

Note:

This section introduced through Plan Change 26 is subject to changes proposed through Stage 4 of the District Plan Review. Plan Change 26 provisions subject to appeal are outlined in red.

Changes proposed through Stage 4 as notified are shown using ~~strikethrough~~ and underlining, changes proposed in s42A reports are shown using ~~double-strikethrough~~ and double underlining, and are shaded as follows to indicate which variation proposes the deletion or amendment.

Changes recommended in the Response to Minute 6 and recommended in Reply Reports are shown by way of ~~red-strikeout~~ and red underlining. Changes previously recommended to be deleted but now recommended to be reinstated are shown in red without underlining. Changes previously recommended to be added but now recommended not to be included are shown in ~~red-strikethrough with black underlining~~.

Changes are shaded as follows to indicate which variation proposes the deletion or amendment:

Variation 1 to PC26 – associated with Plan Change 28

Variation 2 to PC26 – associated with Plan Change 29

Renewable Electricity Generation

Introduction

This chapter contains District-wide provisions relating to renewable electricity generation activities.

Energy efficiency and the use and development of renewable energy are matters the District Plan must have particular regard to under section 7 of the Act. The District Plan must also give effect to the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG), which requires that the national significance of renewable electricity generation and the national, regional, and local benefits of renewable electricity generation activities, such as increasing electricity capacity and security of supply while displacing greenhouse gas emissions, are recognised and provided for in district plans.

There are significant renewable energy resources located within the District. Part of the nationally significant Waitaki Power Scheme, which is the largest hydro-electric power scheme in New Zealand, is located within the District. The District also contains the Opuha Hydro-electric Power Scheme. There is also increasing interest in solar power generation in the District, due to the high amount of irradiance, particularly in Te Manahuna / the Mackenzie Basin. At a domestic scale, there are renewable electricity options such as solar water heating and solar panels.

The NPS-REG directs that the development, operation, maintenance and upgrading of both new and existing renewable electricity generation activities is provided for, in order to increase the proportion of electricity generated from renewable energy sources, thereby displacing use of non-renewable energy sources and reducing carbon emissions. These activities often have a functional need or operational need to be in a particular location, but can have adverse effects on the environment, particularly in areas which have important natural values or mana whenua values. This chapter provides direction on how renewable electricity generation activities are to be provided for, while managing the potential adverse effects of these activities.

In addition to the provisions in this chapter, the provisions in Table 1 also apply to renewable electricity generation activities. Beyond the provisions listed in Table 1, no other provisions in this plan apply to renewable electricity generation activities, except where specified within the provisions of this chapter.

Table 1

Topic	Plan Provisions that Apply to Activities Managed in this Chapter
Strategic Directions	All provisions in the ATC, MW, NE and UFD chapters
<u>Contaminated Land</u>	<u>All provisions in the Contaminated Land Chapter</u>
Natural Hazards	Section 5 – Business Objective 4 Section 7 – Rural Objective 7, Rural Policies 7A & 7B Section 18 – Objective 1 and all policies All provisions in the Natural Hazards Chapter
<u>Hazardous Substances</u>	<u>HAZS-O1¹, HAZS-O2 HAZS-P1, HAZS-P2, HAZS-R1, HAZS-R2</u>
Historic Heritage	All provisions in <u>Section 11 – the Historic Heritage Chapter Protection</u>
Notable Trees	All provisions in <u>Section 11 – Heritage Protection the Notable Trees Chapter</u>
Ecosystems and Indigenous Biodiversity	Section 19 – Ecosystems and Indigenous Biodiversity - Rules 2.1.1 and 2.2.1 (relating to the Waitaki Power Scheme and Opuha Scheme) and the Objective and Policies 1, 5, 7 and 8 but only insofar as they apply to the activities managed by Rules 2.1.1 and 2.2.1
Activities on the Surface of Water	Section 7 - Rural Objective 8, Rural Policies 8A – 8H, and Rules 7A – Activities on or Within Waterbodies
Lighting	All provisions in the Light Chapter
Noise	Section 5 – Rules 1.3.1.b, 1.5.1, 1.6.1, 3.3.6.g, 3.5.1 Section 6 – Rule 12 Section 7 – Rules 15.1.1, 15.1.1h and 15.2.1 Section 8 – Rule 1.7.7 All provisions in the Noise Chapter
Signs	All provisions in <u>Section 12 – Signs and Aerial Distractions All provisions in the Signs Chapter</u>

Objectives and Policies

Objectives	
REG-O1	General Output
The output from renewable electricity generation activities in the District for national, regional and local use is increased to support achievement of the New Zealand Government's national target for renewable electricity generation.	
REG-O2	Adverse Effects

¹ Clause 10(2)(b) relating to Transpower (PC28.31.13)

The adverse effects of renewable electricity generation activities are managed in a way that recognises and provides for the national significance of renewable electricity generation activities.

REG-O3	Te Manahuna / Mackenzie Basin ONL Subzone - Waitaki Power Scheme
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To maintain and develop structures and works for the Waitaki Power Scheme:

1. within the existing footprints of the Takapō / Tekapo, Pūkaki and Ōhau Canal Corridor, the Tekapo, Pūkaki and Ōhau Rivers, along the existing transmission lines, and in the Crown-owned land containing Lakes Takapō / Tekapo, Pūkaki, Ruataniwha and Ōhau and subject only (in respect of landscape values) to the objectives, policies and methods of implementation within this chapter, except for management of exotic tree species in respect of which NFL-O3(1) and all implementing policies and methods in the NFL Chapter apply;
2. elsewhere within Te Manahuna / the Mackenzie Basin ONL so as to achieve NFL-O3(1).

Policies

New policies sought to be added by appeal.

REG-P1	Benefits
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Recognise and provide for the national, regional, and local benefits of renewable electricity generation activities and assets, including avoiding, reducing, or displacing greenhouse gas emissions.

REG-P2	Te Manahuna / Mackenzie Basin ONL – Renewable Energy
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To recognise and provide for the use and development of renewable energy generation and transmission infrastructure and operations within the footprint of current operations or on land owned by infrastructure operators as at 1 October 2011 while, as far as practicable, avoiding, remedying or mitigating significant adverse effects on the outstanding natural landscape and features of Te Manahuna / the Mackenzie Basin.

REG-P3	Lakeside Protection Areas
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1. Provide for the upgrading, maintenance and enhancement of the existing elements of the Waitaki Power Scheme; and
2. Avoid, remedy or mitigate the adverse impacts of further buildings and structures required for the Waitaki Power Scheme on the landscape values and character of the Basin's lakes and their margins.

REG-P3A	Opuha Scheme and the Waitaki Power Scheme
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Despite REG-P2 and REG-P3, enable the operation, maintenance and upgrade of the:

1. Opuha Scheme; and
2. Waitaki Power Scheme within its existing footprint and core sites.

REG-P4	Investigation Activities and Small-Scale Renewable Electricity Generation Activities
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Enable:

1. investigation and identification of renewable electricity generation sources; and
2. small-scale renewable electricity generation activities

while managing adverse effects on the environment.

REG-P5	Other Renewable Electricity Generation Activities
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Provide for renewable electricity generation (not otherwise specified in REG-P2, REG-P3, REG-P3A, REG-P4 or REG-P6), while managing adverse effects by:

1. avoiding, remedying or mitigating adverse effects as far as practicable;
2. where residual adverse effects remain, having regard to any proposed offsetting measures and/or environmental compensation; and
3. having particular regard to the practical constraints associated with renewable electricity generation activities, including the:
 - a. functional needs and operational needs of renewable electricity generation activities;

	<ul style="list-style-type: none"> b. location and efficient use of existing electricity generation, transmission and distribution infrastructure; and c. the need to locate the renewable electricity generation activity where the renewable energy resource is located.
REG-P6	Other Renewable Electricity Generation Activities – Within areas of significant indigenous vegetation and significant habitats of indigenous fauna, ONLs, ONFs, riparian areas and SASM or on highly productive land
<p>Provide for renewable electricity generation activities (not otherwise specified in REG-P3 and REG-P4) within areas of significant indigenous vegetation and significant habitats of indigenous fauna, Outstanding Natural Landscapes, Outstanding Natural Features, Sites and Areas of Significance to Māori, riparian areas, or within area of Highly Productive Land, where:</p> <ol style="list-style-type: none"> 1. there is a functional need or operational need for the activity to be in that location; 2. adverse effects on the values of the area are avoided as far as practicable, including through site, route or method selection, design measures and other management methods; 3. adverse effects on the values of the area that cannot be avoided are remedied or mitigated, where practicable; 4. other adverse effects (that do not affect the values of the area) are avoided, remedied or mitigated as far as practicable; 5. regard is had to any proposed offsetting measures or environmental compensation, where there are significant residual adverse effects that cannot be avoided, remedied or mitigated; and 6. particular regard is had to the practical constraints associated with renewable electricity generation activities, including the: <ul style="list-style-type: none"> a. location and efficient use of existing electricity generation, transmission and distribution infrastructure; and b. the need to locate the renewable electricity generation activity where the renewable energy resource is located. <p>The direction in REG-P6 does not apply in relation to managing adverse effects on the outstanding natural landscape and features of Te Manahuna / the Mackenzie Basin where REG-P2 applies.</p>	

Rules

REG-R1	Operation and maintenance of an existing hydroelectric power station and associated structures	
All Zones	Activity Status: PER	
REG-R2	Upgrade of an existing hydroelectric power station and structures associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme	
All Zones	Activity Status: PER	
REG-R3	Upgrade of an existing structure within an operating easement of the Waitaki Power Scheme	
All Zones	Activity Status: PER Where: <ol style="list-style-type: none"> 1. Any modification or addition does not result in any buildings, structures or ancillary activity 	Activity status when compliance is not achieved with R3.1: CON Matters over which control are reserved: REG-MD1 Existing Hydroelectric Power

	utilising more than 20m ² of additional land from that utilised as at [date rule is made operative], or the height of any existing building being increased by more than 2.5 metres from its height as at [date rule is made operative].	
REG-R4	Development of new renewable electricity generation activities associated with an existing hydroelectric power station, within the existing footprint of, or core sites associated with, the Waitaki Power Scheme, including associated structures	
All Zones	<p>Activity Status: CON</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The development will not result in an increase in the maximum operating level of a lake or water storage area authorised at the date this rule was notified, or create a new lake or water storage area. <p>Matters over which control are reserved: REG-MD1 Existing Hydroelectric Power</p>	<p>Activity status when compliance is not achieved with R4.1: RDIS</p> <p>Matters of discretion are restricted to: REG-MD2 Maximum Operating Level Changes</p>
REG-R5	Investigation activities including associated clearance of indigenous vegetation and earthworks for roads and access tracks	
All Zones (except as specified below)	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The investigation, identification or assessment activity is located on site for no more than 60 months. 2. Any structure shall be set back from the road boundary, or internal boundary of any site in separate ownership, the equivalent distance to the height of the structure. 3. The activity is outside areas of significant indigenous vegetation and significant habitats of indigenous fauna. 4. The earthworks associated with any new road or access track comply with the permitted activity conditions and standards in EW-R4. 	<p>Activity status when compliance is not achieved with R5.1: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. Any functional or operational reason for an extended timeframe. b. The appropriateness of measures to avoid, remedy or mitigate adverse effects. <p>Activity status when compliance is not achieved with R5.2: RDIS</p> <ol style="list-style-type: none"> a. The location, design, scale and appearance of the building or structure. b. For road boundaries, adverse effects on the streetscape. c. For internal boundaries, the extent of adverse effects on privacy, outlook, shading, and other amenity values for the adjoining property.

		<p>d. Any functional or operational reason that structures cannot be setback in accordance with R5.2.</p> <p>e. The adequacy of any mitigation measures.</p> <p>Activity status when compliance is not achieved with R5.3: RDIS</p> <p>Matters of discretion are restricted to: REG-MD5 Significant Vegetation and Habitats</p> <p>Activity status when compliance is not achieved with R5.4, but EW-S6 is complied with: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The visual effects on landscape values. 2. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM. 3. Where compliance with EW-S1, EW-S2, EW-S3 or EW-S4 is not achieved, the matters of discretion set out in the relevant standard. <p>Activity status when compliance is not achieved with R5.4 and EW-S6: NC</p>
<p>Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas and Silent File Areas</p>	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 5. The investigation, identification or assessment activity is located on site for no more than 60 months. 6. Any structure does not exceed 1.8m in height and 6m² in footprint, but excluding any anemometer mast, weather stations, lightning rods, antennas, earth peak or GPS unit and their associated mounting structures. 7. The activity is outside areas of significant indigenous vegetation and significant habitats of indigenous fauna. 	<p>Activity status when compliance is not achieved with R5.5: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. Any functional or operational reason for an extended timeframe. b. The appropriateness of measures to avoid, remedy or mitigate adverse effects. <p>Activity status when compliance is not achieved with R5.6: RDIS</p> <p>Matters of discretion are restricted to: REG-MD3 Specified Areas</p> <p>Activity status when compliance is not achieved with R5.7: RDIS</p>

	<p>8. The earthworks associated with any new road or access track comply with the permitted activity conditions and standards in EW-R4.</p>	<p>Matters of discretion are restricted to: REG-MD5 Significant Vegetation and Habitats</p> <p>Activity status when compliance is not achieved with R5.8, but EW-S6 is complied with: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 6. The visual effects on landscape values. 7. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM. 8. Where compliance with EW-S1, EW-S2, EW-S3 or EW-S4 is not achieved, the matters of discretion set out in the relevant standard. <p>Activity status when compliance is not achieved with R5.8 and EW-S6: NC</p>
REG-R6	Small-scale renewable electricity generation activities including associated clearance of indigenous vegetation and earthworks for roads and access tracks	
Outside Areas Specified Below	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Any building or structure, or additions to an existing building or structure shall comply with height limit for the zone in which the activity is located. 2. The activity is outside areas of significant indigenous vegetation and significant habitats of indigenous fauna. 3. The earthworks associated with any new road or access track comply with the permitted activity conditions and standards in EW-R4. 	<p>Activity status when compliance is not achieved with R6.1: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. The matters of discretion relating to height specified in the relevant zone chapter. b. The appropriateness of measures to avoid, remedy or mitigate adverse effects. c. Operational needs of the activity. <p>Activity status when compliance is not achieved with R6.2: RDIS</p> <p>Matters of discretion are restricted to: REG-MD5 Significant Vegetation and Habitats</p> <p>Activity status when compliance is not achieved with R6.3, but EW-S6 is complied with: RDIS</p> <p>Matters of discretion are restricted to:</p>

		<ol style="list-style-type: none"> 1. The visual effects on landscape values. 2. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM. 3. Where compliance with EW-S1, EW-S2, EW-S3 or EW-S4 is not achieved, the matters of discretion set out in the relevant standard. <p>Activity status when compliance is not achieved with R6.3 and EW-S6: NC</p>
Outstanding Natural Landscapes	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 4. Any building or structure, or additions to an existing building or structure, shall comply with NFL-S1 and NFL-S4. 5. The activity is outside areas of significant indigenous vegetation and significant habitats of indigenous fauna. 6. The earthworks associated with any new road or access track comply with the permitted activity conditions and standards in EW-R4. 	<p>Activity status when compliance is not achieved with R6.4: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. The visual effects of the proposal on the values of ONF/ONL. b. The functional needs and operational needs of the activity. <p>Activity status when compliance is not achieved with R6.5: RDIS</p> <p>Matters of discretion are restricted to: REG-MD5 Significant Vegetation and Habitats</p> <p>Activity status when compliance is not achieved with R6.6, but EW-S6 is complied with: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The visual effects on landscape values. 2. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM. 3. Where compliance with EW-S1, EW-S2, EW-S3 or EW-S4 is not achieved, the matters of discretion set out in the relevant standard. <p>Activity status when compliance is not achieved with R6.6 and EW-S6: NC</p>
Scenic Viewing	Activity Status: PER	<p>Activity status when compliance is not achieved with R6.7: RDIS</p>

<p>Areas, Scenic Grasslands, Lakeside Protection Areas</p>	<p>Where:</p> <ol style="list-style-type: none"> The activity is limited to additions to an existing building or structure. The activity is outside areas of significant indigenous vegetation and significant habitats of indigenous fauna. The earthworks associated with any new road or access track comply with the permitted activity conditions and standards in EW-R4. 	<p>Matters of discretion are restricted to: REG-MD3 Specified Areas</p> <p>Activity status when compliance is not achieved with R6.8: RDIS</p> <p>Matters of discretion are restricted to: REG-MD5 Significant Vegetation and Habitats</p> <p>Activity status when compliance is not achieved with R6.9, but EW-S6 is complied with: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> The visual effects on landscape values. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM. Where compliance with EW-S1, EW-S2, EW-S3 or EW-S4 is not achieved, the matters of discretion set out in the relevant standard. <p>Activity status when compliance is not achieved with R6.9 and EW-S6: NC</p>
<p>REG-R6A</p>	<p>Any new buildings or structures or accessory building to an existing hydroelectric power station associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme</p>	
<p>All zones</p>	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> Any building or structure does not exceed: <ol style="list-style-type: none"> 50m² in gross floor area; and 4m in height in any residential or rural lifestyle zone; or In other zones the height limit otherwise applying in the zone, precinct or overlay in which the building is located. Buildings more than 10m² in gross floor area or over 3.5m in height are set back: 	<p>Activity status when compliance is not achieved with R6A.1, R6A.2 or R6A.3: RDIS</p> <p>Matters of discretion are restricted to: REG-MD1 Existing Hydroelectric Power</p>

	<ul style="list-style-type: none"> a. from the road boundary by a distance of not less than half the height of the structure; and b. from any internal boundary with a residential zone by a distance of not less than half the height of the structure. <p>3. Any building or structure located in an ONF or ONL must be finished in materials with a maximum reflectance value of 30%.</p>	
REG-R7	Any renewable electricity generation activities not otherwise listed including associated clearance of indigenous vegetation and earthworks for roads and access tracks	
Outside Areas Specified Below	<p>Activity Status: RDIS</p> <p>Matters of discretion are restricted to: REG-MD4 New Renewable Electricity Generation</p>	
Within an area of significant indigenous vegetation or significant habitat of indigenous fauna, Outstanding Natural Landscape, Outstanding Natural Feature, Sites and Areas of Significance to Māori, a setback distance specified in Table NATC-1, or on Highly Productive Land	Activity Status: DIS	

Matters of Control or Discretion

REG-MD1 Existing Hydroelectric Power

- a. The nature of any visual effects of the building or structure on the skyline and open landscape.
- b. Where located within a SASM listed in SASM-SCHED1, SASM-SCHED2, SASM-SCHED3 or SASM-SCHED4, those matters in SASM-MD1 Activities in a SASM.
- c. The nature of any adverse effects on the environment from construction of the building or structure including earthworks, dust, run-off, sedimentation, noise and traffic.
- d. The location, bulk, height, cladding or colour of the proposed work.
- e. Landscaping, revegetation, and fencing.
- f. Earthworks.
- g. Location and construction of vehicle entry and exit points.
- h. Vehicle manoeuvring and parking areas.

REG-MD2 Maximum Operating Level Changes

- a. The extent to which surrounding land would be inundated.
- b. The productive quality of soils of an area to be inundated.
- c. The degree to which the visual quality of the landscape will be affected.
- d. The social and economic impact on local communities.
- e. The extent to which an increased water body will affect the provision of roading and services within the locality.
- f. The potential for increased recreational opportunities.
- g. The degree to which Outstanding Natural Landscapes, Scheduled Heritage Items, Lakeside Protection Areas and Significant indigenous vegetation and significant habitats of indigenous fauna will be affected.
- h. The extent of effects on Sites and Areas of Significance to Māori.
- i. The extent to which the activity exacerbates lakeshore erosion and/or weakening of hillslopes.

REG-MD3 Specified Areas

- a. Whether there is a demonstrated functional need or operational need for the location of the activity.
- b. The extent to which adverse effects on the values of the location have been avoided as far as practicable through the proposal.
- c. The appropriateness of measures to remedy or mitigate adverse effects that cannot be avoided.
- d. The effectiveness of any proposed offsetting or compensation measures to manage residual adverse effects that cannot be avoided, remedied or mitigated.
- e. The location of existing electricity generation, transmission and distribution infrastructure and the extent to which the proposal contributes to its efficient use.
- f. The significance and benefits of the activity.

REG-MD4 New Renewable Electricity Generation

- a. The appropriateness of measures to avoid, remedy or mitigate adverse effects.
- b. The effectiveness of any proposed offsetting or compensation measures to manage any significant residual adverse effects that cannot be avoided, remedied or mitigated.
- c. The functional needs and operational needs of the activity and the need to locate renewable electricity generation activities where the renewable energy resource is available.

- d. The location of existing electricity generation, transmission and distribution infrastructure and the extent to which the proposal contributes to its efficient use.
- e. The significance and benefits of the proposal.
- f. The nature of any adverse effects on the environment from construction of any building or structure including earthworks, dust, run-off, sedimentation, noise and traffic.
- g. The location, bulk, height, cladding or colour of the proposed work.
- h. Landscaping, revegetation, and fencing.
- i. Earthworks.
- j. Location and construction of vehicle entry and exit points.
- k. Vehicle manoeuvring and parking areas.

REG-MD5 Significant Vegetation and Habitats
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| <ul style="list-style-type: none">a. Whether there is a locational, functional need, or operational need for the location of the activity.b. The extent to which adverse effects on significant indigenous vegetation have been avoided, remedied, or mitigated; and where residual adverse effects on significant indigenous vegetation remain, any proposed offsetting or environmental compensation. |
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