

Wellington City Proposed District Plan

Hearing Stream 9 – Renewable Electricity Generation

Section 42A of the Resource Management Act 1991

Document Information

REPORT FOR:	Independent Hearings Commissioners: Trevor Robinson (Chair) David McMahon Jane Black Miria Pomare
SUBJECT:	Wellington City Proposed District Plan – Renewable Electricity Generation Report
PREPARED BY:	Joe Jeffries
REPORT DATED:	13 May 2024
DATE OF HEARING:	10 June 2024

Executive Summary

1. This report considers submissions received by Wellington City Council in relation to the relevant objectives, policies, rules, definitions, appendices and maps of the Wellington City Proposed District Plan as they apply to Renewable Electricity Generation (REG).
2. 15 submitters collectively made 171 submission points relevant to the REG Chapter. There were two further submitters who collectively made 68 further submission points.
3. I consider that the following matters are the key issues in contention for the REG Chapter:
 - a. The extent to which the REG Chapter of the PDP properly gives effect to the National Policy Statement for Renewable Electricity Generation (NPS-REG) which requires district plans to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities.
 - b. Whether the REG chapter appropriately balances the protection of natural environmental and coastal values with the provision of renewable electricity generation. The REG Chapter is 'self-contained' within the PDP which means it needs to address all relevant matters of other PDP chapters within its provisions, including the protection of natural environmental and coastal values.
 - c. The extent to which the REG chapter makes appropriate tradeoffs and reconciles conflicting national policy direction between the NPS-REG, National Policy Statement for Indigenous Biodiversity (NPS-IB), and New Zealand Coastal Policy Statement (NZCPS).
4. Appendix A of this report sets out the recommended changes to the REG chapter and relevant definitions in full, with underline and strikethrough. Appendix B of this report lists my recommendations on all relevant submission points and whether they should be accepted, accepted in part or rejected.
5. In summary, I recommend amendments to the following REG Chapter provisions:
 - a. Objective REG-O2.
 - b. Policies REG-P3, REG-P4, REG-P5, REG-P6, REG-P7, REG-P9 and REG-P10.
 - c. Rules REG-R2, REG-R3, REG-R4, REG-R5, REG-R6.
 - d. Standard REG-S5, REG-S6, REG-S8, and REG-S11.
 - e. The definition of *Wind Farm*.
6. I also recommend inserting a new policy REG-PX and deleting REG-P8.
7. As set out in the Section 32AA evaluation included in this report, I consider that the amended provisions of the REG chapter, as set out in Appendix A, are the most appropriate way to achieve the objectives of the Plan compared to the notified provisions. In particular, I consider that the amendments:
 - a. Better give effect to the requirements of the NPS-REG to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities.

- b. Provide greater clarity and reduce unnecessary duplication and complexity of the REG chapter provisions.
- c. Provide better guidance for consideration of effects on identified values within specific overlay areas. This ensures that the REG chapter adequately incorporates relevant matters set out in the Natural Environmental Values and Coastal Environment Chapters of the PDP, and assists in reconciling national policy in the NPS-REG, NPS-IB, and NZCPS.

Contents

Document Information	1
Executive Summary	2
Contents.....	4
Interpretation.....	5
1.0 Introduction	7
1.1 Purpose.....	7
1.2 Scope	7
1.3 Author and Qualifications	7
1.4 Code of Conduct	8
1.5 Key resource management issues in contention	8
1.6 Procedural Matters.....	8
2.0 Background and Statutory Considerations.....	9
2.1 Resource Management Act 1991.....	9
2.2 Schedule 1 and ISPP.....	9
2.3 Section 32AA.....	9
2.4 Trade Competition.....	10
3.0 Consideration of Submissions and Further Submissions	10
3.1 Overview.....	10
3.2 Renewable Electricity Generation - General Submissions.....	11
3.3 Chapter Introduction.....	12
3.4 Definitions	12
3.5 Objectives	14
3.6 Policies	16
3.7 Rules	33
3.8 Standards	39
4.0 Minor and inconsequential amendments	50
5.0 Conclusion	50
6.0 Recommendations.....	50
Appendices	50

Interpretation

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Enabling Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Council	Wellington City Council
the Operative Plan/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
GWRC	Greater Wellington Regional Council
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NZCPS	New Zealand Coastal Policy Statement 2010
RPS	Wellington Regional Policy Statement 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
FENZ	Fire and Emergency New Zealand
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Meridian	Meridian Energy Limited
The Fuel companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
WELL	Wellington Electricity Lines Limited
WIAL	Wellington International Airport Limited
VUWSA	Victoria University of Wellington Students' Association

1.0 Introduction

1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
 - a. Assist the Hearings Panel in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
 - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

1.2 Scope

2. This report considers submissions received by the Council in relation to the relevant objectives, policies, rules, definitions and maps as they apply to the Renewable Electricity Generation Chapter.
3. 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 assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Assessment Report: Part A – Overview, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and PDP.
5. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report, or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.3 Author and Qualifications

6. My full name is Joe Jeffries. I am a Principal Planning Advisor in the District Plan Team at Wellington City Council (the Council).
7. My role in preparing this report is that of an expert in planning.
8. I hold the qualifications of Master of Planning Practice from the University of Auckland and Bachelor of Arts from the University of Otago. I am an Intermediate Member of the New Zealand Planning Institute.
9. I have 12 years of experience in planning and resource management roles in Local Government and as a consultant. I have provided evidence as an expert planning witness on behalf of councils, central government, and private sector clients throughout New Zealand.

10. I joined WCC as a Principal Planner in 2023. In this role I have presented expert evidence on behalf of WCC on the Urban Development and Freshwater topics for the Greater Wellington RPS Proposed Change 1 hearings.
11. I am also the s42A reporting officer for the Corrections Zone and Airport Zone.

1.4 Code of Conduct

12. 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, which came into effect on 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
13. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
14. 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.

1.5 Key resource management issues in contention

15. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention in the REG chapter:
 - a. The extent to which the REG Chapter of the PDP properly gives effect to the NPS-REG which requires district plans to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities.
 - b. Whether the REG chapter appropriately balances the protection of natural environmental and coastal values with the provision of renewable electricity generation. The REG Chapter is 'self-contained' within the PDP which means it needs to address all relevant matters of other PDP chapters within its provisions, including the protection of natural environmental and coastal values.
 - c. The extent to which the REG chapter makes appropriate tradeoffs and reconciles conflicting national policy direction between the NPS-REG, NPS-IB, and NZCPS.

1.6 Procedural Matters

16. 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 REG chapter.
17. There are not considered to be any other procedural matters to note.

2.0 Background and Statutory Considerations

2.1 Resource Management Act 1991

18. 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.
19. As set out in Section 32 Evaluation Report Part 1 – Context to Evaluation and Strategic Objectives, 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 and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are discussed in detail within the Section 32 Evaluation Report for Renewable Electricity Generation.

2.2 Schedule 1 and ISPP

20. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:
- a. The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
 - b. For all other PDP provisions and content, Part 1 of Schedule 1 process is used. Part 1 Schedule 1 provisions can be appealed.
21. The REG chapter has been notified using the standard RMA Part One, Schedule 1 process (P1 Sch1).

2.3 Section 32AA

22. 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).

23. The required section 32AA evaluation for changes proposed as a result of consideration of submissions is contained within the assessment of the relief sought in submissions in of this report, as required by s32AA(1)(d)(ii).
24. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated. No re-evaluation has been undertaken if the amendments have not altered the policy approach.

2.4 Trade Competition

25. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
26. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

3.1 Overview

27. There were 15 submitters who collectively made 171 submission points relevant to the REG Chapter.
28. There were 2 further submitters who collectively made 68 further submission points.

3.1.1 Report Structure

29. Submissions on this topic raised a number of issues that 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 submissions to which they relate.
30. 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.
31. Recommended amendments are contained in the following appendices:
 - a. Appendix A – Recommended Amendments to the Renewable Electricity Generation Chapter

- b. Appendix B – Recommended Responses to Submissions and Further Submissions on Renewable Electricity Generation Chapter.

32. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, along with the full submissions. 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 Renewable Electricity Generation provisions with recommended amendments in response to submissions as Appendix A.
33. 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 and the associated section 42A report.

3.2 Renewable Electricity Generation - General Submissions

The following section of the report includes consideration and recommendations in relation to general matters relevant to the REG chapter.

Matters raised by submitters

34. BP Oil New Zealand, Mobil Oil New Zealand Limited, and Z Energy Limited (the Fuel Companies) (372.69) seek that the chapter be retained as notified.
35. 350 Wellington (396.1) supports enabling and encouraging small and community-scale renewable energy generation projects.
36. Avryl Bramley (202.30) seeks the removal of any provisions that restrict the ability of a property owner to generate their own use power on site.
37. Bruce Crothers (319.5) considers that distributed solar generation should be encouraged and supported.
38. Greater Wellington Regional Council (GWRC) (351.100) seeks to retain the provisions in the chapter subject to the amendments outlined in their submission points.
39. Meridian (228.3) seeks insertion of a map showing the extent of existing West Wind and Mill Creek wind farm turbines as an overlay on the Plan maps.
40. Royal Forest and Bird Protection Society (Forest and Bird) (345.95 [opposed by Meridian Energy Limited (Meridian) FS101.78]) seeks that the chapter be amended to mirror the Ecosystems and Indigenous Biodiversity provisions and be as protective as that chapter. They further seek to delete all references to "operational need" and "identified" values in the chapter.
41. Forest and Bird (345.97 [opposed by Meridian FS101.80]) seeks that the chapter be amended so that Ecosystems and Indigenous Biodiversity, Natural Character, Natural Features and Landscapes, and Coastal Environment objectives all apply to Renewable Energy Generation provisions.

Assessment

42. I note the submissions generally supporting the provision of REG activities or seeking that the chapter is retained as notified.
43. Regarding the submission of Avryl Bramley seeking removal of any clauses that unduly restrict the ability of a property owner to generate own use power on site, I note that the PDP is generally enabling of small-scale REG activities and do not recommend further amendments in response to this submission.
44. Meridian's request to insert a new mapped overlay has been addressed and accepted through [Mr Patterson's General Rural Zone right of reply](#) for hearing stream 7.
45. Forest and Bird's general relief is addressed through the amendments they seek to specific provisions in this report.

Summary of recommendations

46. HS9-REG-Rec1: That the REG chapter provisions are amended as set out in Appendix A.
47. HS9-REG-Rec2: That general submissions on the REG chapter are accepted/rejected as set out in Appendix B.

3.3 Chapter Introduction

Matters raised by submitters

48. Forest and Bird (345.96 [opposed by Meridian FS101.79]) seeks that the introduction be amended to clarify that indigenous biodiversity, landscape, and natural character values are important values that may be affected by renewable energy generation and that these values require protection.

Assessment

49. I do not support the submission of Forest and Bird seeking recognition of indigenous biodiversity, landscape, and natural character values in the introduction. The introduction to the REG chapter identifies that REG activities can have adverse effects on the environment depending on their nature, scale and location. I do not consider that the introduction needs to further elaborate on this point or identify specific values or features given how many would need to be listed.

Summary of recommendations

50. HS9-REG-Rec3: That the REG chapter introduction is retained as notified.
51. HS9-REG-Rec4: That submissions on the REG chapter introduction are accepted/rejected as set out in Appendix B.

3.4 Definitions

Matters raised by submitters

Retain

52. Meridian seeks that the following definitions be retained as notified:

- a) 'Community Scale Renewable Electricity Generation' (228.4).
- b) 'Large Scale Renewable Electricity Generation Activities' (228.6).
- c) 'Renewable Electricity Generation' be retained as notified (228.9).
- d) 'Renewable Electricity Generation Investigation Activity' (228.10).
- e) 'Small-scale Renewable Electricity Generation Activity' (228.13).

Amend

53. Meridian (228.1 and 228.2 [opposed by M&P Makara Family Trust FS41.4 and supported by WELL FS27.6]) seeks to amend the definition of 'Wind Farm' as follows:

means wind turbines (and support pylons or towers) used to generate electricity from the wind which is then conveyed to the distribution network or National Grid. It includes ancillary access roads and tracks, buildings and structures (including substations, transmission lines and poles/supporting structures), communications equipment, electricity storage technologies, and the system of electricity conveyance required to convey the electricity to an associated substation.

54. Meridian state that "the definition includes most of the activities typically within or associated with a wind farm but would be improved by clarifying that it also includes lines required to convey the electricity to the distribution network or National Grid".

55. WELL (355.1 and 355.2) seeks to amend the definition of 'Wind Farm' as follows:

means wind turbines (and support pylons or towers) used to generate electricity from the wind which is then conveyed ~~to~~ by the distribution network or National Grid. It includes ancillary access roads and tracks, buildings and structures (including substations), communications equipment, electricity storage technologies, and the system of electricity conveyance required to convey the electricity to an associated substation.

Assessment

- 56. I note and support the submissions seeking that certain definitions be retained as notified.
- 57. I support Meridian's request to amend the definition of 'Wind farm'. In my view it is appropriate to include transmission lines and supporting structures within the definition.
- 58. I also support WELL's requested amendment to the Wind farm definition as I consider this adds clarity without altering the meaning of the definition.
- 59. I consider that both changes are minor.

Summary of recommendations

- 60. HS9-REG-Rec5: That the 'Wind farm' definition is amended as set out in Appendix A. That all other definitions are retained as notified.
- 61. HS9-REG-Rec6: That submissions on definitions relevant to the REG chapter are accepted as set out in Appendix B.

3.5 Objectives

3.5.1 REG-O1: (Benefits of renewable energy use and development)

Matters raised by submitters

Retain

62. Meridian (228.31), Transpower New Zealand Limited (Transpower) (315.159), and Wellington International Airport Limited (WIAL) (406.170) seek that the objective be retained as notified.

Amend

63. GWRC (351.101 [supported by Meridian FS101.81]) seeks to ensure that the renewable electricity generation and subdivision provisions have regard to Policy 11 of Proposed RPS Change 1 such that the District Plan goes as far as it can to promote energy-efficient design of buildings and developments and enable renewable energy generation. This could also include provisions in the zones chapters.

Assessment

64. I note the submissions seeking that REG-O1 is retained as notified.
65. I do not support the relief sought by GWRC. 'Energy efficient design' is addressed by REG-O4 and REG-P13 in the notified version of the PDP. In my view these provisions provide sufficient support for the promotion of energy efficient design of buildings and developments, particularly as energy efficient design is not part of the core purpose of the chapter of providing for Renewable Electricity Generation activities in accordance with the NPS-REG.

Summary of recommendations

66. HS9-REG-Rec7: That REG-O1 is retained as notified.
67. HS9-REG-Rec8: That submissions on REG-O1 are accepted/rejected as set out in Appendix B.

3.5.2 REG-O2: (Adverse effects of renewable electricity generation activities)

Matters raised by submitters

Retain

68. WIAL (406.171) seeks that the objective be retained as notified.

Amend

69. Forest and Bird (345.98 [opposed by Meridian FS101.83]) seeks that the objective be amended to clarify that some values require protection, rather than only having adverse effects 'effectively managed'.
70. M&P Makara Family Trust (159.2 [opposed by Meridian FS101.82]) seeks that reference to 'the potential national benefits' be removed from the objective for the following reason:

National benefit is recognised by REG-O1 and unfairly weighs REG-O2 in favour of the renewable generation activity, which is and should not be the point of this objective. Between the two objectives the appropriate balance is achieved.

71. Meridian (228.32 and 228.33) seeks that the objective be amended to delete superfluous words

as follows:

The actual and potential adverse effects on the environment and communities of the investigation, development, operation, maintenance and repair, and upgrading of renewable electricity generation activities are effectively managed, while recognising the functional needs and operational needs of ~~renewable electricity generation activities~~ and the potential national benefits.

Assessment

72. I do not support Forest and Bird’s requested amendment. In my view REG-O2 provides an appropriate overriding objective for managing adverse effects, while specific direction is provided through the policies for protecting certain values.
73. I do not support M&P Makara Family Trust’s request to delete ‘the potential national benefits’ from REG-O2. While REG-O2 is primarily concerned with the adverse effects of REG activities, the reference to the potential national benefits provides a balancing factor that is appropriate given the requirement to recognise and provide for the national significance of renewable electricity generation activities set out in the NPS-REG.
74. I support Meridian’s requested amendment and agree that the words they seek to delete are superfluous.

Summary of recommendations

75. HS9-REG-Rec9: That REG-O2 is amended as described above and as set out in Appendix A.
76. HS9-REG-Rec10: That submissions on REG-O2 are accepted/rejected as set out in Appendix B.

3.5.3 REG-O3: (Adverse effects on renewable electricity generation activities)

Matters raised by submitters

Retain

77. Meridian (228.34) and WIAL (406.172) seek that the objective be retained as notified.

Assessment

78. I note and support the submissions seeking that REG-O3 is retained as notified.

Summary of recommendations

79. HS9-REG-Rec11: That REG-O3 is retained as notified.
80. HS9-REG-Rec12: That submissions on REG-O3 are accepted as set out in Appendix B.

3.5.4 REG-O4: (Energy efficiency and conservation)

Matters raised by submitters

Retain

81. WIAL (406.173) seeks that the objective be retained as notified.

Amend

82. GWRC (351.102) seeks to amend REG-O4 to ensure the renewable electricity generation and subdivision provisions have regard to Policy 11 of Proposed RPS Change 1 such that the District Plan goes as far as it can to promote energy efficient design of buildings and developments and enable renewable energy generation.

Assessment

83. I note and support the submission seeking that the objective be retained as notified.
84. I do not support amendment of REG-O4 to give effect to the relief sought by GWRC. As set out in the discussion on REG-O1 'Energy efficient design' is already addressed by REG-O4 in the notified version of the PDP. In my view REG-O4 provides sufficient support for the promotion of energy efficient design of buildings and developments.

Summary of recommendations

85. HS9-REG-Rec13: That REG-O4 is retained as notified.
86. HS9-REG-Rec14: That submissions on REG-O4 are accepted/rejected as set out in Appendix B.

3.6 Policies

The following section of the report includes consideration and recommendations in relation to the Policies relevant to the REG chapter.

3.6.1 REG-P1: (Recognising the significance and benefits of the use and development of renewable energy)

Matters raised by submitters

Retain

87. Meridian (228.35), Transpower (315.160), and WIAL (406.174) seeks that the policy be retained as notified.

Amend

88. GWRC (351.103) seeks to ensure the renewable electricity generation provisions have regard to Policy 11 of Proposed RPS Change 1 such that the District Plan goes as far as it can to promote energy efficient design of buildings and developments and enable renewable energy generation.
89. Forest and Bird (345.99 [opposed by Meridian FS101.84 and supported by M&P Makara Family Trust FS41.31]) seek to amend the policy to include clauses recognising that natural values need to be protected, and may be adversely affected by renewable energy generation, as the objectives and policies of the Natural Environment Values and Coastal Environment chapters are not intended to apply to this chapter.

Assessment

90. I note and support the submissions seeking that REG-P1 is retained as notified.
91. I do not support the relief sought by GWRC. Energy efficient design' is addressed by REG-O4 and REG-P13 in the notified version of the PDP. In my view these provisions provide sufficient support for the promotion of energy efficient design of buildings and developments, particularly

as energy efficient design is not part of the core purpose of the chapter of providing for Renewable Electricity Generation activities in accordance with the NPS-REG. Additionally, there is not sufficient certainty around the outcome of the Proposed RPS plan change for it to be appropriate to rely on its policies in the PDP.

92. I do not support the relief sought by Forest and Bird. Though the objectives and policies of the Natural Environment Values and Coastal Environment chapters do not apply to the REG chapter, Natural environment and coastal values are recognized through policies REG-P5, REG-P7, REG-P8, and REG-P10. Natural and coastal values are also not specifically relevant to the theme of REG-P1 of *Recognising the significance and benefits of the use and development of renewable energy*.

Summary of recommendations

93. HS9-REG-Rec15: That REG-P1 is retained as notified.
94. HS9-REG-Rec16: That submissions on REG-P1 are accepted/rejected as set out in Appendix B.

3.6.2 REG-P2: (Providing for renewable electricity generation activities)

Matters raised by submitters

Retain

95. Meridian (228.36), Transpower (315.161), and WIAL (406.175) seek that the policy be retained as notified.

Amend

96. Forest and Bird (345.100 [opposed by Meridian FS101.85 and supported by M&P Makara Family Trust FS41.32]) seeks that the policy be amended to include clauses recognising that natural values need protection and clarify the relationship between this policy and subsequent policies.

Assessment

97. I note and support the submission seeking that REG-P2 is retained as notified.
98. I do not support the relief sought by Forest and Bird. The theme of REG-P2 is *providing* for REG activities. It is not intended to address the protection of natural values, which are recognized and addressed through a number of other REG policies, and which include references to relevant policies of the natural environment values chapters.

Summary of recommendations

99. HS9-REG-Rec17: That REG-P2 is retained as notified.
100. HS9-REG-Rec18: That submissions on REG-P2 are accepted/rejected as set out in Appendix B.

3.6.3 REG-P3: (Renewable electricity generation investigation activities)

Matters raised by submitters

Retain

101. Meridian (228.37) seeks that the policy be retained as notified.

Amend

102. Forest and Bird (345.101 and 345.102 [opposed by Meridian FS101.86, FS101.87, supported by M&P Makara Family Trust FS41.33 and FS41.34]) seek that the policy be amended as follows:

1. ~~Consider enabling~~ ~~Enable~~ renewable electricity generation investigation activities in areas outside Overlays, high coastal natural character areas, and coastal margins and riparian margins in the coastal environment, where adverse effects are ~~avoided, remedied, or mitigated~~ ~~minimised~~.
2. ~~Consider allowing~~ ~~Allow~~ renewable electricity generation investigation activities within Overlays, high coastal natural character areas, and coastal margins and riparian margins in the coastal environment, where:
 - c. Significant adverse effects on the identified values are avoided; and
 - d. Other adverse effects on the ~~identified~~ values are avoided, remedied or mitigated ~~by~~:

...

103. WIAL (406.176 and 406.177) seek that the policy be amended to expressly state which overlays apply to the site. According to the WIAL submission:

Based on the subparagraphs, it appears to be confined to overlays relating to the natural environment, historic and cultural values and natural hazards. There are, however, a number of other overlays within the plan that are captured by the broad use of the term “overlay” which are in no way relevant to the establishment of renewable electricity generation.

Assessment

104. I note the Meridian submission seeking that the policy is retained as notified.

105. I agree with the WIAL submission that as notified there is some ambiguity around the reference to overlays in REG-P3. The relevant overlays to REG-P3 are set out in REG-P5 and REG-P7. I therefore recommend amending REG-P3 to insert reference to “the overlays specified in REG-P5 and REG-P7”.

106. I do not support Forest and Bird’s requested amendments to REG-P3 to change the policy wording from ‘enable’ to ‘consider enabling’. In my view a policy direction of ‘enable’ for REG investigation activities is consistent with the purpose and intent of the NPS-REG. For the same reason, I consider that it is appropriate to retain the direction to *minimise* adverse effects in clause 1 of REG-P3.

107. I also do not agree with Forest and Bird that further changes are needed to REG-P3 to achieve consistency with the New Zealand Coastal Policy Statement (NZCPS). The Coastal Environment Chapter of the PDP gives effect to the NZCPS by identifying and applying restrictions in High Coastal Natural Character Areas, and within coastal or riparian margins located within the Coastal Environment. REG-R2 is the accompanying rule to REG-P3 for REG investigation activities and includes relevant references to the policies of Coastal Environment chapter as matters of discretion for undertaking REG investigation within High Coastal Natural Character Areas, and within coastal or riparian margins located within the Coastal Environment as a restricted Discretionary activity.

108. I do not support Forest and Bird's request to delete 'identified' from the phrase 'effects on the identified values' as it is the effects on the *identified* values that are relevant and the policy is not intended to give specific recognition to values that have not been identified in the specified overlay areas.

Summary of recommendations

109. HS9-REG-Rec19: That REG-P3 is amended in response to the WIAL submission as set out in Appendix A.
110. HS9-REG-Rec20: That submissions on REG-P3 are accepted/rejected as set out in Appendix B.

3.6.4 REG-P4: (Small scale renewable electricity generation outside Overlays, high coastal natural character areas, and coastal and riparian margins))

Matters raised by submitters

Retain

111. Meridian (228.38) and VUWSA (123.19) seek that the policy be retained as notified.

Amend

112. Forest and Bird (345.103 [opposed by Meridian FS101.88 and supported by M&P Makara Family Trust FS41.35]) seek to amend 'enable' in the first paragraph of REG-P4 to 'consider enabling'. According to Forest and Bird:

Although we support the intent to avoid overlays and other sensitive areas in this policy, the Plan has not identified all areas that may be sensitive and require protection under higher order document. For example other areas of natural character in the coastal environment are required to be protected under policy 13 NZCPS. Further, residential SNAs are currently not protected.

113. WIAL (406.178 and 406.179) seeks that policy REG-P4 be amended to expressly state which overlays apply to the site for the same reasons as their submission on REG-P3 above.

Assessment

114. I note the Meridian submission seeking that the policy is retained as notified.
115. I do not support Forest and Bird's requested amendment. Residential SNAs have not been identified under the PDP and this issue will be addressed through the hearing of submissions on Ecosystems and Indigenous Biodiversity. That hearing process is the appropriate forum for determining if there is any deficiency in the plan's approach to identifying SNAs.
116. I also do not agree with Forest and Bird that further changes are needed to REG-P4 to achieve consistency with policy 13 of the NZCPS. The Coastal Environment Chapter of the PDP gives effect to Policy 13 of the NZCPS by identifying and applying restrictions in High Coastal Natural Character Areas, and within coastal or riparian margins located within the Coastal Environment.
117. The REG chapter appropriately reconciles the direction of the NZCPS & the NPS-REG for small-scale renewable electricity generation by providing recognition of these High Coastal Natural Character Areas, and coastal or riparian margins located within the Coastal Environment through REG-P4 and REG-P5.

118. I agree with the WIAL submission that as notified there is some ambiguity around the reference to overlays in REG-P4. The relevant overlays to REG-P4 are set out in REG-P5 which is the accompanying policy for small scale renewable electricity generation within specified areas. I therefore recommend amending REG-P4 to insert reference to “the overlays specified in REG-P5”.

Summary of recommendations

119. HS9-REG-Rec21: That REG-P4 is amended in response to the WIAL submission as set out in Appendix A.
120. HS9-REG-Rec22: That submissions on REG-P4 are accepted/rejected as set out in Appendix B.

3.6.5 REG-P5: (Small-scale renewable electricity generation activities within Overlays, high coastal natural character areas, and coastal and riparian margins)

Matters raised by submitters

Retain

121. Meridian (228.39) and VUWSA (123.20) seek that the policy be retained as notified.

Amend

122. Forest and Bird (345.104, 345.105, 345.106, 345.107, 345.108 [opposed by Meridian FS101.89, FS101.90, FS101.91, FS101.92, supported by M&P Makara Family Trust FS41.36, FS41.37, FS41.38 and FS41.39]) seeks that the policy be amended as follows:

Consider Allowing small scale renewable electricity generation activities within Overlays, high coastal natural character areas, or coastal margins and riparian margins within the coastal environment, where:

...

3. If located within an area identified as ridgelines and hilltops, any adverse effects on visual amenity and landscape values are minimised; [Add direction to create least amount of effects while avoiding, remedying, or mitigating]

4. 4. If located within an area identified in SCHED11 - Special Amenity Landscapes: [Amend to include same level of protection as SALs receive under NFL chapter]

a. The activity is of a scale and nature that maintains or restores the identified values, including restoration and conservation activities;

...

d. There is a functional need ~~or operational~~ need for the activity to be undertaken inside a Special Amenity Landscape and there are no reasonably practical alternative locations outside of these areas;

while ~~having regard to~~ applying the matters in NFL-P3 and NFL-P4;

5. If located within an area identified in SCHED10 - Outstanding Natural Features and Landscapes: [Amend to include same level of protection as ONFLs receive under NFL

chapter]

a. The activity is of a scale and nature that maintains or restores the identified values, including restoration and conservation activities and other adverse effects on these matters; [Clarify what is meant by restoration and conservation activities, and/or delete as it introduces different standard to ECO-P2]

...

d. There is a functional need ~~or operational need~~ for the activity to be undertaken inside an Outstanding Natural Feature or Landscape and there are no reasonably practical alternative locations outside of these areas;

while ~~having regard to applying~~ the matters in NFL-P5 and NFL-P6; [Correct references?]

6. If located within an area ~~identified in SCHED8 – Significant Natural Areas of natural character in the coastal area:~~ [Amend to include the same level of protection that SNAs receive under the ECO chapter, include reference to SCHED9]

a. The activity is of a scale that maintains or restores the identified values, including restoration and conservation activities; [Clarify restoration and conservation activities]

...

c. Within the coastal environment:

i. Adverse effects on the matters in Policy 11(a) of the New Zealand Coastal Policy Statement 2010 are avoided and other adverse effects on these matters are avoided, remedied or mitigated; and

...

d. There is a functional need ~~or operational need~~ for the activity to be undertaken inside a Significant Natural Area and there are no reasonably practical alternative locations outside of these areas;

~~while having regard to applying~~ the matters in ECO-P2, ECO-P7;

7. If located within an area identified in SCHED12 – High Coastal Natural Character Areas, or a coastal margin or riparian margin within the coastal environment:

...

d. There is a functional need ~~or operational need~~ for the activity to be undertaken inside a high coastal natural character area or within coastal or riparian margins within the coastal environment, and there are no reasonably practical alternative locations outside of these areas;

while ~~having regard to applying~~ the matters in CE-P5, CE-P6 and CE-P7;...

123. WIAL (406.180 and 406.181) seeks that the policy be amended to refer to the specific overlays of relevance.

Assessment

124. I note the submissions seeking that the policy is retained as notified.

125. I agree with the WIAL submission that as notified there is some ambiguity around the reference to overlays in REG-P5. The relevant overlays are listed within REG-P5. Therefore, to address the apparent ambiguity I recommend amending REG-P5 to insert reference to “the *specified* overlays” and “the overlays *specified below*” as set out in Appendix A.

126. I do not support Forest and Bird’s requested amendments to clauses 4, 5, 6 or 7 of REG-P5 as no substantive reasoning has been provided to support these changes.

127. I also do not agree with Forest and Bird that a direction to ‘minimise’ effects on visual amenity and landscape values in areas identified as ridgelines and hilltops in REG-P7.3 is contrary to s5(2)(c). I consider this because of the policy direction of the NPS-REG to establish an enabling framework for renewable energy generation activities and the fact that identified ridgelines and hilltops areas are not matters of national importance under section 6 of the RMA.

Summary of recommendations

128. HS9-REG-Rec23: That REG-P5 is amended in response to the WIAL submission as set out in Appendix A.

129. HS9-REG-Rec24: That submissions on REG-P5 are accepted/rejected as set out in Appendix B.

3.6.6 REG-P6: (Community scale renewable electricity generation activities in the General Rural Zone, General Industrial and Airport Zones, outside Overlays, high coastal natural character areas, and coastal and riparian margins)

Matters raised by submitters

Retain

130. Forest and Bird (345.109), Meridian (228.40), Ministry of Education (400.26), WCC ERG (377.40) and VUWSA (123.21) seek that the policy be retained as notified.

Amend

131. WIAL (406.182 and 406.183) seeks that the policy be amended to refer to the specific overlays of relevance. According to the WIAL submission:

Based on the subparagraphs, it appears to be confined to overlays relating to the natural environment, historic and cultural values and natural hazards. There are, however, a number of other overlays within the plan that are captured by the broad use of the term “overlay” which are in no way relevant to the establishment of renewable electricity generation.

Assessment

132. I note the submissions seeking that the policy is retained as notified.

133. I agree with the WIAL submission that as notified there is some ambiguity around the reference to overlays in REG-P6. The relevant overlays to REG-P6 are set out in REG-P7 which is the

accompanying policy for community scale renewable electricity generation within specified areas. I therefore recommend amending REG-P6 to insert reference to “the overlays specified in REG-P7”.

Summary of recommendations

134. HS9-REG-Rec25: That REG-P6 is amended in response to the WIAL submission as set out in Appendix A.

135. HS9-REG-Rec26: That submissions on REG-P6 are accepted/rejected as set out in Appendix B.

3.6.7 REG-P7: (Community scale renewable electricity generation activities within other zones, locations and Overlays)

Matters raised by submitters

Retain

136. Ministry of Education (400.27) and VUWSA (123.22) seeks that the policy be retained as notified.

Amend

137. 350 Wellington (396.2 and 396.3) seeks the wording around community-scale renewable energy projects outside of General Rural zones to be made more permissive and request that the *chapeau* of policy REG-P7 be amended to replace ‘only allow’ with ‘provide for’.

138. Forest and Bird (345.110, 345.111, 345.112, 345.113, 345.114, 345.115, and 345.116 [opposed by Meridian FS101.93, FS101.94, FS101.95, FS101.96, FS101.97, FS101.98, FS101.99, supported by M&P Makara Family Trust FS41.40, FS41.41, FS41.42, FS41.43, FS41.44, and FS41.45]) seek that the policy be amended as follows:

5. If located on a site identified in SCHED8 - Significant Natural Areas: [Amend to include the same level of protection that SNAs receive under the ECO chapter, check ECO policy referencing]

...

ii. Significant adverse effects on the matters in Policy 11(b) of the New Zealand Coastal Policy Statement 2010 are avoided, and other adverse effects on these matters are avoided, remedied or mitigated;

while ~~having regard to~~ applying the matters in ECO-P2, ECO-P3, ECO-P4 and ECO-P7;

6. If located within ~~an area identified in SCHED12 – High Coastal Natural Character Areas, or a coastal margin or riparian margin within the coastal environment, an area of natural character in the coastal environment~~ any significant adverse effects are avoided and any other adverse effects are avoided, remedied or mitigated, while having regard to applying the matters in CE-P5, CE-P6 and CE-P7, and:

a. The activity is of a scale and nature that maintains or restores the identified values, including restoration and conservation activities; and

...

7. If located within an area identified in SCHED10 - Outstanding Natural Features and Landscapes:

...

c. The activity is of a scale **and nature** that maintains or restores the identified values, including restoration and conservation activities; and

...

8. If located on a site identified in SCHED11 - Special Amenity Landscapes:

...

b. Within the coastal environment, any significant adverse effects are avoided and any other adverse effects are avoided, remedied or mitigated;

while ~~having regard to~~ applying the matters in NFL-P2 and NFL-P4.

9. If located within an area identified as ridgelines and hilltops, any adverse effects on visual amenity and landscape values are minimised; [Amend to include more appropriate direction to create the least amount of effects, while also avoiding, remedying or mitigating]

...

11. There is an operational need or functional need for the identified location and there are no reasonable alternatives; and [clarify how this point applies to previous points]

...

12. Adverse effects are avoided, remedied or mitigated having regard to... [clarify how this point applies to previous points]

k. ~~Any adaptive management, offsetting measures or environmental compensation which may benefit the local environment or the community affected.~~

139. Meridian (228.41 and 228.42) seeks that the policy be amended as follows:

Community-scale renewable electricity generation activities within other zones, locations and Overlays

~~Only allow~~ Provide for community-scale renewable **energy electricity** generation activities in other zones, locations and Overlays where: ...

140. The reasons provided by Meridian for these amendments are as follows:

Provision for all scales of renewable electricity generation in all areas is necessary to give effect to the NPS-REG and to the Plan's REG and Strategic objectives. For consistency with Policy REG-P6, the words 'Only allow' should be amended to 'Provide for'. The list of circumstances given in the policy defines the situations where community-scale renewable electricity generation will be allowed. The expression 'energy' should be replaced with 'electricity' which is the Plan's defined term.

141. WIAL (406.184 and 406.185) seeks that the policy be amended to refer to the specific overlays of relevance.

Assessment

142. I support Meridian’s request to amend “renewable *energy* generation” to “renewable electricity generation” as this is the defined term in the PDP and is used consistently throughout the chapter.
143. I do not support the requests of Meridian and 350 Wellington to amend “only allow” to “provide for”. The “only provide” wording in REG-P7 is deliberately intended to contrast with the “provide for” wording in REG-P6 and is consistent with the hierarchy of policy wording across the PDP as prescribed by the Wellington City District Plan Drafting Style Guide¹ (the Style Guide). According to the Style Guide “only allow where” is to be used for “policies that provide for activities but only in the right circumstances/ where effects can be adequately managed/ where key outcomes can be achieved” and will usually be accompanied by a Restricted Discretionary or Discretionary activity status. This is relevant to REG-P7 and its accompanying rule, REG-R4, which makes community scale renewable electricity generation activities a Restricted Discretionary or Discretionary activity in specified areas.
144. Policy F of the NPS-REG requires district plans to “*provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district*”. In my view the combination of the “provide for” wording in REG-P6 for community scale REG activities in areas unconstrained by specific overlays, and the “only allow ..where” wording in REG-P7 within specific overlays and in other zones gives effect to Policy F.
145. I do not support Forest and Bird’s requested amendments to clauses 5, 6, 7, or 8 of REG-P7 as they have provided no rationale to support these changes.
146. I do not agree with Forest and Bird that a direction to ‘minimise’ effects on visual amenity and landscape values in areas identified as ridgelines and hilltops in REG-P7.9 is contrary to s5(2)(c), particularly given the policy direction of the NPS-REG and the fact that identified ridgelines and hilltops areas are not matters of national importance under section 6 of the RMA.
147. I also do not recommend any amendments to clauses 11 and 12 to clarify how these relate to the previous clauses as they apply in addition to any location specific policy direction.
148. I agree with the WIAL submission that as notified there is some ambiguity around the reference to overlays in REG-P7. The relevant overlays are listed within REG-P7. Therefore, to address the apparent ambiguity I recommend amending REG-P7 to insert reference to “the *specified* overlays” and “the overlays *specified below*” as set out in Appendix A.

Summary of recommendations

149. HS9-REG-Rec27: That REG-P7 is amended as set out in Appendix A.
150. HS9-REG-Rec28: That submissions on REG-P7 are accepted/rejected as set out in Appendix B.

3.6.8 REG-P8: (Upgrading existing large scale renewable electricity generation activities)

Matters raised by submitters

¹ [part-1---appendix-c---wellington-city-district-plan-drafting-style-guide.pdf](#)

Retain

151. Ministry of Education (400.28) and VUWSA (123.23) seek that the policy be retained as notified.

Amend

152. Forest and Bird (345.117, 345.118, and 345.119 [opposed by Meridian FS101.101, FS101.102, FS101.103, supported by M&P Makara Family Trust FS41.46, FS41.47, and FS41.48]) seeks that the policy be amended as follows:

~~Consider providing~~ **Provide** for the upgrading of existing large scale renewable electricity generation activities, including replacing or upgrading wind turbines and their support structures and ancillary facilities within existing wind farms, where the activity: **[Amend to make policy provide same level of protection to natural and coastal values as Natural Environment Values and Coastal Environment chapters]**

1. Avoids significant adverse effects and avoids, remedies or mitigates other adverse effects on the identified values of any Overlay or any adjacent Overlay, high coastal natural character area, or coastal margin or riparian margin in the coastal environment; **[Amend to give effect to the requirements of NZCPS policy 11(a) and 15(a).]**

2. Has a functional need ~~or operational need~~ for its location; and

3. Minimises adverse effects, including adverse cumulative effects, on: **[Amend to include direction to create the least amount of effects, while also avoiding, remedying or mitigating]**

...

while having regard to ~~any adaptive management~~, offsetting measures or environmental compensation ~~which may benefit the local environment or affected community.~~

153. M&P Makara Family Trust (159.3) seeks clarification on the relationship between REG-P8 and REG-P11.
154. M&P Makara Family Trust (159.4 [opposed by Meridian FS101.100]) seek that the word 'replacing' be deleted from the first sentence of policy REG-P8. According to the submitter "as REG-S11 provides a definition for 'upgrade' which covers replacement, then use of the word 'replacement' is unnecessary."
155. M&P Makara Family Trust (159.5) seeks that the policy be amended to insert "including adjoining sites and the local community" into clause 3(a) to ensure that adverse effects on neighbours and/or the local community can be taken into account.
156. Meridian (228.43 and 228.44 [opposed by M&P Makara Family Trust FS41.49 and FS41.50]) seeks that the policy be amended as follows or similar, so that the existing environment is the baseline for assessing the effects of upgrades:

Upgrading existing large scale renewable electricity generation activities

Provide for the upgrading of existing large scale renewable electricity generation activities, including replacing or upgrading wind turbines and their support structures and ancillary

facilities within existing wind farms, where the activity:

1. Avoids significant adverse effects and avoids, remedies or mitigates other adverse effects on the identified values of any Overlay or any adjacent Overlay, high coastal natural character area, or coastal margin or riparian margin in the coastal environment, recognising the character of the existing environment;

.....

157. Meridian (228.45 [supported by M&P Makara Family Trust FS41.51]) seeks that REG-P8 and REG-P11 be combined, ensuring that all of the matters listed in each policy are retained.

Assessment

158. I note the submissions seeking that the policy is retained as notified.

159. I agree with the Forest and Bird submission on REG-P8 in part that the policy provides insufficient recognition and protection of natural environment and coastal environment values given that it applies both within and outside of specified overlay areas. I also agree with Meridian and M&P Makara Family Trust that both REG-P8 and REG-P11 address the same matter of *Upgrading existing large scale renewable electricity generation activities* and the relationship between these two policies is unclear. In my view it is unnecessary for the chapter to have two separate policies addressing this specific matter.

160. As notified there are three policies addressing large scale renewable electricity generation:

- a. REG-P8 for *upgrading* of existing large scale renewable electricity activities, both within and outside of overlays;
- b. REG-P9 for *new* activities outside of overlays;
- c. REG-P10 for *new* activities within overlays; and

161. In my view, the *upgrading* of large-scale renewable electricity generation activities should be subject to the same policy considerations as the construction of *new* large-scale renewable electricity generation activities when located within specified overlay areas (eg, high coastal natural character areas).

162. I can also see an opportunity to simplify this collection of policies by only having two instead of three. This would be achieved by addressing upgrading and new generation activities in the same two policies, one for within overlays and one for outside them.

163. These two policies would provide for large scale REG activities in areas unconstrained by any specific identified values through REG-P9, while enabling consideration of effects on identified values within specific overlay areas through the new REG-PX. This means that the new REG-PX will partially address the relief sought by Forest and Bird to ensure that policy REG-P8 protects natural environment and coastal environment values.

164. With the changes outlined above the amended version of REG-P9 and the new REG-PX obviate the need for REG-P8. I therefore support deletion of REG-P8. This deletion of REG-P8 resolves the of issue duplication and the unclear relationship between REG-8 and REG-P11 raised by Meridian and M&P Makara Family Trust.

165. For clarity, I support retaining REG-P11 as it performs a distinct function from the amended

REG-P9 and new REG-PX of recognising the benefits of upgrading of existing renewable electricity generation activities.

166. To summarise, the amended versions of the three policies outlined above will perform the following functions in relation to upgrading existing REG activities:

Amended policy	Function
REG-P9	Provides for all large-scale REG activities including upgrading existing activities outside of identified overlay areas.
New REG-PX	Provides for all large-scale REG activities including upgrading existing activities within identified overlay areas.
REG-P11	Recognises the benefits of upgrading of existing renewable electricity generation activities including providing for technological advances.

167. As I am recommending the deletion of REG-P8 I do not support the other amendments to REG-P8 sought by Meridian and M&P Makara Family Trust.

Summary of recommendations

168. HS9-REG-Rec29: That REG-P8 is amended to merge the content of REG-P11 as set out in Appendix A.
169. HS9-REG-Rec30: That submissions on REG-P8 are accepted/rejected as set out in Appendix B.

3.6.9 REG-P9: (New large scale renewable electricity generation activities in the General Rural Zone outside Overlays, high coastal natural character areas, and coastal and riparian margins)

Matters raised by submitters

Retain

170. Ministry of Education (400.29), VUWSA (123.24), and WCC Environmental Reference Group (WCC ERG) (377.41) seek that the policy be retained as notified.

Amend

171. Forest and Bird (345.120, 345.121, and 345.122 [opposed by Meridian FS101.104, FS101.105, and FS101.106]) seeks that the policy be amended as follows:

~~Consider providing~~ **Provide** for new large scale renewable electricity generation activities in the General Rural Zone, including within the coastal environment, where: [Amend to include other areas of natural character in the coastal environment]

...

2. They have ~~an operational need or~~ functional need to locate where the renewable energy

resources are available;

...

4. 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 or high coastal natural character area; [Amend to give effect to NZCPS policy 11(a) and 15(a)]

5. They minimise any adverse effects, including adverse cumulative effects, on: [Amend to provide more direction to create the least amount of effects, while also avoiding, remedying or mitigating]

...

while having regard to any ~~adaptive management~~, offsetting measures or environmental compensation ~~which may benefit the local environment or the community affected.~~

172. Meridian (228.46, 228.47, and 228.47) supports provision for large scale renewable electricity generation activities throughout the General Rural Zone, including within overlay areas. Accordingly, they seeks to amend REG-P9 as follows:

Provide for new large scale renewable electricity generation activities in the General Rural Zone, including within the coastal environment, where:

~~1. They are located outside:~~

~~a. Overlays (other than ridgelines and hilltops, and low and medium hazard areas within the Hazard Overlays);-~~

~~b. High coastal natural character areas identified in SCHED12; and~~

~~c. Coastal margins and riparian margins within the coastal environment;~~

~~2.~~ 1. They have an operational need or functional need to locate where the renewable energy resources are available;

173. Alternatively, if the relief sought above is not accepted, Meridian seek to replace Policy REG-P9 with an amended Policy REG-P10.

Assessment

174. I note and support the submission seeking that the policy is retained as notified.
175. I do not agree with Forest and Bird that amendments are needed to clause 4 of the policy to give effect to the NSCPS, particularly as this policy only applies outside of high coastal natural character areas, and coastal riparian margins in the coastal environment.
176. I also do not agree with Forest and Bird that a direction to ‘minimise’ adverse effects is contrary to s5(2), particularly given the enabling policy direction of the NPS-REG and the fact that REG-P9 only applies outside of specifically identified areas of natural environment and coastal values.
177. I do not support any of the other amendments to REG-P9 sought by Forest and Bird as no substantive reasoning has been provided to support them.

178. I do not support Meridian’s request to amend REG-P9 to remove reference to areas outside overlays, high coastal natural characters areas, or coastal and riparian margins. I consider that it is appropriate to make a policy distinction between large-scale REG activities within specific overlay areas (REG-P9) and outside of them (REG-P10). This allows for a more permissive policy framework for REG activities in areas unconstrained by any specific identified values through REG-P9, while enabling consideration of effects on identified values within specific overlay areas through REG-P10.
179. I address the alternative relief sought by Meridian to replace REG-P9 with an amended REG-P10, under the discussion on REG-P10 below.
180. For the reasons set out under the discussion on REG-P8 above, I recommend amending REG-P9 to delete “new” from the policy title and chapeau so that the policy applies to all large-scale REG activities including *upgrading* activities.

Summary of recommendations

181. HS9-REG-Rec31: That REG-P9 is amended as set out in Appendix A.
182. HS9-REG-Rec32: That submissions on REG-P9 are accepted/rejected as set out in Appendix B.

3.6.10 REG-P10: (New large-scale renewable electricity generation activities in other zones, locations and Overlays)

Matters raised by submitters

Retain

183. Forest and Bird (345.123) seek that the policy be retained as notified.

Delete

184. Meridian (228.49 and 228.50) seek “*discretionary activity provision for large-scale renewable electricity generation activities in all parts of the General Rural Zone*”. Accordingly, they request that REG-P10 either be deleted in its entirety or replaced with an enabling policy as follows, or similar:

New large-scale renewable electricity generation activities in the General Rural

Enable new large scale renewable electricity generation activities in the General Rural Zone including within the coastal environment, areas of Very High and High Coastal Natural Character where:

- 1. significant adverse effects on coastal natural character and the values of Overlay areas and riparian margins are avoided; and**
- 2. other adverse effects on coastal character, the values of Overlay areas and riparian margins are minimised, recognising the functional needs and operational needs of renewable electricity generation activities.**

Assessment

185. I do not support Meridian’s request to delete REG-P10 in its entirety.
186. However, I partially support Meridian’s alternative relief to amend the policy to remove the “avoid” policy direction and to provide specific direction to limit significant adverse effects for REG activities within specified overlay areas.
187. As discussed under REG-R6 below, I support Meridian’s request to provide a Discretionary activity status for new large-scale renewable electricity generation activities in all areas of the General Rural Zone including specified overlay areas. In my view, a discretionary activity status is consistent with the requirement of the NPS-REG to recognise and provide for the national significance of renewable electricity generation activities.
188. I agree than an outright “avoid” directive is inappropriate for new large-scale REG activities in the General Rural Zone including specified overlay areas, given the direction of the NPS-REG, and is inconsistent with a Discretionary activity status in the s42A amended version of REG-R6.
189. In my view it is more appropriate to provide a policy direction of “only allow where” for new large-scale REG activities in specified overlay areas in the General Rural Zone, and to specify at what point adverse effects must be avoided. I consider that within specified areas it is appropriate that ‘significant adverse effects’ are avoided and other effects are avoided, remedied or mitigated.
190. However, consistent with Meridian’s request to only provide for large-scale renewable electricity generation activities in all parts of the *General Rural Zone*, I support retaining an “avoid” policy framework for large scale REG activities outside of the General Rural Zone.
191. I therefore recommend amending REG-P10 so that the outright “avoid” policy framework only applies outside the General Rural Zone. I also recommend inserting a new policy (REG-PX) for new large-scale REG activities in specified overlay areas in the General Rural Zone. This new policy provides a policy direction of “only allow where” with direction on values to be protected and managed within specified areas, including avoidance of significant adverse effects, to support the Discretionary activity status under the s42A version of REG-R6.

Summary of recommendations

192. HS9-REG-Rec33: That REG-P10 is amended as set out in Appendix A. That a new policy REG-PX is inserted to address large scale renewable electricity generation activities in the General Rural Zone in specified overlay areas as set out in Appendix A.
193. HS9-REG-Rec34: That submissions on REG-P10 are accepted/rejected as set out in Appendix B.

3.6.11 REG-P11: (Upgrading existing renewable electricity generation activities and providing for technological advances)

Matters raised by submitters

Retain

194. VUWSA (123.25) seeks that the policy be retained as notified.

Amend

195. Forest and Bird (345.124 [opposed by Meridian FS101.107]) seek to “include reference to the need to still manage adverse effects on natural values, even where those benefits are present.”
196. M&P Makara Trust (159.6) seeks that the relationship between REG-P8 and REG-P11 be clarified.
197. M&P Makara Trust (159.7) seeks that if "repowering" is different from "upgrading" and if REG-S11 is not considered relevant, new considerations need to be provided.
198. Meridian (228.51) seeks that REG-P8 and REG-P11 be combined, ensuring that the matters listed in each policy are retained.

Assessment

199. I note and support the submission seeking that the policy is retained as notified.
200. I do not recommend any changes to REG-P11 in response to Forest and Bird. The relief sought by the submitter is unclear and no reasoning has been provided to support it.
201. I support in part Meridian’s request to combine REG-P8 and REG-P11 into a single policy, as these both cover the same topic of “upgrading existing renewable electricity generation activities”. I also support M&P Makara Trust’s submission seeking clarification of the relationship between REG-P8 and REG-P11. As discussed under REG-P8 I recommend deleting that policy. This deletion of REG-P8 addresses the issue of the unclear relationship between these two policies raised by the submitters.

Summary of recommendations

202. HS9-REG-Rec35: That REG-P11 is retained as notified.
203. HS9-REG-Rec36: That submissions on REG-P11 are accepted/rejected as set out in Appendix B.

3.6.12 REG-P12: (Reverse sensitivity effects)

Matters raised by submitters

Retain

204. Forest and Bird (345.125) and Meridian (228.52) seek that the policy be retained as notified.

Assessment

205. I note and support the submissions seeking that REG-P12 is retained as notified.

Summary of recommendations

206. HS9-REG-Rec37: That REG-P12 is retained as notified.
207. HS9-REG-Rec38: That submissions on REG-P12 are accepted as set out in Appendix B.

3.6.13 REG-P13: (Energy efficient subdivision and development)

Matters raised by submitters

Retain

208. Forest and Bird (345.125) seek that the policy be retained as notified.

Amend

209. 350 Wellington (369.4) seeks that the term 'encourage' in REG-P13 be replaced by 'incentivise' in order to *"take a stronger position towards incentivising responsible design of sustainable energy provision in subdivisions and other large scale development projects."*

210. GWRC (351.104) seeks to ensure the renewable electricity generation and subdivision provisions have regard to Policy 11 of Proposed RPS Change 1 such that the District Plan goes as far as it can to promote the energy-efficient design of buildings and developments and enable renewable energy generation. This could also include provisions in the zones chapters.

Assessment

211. I note the submission seeking that the policy is retained as notified.

212. I do not support the amendment sought by 350 Wellington. In my view it is more appropriate for this policy to use the word 'encourage' than 'incentivise' as there are no specific incentives provided in the PDP for energy efficiency design of subdivision and development. Additionally, 'encourage' is consistent with the general approach to policy wording used across the PDP, as set out in the Style Guide².

213. I do not support the relief sought by GWRC. In my view REG-P13 provides sufficient support for the promotion of energy efficient design of buildings and developments. Additionally, there is not sufficient certainty around the outcome of the Proposed RPS plan change for it to be appropriate to rely on its policies in the PDP.

Summary of recommendations

214. HS9-REG-Rec39: That REG-P13 is retained as notified.

215. HS9-REG-Rec40: That submissions on REG-P13 are accepted/rejected as set out in Appendix B.

3.7 Rules

3.7.1 REG-R1: (Maintenance and repair of existing renewable electricity generation activities)

Matters raised by submitters

Amend

216. Forest and Bird (345.128) oppose REG-R1.2 in part and accept a limited amount of vegetation removal as a permitted activity.

217. Forest and Bird (345.129 [opposed by Meridian FS101.108]) seek that the matters of discretion in REG-R1.3 be amended to refer to the relevant Ecosystems and Indigenous Biodiversity policies. They further seek to add an exclusion from the RDA for policy 11(a) matters and an accompanying non-complying rule.

² [part-1---appendix-c---wellington-city-district-plan-drafting-style-guide.pdf](#)

218. Meridian (228.53) neither supports or opposes the rule but questions whether it is necessary, because all existing renewable electricity generation activities (certainly existing large scale renewable electricity generation activities) required and have obtained consents and their conditions of consent provide for maintenance and repair.

Assessment

219. Having considered the Meridian submission, I recommend retaining REG-R1 as notified. Though maintenance and repair is likely to be provided for through resource consent conditions, REG-R1 provides a pathway for maintenance and repair activities that may have been unforeseen by the consent conditions.

220. I do not recommend any changes in response to Forest and Bird's submission on REG-R1.2 as this appears to solely relate to changes they seek to REG-S1. Forest and Bird's changes sought to that standard are addressed below in this report.

221. I do not recommend any changes to REG-R1.3 in response to Forest and Bird's submission as potential effects of maintenance and repair of existing REG activities on ecological and biodiversity values are able to be taken into account through the assessment criteria of REG-S1 and REG-S2.

Summary of recommendations

222. HS9-REG-Rec41: That REG-R1 is retained as notified.

223. HS9-REG-Rec42: That submissions on REG-R1 are accepted/rejected as set out in Appendix B.

3.7.2 REG-R2: (Renewable electricity generation investigation activities)

Matters raised by submitters

Retain

224. Meridian (228.54, 228.55, and 228.56) seeks that the rule is retained as notified.

225. Forest and Bird (345.131) seek to retain REG-R2.2 as notified, provided that their relief sought to REG-P1-3 is accepted.

Amend

226. Forest and Bird (345.130 [opposed by Meridian FS101.109]) seek that REG-R2.1 be amended to include a requirement for compliance with REG-S1 for permitted activity status.

227. Forest and Bird (345.132 [opposed by Meridian FS101.110]) seeks that REG-2.3 be amended to remove preclusion of notification. They further seek to add an exclusion for policy 11(a) and 15(a) matters and add an accompanying non-complying rule.

Assessment

228. I note the submission seeking that REG-R2 is retained as notified.

229. I do not support Forest and Bird's request to amend REG-R2.1 to include a requirement to comply with REG-S1 for permitted activities. REG-S1 provides a permitted standard for trimming, pruning or removal of indigenous vegetation within an SNA for maintenance and

repair of existing REG activities under REG-R1. By contrast REG investigation activities within an SNA are a Restricted Discretionary activity under REG-R2.3 which enables consideration of vegetation removal through references to the relevant policies of the Ecosystems and Indigenous Biodiversity chapter in the matters of discretion.

230. However, REG-R2.1 as notified is somewhat lacking in clarity on the fact that REG investigation activities within an SNA are a Restricted Discretionary activity under REG-R2.3. To address this, I recommend amending REG-R2.1 to make explicit that activities in the overlay areas specified in REG-2.3 are not permitted activities. For consistency and similar reasons of clarification I recommend amending REG-R3 and REG-R4 in the same way. These recommended amendments are set out in Appendix A.
231. I do not support deletion of the notification preclusion clauses in REG-R2. In my view preclusion of notification provides certainty for investigation activities and is consistent with the need to recognize the national significance of renewable generation activities under the NPS-REG.
232. I do not support Forest and Bird’s requested amendment to REG-R2.3 to add an exclusion for policy 11(a) and 15(a) (NZCPS) matters and to add an accompanying non-complying rule. REG-R2.3 applies to REG investigation activities within High Coastal Natural Character Areas, and within coastal or riparian margins located within the Coastal Environment, and includes relevant references to the policies of Coastal Environment chapter as matters of discretion. The Coastal Environment Chapter of the PDP gives effect to the NZCPS by identifying and applying restrictions in High Coastal Natural Character Areas, and within coastal or riparian margins located within the Coastal Environment. Therefore, I do not consider that exclusions are needed in REG-R2.3 for NZCPS matters as requested.

Summary of recommendations

233. HS9-REG-Rec43: That REG-R2 is amended as set out in Appendix A.
234. HS9-REG-Rec44: That submissions on REG-R2 are accepted/rejected as set out in Appendix B.

3.7.3 REG-R3: (Small scale renewable electricity generation activities)

Matters raised by submitters

Retain

235. Forest and Bird (345.133) seek that REG-R3.1 is retained as notified.

Amend

236. Forest and Bird (345.134) seek to amend the matters of discretion of REG-R3.2 to refer to “ECO and other overlay/CE chapter policies” policies.
237. Forest and Bird (345.135) seek to delete all matters of discretion for REG-R3.3 and replace them with the matters of discretion listed in REG-R2.3. They further seek to add an exclusion for policy 11(a) and 15(a) matters and an accompanying non-complying rule.

Assessment

238. I do not support the submission of Forest and Bird seeking to amend REG-R3.2 to refer to “ECO

and other overlay/CE chapter policies”. REG activities within specified overlay areas are a Restricted Discretionary activity under REG-R3.3, and the matters of discretion for REG-R3.3 includes reference to REG-P5. REG-P5 addresses small-scale renewable electricity generation activities specified overlays and includes references to relevant policies of the Ecosystems and Indigenous Biodiversity, and Coastal Environment chapters. Therefore, it is unnecessary to add reference to the “ECO and other overlay/CE chapter policies” in REG-R3.2.

239. I also do not support replacing the matters of discretion in REG-R3.3 with direct references to policies of other PDP chapters as these matters are covered by the reference to REG-P5 in the assessment criteria.
240. As discussed above under REG-R2, I recommend amending REG-R3 to make explicit that activities in the overlay areas specified in REG-3.3 are not permitted activities under REG-3.1. In my view this amendment is of minor effect and is therefore consistent with Schedule 1, clause 16 (2) of the RMA.

Summary of recommendations

241. HS9-REG-Rec45: That REG-R3 is amended as set out in Appendix A.
242. HS9-REG-Rec46: That submissions on REG-R3 are accepted/rejected as set out in Appendix B.

3.7.4 REG-R4: (Community scale renewable electricity generation activities)

Matters raised by submitters

Retain

243. Meridian (228.57) seeks that the rule be retained as notified, and supports the Restricted Discretionary activity status, subject to amendment of REG-S8.

Amend

244. Forest and Bird (345.136) seeks to amend the matters of discretion of REG-R4.1 to refer to “ECO and other overlay/CE chapter policies”.
245. Forest and Bird (345.139) seek that REG-R4.4 be amended to clarify that the policies from the natural values/CE chapters apply. They further seek to add an exclusion for policy 11(a) and 15(a) matters and an accompanying non-complying rule.

Assessment

246. I note the Meridian submission seeking that REG-R4 is retained as notified.
247. I do not support Forest and Bird’s requested amendment of REG-R4.1 to refer to “ECO and other overlay/CE chapter policies”. REG activities within specified overlay areas are a Discretionary activity under REG-R4.4. Assessments of Discretionary activities under REG-4.4 are already able to take all policies of the REG chapter into account, including REG-P7. REG-P7 addresses Community scale renewable electricity generation activities within specified overlays and includes references to relevant policies of the Ecosystems and Indigenous Biodiversity, and Coastal Environment chapters.
248. I also do not support Forest and Bird’s requested amendment to REG-R4.4. As noted above, assessments of Discretionary activities under REG-4.4 are already able to take all policies of the REG chapter into account. The REG chapter polices address relevant natural values and coastal environment matters, including relevant parts of the NZCPS. Therefore, no amendment is

needed to REG-4.4 to ensure these matters can be into account in an assessment of a Discretionary activity.

249. I note that REG-R4.1 as notified is lacking in clarity on the fact that community scale REG activities within specified overlay areas are a Discretionary activity under REG-R4.4. To address this, I recommend amending REG-R4 to make explicit that activities in the overlay areas specified in REG-4.4 are not restricted discretionary activities under REG-4.1. In my view this amendment is of minor effect and is therefore consistent with Schedule 1, clause 16 (2) of the RMA. For clarity I have also made a minor amendment to the order of the policy.

Summary of recommendations

250. HS9-REG-Rec47: That REG-R4 is amended as set out in Appendix A.
251. HS9-REG-Rec48: That submissions on REG-R4 are accepted/rejected as set out in Appendix B.

3.7.5 REG-R5: (Upgrading of existing large scale renewable electricity generation activities)

Matters raised by submitters

Retain

252. Forest and Bird (345.141 [opposed by Meridian FS101.112]) seeks to retain REG-R5.2 as notified provided that the relief sought within the REG policies be accepted.
253. Meridian (228.60) seeks that REG-R5.2 be retained as notified.

Amend

254. Forest and Bird (345.140 [opposed by Meridian FS101.111]) seeks to amend the matters of discretion of REG-R5.1 to refer to “ECO and other overlay/CE chapter policies”, given that “the assessment criteria in the standards require consideration of ecological/biodiversity values, other natural values, and the values of adjacent overlays.”
255. Meridian (228.58 and 228.59 [opposed by M&P Makara Family Trust FS41.52 and FS41.53]) seeks that the rule be amended by deleting the requirement to comply with REG-S9 and REG-S10.

Assessment

256. I partially support Forest and Bird’s request to amend the matters of discretion of REG-R5.1 to refer to “ECO and other overlay/CE chapter policies”. As notified the matters of discretion for REG-R5.1 includes reference to the matters in REG-P8, which provides guidance on upgrading existing large-scale REG activities. As discussed above under REG-P8, REG-P9 and REG-P10 above, I recommend deleting REG-P8, and amending REG-P9 and inserting a new REG-PX to apply to all large-scale REG activities, including *upgrading*, within and outside of specified overlay areas respectively.
257. As a consequence of these changes, I recommend amending the matters of discretion in REG-R5.1 to refer to REG-P9 and the new REG-PX instead of REG-P8 which will be deleted. The new REG-PX provides policy direction on values to be protected and managed within specified overlay areas and includes references to relevant policies of the coastal environment, natural features and landscapes, and ecosystems and indigenous biodiversity chapters. I therefore do not consider it necessary to add direct reference to these policies in the matters of discretion for

REG-R5 as they are able to be taken into account through the reference to the new policy REG-PX.

258. I do not support Meridian’s request to delete the requirement to comply with REG-S9 and REG-S10 in REG-R5. This submission point is related to Meridian’s request to delete REG-S9 and REG-S10. As set out under the discussion on REG-S9 and REG-S10 below in this report, I do not support deletion of these standards. I therefore recommend retaining the requirement to comply with REG-S9 and REG-S10 in REG-R5.

Summary of recommendations

259. HS9-REG-Rec49: That REG-R5 is amended as set out in Appendix A.

260. HS9-REG-Rec50: That submissions on REG-R5 are accepted/rejected as set out in Appendix B.

3.7.6 REG-R6: (New large scale renewable electricity generation activities)

Matters raised by submitters

Retain

261. VUWSA (123.26, 123.27, 123.28, and 123.29) seeks that the rule be retained as notified.

Amend

262. Forest and Bird (345.142) seeks to amend the rule to refer to “ECO and other overlay/CE chapter policies” policies.
263. Meridian (228.61 and 228.62 [opposed by M&P Makara Family Trust FS41.54]) seeks that REG-R6.1 be amended by deleting the requirement to comply with REG-S9 and REG-S10.
264. Meridian (228.63) supports discretionary activity status for new large scale renewable electricity generation activities in all areas of the General Rural Zone (including in overlay areas) and opposes the Non-Complying activity status, particularly as the relevant objectives and policies provide clear guidance on the values to be protected and effects to be avoided, remedied or mitigated within overlay areas. Accordingly, Meridian seeks deletion of REG-R6.2.

Assessment

265. I note the submission seeking that the rule is retained as notified.
266. I do not support Meridian’s request to delete the requirement to comply with REG-S9 and REG-S10 in REG-R6. This submission point is related to Meridian’s request to delete the standards REG-S9 and REG-S10 entirely. As set out under the discussion on REG-S9 and REG-S10 below in this report, I do not support deletion of these standards. I therefore recommend retention of the requirement to comply with REG-S9 and REG-S10 in REG-R6.
267. I support Meridian’s request to provide a Discretionary activity status for new large-scale renewable electricity generation activities in all areas of the General Rural Zone including specified overlay areas. I generally agree with the submitter that (with amendments) the policies of the REG chapter can provide sufficient guidance on the values to be protected and effects to be avoided, remedied or mitigated within overlay areas, and therefore consider that a Discretionary activity status is appropriate. A discretionary activity status is also consistent with the requirement of the NPS-REG to recognise and provide for the national significance of

renewable electricity generation activities.

268. I therefore recommend deleting REG-R6.2.b to make new large scale renewable electricity generation activities in all areas of the General Rural Zone including specified overlay areas a Discretionary activity where they comply with the standards set out in REG.R6.1. Related to this I recommend retention of REG-R6.2.a to provide a default Non-complying activity status for proposals that do not comply with the standards set out in REG.R6.1. As discussed earlier under REG-P10 I have also recommend inserting a new “only allow where” policy framework for new large scale REG activities, with guidance on the values to be protected and effects to be avoided, remedied or mitigated within specified overlay areas.
269. Consequential to this amendment I recommend moving the note relating to immediate legal effect in the notified version of REG-R6.2 to REG-R6.1 as this will now be the relevant rule within specified overlay areas.
270. I do not recommend amending REG-R6 in response to Forest and Bird’s submission to refer to “ECO and other overlay/CE chapter policies” policies. REG-R6 applies to discretionary and non-complying large-scale REG activities. Therefore, all policies of the REG chapter can be taken into account in an assessment. As discussed under REG-P10 above, I recommend inserting a new policy for new large-scale REG activities in specified overlay areas in the General Rural Zone. This new policy, set out in Appendix A, includes references to relevant policies of the Ecosystems and Indigenous Biodiversity, and Coastal Environment chapters. Therefore, no further changes are needed to REG-R6 in order to take these policies into account.

Summary of recommendations

271. HS9-REG-Rec51: That REG-R6 is amended to delete REG-R6.2.b as set out in Appendix A.
272. HS9-REG-Rec52: That submissions on REG-R6 are accepted/rejected as set out in Appendix B.

3.7.7 REG-R7: (Renewable electricity generation activities not otherwise provided for)

Matters raised by submitters

273. Forest and Bird (345.143) seek retention of REG-R7 subject to clarification in the REG policies to refer to “ECO and other overlay/CE chapter policies” policies.

Assessment

274. I note Forest and Bird’s qualified support for REG-R7 and do not recommend any amendments to the rule in response to their submission.

Summary of recommendations

275. HS9-REG-Rec53: That REG-R7 is retained as notified.
276. HS9-REG-Rec54: That the submission on REG-R7 is accepted in part as set out in Appendix B.

3.8 Standards

3.8.1 REG-S1: (Trimming, pruning or removal of indigenous vegetation within a significant natural area)

Matters raised by submitters

Amend

277. Fire and Emergency New Zealand (FENZ) (273.45 and 273.46) seek that the standard be amended as follows in order to ensure that fire risk mitigation is taken into account when assessing applications to trim or remove indigenous vegetation in areas subject to high fire risk:

Assessment criteria where the standard is infringed:

...

3. The degree to which the trimming or removal of affected vegetation will provide for the health and safety of people, property, and the environment through the management of fire risk.

278. Forest and Bird (345.144 [opposed by Meridian FS101.113]) seek that the rule be amended as follows:

...

1. Trimming, pruning or removal of indigenous vegetation or trees within a significant natural area must be limited to:

a. Within 2m of the existing renewable electricity generation activity building or structure, measured at ground level;

b. 21m either side of any existing ancillary road or access track or fence; and

...

Assessment criteria:

1. Operational needs, functional needs or other technical considerations; and

2. The effects on the identified ecological and biodiversity values of the significant natural area and the measures taken to avoid, remedy or mitigate the effects and where relevant the ability to offset effects.

3. The extent to which the trimming or removal of indigenous vegetation limits the loss, damage or disruption to the ecological processes, functions and integrity of the significant natural area; and

4. The effect of the vegetation removal on the identified biodiversity values

279. GWRC (351.105) seeks to amend REG-S1 to change 'indigenous vegetation' to 'vegetation', as they consider that non-indigenous plants within SNAs that are not pest plants may provide significant habitat for indigenous biodiversity.

280. VUWSA (123.30 and 123.18) seeks that the standard be amended to give increased protection to ecological sites of importance, habitats for endangered species, and native biodiversity. According to VUWSA these ecological sites:

need to be treated as the homes of animals and as crucial to the survival of our wildlife first and foremost, not just seen in terms of their development potential. Native animals also need to be considered when planning large-scale renewable electricity

generation activities, such as potential repercussions of noise that may impact native birdlife.

281. WCC ERG (377.42) seeks that cultural values be added to the list of assessment criteria.

Assessment

282. I do not support the relief sought by FENZ to introduce a new matter of assessment on management of fire risk. In my view this issue is better addressed through the provisions of the Ecosystems and Biodiversity chapter, when in relation to indigenous biodiversity. Trimming indigenous vegetation for the purposes of managing fire risk is not strictly a Renewable Electricity Generation activity. The normal provisions of the Ecosystems and Biodiversity chapter would therefore apply without the need to reference this matter in the Renewable Electricity Generation chapter.
283. I do not support Forest and Bird's request to amend the standard. In my view the standard provides for an appropriate level of trimming, pruning or removal of indigenous vegetation within SNAs for maintenance and repair of existing renewable electricity generation activities, considering the enabling policy direction of the NPS-REG and that the REG activities are already existing, meaning the effects of maintenance and repair activities are likely to be minimal.
284. I do not support GWRC's request to amend "indigenous vegetation" in REG-S1 to "vegetation" as the standard is intended to balance the protection of *indigenous* biodiversity with the need to provide for REG activities in accordance with the NPS-REG. In my view it would be inappropriate to extend limitations on trimming, pruning or removal to non-indigenous biodiversity for REG activities given such vegetation is not otherwise protected by the plan.
285. I do not support the relief sought by VUWSA. In my view REG-S1 as notified provides appropriate recognition of ecological values while balancing the need to provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities in accordance with the NPS-REG.
286. I also do not support the relief sought by WCC ERG to add cultural values to the assessment criteria list. "*The effects on the identified ecological and biodiversity values of the significant natural area*" is included in the notified version of the assessment criteria. Cultural values are a component of the identification of significant natural areas as set out in Policy 23 of the Wellington Regional Policy Statement and the NPS-IB.
287. Therefore, the above-mentioned assessment criteria already provides for the ability to take effects on cultural values into account where those are relevant to the significant natural area, without the need to explicitly reference cultural values.

Summary of recommendations

288. HS9-REG-Rec55: That REG-S1 is retained as notified.
289. HS9-REG-Rec56: That submissions on REG-S1 are accepted/rejected as set out in Appendix B.

3.8.2 REG-S2: (Earthworks within a significant natural area)

Matters raised by submitters

Amend

290. Forest and Bird (345.145) query the volume of earthworks allowed. They seek to clarify whether the standard applies in conjunction with REG-S1 and seek to delete the assessment criteria and replace it with the following:

1. The extent to which the earthworks limits the loss, damage or disruption to the ecological processes, functions and integrity of the significant natural area; and
2. The effect of the earthworks on the identified biodiversity values.

291. GWRC (351.106 [Meridian FS101.114]) seeks to amend the wording to remove 'identified; before 'significant biodiversity values' when referring to adverse effects caused by activities or maintenance of biodiversity values as they consider that the 'identified' qualifier limits the consideration of effects to those values identified within the SNA at the time of plan notification.

Assessment

292. I do not recommend any further amendments to REG-S2 in response to the submission of Forest and Bird. In my view the standard provides for an appropriate level of permitted earthworks within SNAs for maintenance and repair of existing renewable electricity generation activities, considering the enabling policy direction of the NPS-REG and that the REG activities are already existing. For clarification I note that REG-S2 applies independently of and in addition to REG-S1, as REG-R1.2 requires compliance with both standards.
293. I do not support the amendment sought by GWRC. In my view it is appropriate to limit consideration of effects to those values *identified* within an SNA.

Summary of recommendations

294. HS9-REG-Rec57: That REG-S2 is retained as notified.
295. HS9-REG-Rec58: That submissions on REG-S2 are accepted/rejected as set out in Appendix B.

3.8.3 REG-S3: (Renewable electricity generation investigation activities)

Matters raised by submitters

Amend

296. Forest and Bird (345.146) seeks that the standard be amended to include ecological and biodiversity effects in the assessment criteria.

Assessment

297. I do not support amending REG-S3 to include ecological and biodiversity effects in the assessment criteria. REG investigation activities within an SNA are a Restricted Discretionary activity under REG-R2.3 which includes references to the relevant policies of the Ecosystems and Indigenous Biodiversity chapter in the matters of discretion.

Summary of recommendations

298. HS9-REG-Rec59: That REG-S3 is retained as notified.
299. HS9-REG-Rec60: That the submission on REG-S3 are rejected as set out in Appendix B.

3.8.4 REG-S5: (Small scale renewable electricity generation activities – roof-mounted wind turbines)

Matters raised by submitters

Amend

300. Forest and Bird (345.147) seeks that the standard be amended to include ecological and biodiversity effects in the assessment criteria.
301. WCC ERG (377.43) seeks that there be no limitation on the number of wind turbines per site, and accordingly seeks deletion of clause REG-S5.2. According to WCC ERG:

The reasoning behind limiting the number of roof mounted wind turbines seems extremely unclear, considering the increased risk to health and safety as well as character caused by constructing larger, brauder turbines to generate the same power. Furthermore the standard discourages personal electricity generation through its limitations.

Assessment

302. I support Forest and Bird’s submission to include ecological and biodiversity effects in the assessment criteria for the standard. This would make the standard consistent with REG-S6 which applies to small-scale freestanding turbines. I see no reason to make a distinction on inclusion of this assessment criteria depending on whether the wind turbine is roof mounted or free standing. I therefore recommend amending REG-S5 to include ecological and biodiversity effects in the assessment criteria.
303. I do not support WCC ERG’s request to delete clause REG-S5.2 in order to remove the limitation on the number of wind turbines per site. REG-S5 applies the standard for *permitted* small-scale REG activities under REG-R3. Non-compliance with REG-S5.2 for more than one wind turbine per site is able to be assessed as a Restricted Discretionary under REG-R3. In my view a Restricted Discretionary activity status provides an appropriate pathway for more than one wind turbine per site while enabling appropriate consideration of potential adverse effects.

Summary of recommendations

304. HS9-REG-Rec61: That REG-S5 is amended to include ecological and biodiversity effects in the assessment criteria as set out in Appendix A.
305. HS9-REG-Rec62: That the submission on REG-S5 are accepted/rejected as set out in Appendix B.

3.8.5 REG-S6: (Small-scale renewable electricity generation activities – freestanding wind turbines)

Matters raised by submitters

Retain

306. Forest and Bird (345.148) seek that the standard be retained as notified.

Amend

307. Andrew Hodge (8.1) seeks that the standard be amended as follows:

...

~~2. The wind turbine must not be located within the greater of:~~

~~a. 60m of a habitable building on an adjacent site; or~~

~~b. A distance of 10 times the wind turbine tower's height above ground level from any site boundary that is not held in the same record of title;~~

2. The wind turbine must not be located within 15m of a habitable building on an adjacent site.

308. The submitter notes that “with dual requirements for a tower not to be located within the greater of 60m of any habitable building on an adjacent site OR 10x the tower's height from the site boundary, this will automatically default to the 10x from boundary, meaning 100m from any boundary”.

Assessment

309. I note the submission seeking that the standard is retained as notified.
310. I support the submission of Andrew Hodge in part. I agree that a distance of ten times the wind turbine tower's height above ground level from any site boundary is overly onerous and would in practice become the default setback as the greater of the two options set out in REG-S6.2. I therefore recommend deletion of REG-S6.2.b. However, I do not support deletion of REG-S6.2.a which provides a 60m setback. I note that REG-S6 applies the standard for *permitted* small scale REG activities under REG-R3. Non-compliance with REG-6.2 can be assessed as a Restricted Discretionary under REG-R3. In my view a Restricted Discretionary activity status provides an appropriate pathway to consider wind turbines within less than 60m of a habitable building on an adjacent site while also enabling appropriate consideration of potential adverse effects.

Summary of recommendations

311. HS9-REG-Rec63: That REG-S6 is amended to delete REG-S6.2.b as set out in Appendix A.
312. HS9-REG-Rec64: That the submissions on REG-S6 are accepted in part as set out in Appendix B.

3.8.6 REG-S7: (Community scale wind turbines)

Matters raised by submitters

Retain

313. Forest and Bird (345.149) seek that the standard be retained as notified.

Assessment

314. I note and support the submission seeking that the standard is retained as notified.

Summary of recommendations

315. HS9-REG-Rec65: That REG-S6 is retained as notified.
316. HS9-REG-Rec66: That the submission on REG-S6 is accepted as set out in Appendix B.

3.8.7 REG-S8: (Community scale freestanding solar panels)

Matters raised by submitters

Retain

317. Forest and Bird (345.150) seek that the standard is retained as notified.

Amend

318. Meridian (228.64 and 228.65) seeks that REG-S8 be amended to increase the maximum area limit for solar panels as follows:

...

2. The cumulative area of solar panels on the site must not exceed ~~150m²~~:

a. The horizontal area of the building's roof, where the solar panels are fixed to a building roof; and

b. 1,500m² where the solar panels are freestanding or fixed to the walls of buildings.

319. Meridian consider that “the 150m² limit on the cumulative area of solar panels on a site is too small to support meaningful community scale solar electricity generation”.

320. WCC ERG (377.44) seeks that size limitation on solar panels be deleted from the standard. WCC ERG consider that the “limitation of community scale solar panel operations goes against not only Wellington's long term sustainability goals but also with the spirit of the preamble and objectives 1 and 4.”

Assessment

321. I support the Meridian submission point in part. In my view it is appropriate for the standard to provide for rooftop solar panels up to the size of the area of the roof they are fixed to, particularly as the chapter as notified does not provide direction for community scale roof mounted solar. I therefore support Meridian's requested insertion of clause 2.a above.

322. I do not support Meridian's request to amend the standard for the cumulative area of freestanding solar panels on the site from 150m² to 1500m². While it may be appropriate to provide for community scale solar panels over a cumulative area greater than 150m² per site this is able to be assessed as a Discretionary activity under REG-R4, with the assessment criteria of REG-S8 providing guidance for that assessment.

323. I do not support WCC ERG's request to delete the size limitation on solar panels from the standard. I disagree with the submitter that this element of the standard goes against Wellington's long term sustainability goals as proposals for solar panels which infringe the standard are able to be assessed as a Discretionary activity under REG-R4.

Summary of recommendations

324. HS9-REG-Rec67: That REG-S8 is amended to provide for roof mounted solar panels up to the size of the area of the roof they are fixed to as set out in Appendix A.

325. HS9-REG-Rec68: That the submissions on REG-S8 are accepted/rejected as set out in Appendix B.

3.8.8 REG-S9: (Wind turbine noise limits)

Matters raised by submitters

Retain

326. Ministry of Education (400.30 [supported by M&P Makara Family Trust FS41.57]) seek that the standard be retained as notified.

Delete

327. Meridian (228.66 [opposed by M&P Makara Family Trust FS41.55]) seeks that the standard is deleted in its entirety, as it addresses “matters that are addressed already under the relevant standard (NZS6808:2010) which is itself included as a standard in this rule (REG-R5). Also, the matters specified in REG-S9 and REG-S10 are addressed already in Policy REG-P8”.

Assessment

328. I note the submission seeking that the standard is retained as notified.

329. I do not support Meridian’s request to delete the standard. I acknowledge that there may be some duplication between the contents of NZS6808:2010 (which is referenced in REG-R5, REG-R6 and REG-S9) and the remaining parts of REG-S9. However, I consider that REG-S9 provides additional clarity to NZS6808:2010 and provides assessment criteria for non-compliance with the noise standard, that would not apply if the standard was deleted and the reference to NZS6808:2010 in REG-R5 and REG-R6 was relied on. I also do not agree that Policy REG-P8 already addresses the matters specified in REG-S9. I therefore recommend that REG-S9 is retained as notified.

Summary of recommendations

330. HS9-REG-Rec69: That REG-S9 is retained as notified.

331. HS9-REG-Rec70: That the submissions on REG-S9 are accepted/rejected as set out in Appendix B.

3.8.9 REG-S10: (Wind turbine special audible characteristics)

Matters raised by submitters

Delete

332. Meridian (228.67 [opposed by M&P Makara Family Trust FS41.56]) seeks that standard REG-S10 is deleted in its entirety for the same reasons that they seek the deletion of REG-S9 as set out above.

Assessment

333. I do not support Meridian’s requested deletion of REG-S10. As stated above regarding REG-S9, I consider that REG-S10 provides additional clarification and assessment criteria that would not apply if the standard was deleted and the reference to NZS6808:2010 in REG-R5 and REG-R6 was relied on. I therefore recommend that REG-S10 is retained as notified.

Summary of recommendations

334. HS9-REG-Rec71: That REG-S10 is retained as notified.

335. HS9-REG-Rec72: That the submission on REG-S10 is rejected as set out in Appendix B.

3.8.10 REG-S11: (Upgrading of existing large scale renewable electricity generation activities)

Matters raised by submitters

Retain

336. Forest and Bird (345.151) seeks that the standard be retained as notified.

Amend

337. M&P Makara Family Trust (159.8 [opposed by Meridian FS101.115] and 159.9 [opposed by Meridian FS101.116]) seek to amend REG-S11.2 to require a wind turbine to not exceed the existing height by more than 5% rather than 10% as notified. According to M&P Makara Family Trust:

10% is an extra height allowance of 12.5m for existing large scale wind turbines in the rural area. Original resource consent for these turbines was predicated on visual amenity assessments provided for affected neighbouring properties, and an additional 12.5m height could significantly change some of these effects. In addition, noise levels at neighbouring residences are affected by line-of-sight - i.e. the more visible, the more likely there is to be more noise.

338. M&P Makara Family Trust (159.9 [opposed by Meridian FS101.116]) seeks that assessment criteria 9 of REG-S11 be deleted because “if compliance with the standard is impractical the upgrade should not be allowed.”

Assessment

339. I note the submission seeking that the standard is retained as notified.

340. I support M&P Makara Family Trust’s request to amend the standard to require a wind turbine to not exceed the existing height by more than 5% rather than 10%. I agree with the submitter that a 10% increase in height could significantly alter the effects of a wind turbine, that would have been granted resource consent predicated on specific visual amenity and noise assessments related to the scale of the original proposal. In my view a standard requiring a wind turbine to not exceed the existing height by more than 5% is more appropriate to be assessed as a Restricted Discretionary activity. Upgraded wind turbines that exceed existing height by more than 5% can then be assessed as a Discretionary activity which is consistent with the activity status for new large-scale REG activities under REG-R6.

341. I do not support M&P Makara Family Trust’s request to delete assessment criteria 9 of REG-S11. I do not agree that an upgrade should not be allowed at all if compliance with the standard is not achieved. In my view it is appropriate to consider upgrades that do not comply with the standard as a Discretionary activity, and in this circumstance the assessment criteria including point 9 provide important guidance for assessing the proposal.

Summary of recommendations

342. HS9-REG-Rec73: That REG-S11.2 is amended standard to require a wind turbine to not exceed the existing height by more than 5%, rather than 10%, as set out in Appendix A.

343. HS9-REG-Rec74: That the submissions on REG-S11 are accepted/rejected as set out in Appendix B.

3.8.11 Section 32AA evaluation

344. There are three related sets of recommended amendments to the REG chapter provisions set out in this report above. These are:

- a. Amendments to REG-P10 and REG-R6, and the insertion of a new policy REG-PX which provide a pathway for consideration of large-scale REG activities with specified overlay areas. These amendments:
 - change the activity status for large new scale renewable electricity generation activities in all areas of the General Rural Zone including specified overlay areas from Non-complying to Discretionary.
 - provide a new policy (REG-PX) for consideration of large-scale REG activities in specified overlay areas in the General Rural Zone with direction on values to be protected and managed within specified areas.
 - mean that the outright avoidance policy for large scale REG activities, REG-P10, is limited in application to outside the General Rural Zone.
- b. Amendments to REG-P9 and REG-R5, and the deletion of REG-P8 to change the approach to *upgrading* existing large-scale REG activities:
 - provide for all large-scale REG activities including *upgrading* of existing activities through the same policies rather than making a policy distinction between *new* and *upgrading of existing* REG activities.
 - provide guidance to enable consideration of effects on identified values within specific overlay areas for large scale REG activities, including upgrading, through the new REG-PX.
 - remove the duplication between REG-P8 and REG-P11 by deleting REG-P8.
- c. Amendments to make the standards REG-S6 and REG-S8 moderately more enabling for small and community scale REG activities.

345. In my opinion, based on the analysis in this report, the amendments outlined above are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular, I consider that the amendments:

- a. Better give effect to the requirements of the NPS-REG to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities.

- b. Provide greater clarity and reduce unnecessary duplication and complexity of the chapter provisions.
 - c. Provide better guidance for consideration of effects on identified values within specific overlay areas. This ensures that the REG chapter adequately incorporates relevant matters set out in the Natural Environmental Values and Coastal Environment Chapters of the PDP, and assists in reconciling national policy in the NPS-REG, NPS-IB, and NZCPS.
346. Consequently, the amended provisions are also more efficient and effective than the notified provisions in achieving the objectives of the Plan than the notified version of the REG Chapter.
347. The costs of these amendments, which I consider are outweighed by the benefits outlined above, are limited to the following:
- a. Removing the outright avoidance policy and non-complying status for large-scale renewable electricity generation activities in specified overlay areas means there is increased potential for adverse effects on Natural Environmental and Coastal Environmental values. However, this is outweighed by the need to give effect to the NPS-REG and the fact that *significant* adverse effects on specified Natural Environmental and Coastal Environmental values are required to be avoided by the relevant policies of the REG Chapter.
 - b. The amendments to REG-S6 and REG-S8 may have moderate increased visual or dominance effects on neighbouring sites. These effects are outweighed by the need to give effect to the requirement to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation under Policy F of the NPS-REG.
348. There are unlikely to be any additional environmental, economic, social, or cultural effects as a result of the change to the approach to *upgrading* existing large scale REG activities.

4.0 Minor and inconsequential amendments

349. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its PDP to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
350. In addition to the amendments already set out in the body of this report, I recommend the following minor and inconsequential amendments as set out in Appendix A:
- a. Amendments to the way standards in the underlying zone are referenced for plan wide consistency.
 - b. Amendments to the cross references to policies in other PDP chapters where those have been amended as a result of decisions on the PDP.

5.0 Conclusion

351. 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 Appendix A of this report.
352. For the reasons set out in this Section 42A report and in the Section 32AA further evaluation above, 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.

6.0 Recommendations

353. I recommend that:
- a. The Independent Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
 - b. The PDP is amended in accordance with the changes recommended in Appendix A of this report.

Appendices

Appendix A: Recommended Amendments to the Renewable Electricity Generation Chapter

Appendix B: Recommended Responses to Submissions and Further Submissions on Renewable Electricity Generation Chapter Chapter