

OFFICER'S REPORT FOR:

**Independent Hearing Commissioners:
Trevor Robinson
Mark St Clair
Miria Pomare**

SUBJECT:

**Proposed Porirua District Plan: Renewable
Electricity Generation**

PREPARED BY:

Rory Smeaton, Senior Policy Planner

REPORT DATED:

3 December 2021

DATE OF HEARING:

8-9, 11, 14 - 15 February 2022

Executive Summary

1. This report considers submissions received by Porirua City Council (the Council) in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Proposed Porirua District Plan (PDP) as they apply to REG-Renewable Electricity Generation chapter, the associated strategic objective REE-O2 and definitions. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on the REG-Renewable Electricity Generation chapter. The submissions received were diverse and sought a range of outcomes. The following are considered to be the key issues in contention in the chapter:
 - Greater recognition of the benefits of renewable electricity generation;
 - Differentiation of generation methods;
 - Noise standard compliance as an activity status trigger;
 - Maintenance activities within significant natural areas;
 - Terminology;
 - Avoiding rather than minimising adverse effects;
 - Requiring all new buildings to be constructed with built-in solar power systems; and
 - Consistency with higher order documents.
3. This report addresses each of these key issues, as well as any other issues raised by submissions.
4. The REG-Renewable Electricity Generation chapter is also subject to a number of consequential amendments arising from submissions to the whole of the PDP and other chapters.
5. I have recommended some changes to the PDP provisions to address matters raised in submissions and are summarised below:
 - Adding the benefits of renewable electricity generation to the chapter introduction;
 - Correcting cross-references to other policies within the PDP;
 - Removing wetlands as a consent activity status trigger in the rules;
 - Correcting terminology and adding an associated definition; and
 - Minor corrections.
6. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in section Appendix A of this report.
7. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- a. achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
- b. achieve the relevant objectives of the PDP, in respect to the proposed provisions.

Contents

Executive Summary.....	i
Contents.....	iii
Interpretation	v
1 Introduction	1
1.1 Purpose	1
1.2 Author	1
1.3 Supporting Evidence	2
1.4 Key Issues in Contention.....	2
1.5 Procedural Matters	3
2 Statutory Considerations	4
2.1 Resource Management Act 1991.....	4
2.2 Section 32AA	4
2.3 Trade Competition	5
3 Consideration of Submissions and Further Submissions.....	6
3.1 Overview	6
3.2 Report Structure	6
3.3 Format for Consideration of Submissions.....	6
3.4 Chapter Introduction	7
3.5 Differentiation of Generation Methods.....	8
3.6 Noise Standard Compliance as Activity Status Trigger	9
3.7 Maintenance Activities within Significant Natural Areas.....	11
3.8 Terminology	13
3.9 Relationship with Overlays	14
3.10 Strategic objectives	16
3.11 Objectives.....	16
3.12 Policies	17
3.13 Rules.....	25
3.14 Standards	27
3.15 Minor Errors.....	28
4 Conclusions	29

Appendices

- Appendix A. Recommended Amendments to the REG-Renewable Electricity Generation Chapter
- Appendix B. Recommended Responses to Submissions and Further Submissions
- Appendix C. Report Author’s Qualifications and Experience

List of Tables

Table 1: Abbreviations v

Table 2: Abbreviations of Submitters’ Names v

List of Tables in Appendices

Table B 1: Recommended responses to submissions and further submissions

Interpretation

8. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Table 1 below:

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Council	Porirua City Council
the Operative Plan/ODP	Operative Porirua District Plan 1999
the Proposed Plan/PDP	Proposed Porirua District Plan 2020
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NE-SAQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs North Island Limited
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Harvey Norman	Harvey Norman Properties (N.Z.) Limited
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers Association	House Movers section of the New Zealand Heavy Haulage Association Inc
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force

Oil companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
Survey+Spatial	Survey+Spatial New Zealand (Wellington Branch)
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
WE	Wellington Electricity Lines Limited
Woolworths	Woolworths New Zealand Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

1 Introduction

1.1 Purpose

9. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the REG-Renewable Electricity Generation chapter and the related Strategic Objective, and to recommend possible amendments to the PDP in response to those submissions.
10. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the relevant strategic objectives, objectives, policies, rules, definitions, appendices and maps as they apply to the REG-Renewable Electricity Generation chapter in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
11. This report discusses general issues, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the preceding discussion in the report.
12. In preparing this report the author has had regard to recommendations made in other related s42A reports, including the Section 42A Report - Part A Overarching Report.
13. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
14. This report is intended to be read in conjunction with Officers' Report: Part A – Overview which contains factual background information, statutory context and administrative matters pertaining to the district plan review and PDP.

1.2 Author

15. My name is Rory Smeaton. My qualifications and experience are set out in Appendix E of this report.
16. My role in preparing this report is that of an expert planner.
17. I was involved in the preparation of the PDP and authored the Section 32 Evaluation Reports for the INF-Infrastructure, AR-Amateur Radio, REG-Renewable Electricity Generation, and SIGN-Signs chapters. I also authored the Section 32 Evaluation Report for the Noise and Light topic, and assisted in the preparation of the Section 32 Evaluation Report for the TR-Transport chapter.
18. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.

19. The scope of my evidence relates to REG-Renewable Electricity Generation and related strategic objective REE-O2. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
20. Gina Sweetman has assisted me to respond to the submissions on Strategic Objectives REE-O2. Her qualifications and experience are set out in Appendix C of the Officer's Report: Part B – Strategic Directions – Historic and Cultural Heritage and Resilience, Efficiency and Energy.
21. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
22. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

1.3 Supporting Evidence

23. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
 - Harrison Energy Solutions, 2021, Home Solar. Available from: <https://www.harrisonsenergy.co.nz/solar/how-solar-works> Accessed on: 19 March 2021
 - CANSTAR Pty Ltd, 2021, Building Costs: How Much to Build a New House in NZ? Available from: <https://www.canstar.co.nz/home-loans/otago-expensive-region-build-new-nz-home/> Accessed on: 19 March 2021
 - Stats NZ, 2021, Infoshare
 - GenLess, 2021, Solar Panels. Available from: <https://genless.govt.nz/living/lower-energy-homes/solar-panels/installing-a-solar-electricity-system/> Accessed on: 19 March 2021
 - Concept Consulting Group Ltd, 2016, Electric cars, solar panels, and batteries in New Zealand Vol 2: The benefits and costs to consumers and society
 - Environmental Defence Soc Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38.

1.4 Key Issues in Contention

24. A number of submissions were received on the provisions of the REG-Renewable Electricity Generation chapter. The submissions received were diverse and sought a range of outcomes; including, for example, submissions supporting the chapter as a whole; seeking greater recognition of the benefits of renewable electricity generation, and; changes for consistency with higher order documents.
25. I consider the following to be the key issues in contention in the chapter:
 - Greater recognition of the benefits of renewable electricity generation;
 - Differentiation of generation methods;

- Noise standard compliance as an activity status trigger;
- Maintenance activities within significant natural areas;
- Terminology;
- 'Avoiding' rather than 'minimising' adverse effects from renewable electricity generation activities;
- Requiring all new buildings to be constructed with built-in solar power systems; and
- Consistency with higher order documents.

26. I address each of these key issues in this report, as well as any other issues raised by submissions.

1.5 Procedural Matters

27. At the time of writing this report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this chapter.

2 Statutory Considerations

2.1 Resource Management Act 1991

28. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- section 74 Matters to be considered by territorial authority; and
 - section 75 Contents of district plans.
29. As set out in the Section 32 Evaluation Report Part 1 - Overview to s32 Evaluation, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in detail within the Section 32 Evaluation Report Part 2: Renewable Electricity Generation. There is further discussion in the Section 32 Evaluation Report Part 1 – Overview to the s32 Evaluation on the approach the Council has taken to giving effect to the NPSUD and NPSFM. This is also discussed in the Officer's Report: Part A.

2.2 Section 32AA

30. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA . Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

31. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the REG-Renewable Electricity Generation chapter is contained within the assessment of the relief sought in submissions in section 3 of this report as required by s32AA(1)(d)(ii).

2.3 Trade Competition

32. No consideration of trade competition has been given with respect to the REG-Renewable Electricity Generation chapter.
33. There are no known trade competition issues raised within the submissions.

3 Consideration of Submissions and Further Submissions

3.1 Overview

34. Forty-one original submission points were received from 14 submitters on the Renewable Electricity Generation chapter and associated definition and Strategic Objective. Eighteen of these points were in support and three in support in part, while 14 sought amendments. Five did not specify a position. There was one submission point in opposition to Strategic Objective REE-O2. There were no further submissions.

3.2 Report Structure

35. Submissions on the REG-Renewable Electricity Generation chapter raised a number of issues which have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
36. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
37. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in Appendix B.
38. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as Appendix A.
39. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1.

3.3 Format for Consideration of Submissions

40. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and

- Section 32AA evaluation.
41. The recommended amendments to the REG-Renewable Electricity Generation chapter and the definitions are set out in Appendix A of this report where all text changes are shown in a consolidated manner. No amendments are recommended to Strategic Direction REE-O2.
 42. I have undertaken a s32AA evaluation in respect of the recommended amendments in my assessment.
 43. Note that there are further submissions that support submissions in their entirety:
 - a. The further submission from Forest and Bird [FS52] supports the submission from Director-General of Conservation [126], Queen Elizabeth II National Trust [216] and GWRC[137] in their entirety; and
 - b. The further submission from Queen Elizabeth II National Trust [FS06] supports the submission from Director-General of Conservation [126] and Forest and Bird [225] in their entirety.
 44. In these cases, recommendations in relation to these further submissions reflect the recommendations on the relevant primary submission.

3.4 Chapter Introduction

3.4.1 *Matters raised by submitters*

45. Paul and Julie Botha [118.14] seek that the chapter introduction list the positive impacts of renewable electricity generation activities, for the reasons that there is no acknowledgement of the benefits they bring or the fact that they will assist in combating the current climate change emergency. Housing Action Porirua also sought a number of changes to the introduction, which are dealt with separately under section 3.5 below.

3.4.2 *Assessment*

46. While the chapter introduction does note that the '[d]evelopment and use of renewable energy resources is becoming increasingly important as a way of meeting future energy demand in an environmentally sustainable manner', I agree that the benefits of renewable electricity generation could be more explicitly stated in the introductory text. While not a statutory part of the plan, this would reflect Policy A of the NPS-REG and link well through to REG-O1 of the Plan. As such, I agree with the submitter that additional wording acknowledging the benefits of renewable electricity generation consistent with Policy A of the NPS-REG is appropriate.

3.4.3 *Summary of recommendations*

47. I recommend for the reasons given in the assessment, that the Hearings Panel:
 - a. **Amend** the chapter introduction as set out below and in Appendix A;

[...]
Development and use of renewable energy resources has a number of environmental and economic benefits and is becoming increasingly important as a way of meeting future energy demand in an environmentally sustainable manner. Benefits of renewable electricity generation include increasing

electricity generation capacity and security and reducing the use of finite resources, irreversible effects on the environment and reliance on imported fuels.

48. I recommend that the submissions from Paul and Julie Botha [118.14] be **accepted**.

3.4.4 Section 32AA evaluation

49. A s32AA evaluation is not necessary as the introduction is not an objective or provision.

3.5 Differentiation of Generation Methods

3.5.1 Matters raised by submitters

50. Housing Action Porirua [67.4, 67.5, 67.6, 67.7, 67.9, 67.11, 67.12, 67.13] seeks a range of amendments to the introduction, REG-O1 and REG-P3, REG-P4 and REG-P5, in order to distinguish between methods of renewable energy generation, for the reasons that the effects of wind power and small-scale solar power are different.

3.5.2 Assessment

51. In relation to the amendments sought to the chapter's introductory text:

- a. The change sought through point [67.4] seeks to include text describing the potential effects of small-scale solar as 'unlikely to be more than minor'. The location of the text sought to be included does not address effects, which are discussed in a later paragraph. For brevity, effects of renewable electricity generation activities are addressed generically in the fourth paragraph of the introductory text, rather than focusing on the potential effects of particular generation methods. I consider it is not necessary or desirable to include more detailed text as sought by the submission as this will not provide any benefits for the plan user.
- b. The changes sought through points [67.5], [67.6], and [67.7] seek to replace the broad term 'renewable' in certain parts of the introductory text with either 'wind-power' or 'wind-power and large-scale arrays for solar power'. While the introductory text acknowledges that wind and solar are the most likely methods of renewable electricity generation in Porirua, the changes sought are considered to inappropriately focus on these methods. In some cases, the changes sought are also potentially misleading, such as implying that only renewable electricity generation from wind resources has functional and operational needs for accessing those resources. As such, I consider these changes are not appropriate.

52. In relation to the amendment sought to REG-O2 [67.9], the proposed additional wording restates the existing wording with more specificity on 'wind power and large-scale arrays'. These renewable electricity generation methods are already encompassed by the existing wording which uses the broad term 'renewable electricity generation activities'. As such, I consider the changes sought add unnecessary length to the objective while not adding any clarity to the outcome sought and is therefore not appropriate.

53. The changes sought to REG-P3, REG-P4 and REG-P5 [67.11], [67.12] and [67.13] are all stated to distinguish between methods of renewable energy generation and seek to replace the broad term 'renewable' in certain parts of the policies with either 'wind-power' or 'wind-power and large-scale arrays for solar power'. I consider that these changes are not appropriate as they would reduce the application of the policies to only those methods of renewable electricity generation and subsequently would result in gaps in the provision cascade within the chapter. For example, the change sought to REG-P4 would mean that only small-scale renewable electricity generation activities from wind resource would be enabled through the policy. This would create a gap for any other small-scale renewable electricity generation activities, such as small-scale solar. No additional policies are sought through the submission to address these gaps. This change would therefore not give effect to Policy E of the NPS-REG.

3.5.3 Summary of recommendations

54. I recommend for the reasons given in the assessment, that the submissions from Housing Action Porirua [67.4, 67.5, 67.6, 67.7, 67.9, 67.11, 67.12, 67.13], be **rejected**.

3.6 Noise Standard Compliance as Activity Status Trigger

3.6.1 Matters raised by submitters

55. Paul and Julie Botha [118.19] raise an issue relating to the use of compliance with the noise standards in NZS6808: 1998 as a trigger for activity status for wind farms.¹ The submitter seeks that the standard not be used to determine the activity status, for the reasons that neighbours may submit subdivision plans or building permit applications prior to a wind farm application being formally lodged in order to change the activity status, irrespective of whether a house is going to be built or not.

3.6.2 Assessment

56. REG-R5 provides for large-scale renewable electricity generation activities as a discretionary activity within the General Rural Zone, where compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise (NZS 6808:2010) for any proposal involving wind generation. If compliance is not achieved with NZS 6808:2010, the activity triggers a non-complying activity status.
57. The submission notes agreement that wind farms should need to comply with the noise standards. However, the submitter argues that, as proposed wind farm projects are often consulted on prior to lodging of a resource consent application, due to the need to comply with the noise standards in order to be a discretionary activity, surrounding landowners are able to influence the activity status of the proposal by applying for subdivision consent or a building permit before the wind farm proposal application is lodged. This appears to assume that the hypothetical proposal would have complied with the noise standard prior to this action by a nearby landowner but would subsequently not comply due to impacts on the new activity,

¹ While the submission states NZS6808: 1998, it is assumed that the submitter meant the 2010 revision. The submitter may wish to clarify this at the hearing.

elevating the proposal to a more restrictive activity status. Paul and Julie Botha state that allowing a neighbour to force an activity status change in this way is unreasonable.

58. Clause 30 of Schedule 1 of the RMA allows for the incorporation of written material by reference. The use of compliance with standards is a typical method for activity status triggers within district plans, including reference to external standards such as those approved under the Standards and Accreditation Act 2015.² As such, I consider there are no technical plan drafting issues with the proposed provision.
59. An application for resource consent under the RMA must be processed, considered, and decided as an application for the type of activity based on the relevant plan provisions at the time of lodgement.³ The actual and potential effects on the environment of allowing the activity must be considered under section 104(1)(a) of the Act when considering an application for resource consent. In relation to consideration of the receiving environment, the Quality Planning website states that:

The 'environment' upon which effects should be assessed is therefore the existing and reasonably foreseeable future environment. In identifying the environment, a council should consider the environment as it is at the time of the application. It should also consider the likelihood of change to that environment in the future, based upon the activities that could be carried out as of right or with respect to resource consents that have been granted (where it is likely that they will be given effect to).⁴

60. Every person has the right to apply for a resource consent.⁵ As such, the risk of adjacent land owners applying for consents which may impact on the ability of a wind farm proposal to comply with NZS 6808 prior to lodgement of a consent for that wind farm is not something that can be managed through the Plan. However, it is noted that this is qualified to a degree by a consent being considered to form part of the existing environment where it is likely to be implemented. If a consent were to be applied for with the express aim of stymieing a proposed wind farm development with no intention to implement the consent, this may be able to be discounted from consideration as forming part of the existing environment when considering the effects on the environment of that proposal.
61. An alternative to the proposed provision which would satisfy the submitter's issues, would be to remove the requirement to comply with NZS 6808:2010 in REG-R5-1 and the associated non-complying activity status under REG-R5-2.a. This would result in a single discretionary activity status for all large-scale renewable electricity generation activities within the General Rural Zone outside of overlays. Reliance would be placed on REG-P8-4 and resource consent conditions for compliance with NZS 6808 by wind energy generation activities. I consider that this alternative is not as effective or efficient as the proposed provisions, as it does not provide direction as to the need to comply with the noise standards as clearly as the proposed rule cascade. This alternative would also introduce a risk that resource consents would be sought for proposals

² The Standards and Accreditation Act 2015 repealed the Standards Act 1988 under which NZS 6808:2010 was approved.

³ See section 88A of the Resource Management Act 1991.

⁴ Quality Planning, 2017, The Permitted Activity Baseline, Available from: <https://www.qualityplanning.org.nz/node/850>

⁵ See section 88(1) of the Resource Management Act 1991.

where there is uncertainty around compliance with the noise standards, resulting in potentially less certain and efficient resource consent processes.

62. For these reasons, I consider that the alternative option is not appropriate, and the proposed provisions should be retained.

3.6.3 Summary of recommendations

63. I recommend for the reasons given in the assessment, that the submissions from Paul and Julie Botha [118.19] be **rejected**.

3.7 Maintenance Activities within Significant Natural Areas

3.7.1 Matters raised by submitters

64. Ryan Family Trust [138.5] seeks changes to the rules to allow adequate tree trimming within an SNA at the discretion of the owner to maintain the efficient operation of alternative power resources. The reasons for the change sought is to better balance between owner's rights, responsibilities, environmental management and cost-effective administration. No specific changes to the rules were set out in the submission.

3.7.2 Assessment

65. REG-R1 allows for maintenance and repair of renewable electricity generation activities as a permitted activity. This rule requires compliance with REG-S7 and for the activities to not be within a wetland within an SNA.⁶ REG-S7 allows for trimming, pruning or removal of indigenous vegetation within two metres either side of the existing renewable electricity generation activity and any associated access track or fence where no more than 20 square metres of indigenous vegetation is removed within any 12-month period.
66. I consider it is not appropriate to allow unlimited trimming of indigenous vegetation within an SNA for maintenance and repair of renewable electricity generation activities, as this has the potential to result in significant adverse ecological effects particularly when cumulative effects are considered. The allowances under REG-S7 are consistent with those for general infrastructure under the INF chapter.
67. However, I recognise that REG-S7 should be better worded in relation to providing for maintenance of buildings and structures. To achieve this, I recommend that the standard should be amended to clarify that trimming, pruning or removal of indigenous vegetation within two metres of a renewable electricity generation activity building or structure is provided for by the standard.
68. With this amendment, I consider that the Plan will appropriately give effect to clause (b) of Policy C1 of the NPSREG which includes particular regard being had to the logistical or technical practicalities associated with operating or maintaining renewable electricity generation activities.

⁶ See section 3.11 in relation to consideration of submissions on this matter.

3.7.3 Recommendations

69. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** standard REG-S7 as set out below and in Appendix A;

REG-S7	Trimming, pruning or removal of indigenous vegetation within an area identified in SCHED7 - Significant Natural Areas	
All zones	<p>1. Any trimming, pruning or removal of indigenous vegetation must be limited to:</p> <p>a. Within:</p> <p style="padding-left: 20px;"><u>i.</u> 2m either side of the existing renewable electricity generation activity <u>building or structure, measured at ground level;</u>⁷ and</p> <p style="padding-left: 20px;"><u>ii.</u> <u>2m either side of</u>⁸ any associated access track or fence; and</p> <p>[...]</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Any local, regional and national benefits; 2. Design and siting of the renewable electricity generation activities; 3. Any operational or functional needs of the renewable electricity generation activities; 4. Any topographical and other site constraints make compliance with the standard impractical; 5. The matters in ECO-P3; and 6. The matters in ECO-P4.

70. I recommend that the submissions from Ryan Family Trust [138.5] be **accepted in part**.

3.7.4 Section 32AA evaluation

71. In my opinion, the amendments to REG-S7 are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- a. They will provide greater certainty for renewable electricity generation owners or operators. Consequently, they will improve the implementation and interpretation of the provisions and are more efficient and effective than the notified provisions in achieving the objectives of the PDP.
- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

⁷ Ryan Family Trust [138.5]

⁸ Ryan Family Trust [138.5]

3.8 Terminology

3.8.1 Matters raised by submitters

72. Paul and Julie Botha [118.17] raise an issue relating to the use of the term 'mast/pole' in the provisions relating to wind turbines (REG-S3-2.b and REG-S5-2). The submission stated that the correct term is 'tower'.

3.8.2 Assessment

73. The point raised by Paul and Julie Botha is valid in that the industry term for wind turbine support structures is 'tower'. I agree that this terminology should be used in the Plan provisions relating to wind turbines in replacement of 'turbine/mast/pole' as this would better align with industry terminology and reduce any potential for confusion in the implementation of the provisions.
74. An issue arises in that the PDP already defines the term 'tower' in relation to electricity transmission by using the same definition as the NES-ETA. As such, a direct replacement of 'turbine/mast/pole' with 'tower' within the REG provisions would cause confusion. For that reason, I recommend that a new definition of 'wind turbine tower' be added and that this more precise term be used in the chapter to avoid this confusion while bringing the PDP in line with industry terminology.
75. I also recommend additional wording in REG-S3 and REG-S5 in order to ensure clarity in measuring the height of the wind turbine tower, consistent with the other standards in the chapter.

3.8.3 Summary of recommendations

76. I recommend for the reasons given in the assessment, that the Hearings Panel:
- a. **Amend** standard REG-S3-2.b and REG-S5-2 as set out below and in Appendix A;

REG-S3	Small-scale freestanding wind turbines	
All zones	<ol style="list-style-type: none"> 1. The turbine must not exceed the permitted height in relation to boundary standard for the underlying zone. 2. The turbine must not be located within the greater of: <ol style="list-style-type: none"> a. 60m of a habitable building on an adjacent site; or b. A distance of 10 times the <u>wind turbine mast/pole's tower height above ground level</u> from any site boundary that is not held in the same record of title. <p>[...]</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Any local, regional and national benefits; 2. Health and safety; 3. Any cumulative effects; 4. The type, scale, form and location of any turbine; 5. The visual amenity of adjacent properties; 6. Whether there are topographical or other site constraints that make compliance with the standard impractical; and 7. The values and characteristics of any adjacent <u>specified</u> Overlay.

REG-S5 Community-scale wind turbine towers (either freestanding or supported by guyed ropes)		
All zones	<p>1. Any structure must not exceed the permitted height in relation to boundary standard for the underlying zone.</p> <p>2. Any structure must not be located within a distance of three times the <u>wind turbine /mast/pole's tower</u> height <u>above ground level</u> from:</p> <ol style="list-style-type: none"> A habitable building on an adjacent site; or Any site boundary that is not held in common ownership. 	There are no matters of discretion for this standard.

- b. **Add** a definition for 'wind turbine tower' to the definitions chapter as set out below and in Appendix A.

<u>Wind turbine tower</u> ⁹	<u>means that part of a wind turbine, generally constructed from tubular steel or steel lattice, which supports the nacelle and blade assembly components</u>
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77. I recommend that the submissions from Paul and Julie Botha [118.17] be **accepted in part**.

3.8.4 Section 32AA evaluation

78. In my opinion, the amendments to REG-S3-2.b and REG-S5-2 are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:
- They will provide greater certainty for people seeking to undertake renewable electricity generation activities through construction of a wind turbine. Consequently, they will improve the implementation and interpretation of the provisions and are more efficient and effective than the notified provisions in achieving the objectives of the PDP.
 - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.9 Relationship with Overlays

3.9.1 Matters raised by submitters

79. In relation to the CE – Coastal Environment chapter, Forest and Bird [225.188] sought that CE-P1 be clarified with respect to whether it is an 'overlay' or not. This matter was generally

⁹ Paul and Julia Botha [118.18]

addressed in the Section 42A Report – Part B Coastal Environment prepared by Mr McDonnell but noted that it would also be addressed in relation to other chapters.

3.9.2 Assessment

80. In relation to the submission from Forest and Bird [225.188], Mr McDonnell concluded in the Section 42A Report – Part B Coastal Environment, that as notified the Coastal Environment was not defined as an overlay and considered that this was inconsistent with the National Planning Standards and should be corrected. Mr McDonnell recommended amending the definition of 'Overlay' and adding a new definition for 'specified overlay'. The upshot of this recommendation is that the definition of 'Overlay' would be more generic, and cover all spatially defined areas where the Plan includes provisions to control activities different from the underlying zone (e.g. the National Grid Corridor), while 'specified overlay' would be specific to the overlays set out in Schedules 2 to 11 and the Natural Hazard Overlay and Coastal Hazard Overlay set out in Appendix 10.
81. I agree with Mr McDonnell's conclusions and recommended amendments. This has consequential implications for the REG – Renewable Electricity Generation chapter, as the references to 'Overlays' need to be amended to 'specified overlays'. These amendments would not affect the intended structure or implementation of the chapter, but would help to clarify provisions relative to their relationship with the overlays included in the Plan.

3.9.3 Summary of recommendations

82. I recommend for the reasons given in the assessment, that the Hearings Panel:
- a. **Amend** the REG – Renewable Electricity Generation chapter as set out in section Appendix A to replace 'overlay' with 'specified overlays' as consequential amendments as a result of the acceptance of the submission from Forest and Bird [225.188].

3.9.4 Section 32AA evaluation

83. In my opinion, the amendments to replace 'overlay' with 'specified overlays' as consequential amendments as a result of the acceptance of the submission from Forest and Bird [225.188] are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:
- a. They will provide greater certainty for people seeking to undertake renewable electricity generation activities through clarifying how the provisions relate to overlays in the Plan. Consequently, they will improve the implementation and interpretation of the provisions and are more efficient and effective than the notified provisions in achieving the objectives of the PDP.
 - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.10 Strategic objectives

3.10.1 Strategic objective REE-O2

3.10.1.1 Matters raised by submitters

84. Powerco [83.20] seek that REE-O2 be amended to insert “Where possible and appropriate” at its beginning as they oppose the absolute requirement to reduce reliance on non-renewable sources of energy.

3.10.1.2 Assessment

85. I disagree with Powerco [83.20]. The objective is in accordance with the Government's Energy Strategy, the NPS-REG and the RPS, as set out in Table 11: Strategic objectives – link to higher order documents and PDP provisions in the Part 1 – Overview to section 32 evaluation report.

3.10.1.3 Summary of recommendations

86. I recommend for the reasons given in the assessment, that the submission from Powerco [83.20] be **rejected**.

3.11 Objectives

3.11.1 Objective REG-O2

3.11.1.1 Matters raised by submitters

87. Diane Strugnell [71.1] seeks to replace the term ‘minimising’ in REG-O1-1 with ‘avoiding’, noting that provision should be made for avoiding adverse effects from wind farms as mitigation is often not an option.

3.11.1.2 Assessment

88. The term ‘avoid’ has strong connotations within resource management plans. ‘Avoid’ usually means ‘not allowing’ or ‘preventing the occurrence of’.¹⁰ Using this term would therefore mean that the objective would be seeking to not allow adverse effects from renewable electricity generation activities on the anticipated amenity and character of the zone and the surrounding environment.
89. This would result in an objective seeking that renewable electricity generation activities only being able to establish if no adverse effects would be experienced, and in effect, would mean that renewable electricity generation activities would be very difficult to establish or operate in Porirua. The use of the term ‘avoiding’ in the objective would also have significant implications for the supporting policies and rules in order to achieve that outcome. In my view, this would also be contrary to the policy direction of the RPS and NPS-REG, which seek to recognise the benefits of, and provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. The proposed wording of ‘minimising’

¹⁰ Environmental Defence Soc Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38, para. [24]

adverse effects is therefore preferred as this recognises that some effects may be experienced, but that these effects would be reduced as far as practicable.

90. Additionally, it is noted that the proposed policies provide clear direction for how the objectives are to be achieved, including in relation to amenity values of any surrounding residents. Any resource consents sought for wind energy generation activities would be assessed against these policies.

3.11.1.3 Summary of recommendations

91. I recommend for the reasons given in the assessment, that the submissions from Diane Strugnell [71.1] be **rejected**.

3.12 Policies

3.12.1 REG-P1

3.12.1.1 Matters raised by submitters

92. Housing Action Porirua [67.10] seeks a change to REG-P1 to require all new buildings to be constructed with built-in solar power systems. The reasons given are to offset greenhouse gas (GHG) emissions from fossil fuel generation.

3.12.1.2 Assessment

93. There are two major areas of assessment in relation to this matter: the legal framework under the RMA, and the costs and benefits of small-scale solar power systems.

Costs and benefits of small-scale solar

94. As the REG – Renewable Electricity Generation Chapter addresses electricity generation, it is assumed that the submitter is referring to photovoltaic (PV) solar panels (as opposed to solar water heating, for example). Currently, the installation of a solar electricity system for an average power user costs approximately \$7,000 to \$10,000.¹¹ Supporting battery storage facilities add an additional cost on top of this initial investment.
95. In the Wellington region in 2020, the average build cost of a new house (excluding land and fees, and an average size of 133 square metres) was \$349,165, or \$2,612 per square metre.¹² An average solar system would therefore add approximately two to three percent to the cost of an average new-build house. In Porirua in 2020, 369 building consents were issued for new dwellings.¹³ A requirement for each to have an average solar PV system would have added more than \$2.5 million to the overall cost of those dwellings.

¹¹ Harrison Energy Solutions, 2021, Home Solar, Available from:

<https://www.harrisonsenergy.co.nz/solar/how-solar-works> Accessed on: 19 March 2021

¹² CANSTAR Pty Ltd, 2021, Building Costs: How Much to Build a New House in NZ?, Available from:

<https://www.canstar.co.nz/home-loans/otago-expensive-region-build-new-nz-home/> Accessed on: 19 March 2021

¹³ Stats NZ, 2021, Infoshare

96. With minor maintenance, the life expectancy of a solar panel is 25 years.¹⁴ The electricity cost savings of the systems, and therefore the payback period of the system (the point at which the initial investment costs of the system have been recouped through electricity cost savings), depend on a number of site and user specific factors, including whether battery storage is available for any power generated but not used at the time of generation. An analysis by Concept Consulting Group Ltd in 2016 found that 'solar PVs are unlikely to provide consumer cost savings in most situations at present', and that '[f]or society as a whole, current arrangements generally create signals to install solar PV that are stronger than justified by solar PV's true benefits'.¹⁵
97. In terms of GHG emissions reductions, New Zealand generated approximately 84 percent of its electricity from renewable resources in 2018. The New Zealand Energy Efficiency and Conservation Strategy 2017-2022 sets a target of 90 percent of electricity being generated from renewable sources by 2025.
98. Concept Consulting Group Ltd (2016) states that:
- [f]or solar PV, the appropriate emissions intensity relates to what other generation is being displaced ... while in the short term solar PV is likely to displace fossil, in the long-term it is likely to be displacing wind and geothermal that would otherwise be built, and in the very long-term with high levels of solar penetration may actually result in an increased need for fossil generation to perform seasonal firming.*
99. The potential impact of small-scale solar to reduce emissions is considered to be relatively small, as it would be offsetting electricity generated largely by renewable sources. GHG reductions would increase if the electricity was stored and used to offset other emission intensive energy uses such as transportation, for example by charging an electric car.
100. Therefore, in my opinion, overall the potential cost of requiring all new buildings to be constructed with built-in solar power systems is relatively high, while the benefits, particularly in relation to GHG emissions, are relatively low.
101. *Legal framework*
102. The legal framework for the REG chapter is set out in the Section 32 Evaluation Report Part 2: Renewable Electricity Generation. It is noted that in relation to land use the RMA establishes an enabling, effects-based framework. Section 9 of the Act incorporates a permissive presumption, where uses may occur unless they contravene a national environmental standard, regional plan rule or district plan rule.
103. Sections 72 to 77 of the RMA set out a range of matters relating to district plans, including their purpose, matters of the considered, and contents. The purpose is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act. The functions of territorial authorities under the Act include at section 31(1)(a):

¹⁴ GenLess, 2021, Solar Panels. Available from: <https://genless.govt.nz/living/lower-energy-homes/solar-panels/installing-a-solar-electricity-system/> Accessed on: 19 March 2021

¹⁵ Concept Consulting Group Ltd, 2016, Electric cars, solar panels, and batteries in New Zealand Vol 2: The benefits and costs to consumers and society

the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district

104. The purpose of the Act is set out in section 5 of Part 2. Of particular relevance to this submission is section 7 Other Matters, which was amended by the Resource Management (Energy and Climate Change) Amendment Act 2004 to include:
- (ba) the efficiency of the end use of energy;
 - (i) the effects of climate change; and
 - (j) the benefits to be derived from the use and development of renewable energy.
105. A district plan is concerned with land use planning. In making rules in district plans, regard shall be had to the actual or potential effect on the environment of activities.¹⁶ A district plan rule may therefore include controls that address the adverse effects of use or development on the environment, such as the location or height of a building on a site.
106. The way a building is constructed is generally regulated by the Building Act 2004 and the Building Code. I note that the Building Act 2004 purposes include that 'buildings are designed, constructed, and able to be used in ways that promote sustainable development',¹⁷ and that the Building Code includes Clause H1 Energy efficiency. Section 18 of the Building Act 2004 sets out that a person is not required to achieve performance criteria that are additional to, or more restrictive than, the performance criteria prescribed in the building code.
107. While sustainable design of buildings, including methods to reduce electricity consumption, would contribute to the sustainable management of natural and physical resources, including the matters in section 7 (ba), (i) and (j), and therefore the purpose of the Act, I consider that the relief sought in the submission to require solar generation systems for new buildings addresses the function of the building rather than its effects on the environment. I note that in relation to small-scale and community-scale distributed renewable electricity generation, Policy F of the NPS-REG requires that district plan provisions 'provide for' these activities to the extent applicable to the district.
108. In my opinion, the changes sought to REG-P1 are not necessary in order to 'provide for' small scale distributed electricity generation, to give effect to the NPS-REG. The PDP includes provisions to enable small-scale renewable electricity generation activities, including PV solar panels. These activities are permitted under REG-R2 subject to compliance with the relevant standards. I consider these provisions appropriately give effect to the RPS, NPS-REG and the RMA. The amendments sought would be going a step further in requiring small scale distributed electricity generation to be included in new development. I consider that such provisions would be more properly addressed through requirements under the Building Act.
109. I consider that the provisions in the THWT – Three Waters chapter requiring the installation of water meters is quite different in this regard, as the water meters required are relatively cheap

¹⁶ RMA s76(3)

¹⁷ Building Act 2004 s3(a)(iv)

(and subsequently the cost-benefit ratio is significantly positive) and do not in themselves affect the use of resources, but provide information that can benefit the management of water supply.

3.12.1.3 Summary of recommendations

110. I recommend for the reasons given in the assessment, that the submissions from Housing Action Porirua [67.10] be **rejected**.

3.12.2 Consistency with the NZCPS

3.12.2.1 Matters raised by submitters

111. The Director-General of Conservation [126.5 and 126.6] seeks that REG-P5 and REG-P7 be amended to be consistent with the NZCPS, noting that the policy does not require avoidance of adverse effects in Significant Natural Areas or Outstanding Natural Features and Landscapes, which is contrary to the NZCPS to the extent these areas are in the coastal environment.

3.12.2.2 Assessment

112. REG-P5 and REG-P7 address small-scale renewable electricity generation activities, and community-scale renewable electricity generation activities, respectively, within overlays. REG-P5 seeks that any significant adverse effects are avoided, and any other adverse effects are avoided, remedied or mitigated in relation to activities within Significant Natural Areas, Special Amenity Landscapes, Outstanding Natural Features and Landscapes, and Coastal High Natural Character Areas, while having regard to the matters in other relevant policies. REG-P7 seeks that any significant adverse effects are avoided, and any other adverse effects are avoided, remedied or mitigated, while having regard to the matters in other relevant policies and a list of other relevant matters. The policies do not specifically differentiate between areas within and outside of the coastal environment.

113. The inland extent of the coastal environment is defined on the planning maps, based on the assessment undertaken by Boffa Miskell for the Council.¹⁸

114. The Director-General of Conservation does not state which policies of the NZCPS REG-P5 and REG-P7 are contrary to. However, I note that:

- Policy 11(a) lists certain taxa, indigenous ecosystems and vegetation types, habitats and areas on which adverse effects from activities are to be avoided;
- Policy 13(1)(a) requires adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character to be avoided; and
- Policy 15(a) requires that adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment are to be avoided.

115. No other policies in the NZCPS specifically require adverse effects to be avoided.

¹⁸ Boffa Miskell Limited, 2018, Porirua Coastal Study: Natural Character Evaluation of the Porirua City Coastal Environment

116. In relation to NZCPS Policy 11(a), both REG-P5 and REG-P7 state that regard is to be had to ECO-P12 in relation to renewable electricity generation activities located on a site identified in SCHED7 - Significant Natural Areas. ECO-P12 states that:

Only allow activities within an identified Significant Natural Area in the coastal environment where it can be demonstrated that they;

1. Avoid adverse effects on the matters in Policy 11(a) of the New Zealand Coastal Policy Statement 2010;

117. As such, with the references to other relevant policies to which regard is to be had, and which specifically require adverse effects to be avoided consistent with the NZCPS, I consider that REG-P5 and REG-P7 appropriately give effect to NZCPS Policy 11.

118. In relation to policy 13(1)(a), as identified in the Natural Character Evaluation of the Porirua City Coastal Environment report¹⁹, there are no areas of outstanding natural character identified within Porirua's coastal environment. As such, there are no areas to which NZCPS Policy 13(1)(a) applies.

119. Outstanding Natural Features and Landscapes in Porirua were identified in the Porirua City Council Final Landscape Evaluation 2020 report²⁰ and are mapped on the planning maps. These included areas within the coastal environment.

120. REG-P5 states in clause 4.a that regard is to be had to NFL-P8. This is an error, as NFL-P8 relates to Special Amenity Landscapes in the coastal environment, rather than Outstanding Natural Features and Landscapes. The correct reference is NFL-P7 which relates to Outstanding Natural Features and Landscapes in the coastal environment. NFL-P7²¹ gives effect to the NZCPS Policy 15(a) and states that:

Avoid adverse effects from subdivision, use and development on the identified characteristics and values of Outstanding Natural Features and Landscapes described in SCHED9 - Outstanding Natural Features and Landscapes located within the coastal environment.

121. Similarly, REG-P7 states that if the activities are located on a site identified in SCHED9 - Outstanding Natural Features and Landscapes, regard is to be had to the matters in NFL-P3 and NFL-P6. This omits reference to NFL-P7. In my opinion, reference to NFL-P7 should also be included in REG-P7 to ensure this policy is had regard to in considering community scale renewable electricity generation activities proposed within an Outstanding Natural Feature or Landscape within the coastal environment.

122. In relation to NZCPS Policy 15(a), to give effect to this policy both REG-P5 and REG-P7 should require that adverse effects of activities on outstanding natural features and outstanding natural

¹⁹ Boffa Miskell Limited, 2018, Porirua Coastal Study: Natural Character Evaluation of the Porirua City Coastal Environment

²⁰ Isthmus, 2020, Porirua City Council Final Landscape Evaluation 2020

²¹ I note that the s42A reports for the CE – Coastal Environment and NFL – Natural Features and Landscapes chapters do not recommend any amendments to this policy.

landscapes in the coastal environment be avoided. This would assist the PDP in giving effect to section 6(a) of the RMA.

123. With the references to NFL-P7 included in policies REG-P5 and REG-P7, I consider that they will appropriately give effect to NZCPS Policy 15.

3.12.2.3 Summary of recommendations

124. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** REG-P5-4.a and REG-P7-4 as set out below and in Appendix A;

REG-P5	Small-scale renewable electricity generation activities and investigation activities within <u>specified</u>²² Overlays
[...]	<p>5. If located within an area identified in SCHED9 - Outstanding Natural Features and Landscapes or SCHED11 - Coastal High Natural Character Areas:</p> <p>a. Any significant adverse effects are avoided and any other adverse effects are avoided, remedied or mitigated, while having regard to the matters in NFL-P3, NFL-P6 and NFL-P<u>87</u>²³ and CE-P3; and</p> <p>[...]</p>

REG-P7	Community-scale renewable electricity generation activities in other locations and within <u>specified</u>²⁴ Overlays
[...]	<p>Only allow community-scale renewable energy generation activities in other locations where any significant adverse effects are avoided and any other adverse effects are avoided, remedied or mitigated, while having regard to:</p> <p>[...]</p> <p>1. If located on a site identified in SCHED9 - Outstanding Natural Features and Landscapes, the matters in NFL-P3, and NFL-P6 <u>and NFL-P7</u>²⁵;</p> <p>[...]</p>

125. I recommend that the submissions from the Director-General of Conservation [126.5 and 126.6] be **accepted in part**.

3.12.3 Section 32AA evaluation

126. In my opinion, the amendments to REG-P5-4.a and REG-P7-4 are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- a. They will better give effect to higher order documents, including the NZCPS. Consequently, they will be more efficient and effective than the notified provisions in achieving the objectives of the PDP.

²² Forest and Bird [225.188]

²³ Director-General of Conservation [126.5]

²⁴ Forest and Bird [225.188]

²⁵ Director-General of Conservation [126.5]

- b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.12.4 REG-P5

3.12.4.1 Matters raised by submitters

127. Heritage New Zealand Pouhere Taonga [65.11] seeks that additional wording be included in clause REG-P5-1.b so that any renewable electricity generation activity or structure is not visible from any main viewing location of the heritage item. The submitter's reasons include that while a renewable electricity generation activity or structure may not be visible from any public place, it could still have significant adverse impacts on the heritage values and heritage fabric.

3.12.4.2 Assessment

128. Section 6(f) of the RMA requires that the protection of historic heritage from inappropriate subdivision, use, and development is recognised and provided for as a matter of national importance. There are no relevant national policy statements or national environmental standards providing national direction on this matter.
129. REG-R2-3 provides for small-scale renewable electricity generation activities within or on any sites, areas, items and/or features identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), SCHED4 - Historic Heritage Sites or SCHED6 - Sites and Areas of Significance to Māori as restricted discretionary activities. This means that any small-scale renewable electricity generation activities within those areas requires consent, which can be refused or granted, and if granted, conditions imposed. Discretion is restricted to the matters in REG-P1 and REG-P5.
130. While the heritage schedules included in the PDP include statements of significance, these statements do not include identification of main or important viewing points of the site, area, item or feature. As such, there is no information recorded within the PDP of what would constitute 'main/important viewpoints' for these sites, areas, items or features. The changes sought to the policy therefore have the potential to create significant uncertainty in the application of the policy in the assessment of resource consents submitted for small-scale renewable electricity generation activities under REG-R2-3.
131. Additionally, while recognising and providing for the matter in section 6(f) of the RMA, particular regard must be given to the benefits to be derived from the use and development of renewable energy.²⁶ These benefits are particularised through the NPS-REG, which must be given effect to in the district plan. Under Policy C1 of the NPS-REG, decision makers must have particular regard to, among other matters, logistical or technical practicalities and designing measures which allow operational requirements to complement and provide for mitigation opportunities. Under Policy A(d) of the NPS-REG, decision-makers shall recognise and provide for the reversibility of the adverse effects on the environment. Small-scale renewable electricity generation activities will most likely be domestic scale solar panels or wind turbines. By further limiting the potential

²⁶ RMA section 7(j)

location, small-scale renewable electricity generation activities could be allowed within or on an identified historic heritage site, area, item or feature, I consider that the NPS-REG matters will not be given sufficient consideration. For example, the ability for solar panels to efficiently generate electricity may depend on their placement on the building, their visual impact may be able to be significantly mitigated by the type of panel selected, and adverse effects may be able to be reversed through their installation methodology.

132. I also note that clause REG-P5-1.a sets out that small-scale renewable electricity generation activities are only to be allowed where the form and location of the activities are sympathetic to the identified values. This provides sufficient scope for the effects of the activities on important viewpoints to be considered through a consent process, where those values relate to the visual aspects of the site, area, item or features.

133. As such, I do not consider that the changes sought are appropriate.

3.12.4.3 Summary of recommendations

134. I recommend for the reasons given in the assessment, that the submissions from Heritage New Zealand Pouhere Taonga [65.11] be **rejected**.

3.12.5 REG-P8

3.12.5.1 Matters raised by submitters

135. Diane Strugnell [71.2] seeks additional wording within the policy to 'avoid' rather than 'minimise' adverse effects listed in clause 5, for the reason that it is extremely difficult to mitigate the adverse effects of commercial wind farm infrastructure, especially turbines due to their size and scale. The submitter also seeks adequate separation from potential activities within the rural zone, not just from an existing residence, for the reasons to allow for existing property owner rights.

3.12.5.2 Assessment

136. In relation to using the term 'avoid' rather than 'minimise' in clause 5 of the policy, this is similar to the decision requested under point [71.1] in relation to REG-O2. As assessed in section 3.11 above, the term 'avoid' has strong connotations under the RMA with it meaning 'to not allow' or 'preventing the occurrence of'. By amending the policy to use the term 'avoid', it would effectively mean that the policy would be to not allow any adverse effects to be experienced as a result of large-scale renewable electricity activities. This is contrary to the policy direction in the RPS and the NPS-REG, and the overarching framework of the RMA. The NPS-REG recognises in Policy C2 that some residual effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated may be able to be offset or environmental compensation provided. As such, it is not considered appropriate to use the term 'avoid' as sought by the submission.

137. In relation to the decision sought for the policy to include wording relating to adequate separation distances of large-scale renewable electricity generation activities from other potential activities within the rural zone, this is the reverse argument to the submission point from Paul and Julie Botha [118.19] assessed in section 3.6 above. In both cases, the receiving environment against which the effects of a proposal are to be assessed is well established in case law and includes the reasonably foreseeable future environment (including permitted activities

or consented activities that are likely to be implemented). As such, I consider it is not appropriate to include additional wording to provide protection for 'potential activities'; permitted activities will be included within any assessment of environmental effects required through a consenting process. If an activity requires resource consent and is not consented at the time of consideration of a proposal, then it will not form part of the receiving environment.

3.12.5.3 Summary of recommendations

138. I recommend for the reasons given in the assessment, that the submissions from Diane Strugnell [71.2] be **rejected**.

3.13 Rules

3.13.1 REG-R2

3.13.1.1 Matters raised by submitters

139. The Director-General of Conservation [126.7] raises an issue in relation to REG-R2 in that the rules relating to wetlands must be brought into line with the NZCPS, NPS-FM and the NES-FW. The submitter seeks that small-scale renewable electricity generation should be discouraged from occurring within these sensitive environments with a non-complying activity status. The submitter gives the reasons that the rules must be consistent with the NPS-FM and NZCPS, and development of any kind should not be encouraged within SNAs or ONFLs.

3.13.1.2 Assessment

140. I note that the matters relevant to the policies in the REG chapter and consistency with the NZCPS are addressed in section 3.12.2 above.

141. The NES-FW took effect on 3 September 2020. Subpart 1 sets regulations for activities within and near wetlands. If an activity is not specifically identified under regulations 37 to 53, it is a non-complying activity under regulation 54, if it involves:

- vegetation clearance within, or within a 10 m setback from, a natural wetland;
- earthworks within, or within a 10 m setback from, a natural wetland; or
- the taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland.

142. Regulation 6 addresses the relationship between the regulations and plan rules. It states that a district rule may be more stringent than the regulations. A district rule may be more lenient than regulations 70 to 74 if the rule is made for the purpose of preventing the passage of fish in order to protect particular fish species, their life stages, or their habitats. As such, district plan rules cannot be more lenient than the NES-FW regulations, other than in relation to regulations 70 to 74.

143. To comply with the requirements of regulation 6, the rules specifically relating to renewable electricity generation activities within wetlands could:

- be amended to require consent as non-complying activities consistent with regulation 54;
- or

- be removed so that the Plan is silent on this matter, and reliance placed on the NES-FW.
144. Section 3.7 of the section 42A report 'Officer's Report: Part B - Ecosystems and Indigenous Biodiversity' identifies that the NPS-FM and NES-FW 2020 came into force subsequent to the notification of the PDP, and provide clarity that wetland identification and protection is the responsibility of regional councils. That report also concludes that wetlands are suitably identified in the PDP, although not directly regulated by PCC, and that any activities in or near wetlands within the SNA will be regulated under the PNRP and the NES-FW.
145. The regulations in the NES-FW are administered by regional councils. If the rules in the PDP relating to activities within wetlands in SNAs were to be retained and amended to be consistent with regulation 54, resource consent applications would need to be sought from and processed by both the Council and the Greater Wellington Regional Council for the same activity. This duplication of effort would not be efficient or effective for either the applicant or the councils and is therefore not considered to be appropriate.
146. Therefore, I consider that the best option is to remove the rules relating to renewable electricity generation activities within wetlands and rely on the NES-FW to manage the effects of those activities on wetlands.
147. I note that the submission from the Director-General of Conservation [126.7], while being submitted directly against REG-R2, refers to 'rules' more generally. As such, I consider that there is sufficient scope to similarly address other rule clauses relating to wetlands within the chapter.

3.13.1.3 Summary of recommendations

148. I recommend for the reasons given in the assessment, that the Hearings Panel:
- a. **Amend** REG-R2 as set out in Appendix A;
 - b. Make consequential amendments to REG-R1 and REG-R3 to reflect the recommendation on REG-R2 as set out in Appendix A.
- The amendments are not shown here due to length.
149. I recommend that the submissions from Director-General of Conservation [126.7] be **accepted in part**.

3.13.2 Section 32AA evaluation

150. In my opinion, the amendments to REG-R1, REG-R2 and REG-R3 are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:
- a. They will better align the Plan with the NES-FW. Consequently, they will reduce the potential need for unnecessary resource consents under the Plan and are more efficient and effective than the notified provisions in achieving the objectives of the PDP.
 - b. The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions, as the potential effects on wetlands are already addressed by the NES-FW framework. However, there will be benefits from improved plan interpretation and more efficient plan administration.

3.13.3 REG-R5

3.13.3.1 Matters raised by submitters

151. Paul and Julia Botha [118.18] raise an issue in relation to a number of planning overlays identified in the PDP which would force a large wind farm development to be non-complying. The submitter states surprise that no district-wide assessment has been made on possible wind farm sites in the absence of any of these overlays, and comments on the difficulty of non-complying activity status.

3.13.3.2 Assessment

152. The submitter correctly identifies that large scale renewable electricity generation activities are non-complying activities within overlays included in the Plan. This is intentional. Appendix C of the Section 32 Evaluation Report Part 2: Renewable Electricity Generation states:

These rules give effect to policy REG-P9-2. The potential effects of large scale renewable electricity generation activities within these overlays and within zones other than the General rural zone are considered likely to be significant and not appropriate. However, if a particular proposal can show that any effects will be no more than minor then a resource consent may be able to be granted, acknowledging that REG-P9-2 is to avoid large scale renewable electricity generation activities within these areas and therefore such a proposal is unlikely to not be contrary to the objectives and policies of the PDP.

153. I agree with that assessment. I note that 'the benefits to be derived from the use and development of renewable energy' is an 'other matter' under section 7 of the RMA, while the overlays respond to 'matters of national importance' under section 6 of the Act. In balancing any tensions between the matters in these sections, section 6 matters have a higher weighting than section 7 matters, and therefore take precedence over the benefits to be derived from the use and development of renewable energy.

3.13.3.3 Summary of recommendations

154. I recommend for the reasons given in the assessment, that the submissions from Paul and Julia Botha [118.18] be **rejected**.

3.14 Standards

3.14.1 Matters raised by submitters

155. Paul and Julia Botha [118.16] raise an issue in relation to it seeming odd that community turbines can be closer to the site boundary than a domestic turbine and both be assessed as discretionary activities. No specific decision is sought.

3.14.2 Assessment

156. The submitter incorrectly states that community turbines can be closer to the site boundary than a domestic turbine and both will be assessed as discretionary activities. Small-scale turbines are permitted activities under REG-R2 if the standards are met, and restricted discretionary if those standards are not met. Under REG-R4, community-scale turbines are restricted discretionary activities if the standards are met, and discretionary if those standards are not met.

3.14.3 Summary of recommendations

157. I recommend for the reasons given in the assessment, that the submissions from Paul and Julia Botha [118.16] be **rejected**.

3.15 Minor Errors

158. I recommend that an amendment be made to the REG-Renewable Electricity generation chapter to fix clause REG-P8-5.b, as this clause is worded as a clause under 5.a, and as such should be moved to reflect this wording.

159. This amendment could have been made after the PDP was notified through the RMA process to correct minor errors²⁷, but I recommend the amendment is made as part of the Hearing Panel's recommendations for completeness and clarity. The amendment is set out in Appendix A.

²⁷ Clause 16 of RMA Schedule 1

4 Conclusions

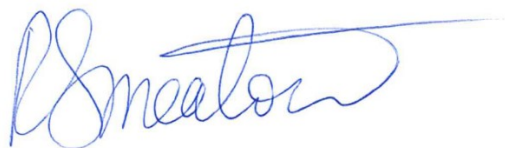
160. Submissions have been received in support of, and seeking amendments to, the PDP.
161. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in Appendix A of this report.
162. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- a. achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives; and
 - b. achieve the relevant objectives of the PDP, in respect to the proposed provisions.

Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions as outlined in Appendix B of this report; and
2. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

Signed:

Name and Title		Signature
Report Author	Rory Smeaton Senior Policy Planner	

Appendix A. Recommended Amendments to the REG-Renewable Electricity Generation Chapter


Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is in red and underlined.
- Text recommended to be deleted from the PDP is in red and ~~struckthrough~~.

Notes:

- Consequential amendments have been made to replace 'overlays' with 'specified overlays', as detailed in section 3.9 above.

REG - Renewable Electricity Generation

This chapter contains provisions that have legal effect. They are identified with a  to the right hand side of the provision. To see more about what legal effect means please click [here](#).

Energy is essential to the efficient and effective functioning of New Zealand, and the City. Energy demand is growing overall, and there is a shift to electrification of energy uses such as transportation.

Development and use of renewable energy resources has a number of environmental and economic benefits and²⁸ is becoming increasingly important as a way of meeting future energy demand in an environmentally sustainable manner. Benefits of renewable electricity generation include increasing electricity generation capacity and security and reducing the use of finite resources, irreversible effects on the environment and reliance on imported fuels.²⁹

The primary use of renewable energy resources is for electricity generation. The most feasible forms of renewable electricity generation within the City are currently wind power and small-scale solar. Other forms of energy, such as biofuels, also have the potential to contribute to meeting future energy demands.

The location of renewable electricity generation facilities is often driven by their functional and operational need to access renewable energy resources. These activities can only occur where renewable energy resources are found, limiting the geographic areas where renewable electricity generation activities can occur. Logistical or technical practicalities, and the need to integrate with existing supporting infrastructure, may also place constraints on the location of these activities.

The investigation, development and operation of renewable electricity generation activities can cause adverse effects on the environment, particularly in relation to amenity, landscape, ecology, cultural values, and traffic. Renewable electricity generation structures may need to locate in visually prominent locations and produce other amenity effects such as noise. Significant earthworks may also be required to enable the required structures.

Where renewable electricity generation facilities exist, subdivision, use and development in close proximity to these facilities requires careful management as they can lead to adverse effects on the operation, maintenance and upgrading of these facilities.

Objectives

²⁸ Paul and Julie Botha [118.15]

²⁹ Paul and Julie Botha [118.15]

REG- O1	Recognising the benefits of renewable electricity generation
The significant local, regional and national benefits from the use and development of renewable electricity generation activities, and their operational needs and functional needs, are recognised.	
REG- O2	Providing for renewable electricity generation activities
Renewable electricity generation activities are able to establish and operate within the City, while: <ol style="list-style-type: none"> 1. Minimising adverse effects on the anticipated amenity and character of the zone and the surrounding environment; and 2. Protecting the values and qualities of any Overlay. 	
Policies	
REG- P1	Recognise the benefits of renewable electricity generation
Provide for the local, regional and national benefits of renewable electricity generation activities, including the contribution to: <ol style="list-style-type: none"> 1. Central Government energy policy objectives and renewable energy targets; 2. The security of supply and increased energy independence for the City and Region; 3. Economic benefits for the regional and local economy; and 4. Any other positive benefits. 	
REG- P2	Enable existing activities
Enable the ongoing maintenance and repair of existing renewable electricity generation activities.	
REG- P3	Reverse sensitivity
Require new sensitive activities to be designed and located to avoid conflict with, including reverse sensitivity effects on, any established or consented renewable electricity generation activities.	
REG- P4	Small-scale renewable electricity generation and investigation activities outside of <u>specified</u>³⁰ Overlays
Enable small-scale renewable electricity generation activities and activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation activities, where: <ol style="list-style-type: none"> 1. The activity is of a form, location and scale that avoids, remedies or mitigates any adverse effects on the environment; and 2. The activity is consistent with the anticipated amenity and character of the zone. 	

³⁰ Forest and Bird [225.188]

REG- P5	Small-scale renewable electricity generation activities and investigation activities within <u>specified</u>³¹ Overlays
<p>Only allow small-scale renewable electricity generation activities and activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation activities within any Overlay, where:</p> <ol style="list-style-type: none"> 1. If located within or on any sites, areas, items and/or features identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), SCHED4 - Historic Heritage Sites and/or SCHED6 - Sites and Areas of Significance to Māori: <ol style="list-style-type: none"> a. Its form and location is sympathetic to the identified values; and b. Any structure is not visible from any adjacent public areas and is aligned with the plane of the roof where located on a roof; 2. If located within the root protection area of a tree identified in SCHED5 - Notable Trees the work will not compromise the long term health, natural life or values of the notable tree; 3. If located within an area identified in SCHED7 - Significant Natural Areas or SCHED10 - Special Amenity Landscapes, any significant adverse effects are avoided and any other adverse effects are avoided, remedied or mitigated, while having regard to the matters in ECO-P4, ECO-P11, and ECO-P12 and NFL-P3, NFL-P6 and NFL-P8; 4. If located within an area identified in SCHED9 - Outstanding Natural Features and Landscapes or SCHED11 - Coastal High Natural Character Areas: <ol style="list-style-type: none"> a. Any significant adverse effects are avoided and any other adverse effects are avoided, remedied or mitigated, while having regard to the matters in NFL-P3, NFL-P6 and NFL-P8³² and CE-P3; and b. The design and location of the activity is subordinate to and does not compromise the identified characteristics and values of the Outstanding Natural Feature and Landscape or Coastal High Natural Character Area; and 5. If located within an area in a Natural Hazard Overlay or Coastal Hazard Overlay it: <ol style="list-style-type: none"> a. Does not increase the risk from the natural hazard to people, or other property or infrastructure; b. Has a functional need or operational need that means its location cannot be avoided and there are no reasonable alternatives; c. Is not vulnerable to the natural hazard; and d. Is designed to maintain reasonable and safe operation during and in the immediate period after a natural hazard event. 	
REG- P6	Community-scale renewable electricity generation activities in the General Rural, Rural Lifestyle, General Industrial and Māori Purpose Zones, outside of <u>specified</u>³³ Overlays
<p>Provide for community-scale renewable electricity generation activities in the General Rural, Rural Lifestyle, General Industrial and the Māori Purpose zones, where any adverse effects on the anticipated character and amenity of the zone</p>	

³¹ Forest and Bird [225.188]

³² Director-General of Conservation [126.5]

³³ Forest and Bird [225.188]

and on the surrounding environment are avoided, remedied or mitigated, having regard to:

1. The scale of the activity and the effects on the surrounding area;
2. The design and site layout of the activity and its ability to internalise effects;
3. The capacity of the roading and infrastructure network to accommodate the activity;
4. Any potential adverse amenity effects from scale, shading, lighting and noise; and
5. The location of the activity and whether there is adequate separation from residential activities to ensure conflict between activities, including potential adverse reverse sensitivity effects, are minimised.

REG- P7 Community-scale renewable electricity generation activities in other locations and within specified³⁴ Overlays

Only allow community-scale renewable energy generation activities in other locations where any significant adverse effects are avoided and any other adverse effects are avoided, remedied or mitigated, while having regard to:

1. If located within or on heritage items, heritage settings, or historic heritage sites, or sites and areas identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B) or SCHED4 - Historic Heritage Sites, the matters in HH-P11;
2. If located on a site identified in SCHED6 - Sites and Areas of Significance to Māori, the matters in SASM-P6;
3. If located on a site identified in SCHED7 - Significant Natural Areas, the matters in ECO-P4, ECO-P11 and ECO-P12;
4. If located on a site identified in SCHED9 - Outstanding Natural Features and Landscapes, the matters in NFL-P3, and NFL-P6 and NFL-P7³⁵;
5. If located on a site identified in SCHED10 - Special Amenity Landscapes, the matters in NFL-P3, NFL-P6 and NFL-P8;
6. If located on a site identified in SCHED11 - Coastal High Natural Character Areas, the matters in CE-P3;
7. If located within the Natural Hazard Overlay or Coastal Hazard Overlay, the activity:
 - a. Does not increase the risk from the natural hazard to people, other properties or infrastructure;
 - b. Has a functional need or operational need to be located in the area and there are no reasonable alternatives;
 - c. Is not vulnerable to the natural hazard; and
 - d. Is designed to maintain reasonable and safe operation during and in the immediate aftermath of a natural hazard event; and
8. Whether there is an operational need or functional need for the identified location;
9. Any adverse cumulative effects;
10. The scale, intensity, duration or frequency of the activity's effects;
11. Any adverse effects on visual amenity, including colour, size, dominance and shading of any structures associated with the activity;
12. Any light spill or reflectivity effects;
13. The design and site layout of the activity and its ability to internalise effects;

³⁴ Forest and Bird [225.188]

³⁵ Director-General of Conservation [126.5]

14. Traffic generation, earthworks and construction effects, lighting and noise and the potential to cause sleep disturbance or annoyance;
15. Whether there is adequate separation from residential activities to ensure conflict between activities, including potential adverse reverse sensitivity effects, are minimised;
16. Ecological effects, including effects on terrestrial ecology and avifauna; and
17. The extent to which the proposed activity recognises and provides for tangata whenua cultural and spiritual values and practices.

REG- P8 Large-scale renewable electricity generation activities in the General Rural Zone, outside of specified³⁶ Overlays

Only allow for large-scale renewable electricity generation activities in the General Rural Zone where:

1. They have a particular operational need or functional need to locate where the renewable energy resources are available;
2. There is or will be sufficient roading and infrastructure capacity to accommodate the activity;
3. They avoid any significant adverse effects and avoid, remedy or mitigate any other adverse effect on the identified values and qualities of any adjacent Overlay;
4. For an activity involving wind generation, it complies with NZS 6808:2010 Acoustics - Wind farm noise;
5. They minimise any adverse effects on:
 - a. Amenity values of the site and surrounding area, having regard to:
 - i. The scale, intensity, duration or frequency of the activity's effects;
 - ii. The size and shading of any structures associated with the activity;
 - iii. The design and site layout of the activity and its ability to internalise effects, including and blade or shadow flicker;
 - iv. Traffic generation, earthworks and construction, and lighting and the potential to cause sleep disturbance or annoyance;
 - b-v.³⁷ Whether there is adequate separation from residential activities to ensure conflict between activities, including potential adverse reverse sensitivity effects, are minimised; and
 - eb³⁸. Ecology, including effects on terrestrial ecology and avifauna; having regard to any offsetting measures or environmental compensation which may benefit the local environment and community affected; and
 - ec³⁹. Any existing navigation and telecommunication facilities.

while having regard to any adaptive management measures proposed.

REG- P9 Large-scale renewable electricity generation activities in other zones and within specified⁴⁰ Overlays

Avoid locating large-scale renewable energy generation activities within:

1. Any zone, other than the General Rural Zone; and
2. Any Overlay.

³⁶ Forest and Bird [225.188]

³⁷ Clause 16

³⁸ Clause 16

³⁹ Clause 16

⁴⁰ Forest and Bird [225.188]


REG-P10		Decommissioning of renewable electricity generation activities	
Require that during or following decommissioning of any renewable electricity generation activity that all renewable electricity generation structures are remediated including, but not limited to, the removal of all surface equipment, all concrete surfacing, steel and cables.			
Rules			
Note: Except as specifically identified in a rule in the following table, the rules in this chapter are the only rules that apply to Renewable Electricity Generation activities and no rules in other chapters apply.			
REG-R1		Maintenance and repair of renewable electricity generation activities	
All zones	1. Activity status: Permitted	<p>Where:</p> <p>a. When it is located within an area within SCHED7 - Significant Natural Areas:</p> <p style="padding-left: 40px;">i. Compliance is achieved with REG-S7; and</p> <p style="padding-left: 40px;">ii. It is not located within a wetland⁴¹.</p> <p>Note:</p> <p>The maintenance and repair of existing renewable electricity generation activities outside of Significant Natural Areas is a permitted activity. The operation of legally established existing renewable electricity generation activities may rely on existing use rights or any resource consent obtained for those activities.</p>	
	2. Activity status: Restricted discretionary	<p>Where</p> <p>a. Compliance is not achieved with REG-S7.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters of discretion of any infringed standard.</p>	
	3. Activity status: Discretionary	<p>Where:</p> <p style="padding-left: 40px;">a. It is located within a wetland in an area identified in SCHED7—Significant Natural Areas.⁴²</p>	
REG-R2		Small-scale renewable electricity generation activities	
All zones	1. Activity status: Permitted	<p>Where:</p>	

⁴¹ Director-General of Conservation [126.7]

⁴² Director-General of Conservation [126.7]

	<p>a. Compliance is achieved with:</p> <ol style="list-style-type: none"> i. REG-S1; ii. REG-S2; iii. REG-S3; iv. The earthworks standards applying to the underlying zone; and v. The noise standards applying to the underlying zone. 				
	<p>All zones 2. Activity status: Restricted discretionary</p> <p>Where</p> <ol style="list-style-type: none"> a. Compliance is not achieved with REG-S1, REG-S2, REG-S3 or the earthworks or noise standards applying to the underlying zone. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters of discretion of any infringed standard. <p>Notification: An application under this rule is precluded from being publicly notified in accordance with sections 95A of the RMA.</p>				
	<p>All zones 3. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. The activity is located: <table border="1" style="width: 100%;"> <tr> <td> <ol style="list-style-type: none"> i. Within or on any sites, areas, items and/or features identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), SCHED4 - Historic Heritage Sites or SCHED6 - Sites and Areas of Significance to Māori; or ii. Within an area identified in SCHED9 - Outstanding Natural Features and Landscape, SCHED10 - Special Amenity Landscapes or SCHED11 - Coastal High Natural Character Areas; </td> </tr> <tr> <td> <ol style="list-style-type: none"> b. The activity is freestanding and located: <table border="1" style="width: 100%;"> <tr> <td> <ol style="list-style-type: none"> i. Within an area identified in SCHED7 - Significant Natural Areas but is not located within a wetland⁴³; or ii. Within the Natural Hazard Overlay or Coastal Hazard Overlay. </td> </tr> </table> </td> </tr> <tr> <td> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in REG-P1; and 2. The matters in REG-P5. </td> </tr> </table> 	<ol style="list-style-type: none"> i. Within or on any sites, areas, items and/or features identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), SCHED4 - Historic Heritage Sites or SCHED6 - Sites and Areas of Significance to Māori; or ii. Within an area identified in SCHED9 - Outstanding Natural Features and Landscape, SCHED10 - Special Amenity Landscapes or SCHED11 - Coastal High Natural Character Areas; 	<ol style="list-style-type: none"> b. The activity is freestanding and located: <table border="1" style="width: 100%;"> <tr> <td> <ol style="list-style-type: none"> i. Within an area identified in SCHED7 - Significant Natural Areas but is not located within a wetland⁴³; or ii. Within the Natural Hazard Overlay or Coastal Hazard Overlay. </td> </tr> </table> 	<ol style="list-style-type: none"> i. Within an area identified in SCHED7 - Significant Natural Areas but is not located within a wetland⁴³; or ii. Within the Natural Hazard Overlay or Coastal Hazard Overlay. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in REG-P1; and 2. The matters in REG-P5.
<ol style="list-style-type: none"> i. Within or on any sites, areas, items and/or features identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), SCHED4 - Historic Heritage Sites or SCHED6 - Sites and Areas of Significance to Māori; or ii. Within an area identified in SCHED9 - Outstanding Natural Features and Landscape, SCHED10 - Special Amenity Landscapes or SCHED11 - Coastal High Natural Character Areas; 					
<ol style="list-style-type: none"> b. The activity is freestanding and located: <table border="1" style="width: 100%;"> <tr> <td> <ol style="list-style-type: none"> i. Within an area identified in SCHED7 - Significant Natural Areas but is not located within a wetland⁴³; or ii. Within the Natural Hazard Overlay or Coastal Hazard Overlay. </td> </tr> </table> 	<ol style="list-style-type: none"> i. Within an area identified in SCHED7 - Significant Natural Areas but is not located within a wetland⁴³; or ii. Within the Natural Hazard Overlay or Coastal Hazard Overlay. 				
<ol style="list-style-type: none"> i. Within an area identified in SCHED7 - Significant Natural Areas but is not located within a wetland⁴³; or ii. Within the Natural Hazard Overlay or Coastal Hazard Overlay. 					
<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in REG-P1; and 2. The matters in REG-P5. 					
	<p>All zones 4. Activity status: Discretionary</p> <p>Where:</p>				

⁴³ Director-General of Conservation [126.7]

	<p>a. The activity is located within the root protection area of a tree identified in SCHED5 - Notable Trees;or</p> <p>b. The activity is located within a wetland in an area identified in SCHED7 – Significant Natural Areas⁴⁴.</p>
<p>REG-R3 </p>	<p>Activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation activities</p>
<p>All zones</p>	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with:</p> <ol style="list-style-type: none"> i. REG-S4; ii. The earthworks standards applying to the underlying zone; and iii. The noise standards applying to the underlying zone.
<p>All zones</p>	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance not achieved with REG-S4 or the earthworks or noise standards applying to the underlying zone.</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters of discretion of any infringed standard. <p>Notification: An application under this rule is precluded from being publicly notified in accordance with sections 95A of the RMA.</p>
<p>All zones</p>	<p>3. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. The activity is located:</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <p>i. Within or on any sites, areas, items and/or features identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), SCHED4 - Historic Heritage Sites or SCHED6 - Sites and Areas of Significance to Māori;</p> </div> <p>ii. Within an area identified in SCHED9 - Outstanding Natural Features and Landscapes, SCHED10 - Special Amenity Landscapes or SCHED11 - Coastal High Natural Character Areas;</p> <p>iii. Within the root protection area of a tree identified in SCHED5 - Notable Trees;</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>iv. Within an area identified in SCHED7 - Significant Natural Areas but is not located within a wetland⁴⁵; or</p> </div>


⁴⁴ Director-General of Conservation [126.7]

⁴⁵ Director-General of Conservation [126.7]

		v. Within the Natural Hazard Overlay or Coastal Hazard Overlay.
		Matters of discretion are restricted to: 1. The matters in REG-P1; and 2. The matters in REG-P5.
	All zones	4. Activity status: Discretionary - Where: a. It is located within a wetland in an area identified in SCHED7 – Significant Natural Areas.⁴⁶
	REG-R4	Community-scale renewable electricity generation activities
	General Rural Zone	1. Activity status: Restricted discretionary
	Rural Lifestyle Zone	Where: a. Compliance is achieved with: i. REG-S5; and ii. REG-S6; and b. Compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation.
	General Industrial Zone	Matters of discretion are restricted to: 1. The matters in REG-P1; and 2. The matters in REG-P6.
	Māori Purpose Zone (Hongoeka)	Notification: An application under this rule is precluded from being publicly notified in accordance with sections 95A of the RMA.
	General Rural Zone	2. Activity status: Discretionary
	Rural Lifestyle Zone	Where: a. Compliance is not achieved with REG-S5 or REG-S6.
	General Industrial Zone	
	Māori Purpose Zone (Hongoeka)	

⁴⁶ Director-General of Conservation [126.7]

Residential Zones Settlement Zone Commercial and Mixed Use Zones Open Space and Recreation Zones Special Purpose Zone (BRANZ) Future Urban Zone Hospital Zone	<p>3. Activity status: Discretionary</p>
All zones	<p>4. Activity status: Discretionary</p> <p>Where:</p> <p>a. The activity is located:</p> <ul style="list-style-type: none"> i. Within or on any sites, areas, items and/or features identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), SCHED4 - Historic Heritage Sites or SCHED6 - Sites and Areas of Significance to Māori; ii. Within an area identified in SCHED9 - Outstanding Natural Features and Landscapes, SCHED10 - Special Amenity Landscapes or SCHED11 - Coastal High Natural Character Areas; iii. Within the root protection area of a tree identified in SCHED5 - Notable Trees; iv. Within an area identified in SCHED7 - Significant Natural Areas; or v. Within the Natural Hazard Overlay or Coastal Hazard Overlay.
All zones	<p>5. Activity status: Non-complying</p> <p>Where:</p> <p>a. Compliance is not achieved with NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation.</p>

REG-R5		Large-scale renewable electricity generation activities	
	General Rural Zone	1. Activity status: Discretionary	
		Where: a. Compliance is achieved with NZS 6808:2010 Acoustics - Wind farm noise for any proposal involving wind generation.	
	General Rural Zone	2. Activity status: Non-complying	
		Where: a. Compliance is not achieved with REG-R5-1.a; or b. The activity is located:	
		i. Within or on any sites, areas, items and/or features identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), SCHED4 - Historic Heritage Sites or SCHED6 - Sites and Areas of Significance to Māori;	
		ii. Within an area identified in SCHED9 - Outstanding Natural Features and Landscapes, SCHED10 - Special Amenity Landscapes or SCHED11 - Coastal High Natural Character Areas;	
		iii. Within the root protection area of a tree identified in SCHED5 - Notable Trees;	
		iv. Within an area identified in SCHED7 - Significant Natural Areas; or	
		v. Within the Natural Hazard Overlay or Coastal Hazard Overlay.	
	All other zones	3. Activity status: Non-complying	
REG-R6		Renewable electricity generation activities not otherwise provided for	
	All zones	1. Activity status: Discretionary	
Standards			
REG-S1		Small-scale solar panels mounted to any building or structure	
All zones	1. The panel must not exceed the permitted building height standard for the underlying zone by more than 1m measured vertically. 2. The panel must not exceed the permitted height in relation to boundary standard for the	Matters of discretion are restricted to: 1. Any local, regional and national benefits; 2. The form and location of the panel; and 3. The visual amenity of adjacent properties.	

	underlying zone by more than 1m measured vertically.	
REG-S2	Small-scale roof-mounted wind turbines	
All zones	<p>1. The turbine must not exceed the permitted building height standard of the underlying zone by more than 3m measured vertically.</p> <p>2. The turbine must not exceed the permitted height in relation to boundary standard for the underlying zone by more than 1m measured vertically.</p> <p>3. The turbine must not exceed a maximum rotor diameter of 2.5m.</p> <p>4. There must be no more than one turbine per site.</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Any local, regional and national benefits; 2. Health and safety; 3. Any cumulative effects; 4. The type, scale, form and location of any turbine; 5. The visual amenity of adjacent properties; 6. Whether there are topographical or other site constraints that make compliance with the standard impractical; and 7. The values and characteristics of any adjacent <u>specified</u>⁴⁷ Overlay.
REG-S3	Small-scale freestanding wind turbines	
All zones	<p>1. The turbine must not exceed the permitted height in relation to boundary standard for the underlying zone.</p> <p>2. The turbine must not be located within the greater of:</p> <ol style="list-style-type: none"> c. 60m of a habitable building on an adjacent site; or d. A distance of 10 times the <u>wind turbine /mast/pole's tower height above ground level</u>⁴⁸ from any site boundary that is not held in the same record of title. <p>3. The turbine must not exceed a maximum height above ground level of 20m</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 8. Any local, regional and national benefits; 9. Health and safety; 10. Any cumulative effects; 11. The type, scale, form and location of any turbine; 12. The visual amenity of adjacent properties; 13. Whether there are topographical or other site constraints that make compliance with the standard impractical; and 14. The values and characteristics of any adjacent <u>specified</u>⁴⁹ Overlay.

⁴⁷ Forest and Bird [225.188]

⁴⁸ Paul and Julia Botha [118.18]

⁴⁹ Forest and Bird [225.188]

	<p>(including the full vertical extent of the blades).</p> <p>4. The turbine must not exceed a maximum rotor diameter of 7.2m.</p> <p>5. There must be no more than:</p> <ol style="list-style-type: none"> a. One turbine per site on a site of less than 20ha; or b. Three turbines on a site greater than 20ha. 	
REG-S4	Renewable electricity generation investigation activities	
All zones	<ol style="list-style-type: none"> 1. An anemometer must not exceed a maximum height above ground level of 90m. 2. Any structure must not exceed the permitted height in relation to boundary and setback standards for the underlying zone. 3. All masts must be removed at the end of investigation period. 4. The site must be restored to pre-works condition after removal of the investigation activities. 5. Investigation activities must not be undertaken on a site for a total period of more than five years. 	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Any local, regional and national benefits; 2. Traffic generation; 3. The suitability of the site for the proposed activity; 4. Noise, including sleep disturbance or public health; 5. The type, scale, form and location of any structure; 6. The amenity of adjacent properties; 7. Health and safety; 8. Any adverse cumulative effects; and 9. The values and characteristics of any adjacent <u>specified</u>⁵⁰ Overlays.
REG-S5	Community-scale wind turbine towers (either freestanding or supported by guyed ropes)	
All zones	<ol style="list-style-type: none"> 1. Any structure must not exceed the permitted height in relation to boundary standard for the underlying zone. 2. Any structure must not be located within a distance of three times the <u>wind</u> turbine 	<p>There are no matters of discretion for this standard.</p>

⁵⁰ Forest and Bird [225.188]

	<p>/mast/pole's tower height <u>above ground level</u> from:⁵¹</p> <p>c. A habitable building on an adjacent site; or</p> <p>d. Any site boundary that is not held in common ownership.</p>	
REG-S6	Community-scale freestanding solar panels	
All zones	<p>1. Any structure must not exceed the permitted height in relation to boundary standard for the underlying zone.</p> <p>2. Any structure must not exceed the permitted setback standards for the underlying zone.</p> <p>3. Any structure must not exceed a maximum height above ground level of 6m.</p> <p>4. Any structure must not exceed a maximum area of 150m².</p>	There are no matters of discretion for this standard.
REG-S7	Trimming, pruning or removal of indigenous vegetation within an area identified in SCHED7 - Significant Natural Areas	
All zones	<p>1. Any trimming, pruning or removal of indigenous vegetation must be limited to:</p> <p>b. Within:</p> <p>i. 2m either side of the existing renewable electricity generation activity <u>building or structure, measured at ground level;</u>⁵² and</p> <p>ii. <u>2m either side of</u>⁵³ any associated</p>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. Any local, regional and national benefits; 2. Design and siting of the renewable electricity generation activities; 3. Any operational or functional needs of the renewable electricity generation activities; 4. Any topographical and other site constraints make compliance with the standard impractical; 5. The matters in ECO-P3; and

⁵¹ Paul and Julia Botha [118.18]

⁵² Ryan Family Trust [138.5]

⁵³ Ryan Family Trust [138.5]

<p style="text-align: center;">access track or fence; and</p> <p>c. No more than 20m² of indigenous vegetation within any 12 month period;</p> <p>This standard does not apply to:</p> <ul style="list-style-type: none"> • Indigenous vegetation to be trimmed, pruned or removed located within the formation width of an existing road; or • Works that are being undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003 or the Telecommunications Act 2001. 	6. The matters in ECO-P4.
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Definitions

Wetland	has the same meaning as in section 2 of the RMA: includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.	NPS definition
<u>Wind turbine tower⁵⁴</u>	<u>means that part of a wind turbine, generally constructed from tubular steel or steel lattice, which supports the nacelle and blade assembly components</u>	
Works arborist	means a person who: <ul style="list-style-type: none"> a. by possession of a recognised arboricultural degree, diploma or certificate and on the job experience, is familiar with the tasks, equipment and hazards involved in arboricultural operations; and b. has demonstrated competency to Level 4 New Zealand Certificate in Horticulture Services (Arboriculture) standard (or to an equivalent arboricultural standard). 	

⁵⁴ Paul and Julia Botha [118.18]

Appendix B. Recommended Responses to Submissions and Further Submissions

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

Table B 1: Recommended responses to submissions and further submissions

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
General							
81.356	Kainga Ora – Homes and Communities	General	Retain Chapter as notified.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions.	No
79.1	Heather Phillips and Donald Love	General	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions.	No
111.1	Preserve Pāuatahanui Incorporated	General	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions.	No
118.15	Paul and Julie Botha	General	Invite Council Officers and Hearing Panel members to 10A The Track so that they can understand a real-world situation of how a turbine dominates or not at neighbours, and then form an opinion as to whether the rule framework proposed is appropriate or not.	n/a	Not Applicable	Observing a real-world example of a small-scale wind turbine would be beneficial for decision making.	No
264.40	Te Rūnanga o Toa Rangatira	General	Retain as notified.	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions.	No
Chapter Introduction							
118.14	Paul and Julie Botha	General	The positive impacts of renewable generation facilities should be listed in the Introduction.	3.4	Accept	See body of the report	Yes
111.2	Preserve Pāuatahanui Incorporated	Introduction	Retain	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions.	No
Differentiation of Generation Methods							
67.4	Housing Action Porirua	Introduction	Amend: The primary use of renewable energy resources is for electricity generation. The most feasible forms of renewable electricity generation within the City are currently wind power and small-scale solar. <u>However, the effects of these methods of renewable energy generation are quite different. Small-scale solar power systems using roof-mounted receptors are unlikely to have more than minor adverse effects.</u> Other forms of energy, such as biofuels, also have the potential to contribute to meeting future energy demands.	3.5	Reject	See body of the report	No
67.5	Housing Action Porirua	Introduction	Amend: The location of <u>renewable wind power</u> electricity generation facilities is often driven by their functional and operational need to access <u>renewable wind power</u> energy resources. These activities can only occur where <u>renewable wind power</u> energy resources are found, limiting the geographic areas where <u>renewable wind power</u> electricity generation activities can occur. Logistical or technical practicalities, and the need to integrate with existing supporting infrastructure, may also place constraints on the location of these activities.	3.5	Reject	See body of the report	No
67.6	Housing Action Porirua	Introduction	Amend: The investigation, development and operation of <u>renewable wind power</u> and <u>large-scale arrays for solar power</u> electricity generation activities can cause adverse effects on the environment, particularly in relation to amenity, landscape, ecology, cultural values, and traffic. <u>Renewable Wind power</u> electricity generation structures may need to locate in visually prominent locations and produce other amenity effects such as noise.	3.5	Reject	See body of the report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			Significant earthworks may also be required to enable the required <u>wind power</u> structures.				
67.7	Housing Action Porirua	Introduction	Where renewable wind power and large-scale arrays for solar power electricity generation facilities exist, subdivision, use and development in close proximity to these facilities requires careful management as they can lead to adverse effects on the operation, maintenance and upgrading of these facilities.	3.5	Reject	See body of the report	No
67.9	Housing Action Porirua	REG-O2	Amend: Renewable electricity generation activities are able to establish and operate within the City. <u>Wind power and large-scale arrays for solar power electricity generation activities are able to establish and operate</u> , while: 1. Minimising adverse effects on the anticipated amenity and character of the zone and the surrounding environment; and 2. Protecting the values and qualities of any Overlay.	3.5	Reject	See body of the report	No
67.11	Housing Action Porirua	REG-P3	Amend: Require new sensitive activities to be designed and located to avoid conflict with, including reverse sensitivity effects on, any established or consented renewable wind power or large-scale arrays for solar power electricity generation activities.	3.5	Reject	See body of the report	No
67.12	Housing Action Porirua	REG-P4	Amend: REGP4 Small-scale renewable wind power electricity generation and investigation activities outside of Overlays Enable small-scale renewable wind power electricity generation activities and activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable wind power electricity generation activities, where: 1. The activity is of a form, location and scale that avoids, remedies or mitigates any adverse effects on the environment; and 2. The activity is consistent with the anticipated amenity and character of the zone.	3.5	Reject	See body of the report	No
67.13	Housing Action Porirua	REG-P5	Amend: REGP5 Small-scale renewable wind power electricity generation activities and investigation activities within Overlays Only allow small-scale renewable wind power electricity generation activities and activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable wind power electricity generation activities within any Overlay, where: [...]	3.5	Reject	See body of the report	No
Noise Standard Compliance as Activity Status Trigger							
118.19	Paul and Julie Botha	General	Agree that wind farms need to comply with NZS6808:1998, but the standard should not be used to determine the activity status.	3.6	Reject	See body of the report	No
Maintenance Activities within Significant Natural Areas							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
138.5	Ryan Family Trust	General	The rules must be modified to allow adequate tree trimming within an SNA at the discretion of the owner to maintain efficient operation of alternative power resources.	3.7	Accept in part	See body of the report	Yes
Terminology							
118.17	Paul and Julie Botha	General	[Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): The term 'mast/pole' not being correct, with 'tower' being the correct term	3.8	Accept in part	See body of the report	Yes
Definitions							
81.138	Kāinga Ora – Homes and Communities	Renewable energy generation activities	Amend definition: Renewable energy electricity generation activities means the construction, operation and maintenance and repair of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.	n/a	Accept	Agree with the submitter for the reasons stated.	Yes
Strategic Objective							
83.20	Powerco	REE-O2	Amend Objective REE – 02 as follows: <u>Where possible and appropriate, there is reduced reliance on non-renewable sources of energy, increased use of renewable sources of energy and greater energy conservation.</u>	3.10.1	Reject	See body of the report	No
81.221	Kāinga Ora – Homes and Communities	REE-O2	Retain objective as notified	n/a	Accept	Agree with submitter	No
60.26	Transpower	REE-O2	Retain	n/a	Accept	Agree with submitter	No
137.18	Greater Wellington Regional Council	REE-O2	Retain	n/a	Accept	Agree with submitter	No
Objectives							
67.8	Housing Action Porirua	REG-O1	Uphold.	n/a	Accept	Agree with submitter	No
60.65	Transpower New Zealand Ltd	REG-O1	Retain.	n/a	Accept	Agree with submitter	No
71.1	Diane Strugnell	REG-O2	Amend: REG-O2 Providing for renewable electricity generation activities Renewable electricity generation activities are able to establish and operate within the City, while: 1. Minimising <u>Avoiding</u> adverse effects on the anticipated amenity and character of the zone and the surrounding environment; and 2. Protecting the values and qualities of any Overlay.	3.11.1	Reject	See body of the report	No
Policies							
67.10	Housing Action Porirua	REG-P1	Provide for the local, regional and national benefits of renewable electricity generation activities, including the contribution to:	3.12.1	Reject	See body of the report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>1. Central Government energy policy objectives and renewable energy targets;</p> <p>2. The security of supply and increased energy independence for the City and Region;</p> <p>3. Economic benefits for the regional and local economy; and</p> <p>4. Any other positive benefits.</p> <p><u>All new buildings, except garden sheds and similar small structures, are required to be constructed with built-in solar power systems with receptors incorporated into the design of roofs.</u></p>				
60.66	Transpower New Zealand Ltd	REG-P1	Retain	n/a	Accept	Agree with submitter	No
65.11	Heritage New Zealand Pouhere Taonga	REG-P5	<p>Amend:</p> <p>REG-P5 Small-scale renewable electricity generation activities and investigation activities within Overlays</p> <p>Only allow small-scale renewable electricity generation activities and activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation activities within any Overlay, where:</p> <p>1. If located within or on any sites, areas, items and/or features identified in SCHED2 - Historic Heritage Items (Group A), SCHED3 - Historic Heritage Items (Group B), SCHED4 - Historic Heritage Sites and/or SCHED6 - Sites and Areas of Significance to Maori:</p> <p>a. Its form and location is sympathetic to the identified values; and</p> <p>b. Any structure is not visible from any adjacent public areas <u>or main/important viewpoint for the heritage item</u> and is aligned with the plane of the roof where located on a roof;</p> <p>[...]</p>	3.12.4	Reject	See body of the report	No
126.5	Director-General of Conservation	REG-P5	Amend to be consistent with NZCPS	3.12.2	Accept in part	See body of the report	Yes
126.6	Director-General of Conservation	REG-P7	Amend to be consistent with NZCPS	3.12.2	Accept in part	See body of the report	Yes
65.12	Heritage New Zealand Pouhere Taonga	REG-P7	Retain provision	n/a	Accept	There are no recommended amendments to this policy	No
71.2	Diane Strugnell	REG-P8	<p>Amend:</p> <p>REG-P8 Large-scale renewable electricity generation activities in the General Rural Zone, outside of Overlays</p> <p>Only allow for large-scale renewable electricity generation activities in the General Rural Zone where:</p> <p>1. They have a particular operational need or functional need to locate where the renewable energy resources are available;</p> <p>2. There is or will be sufficient roading and infrastructure capacity to accommodate the activity;</p> <p>3. They avoid any significant adverse effects and avoid, remedy or mitigate any other adverse effect on the identified values and qualities of any adjacent Overlay;</p>	3.12.5	Reject	See body of the report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>4. For an activity involving wind generation, it complies with NZS 6808:2010 Acoustics - Wind farm noise;</p> <p>5. They minimiseavoid any adverse effects on:</p> <p>a. Amenity values of the site and surrounding area, having regard to:</p> <p>i. The scale, intensity, duration or frequency of the activity's effects;</p> <p>ii. The size and shading of any structures associated with the activity;</p> <p>iii. The design and site layout of the activity and its ability to internalise effects, including and blade or shadow flicker;</p> <p>iv. Traffic generation, earthworks and construction, and lighting and the potential to cause sleep disturbance or annoyance;</p> <p>b. Whether there is adequate separation from residential activities to ensure conflict between activities, including potential adverse reverse sensitivity effects, are minimised; and <u>acknowledging that there should be adequate separation, not just from an existing residence, but from other potential activities within the rural zone</u></p> <p>c. Ecology, including effects on terrestrial ecology and avifauna; having regard to any offsetting measures or environmental compensation which may benefit the local environment and community affected; and</p> <p>d. Any existing navigation and telecommunication facilities. while having regard to any adaptive management measures proposed.</p>				
111.3	Preserve Pāuatahanui Incorporated	REG-P8	Retain.	n/a	Accept	There are no recommended amendments to this policy	No
65.14	Heritage New Zealand Pouhere Taonga	REG-P9	Retain provision	n/a	Accept	There are no submissions opposing or seeking amendments to this policy	No
Rules							
126.7	Director-General of Conservation	REG-R2	Rules relating to wetlands must be brought into line with the NZCPS, NPSFM 2020 and NES-FM 2020 and small scale renewable electricity generations should be discouraged from occurring within these sensitive environments with a non-complying activity status.	3.13	Accept in part	See body of the report	Yes
65.13	Heritage New Zealand Pouhere Taonga	REG-R2	Retain provisions	n/a	Accept in part	Accept in part, subject to amendments made in response to other submissions	No
65.15	Heritage New Zealand Pouhere Taonga	REG-R3	Retain provision	n/a	Accept	There are no submissions opposing or seeking amendments to this rule	No
65.16	Heritage New Zealand Pouhere Taonga	REG-R4	Retain provision	n/a	Accept	There are no submissions opposing or seeking amendments to this rule	No
65.17	Heritage New Zealand Pouhere Taonga	REG-R5	Retain provision	n/a	Accept	There are no submissions opposing or seeking amendments to this rule	No
118.18	Paul and Julia Botha	General	<p>[Not specified, refer to original submission]</p> <p>While no specific decision sought, the submitter raised the following matter(s):</p>	3.13.3	Reject	See body of the report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Sought	Section of this Report	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<i>Number of planning overlays identified in the PDP which would force a large wind farm development to be non-complying. Surprised that no district-wide assessment has been made on possible wind farm sites in the absence of any of these overlays. Comments on difficulty of non-complying activity status.</i>				
Standards							
118.16	Paul and Julia Botha	REG-S5	[Not specified, refer to original submission] While no specific decision sought, the submitter raised the following matter(s): <i>Notes that community turbines only need to be more than 3 times their mast/pole height to comply with REG-S5 and be discretionary. It seems odd that community turbines can be closer to the site boundary than a domestic turbine and both be assessed as discretionary activities.</i>	3.14	Reject	See body of the report	No

Appendix C. Report Author's Qualifications and Experience

My name is Rory McLaren Smeaton.

I hold the following qualifications:

- Master of Planning Practice (First Class Honours) (University of Auckland);
- Postgraduate Diploma in Science in Geography (with Distinction) (University of Canterbury);
and
- Bachelor of Science in Geography (University of Canterbury).

I am a full member of the New Zealand Planning Institute. I have nine years' experience working as a planner for local and central government organisations, and a multi-disciplinary consultancy.

I have been employed by the Porirua City Council since April 2020 as a Senior Policy Planner within the Environment and City Planning Team. My work at PCC has included finalising PDP chapters and preparing the associated section 32 reports, summarising submissions, and preparing section 42A reports.