> <p><u>(b) The maintenance or enhancement of the security of supply at local and regional levels by diversifying the type and/or location of electricity generation;</u></p> <p><u>(c) Assisting in meeting international climate change obligations; and</u></p> <p><u>(d) Avoiding reliance on imported fuels for the purpose of generating electricity.</u></p> <p><b>Objective 3A:</b></p> <p><u>Provide for the investigation, establishment, development and upgrading of energy generation facilities while appropriately avoiding, remedying or mitigating the adverse effects on the</u></p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<u>environment.</u>
Director-General of Conservation	<b>Generally supports plan change subject to amendments being made.</b>	amend to read:  <i>To ensure that the development of new, large-scale....and that the adverse effects and local costs (environmental, social, cultural and economic) are <del>appropriately</del> avoided, remedied or mitigated.</i>
<i>Further Submitter – Genesis Energy</i>	<i>Oppose</i>	
<i>Further Submitter - Meridian Energy Ltd</i>	<i>Oppose.</i>	
<i>Further Submitter – Federated Farmers</i>	<i>Support.</i>	

## DECISION

Submitter Name	Accept / Accept in Part / Reject
Contact Energy Ltd; Federated Farmers of New Zealand; Genesis Power Ltd; Meridian Energy Ltd ;NZ Wind Energy Association; Pioneer Generation Ltd ; Royal Forest and Bird Protection Society of NZ Inc.; Solid Energy; Transpower NZ Ltd; TrustPower Limited; Director-General of Conservation	Accept in part

## REASONS

The Committee notes that several concerns have been raised with this objective. Firstly the reference to 'local costs' suggests the requirement for an onerous cost benefit (economic) analysis. A number of submitters also believe that the benefits of renewable energy generation have not been appropriately recognised as required by the NPS. There is also the belief that the objectives should 'provide for' energy generation development while appropriately avoiding, remedying or mitigate adverse effects. Submitters have requested that these issues be addressed in separate objectives.

The Committee acknowledges the consultation process that has occurred and that most submitters appear in to be agreement with the approach proposed by the Section 42A Report. The Committee essentially agrees that the changes sought to accommodate these concerns are considered appropriate. The new objective 1A specifically recognises the benefits of renewable energy as required by the NPS while the new objective 2 will ensure adverse effects are appropriately avoided, remedied or mitigated.

However the Committee does consider it appropriate and necessary that local adverse effects are recognised and appropriately dealt with in the policy suite. Large

electricity generation facilities are generally developed to satisfy the wider demand for electricity rather than the needs of the District they are established within. Hence the ongoing benefits can be exported outside the District with the local community left to deal with the environmental effects. The new objective 4 will ensure this issue is addressed. It is considered appropriate, however, to remove the word 'appropriately' and the reference to 'local costs'. The Committee believes the focus should be on 'local adverse environmental effects'.

**AMENDMENTS TO PROPOSED PLAN CHANGE**

As the Section 42A Report noted, many of the submission points that have been accepted have not necessarily led to a specific change of the objective that was the subject of the submission. Instead, the amendments proposed have led to a wider restructure of the existing objectives along with the development of a number of new objectives. Rather than set out each recommended change individually the Committee has set out the amended version at the end of this section of the decision document. This will enable the changes to be read in a context that illustrates the overall effect of the changes made by the Committee.

**3.5 Objective 4**

The notified provision reads as follows:

***Energy Objective 4 - Small and Community-Scale Distributed Renewable Electricity Generation Facilities***

*To enable the development and operation of small and community-scale distributed renewable electricity generation facilities where the benefits are local and significant adverse environmental effects are avoided, remedied or mitigated.*

<b>Submitter Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>The following decision is sought</b>
Meridian Energy Ltd  <i>Further Submitter – Genesis Power</i>	<b>Support</b>  <i>Support in part</i>	<b>Retain as notified</b>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
NZ Wind Energy Association  <i>Further Submitter – Genesis Power</i>  <i>Further Submitter – Federated Farmers</i>  <i>Further Submitter – Director –General of Conservation</i>  <i>Further Submitter – Contact Energy</i>	<b>Oppose</b>  <i>New objective - Support in part</i>  <i>Oppose in part.</i>  <i>Oppose</i>  <i>Support</i>	<b>Objective 4</b> – amend to state: <i>To enable the development and operation of small and community-scale distributed renewable electricity generation facilities <del>where the benefits are local</del> while ensuring significant adverse environmental effects are avoided, remedied or mitigated.</i>  Add new objective:  <u><i>To provide for the development and operation of small and community-scale distributed renewable electricity generation facilities where significant adverse environmental effects cannot practicably be avoided, remedied or mitigated.</i></u>
Pioneer Generation Ltd	<b>Support</b>	Retain
Royal Forest and Bird Protection Society of New Zealand Incorporated  <i>Further Submitter – Director –General of Conservation</i>	<b>Oppose</b>  <i>Support</i>	<b>Objective 4</b> - Amend as follows: To enable the development and operation of small and community-scale distributed renewable electricity generation facilities where the benefits are local and <del>significant</del> adverse environmental effects are avoided, remedied or mitigated.
Transpower NZ Ltd  <i>Further Submitter – Genesis Power</i>	<i>Support in part</i>	Retain
Director-General of Conservation  <i>Further Submitter – Genesis Energy</i>  <i>Further Submitter – Contact Energy</i>	<b>Oppose</b>  <i>Oppose</i>  <i>Oppose.</i>	Amend to read:  <i>To enable the development and operation of small... where the benefits are local <del>and significant</del> adverse effects are avoided, remedied or mitigated.</i>

## DECISION

Submitter Name	Accept / Accept in Part / Reject
Meridian Energy Ltd; Pioneer Generation Ltd Transpower NZ Ltd	Accept
Royal Forest and Bird Protection Society of NZ Inc.; Director-General of Conservation; NZ Wind Energy Association	Reject

## **REASONS**

The Committee notes that this objective gives effect to Policy F of the NPS. The focus is on community developments that benefit the local community. The Committee therefore agrees with the Section 42A Report that the reference to local benefits should remain.

With respect to the request to delete the word 'significant', the Committee notes that the objective is more enabling because these are smaller scaled developments with local benefits. Hence the Committee agrees with the Section 42A Report that the focus on effects should be directed at significant effects. It is anticipated that the permitted baseline will account for the minor adverse effects associated with such development. The Committee notes that this approach is consistent with the implementation guide provided for the NPS.

With respect to the new objective requested by the NZ Wind Energy Association, the Committee notes that this is no longer considered necessary given the new Objective 2. This requires the investigation, establishment, development and upgrading of energy generation facilities to avoid, remedy, or mitigate any adverse effects on the environment. Recognition of effects that cannot always be avoided, remedied or mitigated is already included in the original Objective 5 (now Objective 6).

### **AMENDMENTS TO PROPOSED PLAN CHANGE**

No changes are required as a result of this decision.

### **3.6 Objective 5**

The notified provision reads as follows:

#### ***Energy Objective 5 – Residual Environmental Effects of Electricity Generation Facilities***

*To recognise that some environmental effects of electricity generation facilities cannot always be avoided, remedied or mitigated, and to have regard to offsetting measures or environmental compensation where the benefits of the facility outweigh the adverse effects.*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
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Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p>Federated Farmers of New Zealand</p> <p><i>Further Submitter – Solid Energy NZ Ltd</i></p> <p><i>Further Submitter – Transpower NZ</i></p>	<p><b>Oppose.</b></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>Amend to restrict its application to “renewable” electricity generation facilities.</p>
<p>Genesis Power Ltd</p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter – Director – General of Conservation</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><b>Oppose</b></p> <p><i>Oppose in part.</i></p> <p><i>Oppose.</i></p> <p><i>Support</i></p>	<p>Amend as follows:</p> <p><del>To recognise that some environmental effects of electricity generation facilities cannot always be avoided, remedied or mitigated, and to have regard to offsetting measures or environmental compensation where the benefits of the facility outweigh the adverse effects.</del></p> <p><u>To recognise that any offset measures or compensation proposed by the Applicant are relevant considerations when evaluating whether a proposal amounts to sustainable management.</u></p>
<p>Meridian Energy Ltd</p> <p><i>Further Submitter – Solid Energy NZ Ltd</i></p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter – Contact Energy</i></p>	<p><b>Oppose</b></p> <p><i>Support</i></p> <p><i>Oppose in part.</i></p> <p><i>Oppose in part;</i></p> <p><i>Support.</i></p>	<p>Amend as follows:</p> <p>To recognise that some environmental effects of electricity generation facilities cannot always be avoided, remedied or mitigated and to have regard to offsetting measures or environmental compensation <del>where the benefits of the facility outweigh the adverse effects in</del> <u>these circumstances.</u></p>
<p>NZ Wind Energy Association</p> <p><i>Further Submitter – Solid Energy NZ Ltd</i></p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter –</i></p>	<p><b>Oppose</b></p> <p><i>Support</i></p> <p><i>Support in part.</i></p> <p><i>Oppose.</i></p> <p><i>Oppose</i></p>	<p><b>Objective 5</b> – amend to state:</p> <p><del><i>To recognise that some environmental effects of electricity generation facilities cannot always be avoided, remedied or mitigated, and to have regard to offsetting measures or environmental compensation where the benefits of the facility outweigh the adverse effects.</i></del></p> <p><u><i>To recognise that some environmental effects of electricity generation facilities cannot always be avoided, remedied or mitigated, and to have regard to offsetting measures or environmental compensation where an applicant volunteers the offsetting or compensation the benefits of the facility outweigh the adverse effects.</i></u></p>



Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p>Director –General of Conservation</p> <p>Further Submitter – Contact</p> <p>Further Submitter – TrustPower</p>	<p>Support.</p> <p>Support in part</p>	
<p>Royal Forest and Bird Protection Society of NZ Inc.</p> <p>Further Submitter – Solid Energy NZ Ltd</p> <p>Further Submitter – Transpower NZ</p> <p>Further Submitter – Genesis Power</p> <p>Further Submitter – Meridian Energy</p> <p>Further Submitter – Director –General of Conservation</p> <p>Further Submitter – Contact Energy</p> <p>Further Submitter – TrustPower</p>	<p><b>Oppose</b></p> <p>Deletion of references to non-renewable energy sources and new policy – oppose</p> <p>Oppose.</p> <p>Oppose.</p> <p>Oppose</p> <p>Support.</p> <p>Oppose.</p> <p>Oppose.</p>	<p>Amend as follows:</p> <p>To recognise that some environmental effects of <u>renewable</u> electricity generation facilities cannot always be avoided, remedied or mitigated, <u>and for non significant natural areas</u>, to have regard to offsetting measures <del>or</del> / environmental compensation <u>that results in no net loss of biodiversity and benefits the local environment and community</u> where the <u>national</u> benefits of the facility outweigh the adverse effects.</p>
<p>Pioneer Generation Ltd</p>	<p><b>Support</b></p>	<p>Retain</p>
<p>Solid Energy</p>	<p><b>Oppose</b></p>	<p>Amend as follows:</p> <p>“To recognise that some environmental effects of electricity generation facilities <u>and their associated energy resources</u> cannot always be avoided</p>
<p>Transpower NZ Ltd</p> <p>Further Submitter – Genesis Power</p>	<p>Support in part</p>	<p>Retain</p>
<p>TrustPower Limited</p> <p>Further Submitter – Solid Energy NZ Ltd</p>	<p><b>Oppose</b></p> <p>Support</p>	<p>Amend as follows:</p> <p><del>To recognise that some environmental effects of electricity generation facilities cannot always be avoided, remedied or mitigated, and to have regard to take into account any offsetting</del></p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Further Submitter – Genesis Power Further Submitter – Federated Farmers Further Submitter – Director –General of Conservation	Support; Oppose. Oppose	<del>measures or environmental compensation where determining whether a proposal is consistent with sustainable management, where the benefits of the facility outweigh the adverse effects.</del>
Director-General of Conservation Further Submitter – Solid Energy NZ Ltd Further Submitter – Genesis Energy Further Submitter – Contact Energy	<b>Oppose</b> Support in part Oppose Oppose	Amend to read:  <i>To recognise that in some circumstances not all <del>some</del> environmental effects of electricity generation facilities cannot always be completely avoided, remedied or mitigated, and in such situations to have regard will be had to either or both <u>offsetting</u> and/or <u>environmental compensation</u> as means of managing the residual adverse effects.</i>  <del>measures or environmental compensation where the benefits of the facility outweigh the adverse effects.</del>

## DECISION

Submitter Name	Accept / Accept in Part / Reject
Federated Farmers of New Zealand; Genesis Power Ltd; Meridian Energy Ltd ;NZ Wind Energy Association; Pioneer Generation Ltd ; Royal Forest and Bird Protection Society of NZ Inc.; Solid Energy; Transpower NZ Ltd; TrustPower Limited; Director-General of Conservation	Accept in part

## REASONS

The Committee notes that Objective 5 reflects Policy C2 of the NPS. That policy reads as follows:

*When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefits the local environment and community affected.*

The Committee is aware of the national debate currently occurring on the principles of ‘offsetting’ and environmental compensation and how they should be applied to resource management in this country. The Committee agrees with the Section 42A Report that it is not appropriate to pre-empt that here, which could lead to the District

Plan being inconsistent with an NPS or other national or regional instrument. However, the Committee does consider it appropriate for the policy to recognise offsetting and compensation, which will allow these matters to be considered on a case by case basis as part of assessing any proposal. When higher level policies on these matters are completed, they can then be part of those case by case assessments as appropriate.

The evidence provided at the hearing by the various parties was very useful to the Committee in clarifying how these methods should be dealt with in the Plan. While the Committee acknowledges that the ‘offsetting’ principles promoted by a number of submitters in relation to biodiversity promote a “no net loss” scenario, we accept that this is not consistent with the principles of the RMA. All parties agreed that activities that have adverse effects can still be consistent with the sustainable management purpose of the Act. Furthermore the Committee noted that use of the ‘offsetting’ in the context of a District Pan does not need to be limited to biodiversity resources only.

The Committee also agreed with the approach of separating the principles of ‘offsetting’ and ‘environmental compensation.’ We agree with the interpretation that ‘offsetting’ is a form of mitigation but that environmental compensation is not likely to be considered a direct form of mitigation.

**AMENDMENTS TO PROPOSED PLAN CHANGE**

See new objective 6.

**3.7 New Objective - Large Scale Renewable Electricity Generation Facilities**

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Contact Energy  <i>Further Submitter – Genesis Power</i>  <i>Further Submitter – Director –General of Conservation</i>  <i>Further Submitter – TrustPower</i>	<b>Include new objective</b>  <i>Support</i>  <i>Oppose</i>  <i>Support</i>	<b>New Objective</b> - Insert a new objective worded as follows:  <i>“Energy Objective# - Large Scale Renewable Electricity Generation Facilities            To enable the development and operation of larger scale renewable electricity generation facilities where adverse environmental effects have been appropriately assessed and significant adverse environmental effects avoided, remedied or mitigated.”</i>

## DECISION

Submitter Name	Accept / Accept in Part / Reject
Contact Energy	Accept

## REASONS

The Committee accepted in Decision 3.4 above that a new objective is required to ensure the development of such facilities appropriately avoids, remedies or mitigates adverse effects are. That has been provided for in the new Objective 2.

## AMENDMENTS TO PROPOSED PLAN CHANGE

See new Objective 2.

### 3.8 New Objective - Development of Non-renewable Energy Generation Facilities

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
L&M Lignite Kaitangata Ltd  <i>Further Submitter – Solid Energy NZ Ltd</i>	<i>Support</i>	Add new Objective as follows:  <u>Energy Objective 6 – Development of Non-renewable Energy Generation Facilities</u> <u>To provide for the development and operation of new mineral extraction operation or mineral processing facilities, where adverse effects on the environment are avoided, remedied or mitigated.</u>

## DECISION

Submitter Name	Accept / Accept in Part / Reject
L&M Lignite Kaitangata Ltd	Accept in part

## REASONS

This issue has been discussed 3.1. The Committee has agreed that the heading of this particular section of the District Plan should be amended to read “Electricity Generation” to avoid confusion with the potential to generate other forms of energy from mineral resources. The Committee also agrees that this issue should be dealt with in a separate section of the District Plan. A draft section will be released for public consultation purposes sometime in the near future.

## **AMENDMENTS TO PROPOSED PLAN CHANGE**

See Decision 3.1 above.

### **3.9 AMENDMENTS TO THE OBJECTIVES OF PROPOSED PLAN CHANGE**

In response to the submissions made on the proposed Objectives, the following changes are recommended:

#### **3.4.2 Objectives and Policies.**

##### **Energy Objective 1 – Recognition of Energy Resources**

- A. To ensure that the benefits of the District’s renewable and non-renewable energy resources and the electricity generation facilities that utilise such resources are recognised as locally, regionally and nationally important in the sustainable management of the District’s resources.
- B. To recognise that the use and development of renewable energy resources have the following particular benefits:
  - (a) Maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;
  - (b) Maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;
  - (c) Assists in meeting international climate change obligations; and
  - (d) Avoids or reduces reliance on imported fuels for the purpose of generating electricity.

##### **Objective 2 – Development of New Electricity Generation Facilities**

To ensure the investigation, establishment, development and upgrading of energy generation facilities avoids, remedies, or mitigates any adverse effects on the environment.

##### **Energy Objective 3 – Existing Electricity Generation Facilities**

To enable the ongoing operation, maintenance, upgrade and development of lawfully established electricity generation facilities.

##### **~~Energy Objective 3 – Development of New Electricity Generation Facilities~~**

~~To ensure that the development of new, large-scale electricity facilities has both local and national benefits and that adverse environmental effects and local costs (environmental, social, cultural and economic) are appropriately avoided, remedied or mitigated.~~

##### **Energy Objective 4 – Local Effects of New Electricity Generation Facilities**

To ensure that the development of new electricity generation facilities has local benefits and that local adverse environmental effects (environmental, social, cultural and economic) are avoided, remedied or mitigated.

##### **Energy Objective 5 - Small and Community-Scale Distributed Renewable Electricity Generation Facilities**

To enable the development and operation of small and community-scale distributed renewable electricity generation facilities where the benefits are local and significant adverse environmental effects are avoided, remedied or mitigated.

### **Energy Objective 6 – Residual Environmental Effects of Electricity Generation Facilities**

- A. To take into account offsetting measures when determining whether a proposal is consistent with sustainable management.
- B. To recognise that in some circumstances not all environmental effects of electricity generation facilities can be avoided, remedied or mitigated, and to have regard to any environmental compensation measures offered in those circumstances.

~~To recognise that some environmental effects of electricity generation facilities cannot always be avoided, remedied or mitigated, and to have regard to offsetting measures or environmental compensation where the benefits of the facility outweigh the adverse effects.~~

## **POLICIES**

### **3.10 Policy 1**

The notified provision reads as follows:

#### ***Energy Policy 1***

*In determining the appropriateness of the development of a new electricity generation facility within the District, particular regard shall be given to the following matters:*

- a) the significance of the social, economic, cultural, landscape and ecological values, and hazard constraints of the land and local communities potentially affected by the facility;*
- b) the effects, both positive and adverse, the proposed electricity generation facility will have on those values identified in a) above;*
- c) Any local, regional, national and global effects (both positive and adverse) over and above those local values/effects identified in a) above;*
- d) Whether the facility will maintain or increase electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
- e) Whether the facility will maintain or increase the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;*
- f) the constraints imposed on the proposed generation technology by the location of the necessary resources, infrastructure and logistical or technical requirements which may prevent some adverse effects from being avoided, remedied or mitigated;*
- g) Any functional or locational constraints affecting the associated transmission infrastructure.*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p>Contact Energy Ltd</p> <p><i>Further Submitter – Transpower NZ</i></p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter – Director –General of Conservation</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><b>Partially supports and partially opposes. Amendments sought.</b></p> <p><i>New policy - support</i></p> <p><i>Oppose in part</i></p> <p><i>Oppose</i></p> <p><i>Support</i></p>	<p>Amend 1 to substitute “<i>consideration</i>” for “<i>particular regard</i>” in the opening words of the policy and delete sub-policy (f).</p> <p>Insert a new Policy as follows:  <i>”Energy Policy #</i>  <i>In determining the appropriateness of the development of a new renewable electricity generation facility within the District, particular regard should be given to the constraints imposed on the proposed generation technology by the location of the necessary resources, infrastructure and logistical or technical requirements which may prevent some adverse effects from being avoided, remedied or mitigated”.</i></p>
<p>Federated Farmers of New Zealand</p> <p><i>Further Submitter – Transpower NZ</i></p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – Director –General of Conservation</i></p> <p><i>Further Submitter – Contact Energy</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><b>Support in part</b></p> <p><i>Oppose</i></p> <p><i>Oppose.</i></p> <p><i>Policy 1(f) and (g) - support</i></p> <p><i>Policy 1(f) and (g)- oppose</i></p> <p><i>Policy 1(a), (b),(f) and (g)- oppose</i></p>	<p><b>Policy 1(a), (b) – adopt as stated.</b></p> <p><b>Policy 1(f), (g) – insert a further matter “the extent or degree of effect on existing land use.”</b></p>
<p>Genesis Power Ltd</p> <p><i>Further Submitter – Contact Energy</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><b>Oppose</b></p> <p><i>Support</i></p> <p><i>Support in part</i></p>	<p>Amend as follows:</p> <p>In determining the appropriateness of the development of a new electricity generation facility within the District, particular regard shall be given to the following matters:</p> <p>...</p> <p>d) Whether the facility will maintain or increase electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;</p> <p>...</p> <p><u>h) Whether the facility uses renewable natural resources rather than finite resources;</u></p> <p><u>i)Whether the facility avoids reliance on</u></p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<u>imported fuels;</u> <u>j) Whether the facility avoids, reduces or displaces greenhouse gas emissions.</u>
<p>L&amp;M Lignite Kaitangata Ltd</p> <p><i>Further Submitter – Solid Energy NZ Ltd</i></p> <p><i>Further Submitter – Genesis Power</i></p>	<p><i>Support</i></p> <p><i>Support</i></p>	<p><b>Policy 1</b> - amend as follows:  In determining the appropriateness of the development of a new electricity generation facility, <u>or new mineral extraction operation or mineral processing facility</u>, within the District, particular regard shall be given to the following matters:  a) The effects, both positive and adverse, the proposed electricity generation facility <u>or new mineral extraction operation or mineral processing facility</u>, will ... ;  h) <u>Whether the new mineral extraction operation or mineral processing facility will contribute to providing for the district's, region's and/or nation's current and future energy needs..</u></p>
<p>NZ Wind Energy Association</p> <p><i>Further Submitter Genesis Power</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><b>Support</b></p> <p><i>Support in part</i></p> <p><i>Support</i></p>	<p>Retain Energy Policy 1 and add a new clause to ensure potential noise from wind turbines will be assessed in accordance with NZS6808. Suggested wording is:</p> <p><u><i>h) Wind farm noise effects will be assessed in accordance with NZS6808.</i></u></p>
<p>Pioneer Generation Ltd</p>	<p><b>Support</b></p>	<p>Retain</p>
<p>Royal Forest and Bird Protection Society of NZ Inc.</p> <p><i>Further Submitter – Transpower NZ</i></p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – Meridian Energy</i></p> <p><i>Further Submitter – Contact Energy</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><b>Oppose</b></p> <p><i>Oppose.</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Oppose.</i></p> <p><i>Oppose.</i></p>	<p>Amend as follows:  In determining the appropriateness of the development of a new electricity generation facility within the District, particular regard shall be given to the following matters:  b) <del>the significance of the social, economic, cultural, landscape and ecological values, and hazard constraints of the land and local communities potentially affected by the facility;</del>  f) <del>the constraints imposed on the proposed generation technology by the location of the necessary resources, infrastructure and logistical or technical requirements which may prevent some adverse effects from being avoided, remedied or mitigated.</del></p>
<p>Solid Energy</p>	<p><b>Support in part</b></p>	<p>Amend as follows:  “In determining the appropriateness of the development of a new electricity generation</p>



Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		facility or energy source within the District...”
<p>Transpower NZ Ltd</p> <p>Further Submitter – Genesis Power</p>	<p><b>Support in part</b></p> <p>Support</p>	<p>Amend by adding the words “including the feasibility or otherwise of an alternative route or routes.”</p>
<p>TrustPower Limited</p> <p>Further Submitter – Genesis Power</p> <p>Further Submitter – Federated Farmers</p> <p>Further Submitter – Director –General of Conservation</p>	<p><b>Oppose</b></p> <p>Support in part</p> <p>Oppose</p> <p>Oppose</p>	<p>Amend as follows:</p> <p><del>In determining the appropriateness of the development of a</del> <u>When considering a resource consent application for the development of a new</u> electricity generation facility within the District, particular regard shall be given to the following matters:</p> <p><del>a) the significance of the social, economic, cultural, landscape and ecological values, and hazard constraints of the land and local communities potentially affected by the facility;</del></p> <p><del>b) the effects, both positive and adverse, the proposed electricity generation facility will have on these values identified in a) above;</del></p> <p><del>c) Any local, regional, national and global effects (both positive and adverse) over and above those local values/effects identified in a) above;</del></p> <p><del>d) Whether the facility will maintain or increase electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;</del></p> <p><del>e) Whether the facility will maintain or increase the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;</del></p> <p><del>f) the constraints imposed on the proposed generation technology by the location of the necessary resources, infrastructure an logistical or technical requirements which may prevent some adverse effects from being avoided, remedied or mitigated;</del></p> <p><del>g) Any functional or locational constraints affecting the associated transmission infrastructure.</del></p> <p><u>x) The national significance of the proposed activity;</u></p> <p><u>x) The scale of both national, regional and local benefits and adverse effects associated with the proposed activity; and</u></p> <p><u>x) The location, operational and technical constraints</u></p>
<p>Director-General of Conservation</p> <p>Further Submitter – Genesis Energy</p> <p>Further Submitter - Meridian Energy Ltd</p>	<p><b>Support in part</b></p> <p>Oppose</p> <p>Oppose.</p>	<p>Amend to read:</p> <p><i>the significance of the social, economic, cultural, natural character, natural features and landscape and ecological values, and hazard constraints potentially affected by the facility.</i></p>

## **DECISION**

<b>Submitter Name</b>	<b>Accept / Accept in Part / Reject</b>
Contact Energy Ltd; Federated Farmers of New Zealand; Genesis Power Ltd; NZ Wind Energy Association; Pioneer Generation Ltd ; Royal Forest and Bird Protection Society of NZ Inc.; Solid Energy; Transpower NZ Ltd; TrustPower Limited; Director-General of Conservation	Accept in part

## **REASONS**

The Committee acknowledges that the pre-hearing consultation process resolved many of the issues submitters had with the structure and cohesiveness of the policy suite. Many submitters believe that by Policy 1 attempting to broadly cover a range of policy matters emerging from the NPS, the intent of the NPS has been somewhat diluted. The Committee accepted that the specific NPS policy matters should be separated out. It is considered appropriate to provide for locational and technology constraints and matters relating to displacement of greenhouse gas emissions and security of electricity supply within separate policies. Hence Policy 1 now focuses on the broad matters which should be considered when assessing the appropriateness of a development. The Committee believes that the 'significance' of the values affected by any such development is a relevant matter when assessing appropriateness.

Some of the detail requested by submitters for inclusion in this policy was not considered appropriate by the Committee given its broad focus although the addition of 'natural character and landscape features' within the landscape reference was considered acceptable for clarification purposes. It was also accepted that the reference to 'global' should be removed on the basis of the reasoning provided by Solid Energy.

As a result of accepting the main thrust of these submissions, the new Policy 2 now requires particular consideration of locational/technological constraints when assessing the particular location selected. It reflects the NPS but it does not solely focus on renewables. These constraints may apply equally to non-renewable developments. The benefits specific to renewables are included in Policy 4, which assesses significance.

Policy 2 now becomes Policy 3 and remains relatively unchanged. The Committee acknowledges that some submitters suggested this policy should be re-drafted as a set of assessment matters. However the preference is to retain these as policy matters (albeit more aligned with a process policy) because assessment matters have no particular status within the policy framework of a District Plan. The matters relating to greenhouse gas emissions and security of electricity supply are considered more appropriate in the policy that assesses the significance of any effects in the balancing process, previously Policy 3 but now shown as Policy 4.

## **AMENDMENTS TO PROPOSED PLAN CHANGE**

As the Section 42A Report noted, many of the submission points that have been accepted by the Committee have led to a number of changes throughout the policy suite. Rather than set out each of the changes individually the Committee has set out the amended policies in Appendix 1. This will enable the changes to be read in a context that illustrates the overall effect of the changes made by the Committee.

### **3.11 Policy 2**

The notified provision reads as follows:

#### ***Energy Policy 2***

*When identifying the effects of the facility under Policy 1 the following specific matters, in addition to the requirements of other policies, will be considered as part of the effects assessment:*

- (i) Social*
  - a) The long term effects on communities (both positive and negative), including the potential for displacement, dislocation or severance of communities and the impact of rapid and temporary population increases;*
  - b) The impact, both positive and adverse, on reserves and other protected public and private land, and recreation areas, infrastructure (including the transportation network) and services;*
  - c) The adverse effects of construction particularly in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management and earthworks;*
  - d) The ongoing effects on the facility in terms of noise, lightspill, glare, vibration, dust, radio frequency emissions, traffic generation, stormwater management, and earthworks, health and safety;*
  - e) The impact on public access to, and along, the margins of the coast, lakes and rivers or to natural and physical features.*
  
- (ii) Economic*
  - a) The positive economic benefits of the facility;*
  - b) The long term and/or irreversible effects on existing land uses within the affected area;*
  - c) The impact on the ability to access mineral resources;*
  - d) The impact on the ability to utilise high class or other special soil types.*
  
- (iii) Cultural*
  - a) The impact on wahi tapu sites or areas, and wahi taonga;*
  - b) The impact on the Kaitangata nohoaka site on the lower Clutha River;*
  - c) The impact on statutory acknowledgments areas under the Ngai Tahu Settlement Act 1998;*
  - d) The impact on other resources of value to Kai Tahu (refer to the relevant planning documents recognised by iwi and lodged with Council);*
  - e) The impact on historic heritage.*
  
- (iv) Hazard Constraints*

- a) Any known hazard or land stability constraints affecting the subject area;
  - b) The potential impact of natural hazard events and the potential effect the activity itself may have on exacerbating or relieving natural hazard events.
- (v) *Landscape*
- a) Potential for the loss of, or irreversible change to, any landscapes or natural features identified as outstanding in the District Plan ;
  - b) The impact (both positive and negative) on any landscapes identified as amenity landscapes in the District Plan;
  - c) The impact (both positive and negative) on natural character, landscape and visual amenity values in general;
- (vi) *Ecological*
- a) Potential for the loss of, or irreversible change to, any significant indigenous vegetation and any significant habitats of indigenous fauna;
  - b) Potential for the loss of, or irreversible change to, any significant wetland identified in the District Plan or any Regional plan;
  - c) The impact on Mauri and healthy ecosystems of indigenous species, including mahinga kai species;
  - d) The impact on habitats including those of invertebrates, birds and fish, and valued non-indigenous fauna;
  - e) The potential for biodiversity protection or enhancement either on-site or elsewhere
  - f) The potential for the establishment of invading exotic vegetation;
  - g) Stormwater and earthworks management;
  - h) The impact on vegetation adjacent to water bodies;
  - i) The potential for shoreline or bank erosion.

*The relevance of these matters will be determined on a case by case basis, having regard to the scale of the proposal and the nature of the receiving environment.*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Contact Energy Ltd  Further Submitter – Genesis Power  Further Submitter – Federated Farmers  Further Submitter –	<b>Partially supports and partially opposes. Amendments sought.</b>  <i>Policy 2(a) (i) – support in part; policy 2(b) – oppose.</i>  <i>Oppose in part.</i>  <i>Oppose.</i>	Amend the cross reference on the opening words of existing Energy Policy 2 to refer both to Energy Policy 1 and new Energy Policy.  <b>Policy 2(a)(i)</b> - Amend to read: <i>"The long term effects on communities (both positive and negative), including the potential for displacement, dislocation or severance of communities, the impact of rapid and temporary population increases, and the impact of an influx of younger working people and the investment they make in the community."</i>  <b>Policy 2(b)</b> - Amend to read: <i>"(i) The efficiency of the proposed</i>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p>Director –General of Conservation</p> <p>Further Submitter – TrustPower</p>	<p>Policy 2(b) – oppose in part.</p>	<p>development assessed in economic terms, including both the economic benefits of the facility and the economic costs.”</p>
<p>Federated Farmers of New Zealand</p>	<p><b>Support</b></p>	<p><b>Policy 2(b) (ii) and (iv)</b> – adopt as stated.</p>
<p>Genesis Power Ltd</p> <p>Further Submitter – Federated Farmers</p> <p>Further Submitter – Contact Energy</p> <p>Further Submitter – TrustPower</p>	<p><b>Oppose</b></p> <p>Oppose</p> <p>Support</p> <p>Support</p>	<p>Delete as a policy and include it as an assessment matter with the following additions to (a) Social:</p> <ul style="list-style-type: none"> <li>- <u>The direct positive effects for the community arising from the construction and operation of the facility including but not limited to employment opportunities;</u></li> <li>- <u>The positive effects on the security of communities’ electricity supply;</u></li> <li>- <u>The benefits from the maintenance or enhancement of electricity generation capacity.</u></li> </ul>
<p>Meridian Energy Ltd</p> <p>Further Submitter – Transpower NZ</p> <p>Further Submitter – Genesis Power</p> <p>Further Submitter – Federated Farmers</p> <p>Further Submitter – Director –General of Conservation</p>	<p><b>Support in part</b></p> <p>Support</p> <p>Support in part</p> <p>Support</p> <p>Oppose</p>	<p><b>Policy 2(e)</b> - amend as follows:</p> <p>(e). <i>Landscape</i></p> <p>(i) Potential for the loss of, or irreversible change to, any <u>identified values of landscapes</u> or natural features identified as outstanding in the District Plan ;</p> <p>(ii) The impact (both positive and negative) on any <u>identified values of landscapes</u> identified as amenity landscapes in the District Plan;</p>
<p>NZ Wind Energy Association</p>	<p><b>Support</b></p>	<p>Retain Energy Policy 2 but reference the criteria with listed numbers, not bullet points.</p>
<p>Pioneer Generation Ltd</p>	<p><b>Support</b></p>	<p>Retain</p>
<p>Royal Forest and Bird Protection Society of NZ Inc.</p> <p>Further Submitter – Genesis Power</p> <p>Further Submitter –</p>	<p>Oppose</p> <p>Oppose</p>	<p>Amend as follows:</p> <p>e) <i>Landscape</i></p> <p>(i) Potential for the loss of, or irreversible change to, any <u>outstanding landscapes</u> or natural features <del>identified as outstanding in the District Plan;</del></p> <p>(ii) The impact (both positive and negative) on any <u>amenity landscapes</u></p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p><i>Meridian Energy</i></p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter – Director –General of Conservation</i></p> <p><i>Further Submitter – Contact Energy</i></p>	<p>Oppose</p> <p>Support</p> <p>Oppose</p>	<p><del>identified as amenity landscapes in the District Plan;</del></p> <p>(iii) The impact (both positive and negative) on natural character, landscape and visual amenity values in general.</p> <p><i>(f) Ecological</i></p> <p>(ii) Potential for the loss of, or irreversible change to, any <del>significant wetlands identified in the District Plan or any Regional Plan;</del></p> <p>(iii) The impact on the <del>Mauri</del> and health of ecosystems of indigenous species, <del>including mahinga kai species;</del></p> <p><del>(v) The potential for biodiversity protection or enhancement either on-site or elsewhere</del></p> <p>The relevance of these matters will be determined on a case by case basis, having regard to the <u>potential effects of the proposal on scale of the proposal and the nature of the receiving environment</u></p>
<p>Solid Energy</p> <p><i>Further Submitter – Genesis Power</i></p>	<p><b>Support in part</b></p> <p><i>Oppose</i></p>	<p><b>Policy 2 and 3</b> – amalgamate into 1 policy and include reference to “energy source”.</p>
<p>Transpower NZ Ltd</p> <p><i>Further Submitter – Genesis Power</i></p>	<p><b>Support</b></p> <p><i>Support in part</i></p>	<p>Retain</p>
<p>TrustPower Limited</p> <p><i>Further Submitter – Genesis Power</i></p>	<p><b>Support in part</b></p> <p><i>Support</i></p>	<p>Amend so that it is reflective of a list of assessment matters for both applicants and decision makers and to provide greater recognition of the specific benefits that can also be derived from the development and on-going use of energy generation facilities.</p>
<p>Director-General of Conservation</p> <p><i>Further Submitter – Solid Energy NZ Ltd</i></p> <p><i>Further Submitter – Genesis Energy</i></p> <p><i>Further Submitter - Meridian Energy Ltd</i></p>	<p><b>Support in part</b></p> <p><i>Policy 2(f)(v) – support in part; Policy 2(e) and (i) – oppose.</i></p> <p><i>Policy 2(f)(ii) – oppose; Policy 2(f)(v) – support.</i></p> <p><i>Oppose.</i></p>	<p><b>Policy 2 Landscape (i)</b> - Amend to read:</p> <p><i>(i) Potential for the loss of, or irreversible change to, any landscape or natural features identified as outstanding in the District <u>or any relevant Regional Plan.</u></i></p> <p><b>Policy 2 Landscape (iii)</b> - Amend to read:</p> <p><i>(iii) The impact (both positive and negative) on <u>natural features</u>, natural character and landscape and visual ..... .</i></p> <p><b>Policy 2 (f)- Ecological (iii)</b> - Amend to read:</p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p><i>Potential for the loss of, or irreversible change to, any <u>Regionally Significant wetland and other areas of significant flora and/or significant habitats of indigenous fauna</u> identified in the District Plan or any Regional Plan.</i></p> <p><b>Policy 2- (f) Ecological (v)</b> - Amend to read:</p> <p><i>The potential of biodiversity protection or enhancement either on-site or elsewhere <u>including but not limited to offsetting and environmental compensation.</u></i></p>

**DECISION**

Submitter Name	Accept / Accept in Part / Reject
Contact Energy Ltd; Federated Farmers of New Zealand; Genesis Power Ltd; Meridian Energy Ltd; NZ Wind Energy Association; Pioneer Generation Ltd ; Royal Forest and Bird Protection Society of NZ Inc.; Solid Energy; Transpower NZ Ltd; TrustPower Limited; Director-General of Conservation	Accept in part

**REASONS**

Decision 3.10 contains a general discussion on the re-structuring of the Policies. Under that Decision, Policy 2 now becomes Policy 3. The Committee noted in that decision that some submitters suggested this policy should be re-drafted as a set of assessment matters. While the Committee understands the rationale behind those submissions, the preference is to retain these criteria as policy matters. It is accepted that the policy is more of a process policy but it will retain more status than a list of assessment matters, which have no particular status within the RMA framework.

This raft of submissions also requests a number of changes/additions to the detail of the assessment matters. The majority of the changes/additions requested, or at least a version of them, have been accepted by the Committee as being appropriate. However the Committee did not agree with RFBPS that the criteria should refer to ‘outstanding landscapes’ as opposed to landscapes identified as outstanding in the plan. The Committee acknowledges that the plan currently only identifies ‘potentially’ outstanding landscapes. However we can advise that the landscapes of the District are currently being assessed by a landscape architect. A plan change will follow that identifies the outstanding landscapes of the District for inclusion within the District Plan. Until that happens, the remaining criteria will ensure landscape values are appropriately assessed and provided for in any decision making process.

## AMENDMENTS TO PROPOSED PLAN CHANGE

Refer to the new Policy 3 in Appendix 1.

### 3.12 Policy 3

The notified provision reads as follows:

#### **Energy Policy 3**

*In determining the significance of the effects of the proposed electricity generation facility under Policy 1, consideration will be given to the following matters;*

- a) *The methods proposed to avoid, remedy or mitigate the adverse effects on the environment identified in Policy 2 which may include:*
  - (i) *Offsetting measures or environmental compensation (including measures or compensation which benefit the local environment or community affected) where there are any residual environmental effects that cannot be avoided, remedied or mitigated;*
  - (ii) *Measures designed to allow operational requirements to complement and provide for mitigation opportunities;*
  - (iii) *Adaptive management measures available to assist with avoiding, remedying or mitigating adverse effects;*
  
- b) *Where applicable, the benefit from the reversibility of the adverse environmental effects associated with the proposed generation technology;*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Genesis Power Ltd  <i>Further Submitter – Federated Farmers</i>  <i>Further Submitter – Director –General of Conservation</i>	<i>Oppose</i>  <i>Oppose</i>	<b>Policy 3(a) (i)</b> - Delete the words “where there are any residual environmental effects that cannot be avoided, remedied or mitigated”.
L&M Lignite Kaitangata Ltd  <i>Further Submitter – Solid Energy NZ Ltd</i>  <i>Further Submitter – Genesis Power</i>	<b>Support in part</b>  <i>Whole submission – support</i>  <i>Support</i>	Amend as follows: In determining the significance of the effects of the proposed electricity generation facility, <u>or new mineral extraction operation or mineral processing facility</u> , under Policy 1...:
Meridian Energy Ltd	<b>Supports approach with some amendments</b>	<b>Policy 3 a) (i) and (iii)</b> – retain  <b>Policy 3 a) (ii)</b> – delete or amend as follows: (ii) <u>Design measures which Measures designed to allow for provide for</u> operational requirements <u>which may also to-complementing</u> and provide for mitigation opportunities;



Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p>Further Submitter – Genesis Power</p> <p>Further Submitter – Contact Energy</p> <p>Further Submitter – TrustPower</p>	<p>Policy 3(a)(i) and (iii) - oppose in part.</p> <p>Policy 3(a)(ii) – support.</p> <p>Policy 3(a)(ii) - oppose</p>	
<p>NZ Wind Energy Association</p>	<p><b>Support</b></p>	<p>Retain</p>
<p>Pioneer Generation Ltd</p>	<p><b>Support</b></p>	<p>Retain</p>
<p>Royal Forest and Bird Protection Society of NZ Inc.</p> <p>Further Submitter – Genesis Power</p> <p>Further Submitter – Meridian Energy</p> <p>Further Submitter – Contact Energy</p> <p>Further Submitter – TrustPower</p>	<p><b>Oppose</b></p> <p>Oppose.</p> <p>Oppose</p> <p>Oppose.</p> <p>Oppose</p>	<p>Amend as follows:</p> <p>In determining the significance of the effects of the proposed electricity generation facility under Policy 1, consideration will be given to the following matters;</p> <p>a) The methods proposed to avoid, remedy or mitigate the adverse effects on the environment identified in Policy 2 which may include:</p> <p>(i) Offsetting measures or / environmental compensation (according to Schedule xxxx Biodiversity Offsetting Principles) including measures or compensation which benefit the local environment or community affected) where there are any residual environmental effects that cannot be avoided, remedied or mitigated;</p> <p>(ii) Measures designed to allow operational requirements to complement and provide for mitigation opportunities;</p> <p>(iii) Adaptive management measures available to assist with avoiding, remedying or mitigating adverse effects;</p> <p>b) Where applicable, the benefit from the reversibility of the adverse environmental effects associated with the proposed generation technology;</p>
<p>Solid Energy</p> <p>Further Submitter – Genesis Power</p>	<p><b>Support in part</b></p> <p>Oppose</p>	<p><b>Policy 2 and 3</b> – amalgamate into 1 policy and include reference to “energy source”.</p>
<p>Transpower NZ Ltd</p> <p>Further Submitter – Genesis Power</p> <p>Further Submitter –</p>	<p><b>Support in part</b></p> <p>Support</p> <p>Support</p>	<p>Amend as follows:</p> <p>In determining the significance of the effects of the proposed electricity generation facility under Policy 1, consideration will be given to the following matters;</p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p><i>Meridian Energy</i></p> <p><i>Further Submitter – Director –General of Conservation</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><i>Oppose</i></p> <p><i>Support.</i></p>	<p>a) The methods proposed to avoid, remedy or mitigate the adverse effects on the environment identified in Policy 2 which may include:</p> <p>(i) Offsetting measures or environmental compensation (including measures or compensation which benefit the local environment or community affected) <u>as a form of mitigation</u> <del>where there are any residual environmental effects that cannot be avoided, remedied or mitigated;</del></p>
<p>TrustPower Limited</p> <p><i>Further Submitter – Solid Energy NZ Ltd</i></p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – Director –General of Conservation</i></p>	<p><b>Support in part</b></p> <p><i>Support</i></p> <p><i>Support</i></p> <p><i>Oppose</i></p>	<p>Amend as follows:</p> <p><i>In determining the significance of the effects of the proposed electricity generation facility under Policy 1, consideration will be given to the following matters;</i></p> <p><i>a) The methods proposed to avoid, remedy or mitigate the adverse effects on the environment identified in Policy 2 which may include:</i></p> <p><i>(i) Offsetting measures or environmental compensation (including measures or compensation which benefit the local environment or community affected) <del>where there are any residual environmental effects that cannot be avoided, remedied or mitigated;</del></i></p> <p><i>(ii) Measures designed to allow operational requirements to complement and provide for mitigation opportunities;</i></p> <p><i>(iii) Adaptive management measures available to assist with avoiding, remedying or mitigating adverse effects;</i></p> <p><i><del>b) Where applicable, the benefit from the reversibility of the adverse environmental effects associated with the proposed generation technology;</del></i></p>
<p>Director-General of Conservation</p> <p><i>Further Submitter – Solid Energy NZ Ltd</i></p> <p><i>Further Submitter – Genesis Energy</i></p> <p><i>Further Submitter - Meridian Energy Ltd</i></p> <p><i>Further Submitter – Contact Energy</i></p>	<p><b>Support in part</b></p> <p><i>Support in part</i></p> <p><i>Support in part</i></p> <p><i>Oppose</i></p> <p><i>Policy 3(a)(i)– oppose.</i></p>	<p>Amend to read:</p> <p><i>In determining the significance of the effects of the proposed electricity generation facility under Policy 1, consideration will be given to the following matters;</i></p> <p>a) <i>The methods proposed to avoid, remedy or mitigate the adverse effects on the environment identified in Policy 2 which may include:</i></p> <p>(i) <u><i>For mitigation and/or remedying methods include Offsetting measures or environmental compensation (including measures or compensation which benefit the local</i></u></p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p><i>environment or community affected) where there are any residual environmental effects that cannot be avoided, remedied or mitigated;</i></p> <p>(ii) <i>Measures designed to allow operational requirements to complement and provide for mitigation opportunities;</i></p> <p>(iii) <i>Adaptive management measures available to assist with avoiding, remedying or mitigating adverse effects;</i></p>

**DECISION**

Submitter Name	Accept / Accept in Part / Reject
Genesis Power Ltd; L&M Lignite Kaitangata Ltd; Meridian Energy Ltd; NZ Wind Energy Association; Pioneer Generation Ltd ; Royal Forest and Bird Protection Society of NZ Inc.; Solid Energy; Transpower NZ Ltd; TrustPower Limited; Director-General of Conservation	Accept in part

**REASONS**

Under the re-structuring of the Policies by Decision 3.10, Policy 3 now becomes policy 4. The majority of submissions dealt with here focus on the reference to offsetting and environmental compensation. This issue has been discussed at Decision 3.5. The Committee acknowledges that the ‘offsetting’ principles promoted by a number of submitters in relation to biodiversity promote a “no net loss” scenario. However we accept that this is not consistent with the principles of the RMA. All parties agreed that activities that have adverse effects, including adverse effects on biodiversity, can still be consistent with the sustainable management purpose of the Act. However the degree to which an offset is provided (i.e. a net loss of values; no net loss of values; or a gain in values) is considered relevant under this policy as the policy deals with the significance of the effect. Hence the policy has been amended to reflect this.

Other submissions have sought changes that they consider provide better consistency with the NPS (e.g. Policy C1(d) and (e)). The Committee has accepted these as appropriate. However we do not agree that the removal of the reference to reversibility of adverse effects is appropriate. Policy A(d) of the NPS requires specific consideration of this.

The submissions relating to mineral resources have been discussed and dealt with in Decision 3.1.

## AMENDMENTS TO PROPOSED PLAN CHANGE

Refer to the new Policy 4.

### 3.13 Policy 4

The notified provision reads as follows:

#### **‘Energy Policy 4**

*To enable the ongoing operation, maintenance, upgrading and development of lawfully established electricity generation facilities, where the environmental effects of such work are compatible with the existing environment and none of the landscapes, habitats or fauna listed in schedules of the District Plan are significantly adversely affected.*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Federated Farmers of New Zealand  <i>Further Submitter – Transpower NZ</i>  <i>Further Submitter – Genesis Power</i>  <i>Further Submitter – Meridian Energy</i>  <i>Further Submitter – Director –General of Conservation</i>  <i>Further Submitter – Contact Energy</i>  <i>Further Submitter – TrustPower</i>	<b>Partially support</b>  <i>Oppose</i>  <i>Oppose</i>  <i>Oppose</i>  <i>Support</i>  <i>Oppose</i>  <i>Oppose</i>	Amend policy so that it reads “ <i>To enable ... lawfully established electricity</i> generation facilities where <u>there is no adverse impact on existing land use and where</u> the environmental effects of such works are compatible with....”
L&M Lignite Kaitangata Ltd  <i>Further Submitter – Solid Energy NZ Ltd</i>  <i>Further Submitter – Genesis Power</i>	<b>Support in part</b>  <i>Support</i>  <i>Support.</i>	Amend as follows: To enable the ongoing operation, maintenance, upgrading and development of lawfully established <u>mineral extraction operation or mineral processing facility</u> , where the environmental effects of such work are compatible with ....
NZ Wind Energy Association	<b>Support</b>	Retain
Pioneer Generation Ltd	<b>Support</b>	Retain
Royal Forest and Bird Protection Society of NZ Inc.	<b>Support in part</b>	Amend as follows: To enable the ongoing operation, maintenance and upgrading <u>within the existing envelope and development of</u>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p><i>Further Submitter – Transpower NZ</i></p> <p><i>Further Submitter – Meridian Energy</i></p> <p><i>Further Submitter – Director –General of Conservation</i></p> <p><i>Further Submitter – Contact Energy</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><i>Oppose.</i></p> <p><i>Oppose</i></p> <p><i>Support</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p>	<p>lawfully established electricity generation facilities, where the environmental effects of such work are compatible with the existing environment and <u>the work or activity is not undertaken within or adversely affects any potentially outstanding landscape, outstanding natural feature, wetland or area of significant habitat.</u> <del>none of the landscape, habitats or fauna listed in schedules of the District Plan are significantly affected.</del></p>
<p>Solid Energy</p> <p><i>Further Submitter – Genesis Power</i></p>	<p><b>Support in part</b></p> <p><i>Support</i></p>	<p>Amend to also reflect social and/or economic requirements</p>
<p>Transpower NZ Ltd</p> <p><i>Further Submitter – Genesis Power</i></p>	<p><b>Support</b></p> <p><i>Support in part</i></p>	<p>Retain</p>
<p>TrustPower Limited</p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter – Director –General of Conservation</i></p>	<p><b>Oppose</b></p> <p><i>Support</i></p> <p><i>Oppose.</i></p> <p><i>Oppose</i></p>	<p>Delete and replace with the following:</p> <p><b>Policy 4</b>  <i>Manage subdivision, use and development so as to avoid adverse effects on the operation, maintenance and upgrade of consented and existing energy generation activities.</i></p> <p><b>Policy 4A</b>  <i>Recognise and provide for the ongoing operation, maintenance, upgrading of existing energy generation activities by:</i>  <i>(a) Having particular regard to the logistical and technical constraints associated with the location of existing energy generation facilities;</i>  <i>(b) Having particular regard to the potential conflict for the need for existing energy generation facilities to be located where the resource is available and the protection of environmental values;</i>  <i>(c) Encouraging the enhancement of existing energy generation facilities.</i></p>
<p>Director-General of Conservation</p>	<p><b>Support in part</b></p>	<p>Amend to read:</p> <p><i>To enable the ongoing operation, maintenance, upgrading and development of lawfully established electricity generation facilities, where the environmental effects of such work are compatible with the existing environment and none of the landscapes, habitats or</i></p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Further Submitter – Genesis Energy	Oppose	<i>fauna listed in the schedules of the District Plan and areas affected by Rules RRA.13 or COA.6 are significantly adversely affected</i>
Further Submitter - Meridian Energy Ltd	Oppose	

## **DECISION**

Submitter Name	Accept / Accept in Part / Reject
Wind Energy Association; Pioneer Generation Ltd ; Transpower	Accept
Federated Farmers of NZ ; L&M Lignite Kaitangata Ltd; Royal Forest and Bird Protection Society of NZ Inc.; Solid Energy; Director-General of Conservation; TrustPower Limited	Accept in part

## **REASONS**

This policy provides for the on-going operation and development of existing facilities. It proposes to allow additional development or extension of these facilities in certain circumstances. The committee notes the rationale behind this is that the environment is already significantly influenced by such developments and that there is often scope within the existing footprint of the facility or the environment adjoining the facility to increase energy output without increasing the environmental impact to any significant extent. We agree with the Section 42A report that it is not appropriate to restrict the enabling of further development of existing facilities to their current footprint. Extensions into adjoining land may well have little further environmental impact.

The Federated Farmers submission requests that existing land uses not be adversely affected by any expansion of existing facilities. DoC and RFBPS also request changes to what environments are considered in providing for this. Solid Energy requested the inclusion of social and economic matters. However the Committee considers that existing land uses along with social/economic matters and the environments referred to in the DoC submission are already provided for in the reference to ‘compatibility with the existing environment’.

With respect to the RFBPS submission, outstanding landscapes are likely be included within the schedules referred to in the policy. However it is accepted that significant wetlands, indigenous vegetation and habitats may not be listed in the schedules given the approach to biodiversity under Plan Change 26 and 27. As a result they are not adequately provided for in this policy. The Committee has amended the policy accordingly.

Trustpower remained concerned that reverse sensitivity issues have not been adequately addressed, as required by Policy D of the NPS, at a policy level within the Energy chapter. The Committee accepts that this is appropriate. However the

policy recommended by Trustpower seeks to manage ‘subdivision, use and development’. Because the various zone provisions of the District Plan deal with the management of subdivision and land use, the Committee considers the alternative policy promoted at the hearing to be more appropriate. That policy focuses on energy facilities as follows: *To protect existing energy generation activities from incompatible subdivision, land use and development.* The Committee has included this policy with a slight amendment to recognise ‘consented’ facilities that may not yet be built. A consequential amendment has also been made to the explanation section.

### **AMENDMENTS TO PROPOSED PLAN CHANGE**

Refer to the new Policy 5.

#### **3.14 Policy 5**

The notified provision reads as follows:

##### **Energy Policy 5**

*To enable the identification and assessment of potential sites and energy sources for renewable electricity generation and research-scale investigation into emerging renewable electricity generation technologies and methods.*

<b>Submitter Name</b>	<b>Submission i.e. whether the submitter supports or opposes specific provisions</b>	<b>The following decision is sought</b>
Genesis Power Ltd	<b>Support</b>	Retain
NZ Wind Energy Association	<b>Support</b>	Retain
Pioneer Generation Ltd	<b>Support</b>	Retain
Royal Forest and Bird Protection Society of NZ Inc.	<b>Support in part</b>	Amend as follows: To enable the identification and assessment of potential sites and energy sources for renewable electricity generation and research-scale investigation into emerging renewable electricity generation technologies and method <u>where the environmental effects of such work are compatible with the existing environment and the work or activity is not undertaken within or adversely affects any potentially outstanding landscape, outstanding natural feature, wetland or area of significant habitats.</u>
<i>Further Submitter – Genesis Power</i>	<i>Oppose.</i>	
<i>Further Submitter – Meridian Energy</i>	<i>Oppose</i>	
<i>Further Submitter – Contact Energy</i>	<i>Oppose.</i>	
<i>Further Submitter – TrustPower</i>	<i>Oppose.</i>	
Solid Energy	<b>Support in part</b>	Amend by removing reference to renewable

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Transpower NZ Ltd <i>Further Submitter – Genesis Power</i>	<b>Support</b> <i>Support in part</i>	Retain

### **DECISION**

Submitter Name	Accept / Accept in Part / Reject
Genesis Power Ltd; NZ Wind Energy Association; Pioneer Generation Ltd ; Transpower NZ Ltd; Solid Energy;	Accept
Royal Forest and Bird Protection Society of NZ Inc.;	Reject

### **REASONS**

The Committee notes that this policy reflects Policy G of the NPS for renewable energy resources but that Solid Energy has requested that it also apply to non-renewables. The Committee considers this to be appropriate. RFBPS requests a similar proviso to the policy as listed in (the original) Policy 5. However it is expected that these activities will have minor and temporary adverse effects on the environment, and in general terms environmental effects are addressed in the other policies. Hence the Committee does not consider that proviso to be warranted in this instance.

### **AMENDMENTS TO PROPOSED PLAN CHANGE**

See new Policy 6.

### **3.15 New Policy – Minerals and Non-renewables**

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
L&M Lignite Kaitangata Ltd <i>Further Submitter – Solid Energy NZ Ltd</i> <i>Further Submitter – Genesis Power.</i>	<i>Support</i> <i>Support</i>	Include new policy 6 as follows:  <u>To enable the identification and assessment and development of potential sites and energy sources for energy generation from minerals and other non-renewable energy sources.</u>



## DECISION

Submitter Name	Accept / Accept in Part / Reject
L&M Lignite Kaitangata Ltd	Accept in part

## REASONS

See Decision at 3.1.

## AMENDMENTS TO PROPOSED PLAN CHANGE

See Decision 3.1.

### 3.16 New Policy – Limitations on the use of biodiversity offsets

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Royal Forest and Bird Protection Society of NZ Inc.		<p>Include new policy as follows:</p> <p><u>To ensure that biodiversity offsets are only treated as appropriately mitigating adverse effects on indigenous biodiversity, the following criteria (in addition to the principles in schedule xxx Biodiversity Offset Principles), will apply:</u></p> <p><u>(1) the offset will only compensate for residual adverse effects that cannot otherwise be avoided, remedied or mitigated;</u></p> <p><u>(2) the residual effects on biodiversity are capable of being offset and will be fully compensated by the offset;</u></p> <p><u>(3) the area to be offset does not meet the criteria for significance (Policy HER2B or is not identified as a significant natural area.</u></p> <p><u>(4) offsets will be achieved in perpetuity; and</u></p> <p><u>(5) where the offset involves the ongoing protection of a separate site, it will deliver a net benefit for indigenous biodiversity conservation</u></p> <p><u>Offsets should re-establish or protect the same type of ecosystem or habitat that is adversely affected.</u></p>
<i>Further Submitter – Genesis Power</i>	<i>Oppose</i>	
<i>Further Submitter – Meridian Energy</i>	<i>Oppose</i>	
<i>Further Submitter – Director –General of Conservation</i>	<i>Support</i>	
<i>Further Submitter – Contact Energy</i>	<i>Oppose</i>	
<i>Further Submitter – TrustPower</i>	<i>Oppose.</i>	

## DECISION

Submitter Name	Accept / Accept in Part / Reject
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Royal Forest and Bird Protection Society of NZ Inc.	reject
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**REASONS**

The Committee has discussed and decided the issue of biodiversity offset principles at Decision 3.6 and 3.12.

**AMENDMENTS TO PROPOSED PLAN CHANGE**

No changes are required as a result of this decision.

**3.17 New Policy – Reverse Sensitivity**

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Genesis Power Ltd		Include new policy as follows: <u>In determining the appropriateness of any development within the District under this Plan, consideration will be given to:</u> <u>i. Whether it is possible to manage reverse sensitivity effects of the development on consented and on existing renewable electricity generation activities; and</u> <u>ii. If (i) is achieved, the methods that should be applied to managing the development and any associated activities so as to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.</u>
<i>Further Submitter – Federated Farmers</i>	<i>Oppose</i>	
<i>Further Submitter – Contact Energy</i>	<i>Support</i>	
<i>Further Submitter – TrustPower</i>	<i>Support</i>	

**DECISION**

Submitter Name	Accept / Accept in Part / Reject
Genesis Power Ltd	Accept in part

**REASONS**

The issue of reverse sensitivity has been discussed at section 3.5.1. The Committee has made changes to the introductory section and introduced a new policy dealing with the issue.

**AMENDMENTS TO PROPOSED PLAN CHANGE**

See Decision 3.1 and 3.13.

**3.18 Section 3.4.3 Reasons and Explanation for Objectives and Policies**

The notified provision reads as follows:

### 3.4.3 Reasons and Explanation for Objectives and Policies

*The ability to supply energy is essential to the functioning of communities, businesses and homes. Energy is necessary for the District’s social and economic wellbeing as well as the health and safety of its residents and visitors. The Clutha District has significant energy resources (such as water, wind, coal and lignite) from which electricity could be generated. Some of these resources have already been developed but there is the potential for future development of energy resources within the District.*

*The objectives and policies of this Plan recognise that the development and operation of electricity generation facilities are important components in providing for the social, economic, and cultural well-being, and health and safety of the people of the District, and also the nation. However the objectives and policies also acknowledge that the development and operation of such facilities can have significant environmental effects and often have a major impact on the communities affected by their development. Consequently the local and national benefits of such projects must be weighed up against the local and national costs. Policies 1 to 3 set out the matters that require consideration when determining the appropriateness of such developments.*

*Objective 2 and Policy 4 relate to electricity generation facilities that already exist in the District and recognise that these facilities require ongoing maintenance and upgrading. They also facilitate further development at these sites where enhancement work can be carried out in a manner compatible with the existing environment. This is recognition that the environment is already significantly influenced by such developments and that there is often scope within the existing footprint of the facility or the environment adjoining the facility to increase energy output without increasing the environmental impact to any significant extent.*

*The requirements of the NPS for Renewable Electricity Generation are reflected throughout the policy suite. Central Government has set a target for 90% of electricity to be generated from renewable resources by 2025. It is recognised that to achieve this target, New Zealand will need to establish new renewable electricity generation activities. The District has a wide range of renewable resources that can be utilised for electricity generation. Objective 4 and Policy 5 reflect specific requirements of the NPS. Objective 4 provides for the development and operation of small and community-scale distributed renewable electricity generation. Policy 5 enables the identification and assessment of potential sites, sources, technologies and methods for renewable electricity generation.*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
L&M Lignite Kaitangata Ltd  <i>Further Submitter – Solid Energy NZ Ltd</i>	<i>Support</i>	Include reference to “other forms of energy”.
Meridian Energy Ltd  <i>Further Submitter – Director –General of Conservation</i>	<i>Oppose</i>	Amend 3 <sup>rd</sup> line, 2 <sup>nd</sup> paragraph as follows:  “...Consequently the local and national benefits of such projects must be weighed up against considered along with the local and national costs...”.

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<i>Further Submitter – Contact Energy</i>	<i>Support.</i>	
<i>Further Submitter – TrustPower</i>	<i>Oppose</i>	
NZ Wind Energy Association		Replace 'costs with 'environmental effects'.
Solid Energy		Increase reference to coal and lignite in objectives and policies as other energy sources.

### **DECISION**

Submitter Name	Accept / Accept in Part / Reject
Meridian Energy Ltd; NZ Wind Energy Association	Accept
L&M Lignite Kaitangata Ltd; Solid Energy	Reject

### **REASONS**

Given that a number of changes are recommend to the proposed objectives and policies, changes are required to the explanation for these provisions. However for reasons already discussed, reference to other forms of energy is not appropriate in this section.

### **AMENDMENTS TO PROPOSED PLAN CHANGE**

Amend to read as follows:

“The ability to supply energy is essential to the functioning of communities, businesses and homes. Energy is necessary for the District’s social and economic wellbeing as well as the health and safety of its residents and visitors. The Clutha District has significant energy resources (such as water, wind, coal and lignite) from which electricity could be generated. Some of these resources have already been developed but there is the potential for future development of energy resources within the District.

The objectives and policies of this Plan recognise that the development and operation of electricity generation facilities are important components in providing for the social, economic, and cultural well-being, and health and safety of the people of the District, and also the nation. However the objectives and policies also acknowledge that the development and operation of such facilities can have significant environmental effects and often have a major impact on the communities affected by their development. Consequently the local, regional and national benefits of such projects must be weighed up against the ~~against the local and~~

~~national costs~~ potential adverse environmental effects. Policies 1 to ~~3-4~~ set out the matters that require consideration when determining the appropriateness of such developments.

Objective ~~2 3~~ and Policy ~~4 5~~ relate to electricity generation facilities that already exist in the District and recognise that these facilities require on-going maintenance and upgrading. They also facilitate further development at these sites where enhancement work can be carried out in a manner compatible with the existing environment. This ~~is recognition~~ recognises that the environment is already significantly influenced by such developments and that there is often scope within the existing footprint of the facility or the environment adjoining the facility to increase energy output without ~~increasing the~~ any additional environmental impact ~~to any significant extent~~.

The requirements of the NPS for Renewable Electricity Generation are reflected throughout the policy suite. Central Government has set a target for 90% of electricity to be generated from renewable resources by 2025. It is recognised that to achieve this target, New Zealand will need to establish new renewable electricity generation activities. The District has a wide range of renewable resources that can be utilised for electricity generation. The specific benefits of renewable energy resources are recognised in Objective 1B and must be considered under Policy 4. Objective ~~4 5~~ and Policy ~~5 6~~ reflect specific requirements of the NPS. Objective ~~4 5~~ provides for the development and operation of small and community-scale distributed renewable electricity generation. Policy ~~5 6~~ enables the identification and assessment of potential sites, sources, technologies and methods for renewable electricity generation. Policy 7 reflects Policy D of the NPS. The rules implementing this policy, however, are located within the provisions of the various Resource Areas of the District Plan.”

### 3.19 Rules – to be a complete code

The notified provision reads as follows:

**NOTE: TO BE A COMPLETE CODE**

*The rules in this section of the Plan provide a complete code for those activities to which this section applies. Other than in relation to Section 3.7 – Subdivision, Section 3.8 - Financial and Reserve Requirements, the application of appropriate noise standards within the general section of the plan, and the Definitions in Section 5, no rule in any other part of this plan shall apply to any activity dealt with by this section, unless the application of that rule is directly referred to in this section of the Plan.*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Genesis Power Ltd <i>Further Submitter – Trustpower</i>	Oppose	Amend the note at the start of the rules section as follows:  NOTE: TO BE A COMPLETE CODE

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		The rules in this section of the Plan provide a complete code for those activities to which this section applies, <u>including all electricity conveyance (including substations) required to convey electricity to the distribution network and/or the national grid...</u>
NZ Wind Energy Association		Retain this section as a method for implementing the energy objectives and policies.
Pioneer Generation Ltd		Retain
TrustPower Limited		Retain

## **DECISION**

Submitter Name	Accept / Accept in Part / Reject
Genesis Power Ltd	Reject
NZ Wind Energy Association; Pioneer Generation Ltd; TrustPower Limited	Accept

## **REASONS**

The Committee does not consider the change requested by Genesis to be appropriate as this section does not apply to stand alone electricity conveyance lines. Lines associated with the actual electricity generation facility are included within the definition of “electricity generation facility”. Hence a specific reference to these lines does not need to be made in this provision.

## **AMENDMENTS TO PROPOSED PLAN CHANGE**

No changes are required as a result of this decision.

### **3.20 Rule 1- Permitted Activities**

#### **1. Permitted Activities**

##### *(a) Scheduled Energy Generation Facilities*

*Any work or activity associated with the ongoing operation, maintenance, enhancement, refurbishment or upgrading within the existing envelope of any electricity generation facility that has status as a scheduled activity at Schedule 6.11 of this Plan in accordance with the provisions of that schedule is a permitted activity subject to the conditions contained within that schedule.*

##### *(b) Lawfully Established Energy Generation Facilities*

Any work or activity associated with the ongoing operation, maintenance, enhancement, refurbishment or upgrading within the existing envelope of any lawfully established electricity generation facility is a permitted activity.

(c) *Investigation and Assessment Works for Renewable Electricity Generation Projects*

The following activities undertaken for the identification and assessment of potential sites and energy sources for renewable electricity generation and research-scale investigation into emerging renewable electricity generation technologies and methods are permitted activities:

- i. *The erection of meteorological masts that do not exceed 80 metres in height in the Rural Resource Area and 20 metres in height in all other Resource Areas;*
- ii. *Digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions.*
- iii. *The installation of instruments into drill holes for monitoring groundwater levels and land movement.*
- iv. *Erecting survey monuments and installing instruments to monitor land movement.*
- v. *Installing flumes and weirs to measure water flows.*
- vi. *Erecting telemetry stations for the transmission of instrument data.*
- vii. *Installing microseismic stations to measure microseismic activity and ground noise.*
- viii. *Erection of signs or notices giving warning of danger.*

**except** on land listed in and/or identified via the application of the following rules:

- *Table 9 (SSWI Database);*
- *Table 13.1 (Register of Heritage Buildings)*
- *Table 13.3A (Potentially Outstanding Landscapes);*
- *Table 13.3B (Outstanding Natural Features);*
- *Table 13.5 (Significant Wetlands);*
- *Table 13.6 (Waahi Tapu);*
- *Table 13.7 (Waahi Taoka and Mahika Kai);*
- *Table 13.8 (Areas of Significant Habitat);and*
- *Any areas as defined by Rules RRA.13 or COA.6 as requiring a resource consent,*

and **subject to** the following conditions:

- (a) *at the end of the investigation or assessment period, any ground disturbed by such activities shall be reinstated to a condition no less than that which existed prior to the commencement of the work. Should ground disturbance be required to be undertaken in areas adjoining Public Conservation Land and/or land located within the tables identified above, plant and machinery shall be effectively cleaned of weed seeds and/or weed material prior to work commencing. Reinstatement of indigenous vegetation shall be on a "like with like" basis and any plants with wilding potential shall not be planted;*
- (b) *all New Zealand Standards in relation to noise, radio frequency emissions and any other emissions are complied with;*
- (c) *any public road damaged in such investigation or assessment activity shall be reinstated to a condition of a similar or improved standard to that which existed prior to commencement of the work;*
- (d) *no such investigation or assessment period shall exceed five (5) years;*

- (e) all equipment and structures shall be removed at the end of the investigation or assessment period and the site shall be restored and rehabilitated to a condition no less than that which existed prior to the works commencing;
- (f) All earthworks are undertaken in accordance with Section 10 of the Historic Places Act 1993 and that the accidental discovery of cultural and/or archaeological material shall be managed in accordance with the “Accidental Discovery Protocol” attached at Schedule 12.

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p>Genesis Power Ltd</p> <p><i>Further Submitter – Director –General of Conservation</i></p> <p><i>Further Submitter – Contact Energy</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><i>Rule 1 (c) - oppose.</i></p> <p><i>Rule 1(c) - support.</i></p> <p><i>Rules 1(a) and schedule 11, Rule 1(c), Rule 3 – support in part.</i></p>	<p><b>Permitted Activity Rule 1(a) and schedule 11-</b> Delete and incorporate aspects of schedule 11 into other sections of the plan as follows:</p> <p><b>DEFINITIONS</b> The following definitions apply to Electricity Generation and Associated Facilities</p> <p>“Operation”: the working of a electricity generation facility on a day-to- day basis to generate and transmit electricity (for example, with respect to a scheduled hydro scheme activities include the control of lake levels, access requirements, excluding the public, storage of goods and materials, sign, provision of jetties).</p> <p>“Maintenance”: the undertaking of work necessary to keep an electricity generation facility operating at an efficient and safe level (<u>for example</u>, activities include erosion and flood control, weed and sediment control, access requirements, maintenance of plant, machinery or structures, monitoring of operations).</p> <p>“Enhancement”: the improvement of an electricity generation facility (<u>for example</u>, activities include landscaping, planting, painting, refurbishment of buildings).</p> <p>“Refurbishment or upgrading”: the upgrade or renewal of existing plant, machinery or structures to gain efficiencies in generating and transmitting electricity (<u>for example</u>, activities include ancillary buildings and structures, earthworks and deposit of materials) provided this does not increase the scheduled footprint of the facility.</p> <p>3.4.5 APPENDIX 1 Activities specifically provided for <u>as permitted activities under Rule 1(a) include, but are not limited to the following:</u> [...] w) Structures and associated lines for</p>



Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p><u>conveyance of electricity under 13m in height.</u>  <u>x) Substations, except where they adjoin or face across a road, or any land occupied for residential, commercial, health, educational or recreation activity.</u></p> <p><b>Rule 1(a) and Rule 1(b) - Combine as follows:</b></p> <p>1. Permitted Activities  (̸a) Lawfully Established Energy Generation Facilities Any work or activity associated with the ongoing operation, maintenance, enhancement, refurbishment or upgrading within the existing envelope of any lawfully established electricity generation facility (including but not limited to those activities listed in Appendix 1) is a permitted activity- <u>subject to the following conditions:</u>  1. <u>In carrying out the activities identified above, any ground that is temporarily disturbed by such activities shall be reinstated to a condition no less than that which existed prior to the commencement of the work. Should ground disturbance be required to be undertaken in areas adjoining Public Conservation Land, plant and machinery shall be effectively cleaned of weed seeds and/or weed material prior to work commencing. Reinstatement of indigenous vegetation shall be on a “like with like” basis and its success will be monitored and any plants with wilding potential shall not be planted (see the Canterbury/Otago “Plant Me Instead” guide – refer to the “Weedbuster” website).</u></p> <p><b>Rule 1(c) - Amend by adding “ix. Access tracks and roads to any investigation and assessment sites and facilities” ; amend reference to Rule RRA.13 to RRA.13 (a); remove reference to Rule COA.6; add the following note:</b>  <u>Note:</u>  <u>Any activity that is assessed under this Rule and requires resource consent under Rule RRA.13(a) shall be assessed under Rule 2(b)(ii) of this Energy Section.</u></p>
NZ Historic Places Trust		<p><b>Rules 3.4.4.1(c) (f) – supports inclusion of reference to Historic Places Act. Attaches copy of NZHPT’s standard Accidental Discovery Protocol for inclusion as Schedule 12.</b></p> <p><b>Rules 3.4.4.1(c)– supports inclusion of Table</b></p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		13.1 in list of land excluded from permitted activity rules.
L&M Lignite Kaitangata Ltd  <i>Further Submitter – Solid Energy NZ Ltd</i>	<i>Support</i>	<b>Rules (1)(a), (b), (c)</b> – amend to make provision for mineral exploration, extraction operation or mineral processing facilities.
NZ Wind Energy Association  <i>Further Submitter Genesis Power</i>  <i>Further Submitter Director –General of Conservation</i>  <i>Further Submitter – TrustPower</i>	<i>Support</i>  <i>Additions to schedule 11- oppose</i>  <i>Support in part</i>	Retain permitted activities as listed except add a new permitted standard relating to wind turbine sound. Suggested wording is:  <i>Wind turbine sound is permitted up to the following limit; sound levels received outdoors at noise sensitive locations, at any wind speed, shall not exceed the background sound level by more than 5 dB, or a level of 40 dB LA90(10 min), whichever is the greater.</i>  And add Mt Stuart and Mahinerangi wind farms to Schedule 6.11.
Pioneer Generation Ltd		Retain
Royal Forest and Bird Protection Society of NZ Inc.  <i>Further Submitter – Genesis Power</i>  <i>Further Submitter – Meridian Energy</i>  <i>Further Submitter – Contact Energy</i>  <i>Further Submitter – TrustPower</i>	<i>Rule 1(c) – oppose.</i>  <i>Oppose</i>  <i>Rule 1(c) – oppose.</i>  <i>Rule 1(c) – oppose.</i>	<b>Rule 1.(a)</b> – further clarification required to assess the effect of this rule.  <b>Rule 1.(c)</b> – amend as follows:  ... Except on land listed in and/or identified via the application of the following rules:  • ..... • <u>Clearance, modification or removal of indigenous vegetation from any area meeting criteria for significance in Policy HER 2B.</u>  The amendment to Rule 1(c) also requires amendment to Policy HER 2B as follows:  <b><u>Representativeness</u></b> • <u>The extent to which indigenous biodiversity represents what was originally characteristic of the ecological district.</u>  <b><u>Diversity &amp; pattern</u></b> • <u>The extent of natural diversity present within an area. This includes physical, habitat, biological, genetic and ecological processes.</u> • <u>Biological diversity can be further subdivided into species (number of species and abundance) and community diversity.</u> • <u>Ecotones are particularly important as transitions between adjacent</u>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p>communities or patterns as they are usually very productive and support high species diversity.</p> <ul style="list-style-type: none"> <li>•Some areas are naturally of low diversity, but support the full range of diversity expected for that habitat type.</li> </ul> <p><b><u>Rarity &amp; distinctiveness</u></b></p> <p>These two are often combined because of their similarities and relationships, e.g. uncommon, unusual or atypical.</p> <ul style="list-style-type: none"> <li>•The extent to which an area supports an indigenous species, habitat or community which is rare in the ecological district or threatened/at risk nationally.</li> <li>•The extent to which an area supports uncommon physical and ecological features in the ecological district.</li> <li>•The extent to which an area is characterised by endemism, relict distributions, type localities, distribution limits, atypical bedrock/habitats, unique or specialised species. This includes geological, scientific or other special features.</li> <li>•Supporting protected indigenous fauna for some part of their life-cycle (e.g. breeding, feeding, moulting, roosting), whether on a regular or infrequent basis;</li> <li>•playing an important role in the life-cycle of protected migratory indigenous fauna;</li> </ul> <p><b><u>Naturalness</u></b></p> <ul style="list-style-type: none"> <li>•The extent to which the area is modified by human activity, including the presence of weeds or pests.</li> <li>•This must be assessed at the ecological district scale to reflect the degree of modification that is characteristic of that district.</li> </ul> <p><b><u>Ecological context</u></b></p> <ul style="list-style-type: none"> <li>•The extent to which the area has ecological value due to its location and functioning in relation to its surroundings e.g. hydrology, pollination and dispersal.</li> <li>•An area may be ecologically significant because of its connections to a neighbouring area, or as part of a network of areas of fauna habitat, or as a buffer.</li> <li>•The degree to which the size and shape of an area contributes to its natural diversity. Larger areas and its life supporting or carrying capacity. Larger areas tend to support greater natural diversity, and compact areas are less influenced by edge effects.</li> <li>•Small areas do contribute to total genetic diversity and may be viable habitats for invertebrates and threatened</li> </ul>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p><u>plants. They can also collectively have increased value e.g. scattered small wetlands used by waterbirds.</u></p>
Solid Energy		<p><b>Rule 1(c)</b> - Amend as follows:</p> <p>(c) Investigation and Assessment Works for <del>Renewable Electricity Generation</del> Energy Projects</p> <p>The following activities undertaken for the identification and assessment of potential sites and energy sources for <del>renewable</del> sustainable electricity generation and research-scale investigation into emerging <del>renewable</del> electricity generation technologies and methods are permitted activities:</p> <p>...</p> <p>ix. Small scale gas extraction trials and pilot plants.</p>
TrustPower Limited  <i>Further Submitter – Genesis Power</i>	<i>Rule 1(b) – support; Rule 1(c)– support in part</i>	<p><b>Rule 1(a)</b> – include list of scheduled activities within plan. Recognise that location and technical constraints can require transmission lines to be overhead.</p> <p><b>Rule 1(b)</b> – retain permitted activity status.</p> <p><b>Rule 1(c)</b> – retain permitted activity status, provide for masts up to 100m and the development of access tracks, and remove reference to other rules.</p>
<p>Director-General of Conservation</p> <p><i>Further Submitter – Genesis Energy</i></p> <p><i>Further Submitter - Meridian Energy Ltd</i></p> <p><i>Further Submitter – Federated Farmers</i></p>	<p><i>Rules 1(b), 2, and 3 – oppose; Rules 1,2, 3 updating tables and 1(c) relating to rules RRA 13 and COA 6 – oppose in part</i></p> <p><i>Oppose</i></p> <p><i>Rule 1(b) – support.</i></p>	<p><b>Rule 1(b)</b> - Amend to read as follows:</p> <p><b>(b) Lawfully established Energy Generation Facilities</b>  <i>Any work or activity associated with the ongoing operation, maintenance, enhancement, refurbishment or upgrading within the existing <del>envelop</del> consented footprint of any established electricity generation facility is a permitted activity.</i></p> <p><b>Rule 1. Permitted Activities (c)</b> - Amend this section to read as follows:  <b>except</b> on land listed in and/or identified via.....</p> <ul style="list-style-type: none"> <li>• <i>Table 9 (SSWI Database)</i></li> <li>• <i>Table 13.1 (Register of Heritage Buildings)....</i></li> <li>• <i>Table 13.8 (Areas of Significant</i></li> </ul>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p><i>Habitat); and</i></p> <ul style="list-style-type: none"> <li><i>Any table which replaces the aforementioned Tables; and Any areas as defined by Rules RRA.13 or .....</i></li> </ul> <p><b>Rule 1. Permitted Activities (c)</b> - retain the last bullet point (under the sentence starting “<b>except</b> on land listed in and/or identified via.....” being:</p> <ul style="list-style-type: none"> <li>Any areas as defined by Rules RRA.13 or COA.6 as requiring a resource consent.</li> </ul> <p><b>Rules 1. Permitted Activities (c)(a)- page 8</b> - Amend the paragraph starting (a) at the end of the investigation or assessment period, ... as follows:</p> <p>(a) <i>at the end of the investigation or assessment period, .... Reinstatement of indigenous vegetation shall be on a “like with like” basis and any plants with wilding potential (as identified in the relevant Weedbusters material (refer <a href="http://www.weedbusters.co.nz">www.weedbusters.co.nz</a>) or its successor) shall not be planted.</i></p>

## DECISION

Submitter Name	Accept / Accept in Part / Reject
NZ Historic Places Trust	Accept
Wind Energy Association; L&M Lignite Kaitangata Ltd; Pioneer Generation Ltd ; Solid Energy; TrustPower Limited; Director-General of Conservation	Accept in part
Genesis Power Ltd; Royal Forest and Bird Protection Society of NZ Inc.	Reject

## REASONS

- (i) *Delete and incorporate aspects of schedule 11 into other sections of the plan as follows; Include List of Schedule Activities.*

A number of submitters raised concern with the fact that no energy generation facilities are listed in the plan and as a result, it is difficult to assess the impact of this rule. However in the Committee’s opinion the rule sets the framework that will allow activities to be scheduled within the plan. It is envisaged that the scheduling process will occur in conjunction with the other plan changes proposed in the future, in

consultation with stakeholders. Hence the effect of “scheduling” a development will then be able to be assessed by interested parties through that submission process.

*(ii) Non-renewables.*

This issue has been dealt with in Decision 3.1. The Committee does accept, however, that rule 1(c) should also apply to investigation etc. into non-renewable sites and technologies.

*(iii) Permitted Wind Farm noise*

The NZ Wind Energy Association (NZWEA) has requested that permitted noise level for wind farms, based on NZS 6808 (the New Zealand Standard relating to wind farm noise). NZWEA reasoning behind this is to establish a baseline for acceptable noise limits in accordance with an accepted New Zealand Standard that provides certainty for developers, affected persons and decision makers alike. However the rule promoted by NZWEA was not supported by Council’s noise consultant who promoted an alternative rule that utilised 35dBA as the threshold for the permitted activity status, based on this being the level that could be applied under the standard without requiring assessment or discretion. However this was not considered acceptable by either the NZWEA or other submitters on the issues. They did not believe this approach was consistent with the NZS 6808 which uses a standard based on the background sound level plus 5dB. Mr Farrell promoted an alternative rule that did not apply to High Amenity Areas but noted that this would require Council to identify such areas in the Plan. The other submitters, including Genesis Energy, did not believe it was appropriate to use this standard to determine the status of activities. Given that all wind farms would require resource consents, they believed the standard should continue to be used as a basis for assessing the merits of wind farm resource consent applications. All submitters suggested amendments to the Policies to ensure the standard is used as the assessment tool.

Having had regard to all the evidence in front of it, the Committee was not convinced that a workable permitted activity rule, based on the standard, could be achieved. While we agree that compliance with the standard will ensure noise effects are no more than minor, the difficulties around now defining high amenity areas within the District Plan would be significant. We are mindful of the purpose of the standard and therefore feel it is more appropriate to include a policy that recognises the standard. The new Policy we have included in the Plan Change recognises that compliance with this standard will ensure that noise and health effects associated with wind farms will be no more than minor. However the policy also acknowledges that non-compliance with the standard in certain circumstances does not necessarily mean that noise and health effects are significant.

*(iv) Delete reference to “envelope” and substitute “consented footprint” in 1(b).*

The Committee agreed with the Section 42A report that not all lawfully established facilities may have a “consented footprint”. Hence the change is not considered appropriate. It is considered that the “existing envelope” will already be well defined.

- (v) *Rule1(c) - Masts up to 100m, access tracks, Small scale gas extraction trials and pilot plants; tables; significant indigenous vegetation criteria; Reference to other rules.*

These requested changes relate to Rule1(c) which enables the identification and assessment of potential sites as required by the NPS. The Committee notes that these activities are considered generally low impact, short term activities. The Committee agrees that it is considered appropriate to provide for access to sites under investigation but do not believe the addition of significant indigenous vegetation criteria is necessary. We agree with the Section 42A Report that the exceptions listed (including the tables) will ensure that the effects on such resources are assessed in a controlled activity process. On that basis we believe the reference to Rules RRA.13 and COA.6 should remain. The 'complete code' note at the start of the rules section states "...no rule in any other part of this plan shall apply to any activity dealt with by this section, unless the application of that rule is directly referred to in this section of the Plan". A number of these activities, such as digging test pits and constructing access tracks could potentially have significant adverse effects on the resources dealt with in these rules. Controlled activity status is considered appropriate in these circumstances.

The Committee was comfortable with allowing meteorological masts up to 100 metres in height. The Committee accepted the submission of Trustpower that the slim design and temporary nature of these activities would mean little difference between the 80 metres and the 100 metres. However given the issues currently experienced in the District with navigational lights on similar structures, the Committee felt it was appropriate to make these controlled activities if they are required to have navigation lights attached to them.

Small scale gas extraction trials and pilot plants have not been included in the list of permitted activities on the basis of Solid Energy's submission. Gas extraction occurs as an operation after the investigation and assessment work so it is not appropriate within the context of this rule.

The Committee also agreed that including a reference to *Weedbusters* material will assist resource users in determining compliance and is considered appropriate.

#### **AMENDMENTS TO PROPOSED PLAN CHANGE**

**(a) Amend Rule 1(c) as follows:**

- (c) Investigation and Assessment Works for Electricity Generation Projects

The following activities undertaken for the identification and assessment of potential sites and energy sources for ~~renewable~~ electricity generation and research-scale investigation into emerging ~~renewable~~ electricity generation technologies and methods are permitted activities:

- (i) The erection of meteorological masts that do not exceed ~~80~~ 100 metres in height in the Rural Resource Area and 20 metres in height in all other Resource Areas except if navigational lights are required on such structures;
- (ii) Digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions;
- (iii) The installation of instruments into drill holes for monitoring groundwater levels and land movement;
- (iv) Erecting survey monuments and installing instruments to monitor land movement;
- (v) Installing flumes and weirs to measure water flows;
- (vi) Erecting telemetry stations for the transmission of instrument data;
- (vii) Installing microseismic stations to measure microseismic activity and ground noise;
- (viii) Erection of signs or notices giving warning of danger;
- (ix) Construction and maintenance of access tracks and roads to any investigation and assessment sites and facilities;

**except** on land listed in and/or identified via the application of the following rules:

- Table 9 (SSWI Database);
- Table 13.1 (Register of Heritage Buildings)
- Table 13.3A (Potentially Outstanding Landscapes);
- Table 13.3B (Outstanding Natural Features);
- Table 13.5 (Significant Wetlands);
- Table 13.6 (Waahi Tapu);
- Table 13.7 (Waahi Taoka and Mahika Kai);
- Table 13.8 (Areas of Significant Habitat); and
- Any table that replaces the aforementioned Tables; and
- ~~Any areas as defined by Rules RRA.13 or COA.6 as requiring a resource consent;~~

**or on land that would otherwise trigger Rules RRA.13 or COA.6.**

and **subject to** the following conditions:

- (a) At the end of the investigation or assessment period, any ground disturbed by such activities shall be reinstated to a condition no less than that which existed prior to the commencement of the work. Should ground disturbance be required to be undertaken in areas adjoining Public Conservation Land and/or land ~~located within~~ listed in the tables identified above, plant and machinery shall be effectively cleaned of weed seeds and/or weed material prior to work commencing. Reinstatement of indigenous vegetation shall be on a “like with like” basis and any plants with wilding potential (as identified in the relevant Weedbusters material (refer [www.weedbusters.co.nz](http://www.weedbusters.co.nz)) or its successor) shall not be planted;
- (b) All New Zealand Standards in relation to noise, radio frequency emissions and any other emissions ~~are~~ shall be complied with;



...

- (f) All earthworks ~~are~~ shall be undertaken in accordance with Section 10 of the Historic Places Act 1993 and that the accidental discovery of cultural and/or archaeological material shall be managed in accordance with the “Accidental Discovery Protocol” attached at Schedule 12;
- (g) The construction of access tracks and roads shall comply with the conditions set out in Rule RRA.7 (iv).

**(b) Add an additional Policy that addresses wind farm noise as follows:**

**Energy Policy 8**

With respect to the assessment of wind farm noise effects during both the assessment of any resource consent application and the ongoing operation of wind farms, to:

- (a) Require that wind farm sound be predicted, measured and assessed in accordance with NZS 6808:2010 Acoustics – Wind Farm Noise; and
- (b) Recognise that compliance with this standard will ensure that noise and health effects associated with wind farms will be no more than minor; but
- (c) Acknowledging that non-compliance with the standard in certain circumstances does not necessarily mean that noise and health effects are significant.

**(c) Add the following to 2. Controlled Activities:**

(c) Meteorological Masts

Meteorological masts that require navigational lights are controlled activities. Council’s control is restricted to effects on air traffic safety and amenity values.

**3.21 Rule 2- Controlled Activities**

The notified provision reads as follows:

**2. Controlled Activities**

(a) *Scheduled Activities*

*Any work or activity provided for in Rule Energy 1(a) that does not comply with the permitted activity conditions is a controlled activity. Council’s control is restricted to the matters which are not complied with and mitigation measures required to address any environmental effects that may arise as a result.*

(b) *Investigation and Assessment Works for Renewable Electricity Generation Projects*

- (i) *Any work or activity provided for in Rule Energy 1(b) that does not comply with the permitted activity conditions is a controlled activity. Council’s control is restricted to the matters which are not complied with and mitigation measures required to address any environmental effects that may arise as a result.*

*A resource consent application made under this rule shall not be publicly notified.*



Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
NZ Wind Energy Association  <i>Further Submitter - Genesis Power</i>	<i>Support</i>	Retain as listed.
Pioneer Generation Ltd		Retain
Royal Forest and Bird Protection Society of NZ Inc.  <i>Further Submitter – Genesis Power</i>  <i>Further Submitter – Meridian Energy</i>  <i>Further Submitter – Federated Farmers</i>  <i>Further Submitter – Contact Energy</i>  <i>Further Submitter – TrustPower</i>	<i>2(b) – oppose.</i>  <i>Oppose</i>  <i>Oppose</i>  <i>Rules 2(b)(i) and (ii) – oppose.</i>  <i>Rules 2(b)(i) and (ii) – oppose.</i>	<b>Rule 2(a)</b> – further clarification is required to assess the effect of this rule.  <b>Rules 2(b) (i) and (ii)</b> – delete these rules.
TrustPower Limited  <i>Further Submitter – Genesis Power</i>	<i>2(b) - support in part</i>	<b>Rule 2(a)</b> – retain cascading approach to activity status for scheduled activities.  <b>Rule 2(b)</b> – remove reference to other rules that sit outside energy chapter.
Director-General of Conservation  <i>Further Submitter – Genesis Power</i>  <i>Further Submitter – Meridian Energy</i>	<i>Rule 2 – oppose; Rule 2 updating tables and 2(b)) relating to rules RRA 13 and COA 6 – oppose in part</i>  <i>Oppose</i>	<b>Rule 2. Controlled Activities (b)(ii)</b> - Amend this section to read as follows: <i>“Any work or activity provided for in Rule Energy 1(b) ....”</i> <ul style="list-style-type: none"> <li>• <i>Table 9 (SSWI Database)</i></li> <li>• <i>Table 13.1 (Register of Heritage Buildings)....</i></li> <li>• <i>Table 13.8 (Areas of Significant Habitat); and</i></li> <li>• <i>Any table which replaces the <u>forementioned Tables</u>; and</i></li> <li>• <i>Any areas as defined by Rules RRA.13 or .....</i></li> </ul> <b>Rule 2. Controlled Activities (b)(ii)</b> – retain point (under the sentence starting “Any work or activity provided for in Rule Energy 1(b) ....” or:

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p style="text-align: center;"><i>Or that would otherwise trigger Rules RRA.13 or COA.6.</i></p> <p><b>Rule 2. Controlled Activities (b)(ii)</b> - Amend the activity status of Rule 2(b) (ii) to a restricted discretionary activity, and:</p> <p>A resource consent application made under this rule <del>shall not be publicly notified</del> <u>be subject to limited notification.</u></p>

**DECISION**

Submitter Name	Accept / Accept in Part / Reject
NZ Historic Places Trust; Meridian Energy Ltd	Accept
Genesis Power Ltd ; Wind Energy Association; L&M Lignite Kaitangata Ltd; Pioneer Generation Ltd ; Solid Energy; TrustPower Limited; Director-General of Conservation	Accept in part
Royal Forest and Bird Protection Society of NZ Inc.	Reject

**REASONS**

Rule 2 deals with the activities that do not comply with requirements of the permitted activity rule. A number of submitters have identified that the heading and references within the rule need to be amended to reflect this. The Committee has accepted these submissions as appropriate.

The RFBPS requests that Rule 2(a) be clarified and that Rule 2(b)(i) be deleted because of the uncertainty around what it applies to. They also request that Rule 2(b)(ii) be deleted because it applies to a lawfully established activity. The Committee notes that the references in Rule 2(b) are incorrect and have been amended. With respect to Rule 2(a), the Committee noted in decision 3.20(i) that the rule sets the framework that will allow activities to be scheduled within the plan. Interested parties will be able to assess the effect of “scheduling” a development through the submission process relating to that scheduling.

Genesis request that the activities provided for in 2(b)(ii) should not need to comply with the standards set out in Rule 1(c). The Committee is of the view that removing the requirement to comply with the standards contained in 1(c) is inappropriate as the focus in this rule is solely on the impact on landscape and/or ecological values. The conditions of Rule 1(c) are considered necessary to ensure other adverse effects of these activities are adequately mitigated.

The DoC submission requests limited notification for activities addressed in Rule 2. (b)(ii). The Committee notes that the approach to the rule currently states that public notification will not be required. This does not preclude limited notification but that will be assessed on a case by case basis.

The other issues raised by submitters have been addressed in the previous decisions.

### **AMENDMENTS TO PROPOSED PLAN CHANGE**

(a) Amend Rule 2 as follows:

#### **2. Controlled Activities**

(a) Lawfully Established Facilities and Scheduled Activities

Any work or activity provided for in Rule Energy 1(a) and 1(b) that does not comply with the permitted activity conditions is a controlled activity. Council's control is restricted to the matters which are not complied with and mitigation measures required to address any environmental effects that may arise as a result.

(b) Investigation and Assessment Works for ~~Renewable~~ Electricity Generation Projects

(i) Any work or activity provided for in Rule Energy 1(c) that does not comply with the permitted activity conditions is a controlled activity. Council's control is restricted to the matters which are not complied with and mitigation measures required to address any environmental effects that may arise as a result.

A resource consent application made under this rule shall not be publicly notified.

(ii) Any work or activity provided for in Rule Energy 1(c) that is located on land listed in the following tables:

...

- Table 13.8 (Areas of Significant Habitat); and
- Any table that replaces the aforementioned Tables; and
- ~~Any areas as defined by Rules RRA.13 or COA.6 as requiring a resource consent;~~

or on land that would otherwise trigger Rules RRA.13 or COA.6.

#### **3.22 Rule 3- Restricted Discretionary Activities**

The notified provision reads as follows:

##### **3. Restricted Discretionary Activities**

(a) *Lawfully Established Facilities and Scheduled Activities*

*Any activity that seeks to increase the energy output (other than through efficiencies as the result of refurbishment or upgrading permitted under Rule 1(a)) of any lawfully established electricity generation facility or electricity generation facility that has status as a scheduled activity at Schedule 6.11 of this Plan within the scheduled area or within an extension contiguous to the existing facility that is wholly within the property that the schedule applies to is a restricted discretionary activity.*

*Council's discretion is restricted to the following matters:*

- i. The adverse effects of construction particularly in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management, earthworks, and health and safety;*
- ii. The ongoing effects of the facility in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management, earthworks, and health and safety;*
- iii. The impact on reserves and other protected public and private land, and recreation areas, community facilities, infrastructure and services;*
- iv. The impact on public access to, and along, the margins of the coast, lakes and rivers, and to natural and physical features;*
- v. The potential impact of natural hazard events and the effect the activity itself may have on exacerbating natural hazards;*
- vi. The impact on sites and resources of value to Kai Tahu;*
- vii. The impact on historic heritage;*
- viii. Any geotechnical constraints of the affected area;*
- ix. The impact on natural character, landscape and visual amenity values in general;*
- x. The impact on any significant indigenous vegetation, significant habitats of indigenous fauna or any significant wetland;*
- xi. The potential for the establishment of invading exotic vegetation.*

*A resource consent application made under this rule shall not be publicly notified.*

(b) *Small and Community-Scale Distributed Renewable Electricity Generation Facilities*

*The development of small and community-scale distributed renewable electricity generation facilities (as defined) is a restricted discretionary activity except where they are located on land listed in the following tables:*

- Table 9 (SSWI Database);*
- Table 13.(1 Register of Heritage Buildings)*
- Table 13.3A (Potentially Outstanding Landscapes);*
- Table 13.3B (Outstanding Natural Features);*
- Table 13.5 (Significant Wetlands);*
- Table 13.6 (Waahi Tapu);*
- Table 13.7 (Waahi Taoka and Mahika Kai); and*
- Table 13.8 (Areas of Significant Habitat),*

*Or are on land that would otherwise trigger Rules RRA.13 or COA.6.*

*Council's discretion is restricted to the following matters:*

- i. *The adverse effects of construction particularly in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management, earthworks, and health and safety;*
- ii. *The ongoing effects of the facility in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management, earthworks, and health and safety;*
- iii. *The impact on reserves and other protected public and private land, and recreation areas, community facilities, infrastructure and services;*
- iv. *The impact on public access to, and along, the margins of the coast, lakes and rivers or to natural and physical features;*
- v. *The potential impact of natural hazard events and the effect the activity itself may have on exacerbating or relieving natural hazards;*
- vi. *The impact on sites and resources of value to Kai Tahu;*
- vii. *The impact on historic heritage;*
- viii. *Any geotechnical constraints of the affected area;*
- ix. *The impact on natural character, landscape and visual amenity values in general;*
- x. *The impact on any significant indigenous vegetation, significant habitats of indigenous fauna or any significant wetland;*
- xi. *The potential for the establishment of invading exotic vegetation.*

*A resource consent application made under this rule shall not be publicly notified.*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Federated Farmers of New Zealand  <i>Further Submitter – Transpower NZ</i>  <i>Further Submitter – Meridian Energy</i>  <i>Further Submitter – Director –General of Conservation</i>  <i>Further Submitter – Contact Energy</i>  <i>Further Submitter – TrustPower</i>	Oppose  Oppose  Support  Oppose  Oppose	<b>Rule 3 (a) and (b)</b> – include additional provision “Any adverse effect on existing land use.”
Genesis Power Ltd  <i>Further Submitter – Director –General of Conservation</i>	Oppose	<b>Rule 3. Restricted Discretionary Activities (a) Lawfully Established Facilities and Scheduled Activities</b> – amend heading to read as “Energy Generation Activities.” (a) Lawfully Established Facilities and Scheduled Activities  Any activity that seeks to increase the energy

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<i>Further Submitter – TrustPower</i>	<i>Support in part</i>	<p>output (other than through efficiencies as the result of refurbishment or upgrading permitted under Rule 1(a)) of any lawfully established electricity generation facility or electricity generation facility that has status as a scheduled activity at Schedule 6.11 of this Plan within the scheduled area or within an extension contiguous to the existing facility that is wholly within the property that the schedule applies to is a restricted discretionary activity.</p> <p><u>Any work or activity associated with the ongoing operation, maintenance, enhancement, refurbishment or upgrading outside the existing envelope of any lawfully established electricity generation facility is a restricted discretionary activity.</u></p> <p>...</p> <p><b>Rule 3. Restricted Discretionary Activities (b)</b> – amend to make a controlled activity; amend reference to Rule RRA.13 to RRA.13 (a); remove reference to Rule COA.6.</p>
L&M Lignite Kaitangata Ltd  <i>Further Submitter – Solid Energy NZ Ltd</i>	<i>Support</i>	Amend to make provision for mineral exploration, extraction operation or mineral processing facilities.
NZ Historic Places Trust		<b>Rules 3.4.4.3(a) vii &amp; (b) vii.</b> – Supports inclusion of 'impact on historic heritage' as a matter over which discretion is retained.
NZ Wind Energy Association  <i>Further Submitter - Genesis Power</i>  <i>Further Submitter Director – General of Conservation</i>	<i>Support in part.</i>  <i>Oppose</i>	<p><b>Rule 3 Restricted Discretionary Activities</b> - amend provisions as follows:</p> <p><i>(a) Lawfully Established Facilities and Scheduled Activities</i></p> <p><i>Any activity that seeks to increase the energy output (other than through efficiencies as the result of refurbishment or upgrading permitted under Rule 1(a)) of any lawfully established electricity generation facility or electricity generation facility that has status as a scheduled activity at Schedule 6.11 of this Plan within the scheduled area or within an extension contiguous to the existing facility that is wholly within the property that the schedule applies to is a restricted discretionary activity.</i></p> <p><del>Council's discretion is restricted to the following matters:</del></p> <p><del>i. The adverse effects of construction particularly in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management, earthworks, and health and safety;</del></p>



Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p><del>ii. The ongoing effects of the facility in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management, earthworks, and health and safety;</del></p> <p><del>iii. The impact on reserves and other protected public and private land, and recreation areas, community facilities, infrastructure and services;</del></p> <p><del>iv. The impact on public access to, and along, the margins of the coast, lakes and rivers, and to natural and physical features;</del></p> <p><del>v. The potential impact of natural hazard events and the effect the activity itself may have on exacerbating natural hazards;</del></p> <p><del>vi. The impact on sites and resources of value to Kai Tahu;</del></p> <p><del>vii. The impact on historic heritage;</del></p> <p><del>viii. Any geotechnical constraints of the affected area;</del></p> <p><del>ix. The impact on natural character, landscape and visual amenity values in general;</del></p> <p><del>x. The impact on any significant indigenous vegetation, significant habitats of indigenous fauna or any significant wetland;</del></p> <p><del>xi. The potential for the establishment of invading exotic vegetation.</del></p> <p><del>A resource consent application made under this rule shall not be publicly notified.</del></p> <p><del>(b) Small and Community Scale Distributed Renewable Electricity Generation Facilities</del></p> <p><del>The development of small and community-scale distributed renewable electricity generation facilities (as defined) is a restricted discretionary activity except where they are located on land listed in the following tables:</del></p> <ul style="list-style-type: none"> <li><del>• Table 9 (SSWI Database);</del></li> <li><del>• Table 13.(1 Register of Heritage Buildings)</del></li> <li><del>• Table 13.3A (Potentially Outstanding Landscapes);</del></li> <li><del>• Table 13.3B (Outstanding Natural Features);</del></li> <li><del>• Table 13.5 (Significant Wetlands);</del></li> <li><del>• Table 13.6 (Waahi Tapu);</del></li> <li><del>• Table 13.7 (Waahi Taoka and Mahika Kai); and</del></li> <li><del>• Table 13.8 (Areas of Significant Habitat),</del></li> </ul> <p><del>Or are on land that would otherwise trigger Rules RRA.13 or COA.6.</del></p> <p><del>Councils discretion for (a) and (b) above is restricted to the following matters listed in Energy Policy 2; and [for renewable electricity generation activities] the Objective and</del></p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p><u>Policies 1, 2, 3 of the National Policy Statement for Renewable Electricity Generation.</u></p> <p><del>i. The adverse effects of construction particularly in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management, earthworks, and health and safety;</del></p> <p><del>ii. The ongoing effects of the facility in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management, earthworks, and health and safety;</del></p> <p><del>iii. The impact on reserves and other protected public and private land, and recreation areas, community facilities, infrastructure and services;</del></p> <p><del>iv. The impact on public access to, and along, the margins of the coast, lakes and rivers or to natural and physical features;</del></p> <p><del>v. The potential impact of natural hazard events and the effect the activity itself may have on exacerbating or relieving natural hazards;</del></p> <p><del>vi. The impact on sites and resources of value to Kai Tahu;</del></p> <p><del>vii. The impact on historic heritage;</del></p> <p><del>viii. Any geotechnical constraints of the affected area;</del></p> <p><del>ix. The impact on natural character, landscape and visual amenity values in general;</del></p> <p><del>x. The impact on any significant indigenous vegetation, significant habitats of indigenous fauna or any significant wetland;</del></p> <p><del>xi. The potential for the establishment of invading exotic vegetation.</del></p> <p><del>A resource consent application made under this rule shall not be publicly notified.</del></p>
Pioneer Generation Ltd		<b>Retain</b>
<p>Royal Forest and Bird Protection Society of NZ Inc.</p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – Meridian Energy</i></p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter – Director –General of</i></p>	<p><i>Oppose.</i></p> <p><i>Oppose</i></p> <p><i>Oppose</i></p> <p><i>Support</i></p>	<p><b>Rule 3(a)</b> – Amend rule as follows:</p> <p>... wholly within the property that the schedule applies to is a restricted discretionary activity except where the activity is located on land listed in the following tables:</p> <ul style="list-style-type: none"> <li>• <u>Table 9 (SSWI Database);</u></li> <li>• <u>Table 13.1 (Register of Heritage Buildings)</u></li> <li>• <u>Table 13.3A (Potentially Outstanding Natural Landscapes);</u></li> <li>• <u>Table 13.3B (Outstanding natural Features);</u></li> <li>• <u>Table 13.5 (Significant Wetlands) or any other wetland not identified on Table 13.5;</u></li> <li>• <u>Table 13.6 (Waahi Tapu);</u></li> <li>• <u>Table 13.7 (Waahi Taoka and Mahika Kai);</u></li> </ul> <p><u>and</u></p> <ul style="list-style-type: none"> <li>• <u>Table 13.8 (Areas of Significant Habitat).</u></li> <li>• <u>Or are on land that would otherwise trigger Rules RRA.13 or COA.6. or Clearance, modification or removal of indigenous</u></li> </ul>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p>Conservation</p> <p>Further Submitter – TrustPower</p>	<p>Oppose</p>	<p><u>vegetation from any area meeting criteria for significance in Policy HER 2B.</u></p> <p>[This also requires amendment to Policy HER 2B as identified above]</p> <p>The following matters of discretion need to be included or amended:</p> <p>ix. The <del>impact</del> <u>effects</u> on natural character, <u>natural features</u>, landscape and visual amenity values in general;</p> <p>x. The <del>impact</del> <u>effects</u> on any significant indigenous vegetation, significant habitats of indigenous fauna or any significant wetland;</p> <p><u>xi. Erosion and sediment control methods;</u></p> <p><u>xii. Effects on indigenous biological diversity, ecological values and intrinsic values;</u></p> <p><u>xiii. Effects on natural character of the coastal environment, wetlands, and lakes and rivers and their margins;</u></p> <p><del>A resource consent application made under this rule shall not be publicly notified.</del></p> <p><b>Rule 3(b)</b> – Amend rule as follows: wholly within the property that the schedule applies to is a restricted discretionary activity <u>except where the activity is located on land listed in the following tables:</u></p> <ul style="list-style-type: none"> <li>• <u>Table 9 (SSWI Database);</u></li> <li>• <u>Table 13.1 (Register of Heritage Buildings)</u></li> <li>• <u>Table 13.3A (Potentially Outstanding Natural Landscapes);</u></li> <li>• <u>Table 13.3B (Outstanding natural Features);</u></li> <li>• <u>Table 13.5 (Significant Wetlands) or any other wetland not identified on Table 13.5;</u></li> <li>• <u>Table 13.6 (Waahi Tapu);</u></li> <li>• <u>Table 13.7 (Waahi Taoka and Mahika Kai);</u> <u>and</u></li> <li>• <u>Table 13.8 (Areas of Significant Habitat).</u></li> <li>• <u>Or are on land that would otherwise trigger Rules RRA.13 or COA.6. or Clearance, modification or removal of indigenous vegetation from any area meeting criteria for significance in Policy HER 2B.</u></li> </ul> <p>[This also requires amendment to Policy HER 2B as identified above]</p> <p>The following matters of discretion need to be included or amended:</p> <p>ix. The <del>impact</del> <u>effects</u> on natural character, <u>natural features</u>, landscape and visual amenity values in general;</p> <p>x. The <del>impact</del> <u>effects</u> on any significant indigenous vegetation, significant habitats of indigenous fauna or any significant wetland;</p> <p><u>xi. Erosion and sediment control methods;</u></p> <p><u>xii. Effects on indigenous biological diversity, ecological values and intrinsic values;</u></p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		<p><u>xiii. Effects on natural character of the coastal environment, wetlands, and lakes and rivers and their margins:</u></p> <p><del>A resource consent application made under this rule shall not be publicly notified.</del></p>
<p>TrustPower Limited</p> <p><i>Further Submitter – Genesis Power</i></p>	<p><i>Support in part</i></p>	<p><b>Rule 3(a)</b> – amend as follows:</p> <p><i>(a) Lawfully Established Facilities and Scheduled Activities</i>  <i>Any activity associated with the ongoing operation, maintenance, enhancement, refurbishment or upgrading outside the existing envelope that seeks to increase the energy output (other than through efficiencies as the result of refurbishment or upgrading permitted under Rule 1(a)) of any lawfully established electricity generation facility or electricity generation facility that has status as a scheduled activity at Schedule 6.11 of this Plan within the scheduled area or within an extension contiguous to the existing facility that is wholly within the property that the schedule applies to is a restricted discretionary activity.</i></p>
<p>Director-General of Conservation</p> <p><i>Further Submitter – Genesis Energy</i></p> <p><i>Further Submitter - Meridian Energy Ltd</i></p>	<p><i>Rule 3, Definitions of environmental compensation, biodiversity offsets and footprint for electricity generation facilities – oppose; Rule 3 updating tables and 3 (b) relating to rules RRA 13 and COA 6 – oppose in part</i></p> <p><i>Oppose</i></p>	<p><b>Rule 3. Restricted Discretionary Activities (b)</b> - Amend this section to read as follows:  “Except where they are located on land listed in the following tables”</p> <ul style="list-style-type: none"> <li>• Table 9 (SSWI Database)</li> <li>• Table 13.1 (Register of Heritage Buildings)....</li> <li>• Table 13.8 (Areas of Significant Habitat); <del>and</del></li> <li>• <u>Any table which replaces the aforementioned Tables;</u> <u>and</u></li> <li>• Any areas as defined by Rules RRA.13 or .....</li> </ul> <p><b>Rules 3. Restricted Discretionary Activities (b)</b> - retain point (under the sentence starting “Except where they are located on land listed in the following tables” or:  <i>Are on land that would otherwise trigger Rules RRA.13 or COA.6.</i></p> <p><b>Rules 3. Restricted Discretionary Activities (b)</b> – amend to read:</p> <p>A resource consent application made under this rule</p>

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
		shall <del>not be publicly notified</del> <u>subject to limited notification.</u>

**DECISION**

Submitter Name	Accept / Accept in Part / Reject
NZ Historic Places Trust;	Accept
Genesis Power Ltd ; Wind Energy Association; L&M Lignite Kaitangata Ltd; Royal Forest and Bird Protection Society of NZ Inc. ; Pioneer Generation Ltd ; Solid Energy; TrustPower Limited; Director-General of Conservation	Accept in part

**REASONS**

*(i) Rule 3(a)*

This rule provides for the increase in capacity of existing facilities. Some submitters have questioned whether the intent of this rule is being achieved as currently drafted. These submitters request that this rule apply to an extension of the consented/existing footprint and allow efficiencies gained through refurbishment or upgrading of plant to be permitted through the scheduling approach (subject to the conditions applying to the scheduled activity). The Committee notes that the Section 42A report advised that this is in line with the intent of the rule. Hence these submissions have been accepted.

The RFBPS request that this rule not apply to land that may be located within the schedules of the District Plan or where Rule RRA.13 and COA.6 apply. However the Committee agrees with the Section 42A Report that this is not necessary as the rule identifies these matters as issues to consider when the Council exercises its discretion. The ability to refuse the application on the basis of the effects on these resources/values is available to the Council as a result.

The Committee also agrees that the majority of the additional matters the RFBPS have requested are essentially already provided for and that the existing list of matters will also address the concern of Federated Farmers in respect to existing land uses.

The NZWEA requested that listed matters be deleted and that Council’s discretion align with Policy 2 and provisions of the NPS. The Committee considers it more appropriate to restrict discretion to the effects of the proposal rather than policy matters. It is generally accepted that restricted discretionary activities will be consistent with the policy approach of a District Plan. The DoC request to refer to any tables that may replace current tables has been accepted.

(ii) Rule 3(b)

The RFBPS again requests that this rule not apply to land that may be located within the schedules of the District Plan or where Rule RRA.13 and COA.6 apply. However the rule already contains that exception.

With respect to notification, the approach to the rule currently states that public notification will not be required. This does not preclude limited notification but that will be assessed on a case by case basis. The other issues raised by submitters have been discussed in the previous decisions.

**AMENDMENTS TO PROPOSED PLAN CHANGE**

(a) Amend Rule 3(a) as follows:

**3. Restricted Discretionary Activities**

(a) Lawfully Established Facilities and Scheduled Activities

Any activity that seeks to ~~increase the energy output (other than through efficiencies as the result of refurbishment or upgrading permitted under Rule 1(a)) of~~ extend any lawfully established electricity generation facility or any electricity generation facility that has status as a scheduled activity at Schedule 6.11 of this Plan ~~within the scheduled area or within an area contiguous to the existing facility that is wholly within the property that the schedule applies to~~ is a restricted discretionary activity.

Council's discretion is restricted to the following matters:

- i. The adverse effects of construction particularly in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management, earthworks, and health and safety;
- ii. The ongoing effects of the facility in terms of noise, lightspill, glare, vibration, dust, traffic generation, stormwater management, earthworks, and health and safety;
- iii. The impact on reserves and other protected public and private land, and recreation areas, community facilities, infrastructure and services;
- iv. The impact on public access to, and along, the margins of the coast, lakes and rivers, and to natural and physical features;
- v. The potential impact of natural hazard events and the effect the activity itself may have on exacerbating or relieving natural hazards;
- vi. The impact on sites and resources of value to Kai Tahu;
- vii. The impact on historic heritage;
- viii. Any geotechnical constraints of the affected area;
- ix. The effects on natural character, natural features, landscape and visual amenity values in general;

...

(b) Amend Rule 3(b) as follows:

(b) Small and Community-Scale Distributed Renewable Electricity Generation Facilities

The development of small and community-scale distributed renewable electricity generation facilities (as defined) is a restricted discretionary activity except where they are located on land listed in the following tables:

- Table 9 (SSWI Database);
- Table 13.(1 Register of Heritage Buildings)
- Table 13.3A (Potentially Outstanding Landscapes);
- Table 13.3B (Outstanding Natural Features);
- Table 13.5 (Significant Wetlands);
- Table 13.6 (Waahi Tapu);
- Table 13.7 (Waahi Taoka and Mahika Kai); ~~and~~
- Table 13.8 (Areas of Significant Habitat), and
- Any table which replaces the aforementioned Tables;

Or are on land that would otherwise trigger Rules RRA.13 or COA.6.

Council's discretion is restricted to the following matters:

...

- (ix) The ~~impact~~ effects on natural character, natural features, landscape and visual amenity values in general;
- (x) The ~~impact~~ effects on any significant indigenous vegetation, significant habitats of indigenous fauna or any significant wetland;
- (xi) ...

### 3.23 Rule 4 - Discretionary Activities

The notified provision reads as follows:

#### 4. Discretionary Activities

*(a) Small and Community-Scale Distributed Renewable Electricity Generation Facilities*

*The development of small and community-scale distributed renewable electricity generation facilities (as defined) located on land listed in the following tables:*

- *Table 9 (SSWI Database);*
- *Table 13.1 (Register of Heritage Buildings)*
- *Table 13.3A (Potentially Outstanding Landscapes);*
- *Table 13.3B (Outstanding Natural Features);*
- *Table 13.5 (Significant Wetlands);*
- *Table 13.6 (Waahi Tapu);*
- *Table 13.7 (Waahi Taoka and Mahika Kai); and*
- *Table 13.8 (Areas of Significant Habitat),*

*Or are on land that would otherwise trigger Rules RRA.13 or COA.6,*

is a discretionary activity.

*(b) New Electricity Generation Facilities*

*Any activity that involves or is associated with the construction and commissioning of a new electricity generation facility, other than a small and community-scale distributed renewable electricity generation facility is a discretionary activity.*

*For the purposes of this rule “construction and commissioning” activities includes those activities directly involved with the building and operation of a new electricity generation facility. This includes site preparation, earthworks, quarrying, concrete batching, plant construction, road construction and widening, traffic generation, reservoir formation, clearance or inundation of vegetation, but specifically excludes investigative activities such as geological sampling, surveys and geotechnical investigations.*

*Activities associated with “construction and commissioning” includes rapid and temporary population increases and the associated effects on infrastructure and community facilities; the need to reroute or relocate network utilities and community facilities; the need to construct new infrastructure including the system of electricity conveyance (including substations) required to convey electricity to the distribution network and/or the national grid as provided for in the definition of ‘electricity generation facility’.*



Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
<p>Genesis Power Ltd</p> <p><i>Further Submitter – Director – General of Conservation</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><i>Rule 4(a) – oppose</i></p> <p><i>Rule 4(b) – support</i></p>	<p><b>Rule 4. Discretionary Activities (a)</b> – amend to make a restricted discretionary activity; amend reference to Rule RRA.13 to RRA.13 (a); remove reference to Rule COA.6; add the following:</p> <p style="text-align: center;"><u>Council’s discretion is restricted to the management of adverse effects on matters listed in the relevant Table(s) or Rule(s) that are not complied with.</u></p> <p><b>Rule 4. Discretionary Activities (b)</b> – remove reference to “rapid and temporary population increases and the associated effects on infrastructure and community facilities;”</p> <p><b>Discretionary Activities</b> – add the following “Catch-all Rule”:</p> <p style="text-align: center;"><u>All Other Activities Associated With Electricity Generation Facilities</u></p> <p><u>Any electricity generation activity or associated activity, including investigation and assessment works for electricity generation facilities, that is not covered by any other rules in the Energy Section is a discretionary activity.</u></p>
<p>L&amp;M Lignite Kaitangata Ltd</p> <p><i>Further Submitter – Solid Energy NZ Ltd</i></p>	<p><i>Support</i></p>	<p>4(b) - amend to make provision for mineral exploration, extraction operation or mineral processing facilities</p>
<p>NZ Historic Places Trust</p> <p><i>Further Submitter – Genesis Power</i></p>	<p><i>Rule 4 (b)- oppose</i></p>	<p>Supports discretionary status for these activities.</p>
<p>Meridian Energy Ltd</p> <p><i>Further Submitter – Genesis Power</i></p>	<p><i>Support</i></p>	<p><b>Rule 4(b)</b> – retain.</p>
<p>NZ Wind Energy Association</p> <p><i>Further Submitter – Genesis Power</i></p>	<p><i>Support in part/oppose in part.</i></p>	<p>Retain.</p>
<p>Pioneer Generation Ltd</p>		<p>Retain</p>

<p>Royal Forest and Bird Protection Society of NZ Inc.</p> <p><i>Further Submitter – Transpower NZ</i></p> <p><i>Further Submitter – Genesis Power</i></p> <p><i>Further Submitter – Meridian Energy</i></p> <p><i>Further Submitter – Federated Farmers</i></p> <p><i>Further Submitter – Contact Energy</i></p> <p><i>Further Submitter – TrustPower</i></p>	<p><i>Rule 4(b) – oppose.</i></p> <p><i>4(a) and (b)– oppose. Oppose</i></p> <p><i>Oppose.</i></p> <p><i>Rule 4(b) – oppose.</i></p> <p><i>Rule 4(b), new rule – oppose.</i></p>	<p><b>Rule 4(a)</b> - delete and re-insert under a new heading <u>5. Non-Complying Activities – 5(a) Small and Community-Scale Distributed Renewable Electricity Generation Facilities</u></p> <p><b>Rule 4(b)</b> – Amend rule as follows:</p> <p>Any activity that involves or is associated with the construction and commissioning of a new electricity generation facility, other than a small and community-scale distributed renewable electricity generation facility is a discretionary activity <u>except where the activity is located on land listed in the following tables:</u></p> <ul style="list-style-type: none"> <li>• <u>Table 9 (SSWI Database);</u></li> <li>• <u>Table 13.1 (Register of Heritage Buildings)</u></li> <li>• <u>Table 13.3A (Potentially Outstanding Natural Landscapes);</u></li> <li>• <u>Table 13.3B (Outstanding natural Features);</u></li> <li>• <u>Table 13.5 (Significant Wetlands) or any other wetland;</u></li> <li>• <u>Table 13.6 (Waahi Tapu);</u></li> <li>• <u>Table 13.7 (Waahi Taoka and Mahika Kai); and</u></li> <li>• <u>Table 13.8 (Areas of Significant Habitat).</u></li> <li>• <u>Or are on land that would otherwise trigger Rules RRA.13 or COA.6. or Clearance, modification or removal of indigenous vegetation from any area meeting criteria for significance in Policy HER 2B.</u></li> </ul> <p>[This also requires amendment to Policy HER 2B as identified above]</p> <p><b>New Rule</b> – add new rule as follows:</p> <p><u>5. Non-Complying Activities</u>  <u>5(b) New Electricity Generation Facilities</u>  <u>Any activity that involves or is associated with the construction and commissioning of a new electricity generation facility that is not managed by Rule 4(b) and is not a Small and Community-Scale Distributed Renewable Electricity Generation Facilities, is a non-complying activity.</u></p>
<p>Solid Energy</p>		<p><b>Rule 4(b)</b> – the amendments sought above and any further amendments to the plan to ensure adequate provision for conventional energy resources and newly emerging energy resources associated with electricity generation</p>

## **DECISION**

<b>Submitter Name</b>	<b>Accept / Accept in Part / Reject</b>
Wind Energy Association ; NZ Historic Places Trust; Meridian Energy Ltd; Pioneer Generation Ltd ;	Accept
Genesis Power Ltd ; L&M Lignite Kaitangata Ltd; Solid Energy;	Accept in part
Royal Forest and Bird Protection Society of NZ Inc.	Reject

## **REASONS**

The main focus of submissions on these rules concerns status, with RFBPS requesting non-complying status for activities involving the various Tables, while Genesis requests that 4(b) be categorised as a restricted discretionary activity. The Committee does not believe either of these approaches is appropriate. The Committee notes that the non-complying activity status is the strictest activity category for which consent can be received and that it is not a widely used activity category within the Clutha District Plan. The reason for this is that it is a particularly onerous approach to dealing with resource management issues and so should only be used where no other approach is suitable. The Committee agrees with the Section 42A Report that the proposed approach is considered to be in accordance with the principles of the Act. The proposed policies will ensure all relevant matters are considered when hearing any application under the rule, and discretionary status does allow Council to decline consent where appropriate. Hence there is no justification for substituting the current discretionary activity status with a non-complying activity status.

For similar reasons, reducing 4(a) to restricted discretionary status is not considered appropriate. The tables contain resources that are considered outstanding or significant. Discretionary status will ensure all relevant matters are considered when hearing any application under the rule, and allow Council to decline consent where appropriate. For similar reasons the catch-all rule promoted by Genesis is considered appropriate and has been accepted. A consequential amendment has also been made to this rule as the result of the DoC's submission regarding the various tables referred to in the rule.

The Committee has accepted Genesis' submission to delete reference to "rapid and temporary population increases and the associated effects on infrastructure and community facilities" on the basis that it is not an activity. The matters covered in the policies will ensure this issue is appropriately considered.

## **AMENDMENTS TO PROPOSED PLAN CHANGE**

(a) Amend Rule 4(a) by adding the following to the list of tables prior to the reference to Rules RRA.13 and COA.6:

- Any table which replaces the aforementioned Tables;

(b) Amend the last paragraph in Rule 4(b) to reads as follows:

Activities associated with “construction and commissioning” includes ~~rapid and temporary population increases and the associated effects on infrastructure and community facilities;~~ the need to reroute or relocate network utilities and community facilities; the need to construct new infrastructure including the system of electricity transmission conveyance (including substations);...

(c) Add the following rule:

c) All Other Activities Associated With Electricity Generation Facilities

Any electricity generation activity or associated activity, including investigation and assessment works for electricity generation facilities, that is not covered by any other rules in the Energy Section is a discretionary activity.

## PLAN CHANGE 24 – DEFINITIONS

### 2.24 Definition - Electricity Generation Facility

‘**Electricity Generation Facility**’ means a facility, operation or activity which utilises or converts natural resources into electricity or transforms one energy type into electricity, and includes hydroelectric, thermal and geothermal power stations, wind turbines, solar, biomass, wave generation and ocean current etc but excludes co-generational plants constructed as part of a industrial activity. This includes the system of electricity conveyance (including substations) required to convey electricity to the distribution network and/or the national grid.

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Federated Farmers of New Zealand  <i>Further Submitter – Transpower NZ</i>  <i>Further Submitter – Meridian Energy</i>	  <i>Oppose</i>  <i>Oppose.</i>	Add “but excludes the distribution network and/or the national grid.”

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Transpower NZ Ltd  <i>Further Submitter – Genesis Power</i>	<i>Support</i>	Retain
TrustPower Limited  <i>Further Submitter – Genesis Power</i>	<b>Support</b>	Retain
Pioneer Generation Ltd		Retain

**DECISION**

Submitter Name	Accept / Accept in Part / Reject
Federated Farmers of New Zealand	Accept
Transpower NZ Ltd; TrustPower Limited ;Pioneer Generation Ltd	Accept in part

**REASONS**

The Committee believes including the phrase “*but excludes the distribution network and/or the national grid*” clarifies that these activities are not provided for within this section.

**AMENDMENTS TO PROPOSED PLAN CHANGE**

Add the following to the definition:

“*but excludes the distribution network and/or the national grid*”

**3.24 Definition – National Grid**

‘**National grid**’ means the lines and associated equipment used or owned by Transpower to convey electricity.

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Transpower NZ Ltd  <i>Further Submitter – Genesis Power</i>	<i>Support</i>	Retain but include reference to “substations”.

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
TrustPower Limited <i>Further Submitter – Genesis Power</i>	<i>Support</i>	Retain
Pioneer Generation Ltd		Retain

**DECISION**

Submitter Name	Accept / Accept in Part / Reject
Transpower NZ Ltd;	Accept
TrustPower Limited ;Pioneer Generation Ltd	Accept in part

**REASONS**

The Committee accepts that substations are part of the equipment associated with the national grid so they have been included in the definition for clarity.

**AMENDMENTS TO PROPOSED PLAN CHANGE**

Amend the definition as follows:

**‘National grid’** means the lines and associated equipment used or owned by Transpower to convey electricity (including any associated sub-stations).

**3.25 Definitions – “Renewable electricity generation”, “Renewable electricity generation activities” and “Small and community-scale distributed renewable electricity generation”**

**‘Renewable electricity generation’** means generation of electricity from solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean currents resources.

**‘Renewable electricity generation activities’** means the construction, operation and maintenance of structures associated with the generation of renewable electricity. 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 electric storage technologies associated with renewable electricity.

***‘Small and community-scale distributed renewable electricity generation’*** means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network. This includes the system of electricity conveyance required to convey electricity to the local electricity distribution network and/or the national grid.

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Transpower NZ Ltd  <i>Further Submitter – Genesis Power</i>	<i>Support</i>	Retain but include reference to “substations”.
TrustPower Limited  <i>Further Submitter – Genesis Power</i>	<i>Support</i>	Retain
Pioneer Generation Ltd		Retain

### **DECISION**

Submitter Name	Accept / Accept in Part / Reject
TrustPower Limited ;Pioneer Generation Ltd	Accept
Transpower NZ Ltd;	Accept in part

### **REASONS**

These definitions reflect the NPS. While substations will form part of these activities, it is not considered appropriate to change the definitions.

### **AMENDMENTS TO PROPOSED PLAN CHANGE**

No changes are recommended in respect to these submissions.

### **3.26 New Definitions – “Environmental Compensation”, “Biodiversity Offsets” and “Footprint for electricity generation facilities”**

Proposed definitions:

***Environmental Compensation*** Any action (work, services or restrictive covenants) to avoid, remedy or mitigate adverse effects of activities on the relevant area,

landscape or environment as compensation for the unavoided and unmitigated adverse effects of the activity for which consent is being sought.

**Biodiversity Offsets** Are measurable conservation outcomes resulting from actions designed to compensate for significant residual adverse biodiversity impacts arising from project development after appropriate prevention and mitigation measures have been taken. To be recognised as a biodiversity offset such actions must achieve no net loss and ultimately a net gain of biodiversity on the ground with respect to species composition, habitat structure, ecosystem function and people's use and cultural values associated with biodiversity.

**Footprint for electricity generation facilities** is the area that has been consented for activity and includes the land consented to be occupied by roads, the outline of the land occupied by a power generation turbine tower, formed by drawing straight lines between the outermost edges of the outermost parts of the tower at ground level, power generation facilities, transmission lines to the national or local grid and electricity substations and associated infrastructure.

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
Director-General of Conservation  <i>Further Submitter – Solid Energy NZ Ltd</i>  <i>Further Submitter – Genesis Energy</i>  <i>Further Submitter - Meridian Energy Ltd</i>  <i>Further Submitter – Contact Energy</i>	  <i>Biodiversity offsets and environmental compensation definition – support in part</i>  Oppose  Oppose  Oppose.	Include New Definitions – “Environmental Compensation”, “Biodiversity Offsets” and “Footprint for electricity generation facilities” As above.

**DECISION**

Submitter Name	Accept / Accept in Part / Reject
Director-General of Conservation	Accept in part

**REASONS**



The Committee agrees that for certainty purposes it is considered appropriate to include definitions for these matters. However the definitions included in the Plan Change reflect the discussion on these issues in the decisions above and do not relate solely to biodiversity matters.

### **AMENDMENTS TO PROPOSED PLAN CHANGE**

Insert the following definitions:

**Environmental Compensation** means any action (work, services, financial contribution or restrictive covenants) to compensate for the environmental effects of activities that cannot be avoided, remedied or mitigated. It provides positive measures to correct, balance or otherwise atone for the loss of the resource or value affected.

**Offsetting adverse effects** for the purposes of this plan is a form of mitigation of an adverse effect directly caused by a development.

**Scheduled Footprint (for electricity generation facilities)** is the area that has been consented or otherwise authorised for activity as defined in the District Plan. It also includes the maximum consented/authorised height of any structure associated with the facility; the consented/authorised maximum operating water level of any water body used in the generation of electricity; and the transmission lines to the national or local grid and electricity substations and associated infrastructure that may not be located within the mapped area. **'Existing Envelope'** has the same meaning for any lawfully established electricity generation facility except that it will not be defined in the District Plan.

## **PLAN CHANGE 25 – SCHEDULES**

### **3.27 Schedule 11 - Electricity Generation and Associated Facilities**

#### ***Schedule 11 - Electricity Generation and Associated Facilities***

*Electricity generation facilities provided for in this schedule and the activities associated with them which may be undertaken on the land so identified on the District Planning Maps and described in the schedule shall include:*

***“Operation”***: the working of a electricity generation facility on a day-to-day basis to generate and transmit electricity (for example, with respect to a scheduled hydro scheme activities include the control of lake levels, access requirements, excluding the public, storage of goods and materials, sign, provision of jetties).

***“Maintenance”***: the undertaking of work necessary to keep an electricity generation facility operating at an efficient and safe level (activities include erosion and flood

control, weed and sediment control, access requirements, maintenance of plant, machinery or structures, monitoring of operations).

**“Enhancement”**: the improvement of an electricity generation facility (activities include landscaping, planting, painting, refurbishment of buildings).

**“Refurbishment or upgrading”**: the upgrade or renewal of existing plant, machinery or structures to gain efficiencies in generating and transmitting electricity (activities include ancillary buildings and structures, earthworks and deposit of materials) provided this does not increase the scheduled footprint of the facility.

Activities specifically provided for at scheduled electricity generation and associated facilities include:

a) Control of erosion and flooding including planting of vegetation and protection works.

b) Removal of vegetation or materials required for dam safety surveys, or that may impede the efficient operation of the facility or cause danger, injury or damage to persons or property.

c) Exclusion of the public from facilities for public safety or security reasons.

d) Erection of signs or notices giving warning of danger.

e) The establishment and maintenance of jetties, wharves, landing places and slipways required for the efficient operation of the facility (subject to any Regional Council approvals required).

f) Access tracks and roads to facilities or to erosion and flooding control works provided any significant adverse visual effects are appropriately mitigated or remedied.

g) Ancillary buildings and structures associated with the facility that comply with the District Plan building requirements.

h) Earthworks, quarrying and depositing of material in association with the facility provided any significant adverse visual effects visible off site are appropriately screened.

i) The storage of goods and materials associated with the operation or maintenance of the facility.

j) The stabilisation of landslides affecting any facility provided any significant adverse visual effects visible off site are appropriately screened.

k) Periodic inspections including dam safety surveys to verify the integrity of and security of all systems (including oil, water and gas systems which are associated

*with the transmission of electricity) and structures associated with the generation or transmission of electricity.*

*l) Digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions.*

*m) The installation of instruments into drill holes for monitoring groundwater levels and land movement.*

*n) Erecting survey monuments and installing instruments to monitor land movement.*

*o) Installing flumes and weirs to measure water flows.*

*p) Erecting telemetry stations for the transmission of instrument data.*

*q) Installing gauges to measure precipitation.*

*r) Installing microseismic stations to measure microseismic activity and ground noise.*

*s) Constructing surface drainage works and drilling boreholes and constructing tunnels under landslide areas to drain excess groundwater.*

*t) Such other works that are reasonably necessary within landslide areas for land stabilisation purposes.*

*u) Installing underground power transmission and communication cables.*

*v) The erection and operation of temporary wind monitoring devices provided the structures are to be in place no more than 5 years and Civil Aviation Authority approval is received.*

*All such activities are subject to conditions that are specified for each facility as listed below:*

**Conditions applicable to all facilities:**

- 1. In carrying out the activities identified above, any ground that is temporarily disturbed by such activities shall be reinstated to a condition no less than that which existed prior to the commencement of the work. Should ground disturbance be required to be undertaken in areas adjoining Public Conservation Land and/or land located within the tables identified Rule 1(b) above, plant and machinery shall be effectively cleaned of weed seeds and/or weed material prior to work commencing. Reinstatement of indigenous vegetation shall be on a "like with like" basis and its success will be monitored and any plants with wilding potential shall not be planted (see the Canterbury/Otago "Plant Me Instead" guide – refer to the "Weedbuster" website).*

Submitter Name	Submission i.e. whether the submitter supports or opposes specific provisions	The following decision is sought
NZ Wind Energy Association  <i>Further Submitter – Director –General of Conservation</i>	<i>Oppose</i>	<p><b>Schedules – Refurbishment or upgrading -</b> Amend definition to state:</p> <p><i>“Refurbishment or upgrading”</i>: the upgrade or renewal of existing plant, machinery or structures to gain efficiencies in generating and transmitting electricity (activities include ancillary buildings and structures, earthworks and deposit of materials) <del>provided this does not increase the scheduled footprint of the facility.</del></p> <p>OR</p> <p>Delete “or upgrading” from the definition and provide a new definition and explanatory text for ‘upgrading’. Suggested wording is:</p> <p><u><i>“Upgrading” means the addition or replacement of components of an existing electricity generation facility.</i></u></p> <p><u><i>For the purposes of this definition, the term upgrading captures new activities and development that may have effects outside the scope (scale, intensity and character) of the existing electricity generation facility.</i></u></p>
Transpower Limited  <i>Further Submitter – Genesis Power</i>	<i>Oppose</i>	<p><b>Schedule 11 – retain.</b></p>
Pioneer Generation Ltd		Retain
TrustPower Limited  <i>Further Submitter – Genesis Power</i>	<i>Oppose</i>	<p><b>Schedule 11 – insert list of scheduled activities.</b></p>

## DECISION

Submitter Name	Accept / Accept in Part / Reject
NZ Wind Energy Association; Transpower NZ Ltd ; TrustPower Limited ;Pioneer Generation Ltd	Accept in part

## REASONS

Most submitters support the retention of the schedule although the NZWEA request an amendment to the definition of ‘Refurbishment or upgrading’. Given the changes made in the decisions above, the Committee agrees that this definition does need amendment. For consistency with other changes above, Condition 1 also needs rewording.

#### **AMENDMENTS TO PROPOSED PLAN CHANGE**

Amend the definition of “*Refurbishment or upgrading*” as follows:

**“*Refurbishment or upgrading*”**: the upgrade, replacement or renewal of existing plant, machinery or structures to gain efficiencies in generating and transmitting electricity (~~activities include ancillary buildings and structures, earthworks and deposit of materials~~) provided this does not increase the scheduled footprint of the facility. This includes work involving all structures, infrastructure and buildings, access roads and tracks, earthworks and the deposit of materials. A gain in efficiency of generation under this definition includes increases in installed generating capacity of the **Scheduled Footprint or ‘Existing Envelope’** (as defined in Section 5) by replacement of turbines that have higher energy generation capacity.

Amend Condition 1 as follows:

#### **Conditions applicable to all facilities:**

1. In carrying out the activities identified above, any ground that is temporarily disturbed by such activities shall be reinstated to a condition no less than that which existed prior to the commencement of the work. Should ground disturbance be required to be undertaken in areas adjoining Public Conservation Land and/or land ~~located within~~ listed in the tables identified in Rule 1(b) above, plant and machinery shall be effectively cleaned of weed seeds and/or weed material prior to work commencing. Reinstatement of indigenous vegetation shall be on a “like with like” basis and its success will be monitored and any plants with wilding potential shall not be planted (see the Canterbury/Otago “Plant Me Instead” guide – refer to the “Weedbuster” website).

#### **4 CONCLUSION**

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Subject to the changes above, the Committee considers that Clutha District Plan Changes 23 to 25 (Energy) will achieve the Acts purpose of sustainable management and recommends that the full Council adopt the change accordingly.