

Section 42A Officer's Report

Hearing Stream 6: Infrastructure

Subjects: Renewable Electricity Generation (REG)

Prepared by: Cristal Bennett
Pou Whakamahere Kaupapa Here
Hutt City Council

Reviewed by: Kathleen Haylock
Principal Policy Planner
Hutt City Council

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2 Introduction

2.1 Purpose of this report

- (1) This report is the Officer's Report for Hearing Stream #6 – Infrastructure for the Renewable Electricity Generation (REG) chapter of Proposed Lower Hutt District Plan (the PDP).
- (2) This report is prepared under section 42A of the Resource Management Act 1991 (the RMA) to:
 - a. Assist the Hearing Panel in making its recommendations on submissions and further submissions on the Renewable Electricity Generation chapter of the PDP and associated definitions; and
 - b. Provide submitters with information on how their submissions and further submissions have been evaluated by the reporting officer for this hearing stream, and the recommendations made to the Hearing Panel.
- (3) This report considers submissions/further submissions received by Council in relation to the Renewable Electricity Generation chapter, and concludes with recommendations with respect to decisions requested by submitters for the chapter.
- (4) The Hearing 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 provided to them, including evidence provided to them by submitters.

2.2 Author – Cristal Bennett

Tēnā Koutou Katoa,

Ko Tokerau te Maunga i tu iho mai

Ko Orongo te Pā o Pūhi kaitiaki o Matātua waka, I moe mai i te awa o Takou

Ko Ngati Rehia me Ngati Wai nga hapū

Ko Ngāpuhi te iwi

Ko Cristal Bennett ahau.

- (5) My name is Cristal Bennett. I am employed by the Council as the Senior Pou Whakamahere Kaupapa Here and sit within the Te Tira Māori and Policy Planning Teams.
- (6) I hold a Masters in Planning Practice from the University of Auckland and a Masters of Business Administration from the Auckland University of Technology. I am an intermediate member of the New Zealand Planning Institute.
- (7) With more than 15 years of experience in various resource consent planning (RMA) and Team Leadership roles within both local and regional councils, I have developed a specialisation in Te Ao Māori and tikanga. This enables me to translate government legislation for hapu/iwi and integrate cultural values and perspectives into my work. My interests encompass Māori Land governance, tribal politics and mātauranga Māori, with a strong focus on engaging with hapu/iwi. I am also committed to promoting the sustainability of freshwater resources and biodiversity.
- (8) I started working on the District Plan Review in March 2024, focusing on the Te Ao Māori chapters and Notable Trees chapter
- (9) Additionally, I recently completed the RMA Making Good Decisions Course in 2025, offered by what was then the Ministry for the Environment (now the Ministry of Cities, Environment, Regions and Transport).
- (10) I was not involved in the preparation of the Renewable Electricity Generation chapter of the PDP prior to notification of the Plan, or with the preparation of the Section 32 Evaluation Report.

2.3 Code of Conduct

- (11) Although this is a Council hearing, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. I have complied with the Code of Conduct when preparing my written report and I agree to comply with it when I give any oral evidence.
- (12) Other than where I state that I am relying on the advice of another person, this evidence is within my areas of expertise. I have not omitted to consider

material facts known to me that might alter or detract from the opinions that I express.

- (13) 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 opinion. Where I have set out opinions in my evidence, I have given reasons for those opinions.

2.4 Supporting evidence

- (14) Other than the section 32 evaluation report for this chapter, there are no additional supporting documents or evidence for this report.

2.5 Procedural issues

- (15) 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 the REG chapter.

2.6 Abbreviations

Abbreviation	Meaning
Forest and Bird	Royal Forest and Bird Protection Society of New Zealand Inc.
HNZPT	Heritage New Zealand Pouhere Taonga
HCC or 'the Council'	Hutt City Council
MPHRCIS	Manor Park and Haywards Residents Community Incorporated Society
NPS	National Policy Statement
NPS-REG	National Policy Statement for Renewable Electricity Generation
ODP	Operative District Plan
PDP	Proposed Lower Hutt District Plan

REG / REG chapter	Renewable Electricity Generation / Renewable Electricity Generation chapter
RMA or 'the Act'	Resource Management Act 1991
RPS	Regional Policy Statement for the Wellington Region
SASM	Sites and Areas of Significance to Māori
WRC	Wellington Regional Council

2.7 Relevance of PDP exemption for REG chapter

- (16) As set out in the s42A report for Hearing Stream #1, Hutt City Council sought an exemption to allow the majority of the PDP to continue through the Schedule 1 process following the 'Plan Stop' mechanism introduced in the Resource Management (Consenting and Other System Changes) Amendment Act.
- (17) On 15 January 2026, the Minister Responsible for RMA Reform, Hon Chris Bishop, approved the exemption in full, enabling most PDP chapters to proceed to hearings and decisions.
- (18) As a result, the PDP is exempted from the plan stop requirements, with the exception of the following parts:
- Historical and Cultural Values chapters, schedules and overlays,
 - Natural Environmental Values chapters, schedules and overlays,
 - Non-hazard parts of the Coastal Environment chapter and associated schedules and overlays (including coastal natural character), and
 - Parts relating to Highly Productive Land.
- (19) In this report, I refer to this as the "plan stop exemption" or "Council's plan stop exemption".
- (20) In accordance with The Resource Management (Consenting and Other System Changes) Amendment Act and the Minister's exemption, Council is statutorily required to withdraw all PDP provisions not covered by the exemption.

- (21) For the most part, this was completed and publicly notified on 15 January 2026.
- (22) However, not all provisions that related to these parts of the PDP were withdrawn at that time. In particular, provisions in several district-wide chapters address matters that are outside the scope of the exemption (that ultimately need to be withdrawn) alongside matters that are in scope of the exemption (that need to be retained). A decision was made to not undertake the partial withdrawals of those chapters as it would have resulted in a rewrite of the chapters, and risked confusion for plan users and people involved in the PDP process.
- (23) For the REG chapter, the objectives, policies and rules of the chapter were drafted to interact with a number of PDP chapters that have since been withdrawn. I have therefore reviewed the REG provisions to identify which matters are out of scope of the exemption. Table 1 below lists the provisions of the REG chapter which are considered out of scope in their entirety. These are provisions which wholly relate to chapters, overlays or other notations or schedules which have been withdrawn.

Table 1: Provisions of the REG chapter not within scope of the exemption.	
Withdrawn topic	REG Chapter provisions entirely not within scope of the exemption
Heritage chapters and overlays, and Sites and Areas of Significance to Māori chapter, overlays and schedules	REG-P10 – Upgrading and developing renewable energy generation activities, in sites and areas of significance to Māori, and heritage areas and sites containing heritage buildings or heritage structures
Outstanding Natural Features and Landscapes	REG-P9 – Upgrading and developing renewable electricity generation activities, in Outstanding Natural Features and Outstanding Natural Landscapes

Natural Character Chapter – Coastal and riparian margins	REG-P7 – Upgrading and developing renewable electricity generation activities in coastal margins and riparian margins
High, Very High and Outstanding Coastal Natural Character Areas	REG-P8 – Upgrading and developing renewable electricity generation activities, in coastal natural character areas

- (24) In addition, there are a number of provisions in the REG chapter which are partially not in scope of the plan stop exemption. Table 2 below lists these provisions, including a rationale for why the listed aspect of the provision is not in scope. Appendix 1 of this report includes a marked-up version of the chapter which shows these changes in full alongside changes recommended in response to submissions.

Table 2: Provisions of the REG chapter partially not in scope of the exemption.	
REG chapter provision partially not within scope of the exemption	Reason provision is partially out of scope
REG-P2 – Consideration of adverse effects of renewable electricity generation activities: Clause 9.	Clause 9 of REG-P2 relates to activities in a 'specified overlay'. All specified overlays relate to parts of the PDP that are outside the scope of the plan stop exemption, and have been withdrawn.
REG-P4 – Renewable electricity generation investigation activities Clauses 1 and 2.	Clauses 1 and 2 relate to Natural Features and Landscapes, Coastal Natural Character Areas, heritage areas and sites and SASMs. These parts of the PDP are outside the scope of the plan stop exemption, and relevant schedules and overlays have been withdrawn.
REG-P5 – Upgrading and developing renewable electricity generation activities Clause 3.e.	Clause 3.e. relates to the Ecosystems and Indigenous Biodiversity part of the PDP, which is outside the scope of the plan stop exemption.

Note that as a consequential amendment the reference to 'REG-P10' in the note at the end of the policy will also be removed.	
Policies REG-P7 to REG-P10	These policies relate solely to activities in coastal margins, Coastal Natural Character Areas, Outstanding Natural Features and Landscapes, historic areas and sites and SASMs. These parts of the PDP are outside the scope of the plan stop exemption, and relevant schedules and overlays have been withdrawn.
Rules note References to Coastal Environment, Natural Character, Natural Features and Landscapes and SASM chapters.	As these chapters have been withdrawn, these references should be removed (however, to assist plan users, Council may need to add other references in their place when the PDP is integrated with the ODP).
REG-R2 – Renewable electricity generation investigation activities Clauses 2.b, 3 and 4.	Clauses 2.b, 3 and 4 relate to Natural Features and Landscapes and Coastal Natural Character Areas of the PDP. These overlays have been withdrawn. Note: It could be argued that matter of discretion 1 of clause 2 should be amended to remove the reference to landscape. However, as this matter of discretion is not specific to Outstanding Natural Features and Landscapes or Coastal Natural Character Areas, and address effects on landscape and visual and amenity values more generally, this matter of discretion be retained.
REG-R4 – Upgrading, developing and operating small-scale renewable electricity generation activities – freestanding structures Subclauses i-vi of clause 1.c. Clause 1.c.vii will be retained as it relates to natural hazards. Clauses 3, 5, 6 and 7.	Relate to Natural Features and Landscapes, Coastal Natural Character Area, Historic Heritage and SASM overlays of the PDP. These overlays have been withdrawn.

REG-R6 – Community-scale renewable electricity generation activities not otherwise provided for Subclauses i to vi of clause 1.c. Clause 1.c.vii will be retained as it relates to natural hazards. Clauses 3, 5, 6 and 7.	Relate to Natural Features and Landscapes, Coastal Natural Character Area, Historic Heritage and SASM overlays of the PDP. These overlays have been withdrawn.
REG-R7 – Upgrading, developing and operating large-scale renewable electricity generation activities Clause 1.b.	Relates to Natural Features and Landscapes, Coastal Natural Character Area, Historic Heritage and SASM overlays of the PDP. These overlays have been withdrawn.
REG-S1 – Structures for renewable electricity generation investigation activities Clause 1.d.	Relates to Natural Features and Landscapes and Coastal Natural Character Areas of the PDP. These overlays have been withdrawn.
REG-S2 – Duration of renewable electricity generation investigation activities Clause 1.a.	Relates to Natural Features and Landscapes and Coastal Natural Character Areas of the PDP. These overlays have been withdrawn.
REG-S5 – Freestanding wind turbines Clause 2.b and matter of discretion 1.	Relates to protection of coastal and riparian margins, which is part of the Natural Character part of the PDP.

2.7.1 Integration with the ODP

- (25) Given the above, the PDP is no longer a complete replacement of the ODP. As a result, the parts of the ODP that are equivalent to the parts of the PDP that are not in scope of the plan stop exemption will need to be retained. These retained provisions will ultimately need to be integrated with the PDP.
- (26) I note that this means the final Integrated District Plan will not be able to give effect to all higher order documents. However, this is an inevitable consequence of the plan stop provisions of the RMA and the scope of Council's plan stop exemption.
- (27) Council officers anticipate that integration will happen at the same time that Council makes its decisions on the PDP. This will involve some reformatting of

the ODP provisions to conform to the National Planning Standards and ease this integration (to the extent Council is able to undertake this reformatting without the need for a Schedule 1 process).

- (28) In addition, there may need to be further plan changes in the future to improve the integration and implementation of higher order documents, but this will depend on what is enabled by relevant legislation at the time.
- (29) With regard to the REG chapter, the equivalent chapter of the ODP (Chapter 14L) contains provisions that relate to managing the effects of REG on heritage buildings or in heritage areas. As a result, the following parts of chapter 14L will be retained:
- Rule 14L 2.1.2 – Any solar panel mounted to any building, including buildings listed in Appendix Heritage 1 and 2.
 - Rule 14L 2.1.6 – Solar panels that do not comply with one or more of the permitted activity standards. Matters of discretion referenced as part of this rule (a, b, c, e, h, i and m) will also be retained.
 - Rule 14L 2.1.13 – Except where otherwise specifically provided for, any renewable energy generation activity located on a site containing an item listed in the Appendix Heritage 1 and 2.
- (30) In addition, parts of the ODP that are not specific to renewable electricity generation but address matters that are outside the scope of the plan stop exemption will also need to be retained. This includes:
- *Chapter 14E: Significant Natural Cultural and Archaeological Resources* (the ODP's closest equivalent to the Natural Environment chapters, Sites and Areas of Significance to Māori chapter, and natural character parts of the Coastal Environment chapter of the PDP), and
 - *Chapter 14F: Heritage Buildings and Structures* (the ODP's equivalent to the Historical Heritage chapter of the PDP).

2.7.2 Implications of the PDP exemption on submissions

- (31) A substantial portion of the submission points on the REG chapter seek changes that relate to PDP provisions identified above which are out of scope of the plan stop exemption.

- (32) As set out in the s42A report for Hearing Stream #1, the Council has obtained legal advice on the implications of the exemption and withdrawal on submitters and the remaining PDP process. The legal advice confirms that:
- Submissions on withdrawn provisions fall away, because the Hearing Panel has no jurisdiction to grant any relief relating to provisions that no longer exist.
 - Submitters who only submitted on withdrawn provisions do not need to be heard, as there is nothing the Panel can lawfully consider or determine.
- (33) This report will focus only on the provisions and associated submission points that are still within scope of the plan stop exemption.
- (34) Any submission relief requesting amendments to withdrawn chapters, or dependent on their reinstatement, cannot be recommended or granted under Schedule 1. For completeness, these submissions have been included in Appendix 2 of this report, with an officer recommendation of 'No recommendation'.
- (35) For the remaining submission points, I have assessed them only where they relate to provisions that remain within the REG chapter or other retained PDP provisions.

3 Chapter summary

- (36) The purpose of the Renewable Electricity Generation chapter is to set objectives, policies and rules for renewable electricity generation in Lower Hutt.
- (37) The provisions allow for smaller-scale renewable electricity generation, including both domestic and community projects, while still requiring a consent process for larger-scale renewable electricity generation. This process will include the discretion to consider relevant effects.
- (38) Additionally, the provisions aim to better recognise the benefits of renewable electricity generation in facilitating the transition to a low-carbon future. New generation capacity is required at a range of scales to keep up with the changing demand for different forms of REG. Some large-scale REG activities may need to be located in areas of high environmental value due to resource availability and the potential impacts on zones.
- (39) Provisions enable development, including investigation activities, while acknowledging operational and functional needs.
- (40) The rules also enable investigation activities such as meteorological stations and masts, and the maintenance, operation, and minor upgrades of existing renewable electricity generation activities.
- (41) Construction, visual/landscape, noise and ecological effects vary according to scale and location. A balanced approach is required and involves relying on other chapters of the proposed plan to manage the effects.

3.1 Statutory and Policy Context

- (42) The Section 32 evaluation report for the Renewable Electricity Generation chapter outlines in detail, the statutory and policy context for the chapter including the RMA requirements and higher order documents (documents that district plans must give effect to under s75(3) of the RMA).
 - (43) The most relevant national policy document for REG is the NPS-REG.
-

(44) As was outlined in the s42A report for Hearing Stream #1, the NPS-REG (2011) was amended in December 2025, with these amendments coming into force on 15 January 2026.

(45) Key differences between the NPS-REG (2011) and the amended NPS-REG (2025) include:

- Strengthening the policy direction in favour of renewable electricity generation by requiring decision-makers to recognise and provide for the national significance and benefits of REG activities;
- Recognising a broader range of benefits of renewable electricity generation, including social, economic and cultural wellbeing, as well as others;
- Recognition of cumulative increases and losses of REG;
- Stronger direction regarding operational and functional need, with the need for an assessment of alternative sites not required;
- Explicit protection for existing REG;
- Recognition of Māori interests in relation to REG;
- Direction to enable REG in all locations and environments;
- Policies are not split by types of REG, with this included through the definitions rather than the policies themselves;
- Existing generation, upgrades and repowering are addressed in the policy framework; and
- A broader definition of REG activities, including electricity storage and conveying this electricity.

(46) While the above lists a number of changes to the NPS, key similarities include that both cover the same types of renewable electricity generation activities (i.e. solar, wind, hydro, geothermal, biomass, tidal, wave, or ocean current energy sources).

(47) As set out in the legal advice from Mr Quinn contained in the Hearing Stream 1 s42A, the Council can give effect to the new/altered higher order documents to the extent practicable within the scope provided by the exemption and submissions.

- (48) The Council cannot introduce new objectives, policies, or rules into the surviving PDP chapters solely to give effect to new national direction where:
- Such provisions were not notified,
 - Submitters had no opportunity to submit, or
 - They relate to subject matter now withdrawn from the PDP.
- (49) This report identifies the extent to which the amended NPS-REG (amended 2025) can be given effect to within the scope of the remaining PDP provisions and the submissions before the Hearing Panel under each relevant submission point.
- (50) Due to the scope of the submissions, the NPS-REG (2025) is largely the document relied upon in the assessment sections of this report. For clarity, references in this report to the NPS-REG are to the amended NPS-REG (2025), unless stated otherwise.
- (51) The REG chapter's structure, language around benefits, and enabling approach gives effect to the objectives and policies of the NPS-REG (2025). These directions are reflected directly in:
- REG-O1 (recognition of benefits),
 - REG-O2 (providing for renewable electricity generation),
 - REG-P1 (benefits of renewable electricity generation), and
 - REG-P3 to REG-P10 (enabling operation, maintenance and development while managing adverse effects).

4 Submissions

- (52) Sixty-four submission points were received on the Renewable Electricity Generation chapter and related definitions. Given the scope of the plan stop exemption, a number of submission points (25) relate to provisions that are outside the scope of the plan stop exemption and have not been substantively assessed. These submission points are identified in Appendix 2 with 'No recommendation' in the recommendation column. The remaining submissions have been assessed accordingly in this report.
- (53) Forty-one further submission points relate to the Renewable Electricity Generation chapter. However, many of these relate to initial submission points that are outside the scope of the plan stop exemption.

4.1 Key resource management issues

- (54) The key resource management issues raised in submissions can be grouped as follows:
- a. Policy conflicts and inconsistent implementation,
 - b. Effects management standards,
 - c. Technical and operational constraints,
 - d. Scope of the Renewable Electricity Generation chapter, and
 - e. Natural Hazards.
- (55) These issues are addressed in the following sections in relation to relevant provisions for the issue.

4.2 Discussion of submissions and recommendations

- (56) This section discusses the submission points on the Renewable Electricity Generation chapter that are still within scope for assessment.
- (57) The submissions points are discussed in order that the relevant provision appears in the REG chapter as proposed.
-

4.2.1 Definitions: Small-scale and Community-scale renewable electricity generation activities

Submissions

- (58) The Director-General of Conservation (405.27c) and (405.27d) opposes the definitions of both Small-Scale and Community-Scale renewable electricity generation activities. This submitter, seeks that amendments are made to these definitions, rules and performance standards as necessary to ensure that resource consent is required, and any biodiversity effects are appropriately managed for small and community-scale REG activities (that are of a scale or location that creates the potential for this type of effect).

Assessment

- (59) Of particular relevance to the definitions, this submitter raises concerns that the definition is too broad and enabling. I note that the corresponding rule framework relating to small-scale and community-scale renewable electricity generation activities includes permitted activity conditions and standards that would limit the scale of these types of activities. This includes, for example, the number of turbines permitted on a site, height standards and other standards such as height in relation to boundary standards.

Recommendation

- (60) I recommend that the submission points of the Director-General of Conservation (405.27c and 405.27d) are rejected.

4.2.2 General – Clarus submissions on renewable liquid and gas energy sources

Submissions

- (61) Clarus (474.49 to 474.57) seek a package of changes to broaden the REG chapter from a chapter focused on renewable electricity generation to one that also provides for renewable liquid and gas energy sources. The requested relief includes renaming the chapter, and amending REG-O1, REG-O2, REG-P1, REG-P2, REG-P3 and REG-P5. This submitter also seeks to insert a

new objective REG-O3, and make consequential amendments to the rules. These points are each opposed by Forest and Bird (F23.4 to F23.12).

(62) The specific relief requested by the submitter is as follows:

- Clarus (474.49, opposed by Forest and Bird F23.4) support the Renewable Electricity Generation chapter in part, requesting that the chapter title be amended to **"Renewable Energy Sources and Electricity Generation"**, and that objectives, policies and rules of the chapter are amended to support renewable gas and liquid energy sources.
- Clarus (474.50, opposed by Forest and Bird F23.5) supports REG-O1 in part. Clarus seeks to alter the objectives, policies and rules to support renewable gas and liquid energy sources to align with RPS Change 1 – policies seven and nine, and to rename the chapter **"Renewable Energy Sources and Electricity Generation"**
- Clarus (474.51, opposed by Forest and Bird F23.6) supports REG-O2 in part, requesting liquid and gas energy sources be specifically included.
- Clarus (474.52, opposed by Forest and Bird F23.7) requests the following new objective REG-O3 to enable a specific provision for renewable liquid and gas energy sources:

"REG-O3: Providing for renewable liquid and gas energy sources:"

Renewable liquid and gas energy infrastructure and activities are able to establish and operate in appropriate locations within Lower Hutt while:

1. Managing adverse effects on the environment, and

2. Recognising their practical constraints, including those arising from their functional needs, operational needs and technical requirements."

- Clarus (474.53, opposed by Forest and Bird F23.8) supports Policy REG-P1 in part. and requests the following amendment:

"REG-P1: Benefits of renewable electricity generation *and renewable liquid and gas energy sources*

Recognise the benefits of renewable electricity generation "...and renewable liquid and gas energy sources."

- Clarus (474.54, opposed by Forest and Bird F23.9) support REG-P2 in part, and request the following amendments:

REG-P2: Consideration of the adverse effects of renewable electricity generation activities **and renewable liquid and gas energy sources**

‘When considering the adverse effects of renewable electricity generation activities and **renewable liquid and gas energy sources** on the environment, have regard to the following..’

- Clarus (474.55, opposed by Forest and Bird F23.10) supports Policy REG-P3 in part, requesting the following amendments:

‘REG-P3: Operating, maintaining and repairing renewable electricity generation activities **and renewable liquid and gas energy sources**

1. Enable the maintenance and repair of renewable electricity generation activities **and renewable liquid and gas energy sources**.
 2. Enable the operation of renewable electricity generation activities **and renewable liquid and gas energy sources** while avoiding, remedying or mitigating adverse effects, to the extent practicable.”
- Clarus (474.56, opposed by Forest and Bird F23.11) supports Policy REG-P5 in part, but requests it be amended to add a new subsection as follows:

‘Provide for new or upgraded renewable electricity generation liquid and gas energy activities, while:

a. Minimising adverse effects on landscape, visual and amenity values.

b. Avoiding adverse effects on urban environments.

c. Minimising adverse noise effects on activities sensitive to noise.

d. Managing odour effects, and

e. Managing health and safety effects in accordance with national guidance.’

- Clarus (474.57, opposed by Forest and Bird F23.12) supports the rules of the REG chapter in part, requesting to update the rules to give effect to changes to the objectives and policies of the chapter requested in submission points 474.52 to 474.56.

Assessment

- (63) I have assessed the Clarus submission points together because they seek similar relief to a number of REG provisions. The relief sought is that the REG

chapter should be broadened to provide for renewable liquid and gas energy sources as well as renewable electricity generation. Addressing these matters in one section avoids repetition and provides a clearer basis for the provision-specific recommendations that follow.

- (64) Of particular relevance to this submission point are the definitions for renewable energy and electricity contained in the RMA, the NPS-REG and the RPS.
- (65) The RMA defines renewable energy in section 2 of the Act as:
- “energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave and ocean current sources.”*
- (66) The NPS REG (both 2011 and amended 2025) also include a definition for ‘renewable electricity generation’ which is defined as:
- “means generation of electricity from solar, wind, hydroelectricity, geothermal, biomass, tidal, wave, or ocean current energy sources.”*
- (67) The RPS also uses the same RMA definition of renewable energy. The RPS therefore does not identify a broader range of renewable energy source types than those already recognised in the RMA and reflected in the REG framework. Broadening the chapter, in my view, would extend this beyond its notified purpose and beyond the national direction provided by the NPS-REG.
- (68) I consider the REG chapter gives effect to the relevant higher-order direction, as it is appropriately framed around renewable electricity generation rather than low-emission fuels or other sources more generally.
- (69) More evidence would be required to determine if it is appropriate to broaden the chapter in the way the submitter has requested, or whether the relief sought by the submitter would be better achieved through other parts of the PDP, noting that any district plan approach specific to renewable liquid and gas energy sources would not only require objectives and policies, but also rules to implement them, as well as an evaluation under s32 of the RMA to demonstrate that the objectives are the most appropriate way to achieve the purpose of the Act and that the policies and rules are the most appropriate way to achieve those objectives.

- (70) In regard to specific RPS objectives and policies raised by the submitter, I consider the REG chapter gives effect to the relevant infrastructure, energy and climate change provisions of the RPS. The relevant policies are:
- Policy 7: Recognises the benefits from renewable energy and regionally significant infrastructure – regional and district plans.
 - Policy 11: Promotes energy efficient design and small-scale renewable energy generation – district plans.
- (71) I consider the REG chapter is generally well aligned with the direction of these policies and the enabling approach to renewable electricity generation.
- (72) In summary the requested changes would broaden the REG chapter beyond its intended scope, and create potential uncertainty about the relationship between renewable electricity generation, renewable fuels, low-emission fuels, gas infrastructure and other energy-related activities.

Recommendation

- (73) I recommend that the submission points of Clarus that relate to renewable liquid and gas energy sources (specifically, submission points 474.49 to 474.57) are rejected.

4.2.3 General – Whole Chapter

Submissions

- (74) Forest and Bird (424.14a, supported by MPHRCIS F10.61) request amendments to address concerns regarding which chapters and rules apply to REG and to ensure the Coastal Environment and Ecosystems and Indigenous Biodiversity chapters apply to renewable electricity generation activities.
- (75) WRC (452.41) support the Renewable Electricity Generation chapter in part, and request amendments to the objectives, policies, rules and standards of the chapter to implement s6 and s31 of the Act, the New Zealand Coastal Policy Statement, National Policy Statement on Freshwater Management and Change 1 of the RPS for the Wellington Region.

Assessment

- (76) I agree that the 'Rules/Rules of this chapter' section of the REG chapter require updating to more accurately reflect those parts of the PDP chapters and the ODP provisions that will apply.
- (77) In terms of which chapters and rules apply, it is noted that this has changed considerably due to the updated scope of the PDP. The REG chapter will now only 'override' zone chapter provisions and natural hazard provisions of the PDP. Amendments recommended to this part of the chapter are set out in full in the recommendations below.
- (78) WRC (452.41) support the Renewable Electricity Generation chapter in part, seeking amendments to the objectives, policies, rules and standards of the chapter to implement s6 and s31 of the Act, the NZCPS, NPS-FM and Change 1 to the RPS for the Wellington Region.
- (79) It is noted that the Act, the NZCPS, the NPS-FM and the RPS have been taken into consideration as part of creating the chapter itself. However, as noted above, since this submission was made, the scope of the PDP has changed which now means that the REG chapter will no longer refer to a number of overlays relevant to this submission point (e.g. Coastal Character and Landscape Overlays).
- (80) The higher order documents referred to by the submitter will therefore primarily be addressed through the relevant parts of the ODP and other PDP District-Wide Chapters, and not the REG chapter itself, with the exception of natural hazards.
- (81) As has been acknowledged in earlier sections, that this means the final Integrated District Plan will not be able to give effect to all higher order documents. However, this is an inevitable consequence of the plan stop provisions of the RMA and the scope of Council's plan stop exemption.

Recommendations

- (82) I recommend that the submission point of Forest and Bird (424.14a) is accepted in part, and that the advice note before the rules of the REG chapter be amended as follows:

'Application of rules to buildings and structures

For structures, the rules of this chapter only apply to the renewable electricity generating structure (such as the wind turbine, solar panel, and supporting structures). They do not apply to other buildings that wind turbines and solar panels may be mounted on, and do not apply to ancillary buildings (such as maintenance and service buildings).'

'District-wide chapters

Rules in other chapters in Part 2 – District-Wide Matters also apply to activities associated with renewable electricity generation, except for the rules in the following chapters:

- a. NH – Natural Hazards
- ~~b. CE – Coastal Environment~~
- ~~c. NATC – Natural Character~~
- ~~d. NFL – Natural Features and Landscapes~~
- ~~e. SASM – Sites and Area of Significance to Māori~~

'Renewable Electricity Generation and Infrastructure

'A Renewable Electricity Generation structure may meet the definition of Infrastructure. Where this is the case, the rules of this chapter apply, and not the rules of INF – Infrastructure.'

- (83) I note that this notes section will need to be revisited by Council when it integrates the PDP with the parts of the ODP that need to be retained due to the scope of Council's plan stop exemption.
- (84) I recommend that submission point of WRC (452.41) is rejected, in that no amendments are recommended in response to this submission point.

4.2.4 General – Wind Turbines

- (85) A range of submission points were received relating to wind turbines. These submission points are assessed together below as they relate to similar issues or seek similar relief.

Submissions

- (86) R Cannon (243.1) opposes provisions for wind turbines and seeks that further installation of wind turbines be halted.
- (87) Forest and Bird (424.29b and 424.29c) opposes in part the permitted rule REG-R3 (Upgrading, developing and operating small scale REG activities – Roof-

Mounted Structures), seeking that it does not apply to wind turbines (or only applies to small-scale renewable electricity wind turbines).

- (88) Forest and Bird (424.30b) opposes in part REG-R4 (Upgrading, developing and operating small scale REG activities – Freestanding Structures) and seeks to make small-scale renewable electricity generation using wind turbines (up to three turbines) a restricted discretionary activity.
- (89) Forest and Bird (424.31b, 424.31c and 424.31d, supported by MPHRCIS F10.85, F10.86, F10.87) oppose in part rule REG-R5 (Upgrading, developing and operating Community-Scale REG activities – Roof-mounted Structures) seeking to ensure that the permitted rule does not apply to wind turbines.
- (90) Forest and Bird (424.32b, 424.32c) seeks to make community-scale renewable electricity generation using wind turbines (up to three turbines) a restricted discretionary activity and more than three turbines discretionary or non-complying activities within the Coastal Environment or Natural Open Space Zone.

Assessment

- (91) R Cannon (243.1) opposes REG-P2 to halt any further installation of wind turbines in the Wellington Region because the submitter considers that little or no study has been undertaken as to the adverse effects of taking energy from the wind. This submitter cites concerns that reducing energy in various geospatial locations has an impact on local weather and may contribute to climate change.
- (92) The NPS-REG recognises the national significance of renewable electricity generation, and directs decision makers to enable REG assets and activities (including the generation of electricity from wind).
- (93) Specifically, Policy A (National Significance and benefits of renewable electricity generation) sets out that decision-makers on REG activities must recognise and provide for the national significance and the national, regional and local benefits of REG activities. Policy F and G also direct decision-makers to enable REG assets and activities, including their development, operation, maintenance, upgrading and expansion, while managing adverse effects.
- (94) These policies are directly relevant to the subject matter of the REG chapter because the chapter's purpose is to provide a planning framework for

renewable electricity generation activities. Consequently, where submissions seek to restrict, prohibit or unnecessarily constrain REG activities, the NPS-REG provides relevant higher-order policy direction supporting on an enabling approach.

- (95) Regarding the view that wind turbines contribute adverse effects to climate change (and weather), no evidence has been provided to suggest this theory is valid or would generate an impact significant enough to require a change in policy REG-P2.
- (96) For these reasons, I consider that 'halting' wind turbines would not be consistent with the enabling direction of the NPS-REG (2025).
- (97) The submission by Forest and Bird (424.30b) seeks to limit or exclude permitted numbers of wind turbines and change the activity status from permitted to restricted discretionary in:
- REG-R3 (Upgrading, developing and operating small scale REG activities – Roof-Mounted Structures),
 - REG-R4 (Upgrading, developing and operating small scale REG activities – Freestanding Structures), and
 - REG-R5 (Upgrading, developing and operating Community-Scale REG activities – Roof-mounted Structures).
- (98) Forest and Bird also seek (424.31b, 424.31c and 424.31d) to amend REG-R5 (Upgrading, developing and operating Community-Scale REG activities – Roof-mounted Structures), limiting the rule to solar panels on existing roofs only and ensuring that the permitted rule does not apply to wind turbines.
- (99) Policy F(1) of the NPS-REG sets out that decision makers must enable REG assets and activities in all locations and environments. Further, I consider that standards in the REG chapter specifically limit the scale of permitted wind turbines to avoid, remedy or mitigate any potential adverse effects. REG-S4 limits roof mounted structures to 3m above the permitted zone height, as well as requiring compliance with the zone height in relation to boundary. REG-S5 which sets out height requirements as well as rotor diameter and area limits.
- (100) Regarding the submission points made by Forest and Bird (424.32b, 424.32c) requesting to limit the number of turbines, to the extent the submission

relates to the Coastal Environment, this matter is now out of scope of the PDP as this topic is not part of the PDP exemption. It is also noted that biodiversity aspects of these submission points are also out of scope.

- (101) I do not consider that any changes are necessary in regard to these submission points.

Recommendation

- (102) I recommend that the submission point of R Cannon (243.1) is rejected.
- (103) I recommend that the submission points of Forest and Bird (424.29b, 424.29c, 424.30b, 424.31b, 424.31c and 424.31d, 424.32b and 424.32c) are rejected.

4.2.5 Introduction

Submissions

- (104) Forest and Bird (424.14b and 424.14c, supported by MPHRCIS F10.62, F10.63) opposes the Introduction of the Renewable Electricity Generation chapter in part and requests (inferred) that:
- Further clarity is provided in the wording including "most rules", as this is uncertain, and weighting of sections 6(a) and section 6(c) of the RMA need to be considered.
 - If provisions of other chapters do not apply to Renewable Electricity Generation (REG) provisions, then amendments to objectives should give effect to matters of national significance under s6 of the RMA.

Assessment

- (105) The submissions by Forest and Bird request further clarity to be provided in the REG introduction wording 'most rules'. I consider that when read in the context of the Introduction in full alongside the note at the beginning of the rules section of the chapter, that this language is acceptable.
- (106) With regard to giving effect to the specific matters of national importance raised by the submitter, as has been outlined earlier in this report, provisions which addressed these matters within the REG chapter itself (natural character, coastal natural character and indigenous biodiversity) are now out of scope of the PDP. I consider that these specific matters in section 6 of the Act are now to be managed under the relevant provisions of the ODP (particularly Chapter 14). As has been noted earlier in this report the final

integrated District Plan will not be able to give effect to all higher order documents, and future plan changes would be required to achieve this (within the limits of what is enabled through legislation at the time). However, this is an inevitable consequence of the plan stop requirements of the RMA and the scope of Council's plan stop exemption.

Recommendation

- (107) I recommend that the Forest and Bird submissions (424.14b and 424.14c) are rejected.

4.2.6 Objective REG-O1 (Benefits of REG)

Submissions

- (108) Forest and Bird (424.15, supported by MPHRCIS F10.64) support REG-O1.

Recommendation

- (109) I recommend the submission point of Forest and Bird (424.15) in support of REG-O1 is accepted.

4.2.7 Objective REG-O2 (Providing for renewable electricity generation)

Submissions

- (110) The Director-General of Conservation (405.22) supports REG-O2.
- (111) Forest and Bird (425.16, supported by MPHRCIS F10.65) oppose REG-O2 and seek that it is replaced with the following:

REG-O2 Adverse effects of renewable electricity generation activities

The actual and potential adverse effects of construction and operation of renewable electricity generation activities on indigenous biodiversity, landscape, natural character and communities are avoided, remedied and mitigated, while recognising the functional and operational need of renewable electricity generation activities and the potential national benefits.

Assessment

- (112) REG-O2 (Providing for REG) gives effect to the NPS-REG (2025) by setting a desired outcome for renewable electricity generation activities while recognising the need to manage adverse effects.
- (113) With regard to Forest and Bird's requested relief, some aspects of this are outside the scope of Council's plan stop exemption (e.g. indigenous biodiversity, natural character).
- (114) I note that REG-O2 does currently address adverse effects, and more detail is provided in subsequent policies as to the management and consideration of these adverse effects.
- (115) When considering the updated NPS-REG and the enabling framework that this sets out, I do not consider a change to REG-O2 as requested by Forest and Bird necessary.

Recommendation

- (116) I recommend that the submission point of the Director-General of Conservation (405.22) is accepted.
- (117) I recommend that the submission point of Forest and Bird (424.16) is rejected.

4.2.8 REG-P1 (Benefits of renewable electricity generation)

Submissions

- (118) Forest and Bird (424.17, supported by MPHRCIS F10.66) supports Policy REG-P1 in part, and requests the following amendment to recognise the discharge of contaminants and improving water quality as a benefit:

'Recognise the benefits of renewable electricity generation, including:

- 1. Maintenance and increase of electricity supply security, and diversifying the type and location of electricity generation;*
- 2. Reduction in dependence on imported energy sources and use of finite resources,*
- 3. Reduction in greenhouse gas emissions,*
- 4. The reversibility of the adverse effects of some renewable electricity*

generation technologies,

5. Opportunities to reduce discharges of contaminants, improving water quality through change in land use,

6. Supporting the local and national transition to renewable electricity, and

7. The contribution to the transition of the city to be carbon neutral by 2050.'

Assessment

(119) The purpose of REG-P1 is to recognise the key benefits of renewable electricity generation, rather than directly addressing adverse effects on waterbodies that Forest and Bird suggest in their submission.

(120) I do not support the relief sought by Forest and Bird. I view this matter as outside of the scope of the PDP. Under section 30(1)(f) of the RMA, the control of discharge of contaminants into or onto land or water is a Regional Council function.

Recommendation

(121) I recommend that the submission point of Forest and Bird (424.17) is rejected.

4.2.9 Policy REG-P2 (Consideration of the adverse effects of renewable electricity generation activities)

Submissions

(122) HNZPT (248.13) supports REG-P2, (particularly supports clause 9) and requests to retain the policy as notified.

(123) Forest and Bird (424.18, supported by MPHRCIS F10.67) support REG-P2 in part, and request the following amendments:

"When considering the adverse effects of renewable electricity generation activities, including noise, transport, earthworks, visual, and indigenous biodiversity effects, on the environment, have regard to the following:

...

2. The size, scale, area and position of any structures, earthworks, vegetation removal, and other activities associated with the activity,

...

9. ~~Where located in a specified overlay~~ The degree to which the features or the identified values of ~~the a~~ specified overlay, zone, site or area of significance identified in ECO-PX2 will be protected from adverse effects and preserved, including consideration of whether adverse effects on these values and features are ~~avoided due to being~~:

a. No more than minor ~~or-transitory~~, or

b. Avoided, remedied, mitigated or offset (if appropriate)."

- (124) The Director-General of Conservation (405.23a) opposes REG-P2 in part, requesting that it be amended so that, multiple policies with different effects tests do not apply to management of the adverse effects of REG within a single area.

Assessment

- (125) Before assessing the relief sought by Forest and Bird, it is important to distinguish between matters that fall within the scope of the REG chapter and those that are addressed elsewhere in the PDP, or are now outside of the scope of the PDP.
- (126) The REG chapter is concerned with recognising the benefits of renewable electricity generation and managing the effects associated with renewable electricity generation activities.
- (127) Matters relating to indigenous biodiversity, significant natural areas, natural hazards, landscape, noise, earthworks and other district-wide resource management issues are addressed either through the ODP provisions (in regard to matters which are out of scope of Council's plan stop exemption) or other district-wide chapters unless a specific response is required for the specific renewable electricity generation activities addressed by the chapter.
- (128) In regard to biodiversity, while the submitter raises concerns that the REG chapter does not provide adequate protection for biodiversity, these matters are not left unregulated. As has been outlined previously, while the biodiversity parts of the PDP are outside the scope of Council's plan stop exemption, the corresponding provisions in the ODP will continue to apply where relevant, including the provisions and mapping associated with the Significant Natural Resources overlay.
- (129) I acknowledge Director-General of Conservation's concern that the REG policy framework contains different effects-management tests that may apply to

renewable electricity generation activities, within the same area. However, I do not consider this approach to make the framework uncertain or unworkable.

- (130) It is noted that since this submission was made, many of the overlays that this submission point relate to are now out of scope of the PDP (with the exception of natural hazards). This policy therefore needs to be updated to reflect this, which will also reduce the number of effects-management tests that apply within the REG chapter.
- (131) REG-P2 operates as a general policy for considering the adverse effects of renewable electricity generation activities, while the more specific REG policies provide additional direction for particular locations or values, including natural hazard overlays.
- (132) In my view, these policies are intended to be read together and applied according to the context of the proposal. Where a more specific policy applies, it appropriately informs the assessment of effects in that environment. I therefore do not consider that amendments to REG-P2 are necessary to remove or consolidate the different effects tests.
- (133) Overall, I view the current policy framework provides sufficient clarity and flexibility to guide decision-making and that amendments to remove or consolidate differing effects tests are not considered necessary.

Recommendation

- (134) I recommend that the submission point of HNZPT (248.13) is accepted.
- (135) I recommend that the submission point of Forest and Bird (424.18) is rejected.
- (136) I recommend that the submission point of the Director-General of Conservation (405.23a) is rejected.

4.2.10 Policy REG-P3 (Operating, maintaining and repairing renewable electricity generation activities)

Submissions

(137) Forest and Bird (424.19, supported by MPHRCIS F10.68) oppose REG-P3, requesting the following amendments:

- "1. Enable the maintenance and repair of existing renewable electricity generation activities.*
- 2. Enable the operation of existing renewable electricity generation activities while avoiding, remedying or mitigating adverse effects, to the extent practicable."*

Assessment

(138) I do not support Forest and Bird's request to change REG-P3 specifying 'existing' activities; in my view, REG-P3 reads as self-explanatory and the proposed change will not add further clarity to the policy.

Recommendation

(139) I recommend that the submission point of Forest and Bird (424.19) is rejected.

4.2.11 Policy REG-P4 (Renewable electricity generation investigation activities)

(140) HNZPT (248.14) and Te Rūnanganui o Te Āti Awa (503.29) support REG-P4.

(141) The Director-General of Conservation (405.24) supports REG-P4 in part, and requests the following amendments:

"Provide for renewable electricity generation investigation activities, while:

...

4. Avoiding, remedying or mitigating other adverse effects, to the extent practicable, including by:

a. Limiting the size scale of any structures, earthworks or indigenous vegetation clearance required for the activities,

b. Restricting the duration of the activities, and

c. Restoring the site to pre-works conditions after removal of the activities."

- (142) Forest and Bird (424.20, supported by MPHRCIS F10.69) support REG-P4 in part, requesting amendments to include provision for the avoidance, remediation and mitigation of transitory effects.
- (143) The HCC Policy Planning team (440.24) opposes Policy REG-P4 in part, and requests that the reference to "high hazard areas" be replaced with "high natural hazard overlays."

Assessment

- (144) The NPS-REG (2025) specifically provides for investigation activities in the definition of "renewable electricity generation activities". Policies A (National Significance), C (Operational Functional Need) and F (Enabling and managing the effects of REG assets and activities on the environment) intend to support and enable the identification and investigation of renewable electricity generation activities.
- (145) I do not support the submission point of the Director-General of Conservation. Earthworks are already addressed in district-wide provisions of the PDP, specifically within the Earthworks and Infrastructure chapters. The objectives, policies and rules of those chapters also apply to REG activities (in the case of the Infrastructure chapter, only where the REG activities are within the scope of that chapter).
- (146) With regard to indigenous vegetation clearance, this matter is outside the scope of Council's plan stop exemption, and the existing ODP approach for indigenous vegetation clearance will need to be retained.
- (147) Forest and Bird request an amendment to consider 'transitory' effects.
- (148) The meaning of 'effect' under s3 of the RMA includes temporary effects. I note that temporary effects are considered through REG-P2 and REG-P4, which require consideration of the *'scale and intensity, duration and frequency of the activity's effects.'*
- (149) In my opinion, the policy does not prevent transitory effects from being considered, and there is not the need to specifically refer to them in the policy, noting that the need to consider transitory effects would be common

for many activities covered by the PDP and no other policies specifically call-out transitory effects.

- (150) In summary, under the REG provisions, temporary effects are not ignored, but the plan signals that short-duration, reversible, rehabilitated effects are generally less significant than permanent or non-transitory effects, particularly for investigation activities.

Recommendation

- (151) I recommend that the submission points of HNZPT (248.14) and Te Rūnanganui o Te Āti Awa (503.29) be accepted.
- (152) I recommend the submission points of the Director-General of Conservation (405.24) and Forest and Bird (424.20) be rejected.
- (153) I recommend the Policy Planning Team's submission (440.24) is accepted and REG-P4 is amended as requested.

4.2.12 Policy REG-P5 (Upgrading and developing renewable electricity generation activities)

Submissions

- (154) The Director-General of Conservation (405.23b) opposes Policy REG-P5 in part, seeking amendments so that multiple policies with different effects tests do not apply to management of the adverse effects of renewable electricity generation within a single area.
- (155) Forest and Bird (424.21, supported by MPHRCIS F10.70) opposes Policy REG-P5 in part, and requests the following amendments:

~~Provide~~Consider providing for new or upgraded renewable electricity generation activities, while:

...

3. For any other adverse effects on the environment associated with new or upgraded community-scale and large-scale renewable electricity generation activities, avoiding, remedying or mitigating adverse effects, ~~to the extent practicable~~ including cumulative effects, including:

- a. Effects on landscape, visual and amenity values,*
- b. Noise effects on activities sensitive to noise,*

- c. Effects on the operation and capacity of infrastructure,*
- d. Effects on natural hazard risk, and*
- e. Effects on indigenous biodiversity and the intrinsic values of ecosystems.'*

Assessment

- (156) I acknowledge Director-General of Conservation's concern that the REG policy framework contains different effects-management tests that may apply to renewable electricity generation activities, within the same area. However, I do not consider this approach to make the framework uncertain or unworkable.
- (157) It is noted that since this submission was made, many of the overlays that this submission point relate to are now out of scope of the PDP (with the exception of natural hazards). This policy therefore needs to be updated to reflect this, which will also reduce the number of effects-management tests that apply within the REG chapter.
- (158) REG-P5 operates as a general policy for considering the adverse effects of renewable electricity generation activities, while the more specific REG policies provide additional direction for particular locations or values, including natural hazard overlays.
- (159) In my view, these policies are intended to be read together and applied according to the context of the proposal. Where a more specific policy applies, it appropriately informs the assessment of effects in that environment. I therefore do not consider that amendments to REG-P2 are necessary to remove or consolidate the different effects tests.
- (160) With regard to the submission point of Forest and Bird, the submitter seeks amendments to REG-P5 to replace the directive "Provide for" with "Consider providing for", and to remove the phrase "to the extent practicable". The purpose of REG-P5 is to provide a framework for assessing new and upgraded renewable electricity generation activities by distinguishing between effects that require a higher level of management and those that can be managed through the broader effects management framework.
- (161) I do not support replacing "Provide for" with "Consider providing for". The PDP wording gives effect to the enabling intent of the NPS-REG (2025) specifically Objective 2.1 and Policies A, B, F and G. This requires decision-makers to recognise and provide for the national significance and benefits of renewable

electricity generation, to enable cumulative increases in renewable electricity generation capacity and output, and enable renewable electricity generation activities in all locations and environments while avoiding, remedying or mitigating effects where practicable. I do not support the "consider providing for" approach as this would weaken the NPS-REG direction and reduce its strong directive intent.

- (162) In reference to deleting the phrase "to the extent practicable", it is also noted that renewable electricity generation activities often have operational or functional needs that constrain location and design options.
- (163) The NPS-REG (2025) acknowledges those constraints and directs decision-makers to enable renewable electricity generation while managing adverse effects. Retaining the qualifier "to the extent practicable" appropriately recognises that not all adverse effects can be fully avoided, remedied or mitigated in every circumstance, particularly where doing so, would compromise the viability or operation of the activity. The phrase therefore provides an appropriate balance between enabling renewable electricity generation and managing the adverse effects, and is consistent with Policies C and F of the NPS-REG (2025).
- (164) Overall, I view the current policy framework provides sufficient clarity and flexibility to guide decision-making and that amendments to remove or consolidate differing effects tests are not considered necessary.

Recommendation

- (165) I recommend that the Director-General of Conservation's submission point (405.23b) is rejected.
- (166) I recommend that the submission point of Forest and Bird (424.21) is rejected.

4.2.13 Policy REG-P6 (Upgrading and developing REG activities in natural hazard overlays)

Submissions

- (167) Forest and Bird (424.22, supported by MPHRCIS F10.71) opposes policy REG-P6 in part, and request that if the ECO chapter is not applied to renewable electricity generation activities, that the policy be amended as follows:

'Provide for new or upgraded renewable electricity generation activities in natural hazard overlays where:

- 1. There is a functional need or an operational need for the activity to be in that location,*
- 2. Related buildings, structures or earthworks are of a scale and design that do not significantly increase natural hazard risk in High Flood Hazard Overlays and Medium Flood Hazard Overlays, and*
- 3. Increases in natural hazard risk in identified High Natural Hazard Overlays are avoided.*
- 4. Adverse effects on indigenous biodiversity are avoided.'*

Assessment

- (168) REG-P6 applies specifically to renewable electricity generation activities located within identified natural hazard overlays and directs how those activities are to be managed in relation to natural hazard risk. The focus of the policy is on ensuring that renewable electricity generation activities are appropriately provided for while managing increases in natural hazard risk, particularly within High Flood Hazard Overlays, Medium Flood Hazard Overlays and identified High Natural Hazard Overlays.
- (169) To the extent the submitter's concerns relate to effects on indigenous biodiversity, those matters are out of scope of the PDP and will be addressed through the relevant indigenous biodiversity provisions of the ODP rather than through REG-P6.
- (170) REG-P6 is not intended to provide a comprehensive framework for managing all environmental effects associated with renewable electricity generation activities. Instead, it is specifically directed at the interaction between renewable electricity generation activities and natural hazard overlays.

Recommendation

- (171) I recommend that the submission point of Forest and Bird (424.22) is rejected.

4.2.14 New policy – Connections and integration with electricity infrastructure

Submission

(172) Wellington Electricity (415.4) request addition of the following policy:

'REG-Px - Connection and integration with electricity infrastructure

1. Integration of renewable electricity generation must occur in a manner that aligns with the technical and operational capacity of the electricity distribution network.

2. Connection is subject to assessment and approval under Part 6 of the Electricity Industry Participation Code 2010, including compliance with safety, voltage stability, and load management requirements.'

Assessment

(173) The NPS-REG (2025) Policy C (2)(b): (Operational need or functional need for REG assets and activities to be in particular locations and environments) states that...

"1. Decision-makers must recognise that the operational need or functional need of REG assets and activities includes, but is not limited to, the need to:

""

b. be accessible and to connect to electricity networks and be nearby to electricity demand; and.."

(174) Additionally, I note that Part 6 of the Electricity Industry Participation Code 2010 does not directly apply to the Act. However, the electricity distribution network is subject to these matters. For example, under national policy, local line networks are granted significant enablement and protection.

(175) The NPS-EN covers both the national grid (transmission) and local electricity distribution networks. In consent planning, decision-makers under the Act must recognise and provide for the functional and operational needs of electricity distribution networks when assessing resource consents or regional/district plans.

(176) Based on the above, I do not support adding a new policy because the NPS-REG (2025) Policy C(2)(b) requires electricity networks to be accessible in a broader context. The specific matters requested are not a matter for Council to consider, and will remain the responsibility of the network provider.

- (177) In addition, I note the submitter has requested a policy in isolation, and has not made it clear what objective of the PDP the policy would implement, and has not requested rules or other methods to implement the policy. As a result, the policy requested would effectively be ‘hanging’ and would be difficult to support through a s32 evaluation.

Recommendation

- (178) I recommend that the submission point of Wellington Electricity (415.4) is rejected.

4.2.15 REG-R1 (Maintenance and repair of renewable electricity generation activities)

Submissions

- (179) Forest and Bird (424.27, supported by MPHRCIS F10.76) opposes Rule REG-R1 in part, and requests the following amendment:

*‘REG-R1 Maintenance and repair of **existing** renewable electricity generation activities’*

Assessment

- (180) Forest and Bird state that rule REG-R1 needs to be clearer so that it applies to existing REG activities.
- (181) I do not support Forest and Bird’s amendment to insert the word “existing” into REG-R1. This rule is framed as the *“Maintenance and repair of renewable electricity generation activities.”* In ordinary planning terms, maintenance and repair pre-supposes an existing activity. Therefore:
- Existing activities are the obvious target of REG-R1.
 - New activities will be assessed and provided for under the rules for new development /operation, not maintenance and repair.

Recommendation

- (182) I recommend that the submission point of Forest and Bird (424.27) be rejected.

4.2.16 REG-R2 (Renewable electricity generation investigation activities)

Submissions

- (183) HNZPT (248.16a) supports rule REG-R2.
- (184) Forest and Bird (424.28, supported by MPHRCIS F10.77) supports rule REG-R2 in part, and requests the following amendment to one of the matters of discretion (six) of Rule REG-R2.2:
- '6. The extent to which the duration of the activity and site rehabilitation will be effective in avoiding, ~~or minimising remedying or mitigating~~ adverse effects on indigenous biodiversity.'*

Assessment

- (185) With regard to Forest and Bird's submission point seeking to include 'remedying or mitigating' language in the policy, the intent of REG-R2 (6) is to specifically target the temporary nature of renewable electricity generation investigation activities. The reversible nature of some adverse effects associated with these activities means that effects can be minimised.
- (186) If the change is made as per the submitter's requested relief, this would set a lower threshold for effects which is not the intent of this matter of discretion, and would narrow the matter of discretion specifically to effects on indigenous biodiversity. In addition, I consider that a new matter of discretion on indigenous biodiversity would be outside the scope of Council's plan stop exemption.

Recommendation

- (187) I recommend that the submission point of HNZPT (248.16a) is accepted.
- (188) I recommend that the submission point of Forest and Bird (424.28) is rejected.

4.2.17 REG-R3 (Upgrading, developing and operating small-scale renewable electricity generation activities – Roof-mounted structures)

Submissions

- (189) HNZPT (248.16b) supports Rule REG-R3.
- (190) Forest and Bird (424.29a, 424.29b and 424.29c, supported by MPHRCIS F10.78, F10.79, F10.80) opposes Rule REG-R3 in part, and requests that:
- The rule be amended to limit it to solar panels on existing roofs only,
 - The permitted rule does not apply to wind turbines,
 - Small-scale renewable electricity generation wind turbines be a restricted discretionary activity with matters of discretion to include adverse effects on indigenous biodiversity, and
 - The Ecosystems and Indigenous Biodiversity chapter provisions be considered.

Assessment

- (191) REG-R3 provides for the upgrading, development and operation of small-scale roof-mounted renewable electricity generation activities as a permitted activity, subject to standards relating to the scale and location of structures. I consider the rule is consistent with and gives effect to the NPS-REG (2025). In particular, Policy F directs decision-makers to enable REG assets and activities in all locations and environments, and the adverse effects of REG assets and activities must be, where practicable, avoided, remedied or mitigated.
- (192) REG-R3 directly implements this direction by enabling small-scale roof-mounted solar panels and wind turbines across all zones where specified standards are met. The permitted activity status reduces regulatory barriers to the uptake of small-scale renewable electricity generation, while the associated standards manage potential adverse effects relating to building height, visual amenity and neighbouring properties. Where those standards are not met, a restricted discretionary activity pathway provides an appropriate mechanism to consider any resulting adverse effects.

- (193) Within Rule REG-R3, there are a number of permitted activity conditions which limit the scale of permitted small-scale REG roof-mounted structures. This includes compliance with standards REG-S3 and REG-S4, and the restriction of one wind turbine per site for sites that are 20ha or less, and three wind turbines per sites that are more than 20ha.
- (194) I consider these standards implement the NPS-REG (2025)'s direction to enable small-scale renewable electricity generation, while setting appropriate parameters to avoid, remedy or mitigate effects where practicable. These parameters include height restrictions, as well as compliance with the underlying zone height in relation to boundary requirements.
- (195) While I acknowledge the submitter's biodiversity concerns regarding the effects on birds and bats, it is noted that this is now outside the scope Council's plan stop exemption, and will continue to be addressed through the corresponding ODP provisions.

Recommendation

- (196) I recommend that the submission point of HNZPT (248.16b) is accepted.
- (197) I recommend that the submission points of Forest and Bird (424.29a, 424.29b and 424.29c) are rejected.

4.2.18 REG-R4 (Upgrading, developing and operating small-scale renewable electricity generation activities – Freestanding structures)

Submissions

- (198) HNZPT (248.17) supports rule REG-R4.
- (199) The Director-General of Conservation (405.27a) opposes rule REG-R4 in part, and requests amendments to definitions, rules and performance standards as necessary, to ensure that resource consent is required and effects on biodiversity are appropriately managed for small-scale renewable electricity generation activities that are of a scale or location that creates the potential for this type of effect.

- (200) Forest and Bird (424.30a, 424.30b, and 424.30c, supported by MPHRCIS F10.81, F10.82, F10.83) opposes rule REG-R4 in part, and requests:
- Additional standards to the permitted rule for solar panels to ensure construction is not within bird breeding periods, are not within or adjacent to any breeding areas, not within the coastal environment and not with natural open space zone,
 - To make small-scale renewable electricity generation using wind turbines (up to three turbines) a restricted discretionary activity with matters of discretion to include adverse effects on indigenous biodiversity,
 - To ensure that the Ecosystems and Indigenous Biodiversity chapter provisions can be considered, and,
 - That more than three turbines be a discretionary or non-complying activity within the coastal environment or Natural Open Space Zone.
- (201) The Policy Planning team of HCC (440.24) requests that references in rule REG-R4 to “high hazard areas” be replaced with “high natural hazard overlays”.

Assessment

- (202) Rule REG-R4 deals with freestanding small-scale REG structures, which have a greater potential to create adverse effects than roof-mounted systems because of their aspects such as height, visibility and noise.
- (203) As has been noted in previous sections, the NPS-REG requires decision-makers to enable REG assets and activities in all locations and environments.
- (204) With regard to the Director-General of Conservation’s submission point to ensure that resource consent is required and effects on biodiversity are appropriately managed for small-scale renewable electricity generation activities, it is noted that the ecosystems and indigenous biodiversity parts of the PDP are outside the scope of Council’s plan stop exemption.
- (205) The notified rule appropriately focuses on renewable electricity generation activities while the wider framework of the ODP for ecosystems and indigenous biodiversity, which will need to be retained given the scope of the plan stop exemption, will need to be relied on to address those matters.
- (206) With regard to requiring resource consent for the types of activities caught by REG-R4, in my opinion the conditions in the rule and corresponding standards REG-S5 and REG-S6 adequately address small-scale, freestanding renewable electricity generation activities, setting a clear, effects-based framework.

- (207) In regard to Forest and Bird's submission point to include additional permitted activity standards for bird breeding seasons and to give consideration to the Ecosystems and Indigenous Biodiversity and Coastal Environment chapters, this matter is now out of scope as it relates to chapters that have been withdrawn.
- (208) In regard to Forest and Bird's submission point to make up to three wind turbines a Restricted Discretionary Activity, I do not support this submission point. I consider REG-R4 gives effect to the NPS-REG (2025) Policy F by providing for the development, upgrading and operation of small-scale renewable electricity generation activities and avoiding, remedying or mitigating adverse effects where practicable. I view REG-R4 is also consistent with Policy C of the NPS-REG (2025), which recognises that renewable electricity generation activities may have operational or functional needs to locate in particular environments.
- (209) Rather than preventing renewable electricity generation in these locations, REG-R4 provides assessment pathways which enable consideration of both the identified values of the receiving environment and the benefits that may arise from the activity being located in that particular location.
- (210) With regard to this submitter's point seeking that more than three turbines be a discretionary or non-complying activity within the Natural Open Space Zone, this submission point is still within scope of the plan stop exemption.
- (211) While the submission point remains relevant, I am not persuaded that the relief sought warrants a change to REG-R4. In considering the relief sought, I have reviewed the matters of discretion applying to this rule. These matters enable assessment of landscape, visual and amenity effects, noise effects, health and safety effects, cumulative effects and natural hazard risk. The matters of discretion also enable consideration of the positive effects of renewable electricity generation and the benefits identified in REG-P1 where these can only be achieved through the activity being in a particular location.
- (212) In my view, the effects associated with small-scale freestanding renewable electricity generation activities are generally well understood and are appropriately captured through the notified matters of discretion.
- (213) I therefore do not consider there is sufficient justification to increase the activity status to discretionary or non-complying. Escalating activity status

would introduce additional regulatory burden without clear evidence that the restricted discretionary framework is unable to appropriately assess and manage the relevant effects.

Recommendation

- (214) I recommend that the submission point of HNZPT (248.17) be accepted.
- (215) I recommend rejecting in part the submissions by the Director-General of Conservation (405.27a) and Forest and Bird (424.30a to 424.30c).
- (216) I recommend that the submission point of the Policy Planning team of HCC (440.24) be accepted, and that references in Rule REG-R4 to “*high hazard areas*” be replaced with “*high natural hazard overlays*”.

4.2.19 REG-R5 (Upgrading, developing and operating community-scale renewable electricity generation activities, roof-mounted structures)

Submissions

- (217) Forest and Bird (424.31a to 424.31b, supported by MPHRCIS F10.84, F10.85) opposes Rule REG-R5 in part, and requests that:
- The rule is limited to solar panels on existing roofs only,
 - The permitted rule does not apply to wind turbines,
 - Small-scale renewable electricity generation wind turbines are a restricted discretionary activity, with matters of discretion to include adverse effects on indigenous biodiversity, and
 - That the Ecosystems and Indigenous Biodiversity chapter provisions can be considered.

Assessment

- (218) I consider REG-R5 gives effect to the NPS-REG (2025) by providing for the upgrading, development and operation of community-scale roof-mounted renewable electricity generation activities. The rule is particularly consistent with Policy B, which directs decision-makers to enable cumulative increases in renewable electricity generation capacity and output, including community-scale renewable electricity generation activities, and Policy F,

which requires renewable electricity generation activities to be enabled while avoiding, remedying or mitigating effects where practicable.

- (219) The rule achieves this by providing a permitted activity pathway where standards are met and a restricted discretionary pathway where additional assessment of adverse effects is required. Accordingly, I consider REG-R5 implements the enabling direction of the NPS-REG (2025) while providing an appropriate framework for managing adverse effects.
- (220) The rule contains appropriate conditions and standards, including controls on the number, scale and location of roof-mounted structures through the rule and REG-S3 and REG-S4, and, for wind generation proposals, compliance with NZS 6808:2010 Acoustics – Wind Farm Noise. These standards ensure the anticipated adverse effects of community-scale roof-mounted renewable electricity generation activities remain at a level suitable for permitted activity status.
- (221) In addition, the ecosystems and indigenous biodiversity parts of the PDP are outside the scope of Council’s plan stop exemption.
- (222) Accordingly, I do not consider there is sufficient justification to increase the activity status or otherwise reduce the level of support provided by the rule. The notified approach appropriately gives effect to the NPS-REG (2025) by providing for community-scale renewable electricity generation while ensuring adverse effects are appropriately managed.

Recommendation

- (223) I recommend that the submissions (424.31a to 424.31b) are rejected.

4.2.20 REG-R6 (Community-scale renewable electricity generation activities not otherwise provided for)

Submissions

- (224) HNZPT (248.18) supports rule REG-R6.
- (225) The Director-General of Conservation (405.27b) opposes Rule REG-R6 in part, and requests amendments to ensure that resource consent is required and effects on biodiversity are appropriately managed for community-scale

renewable electricity generation activities that are of a scale or location that creates the potential for this type of effect.

- (226) Forest and Bird (424.32a, 424.32b and 424.32c, supported by MPHRCIS F10.88, F10.89, F10.90) opposes Rule REG-R6 in part, and requests:
- Additional standards to the permitted rule for solar panels to ensure construction is not within bird breeding periods, are not within or adjacent to any breeding areas, not within the coastal environment and not with natural open space zone,
 - To make community-scale renewable electricity generation using wind turbines (up to three turbines) a restricted discretionary activity with matters of discretion to include adverse effects on indigenous biodiversity,
 - To ensure that the Ecosystems and Indigenous Biodiversity chapter provisions can be considered, and
 - That more than three turbines be a discretionary or non-complying activity within the coastal environment or Natural Open Space Zone.
- (227) The Policy Planning team of HCC (440.24) requests that the reference to “high hazard areas” be replaced with “high natural hazard overlays.”

Assessment

- (228) I support the submission of Heritage New Zealand Pouhere Taonga to retain REG-R6 as notified.
- (229) I do not support the relief sought by the Director-General of Conservation or Forest and Bird to introduce additional restrictions, additional biodiversity-specific standards, or more restrictive activity statuses for community-scale renewable electricity generation activities.
- (230) The ecosystems and indigenous biodiversity parts of the PDP are outside the scope of Council’s plan stop exemption.
- (231) The notified rule appropriately focuses on renewable electricity generation activities while relying on the wider framework of the ODP for ecosystems and indigenous biodiversity, which will need to be retained given the scope of the plan stop exemption.

Recommendation

- (232) I recommend that the submission point of HNZPT (248.18) is accepted.

- (233) I recommend rejecting the relief sought by Director-General of Conservation (405.27b) and Forest and Bird (424.32a, 424.32b and 424.32c).
- (234) I recommend that the submission point of the Policy Planning team of HCC (440.24) is accepted, and that references in Rule REG-R6 to “*high hazard areas*” be replaced with “*high natural hazard overlays*”.

4.2.21 REG-R7 (Upgrading, developing and operating large-scale renewable electricity generation activities)

Submissions

- (235) HNZPT (248.19) support Rule REG-R7.
- (236) Forest and Bird (424.33a and 424.33b, supported by MPHRCIS F10.91, F10.92) supports Rule REG-R7 in part, and requests:
- An additional matter of discretion to include adverse effects on indigenous biodiversity and ensure that Ecosystems and Indigenous Biodiversity chapter provisions can be considered.
 - That REG-R7 gives effect to the NZCPS, specifically Policy 13(1)(b) which requires the avoidance of adverse effects on natural character in all other areas of the coastal environment.

Assessment

- (237) I acknowledge Forest and Bird’s view that windfarms may pose risk to indigenous biodiversity, including critically endangered bittern numbers who travel widely across the landscape between breeding seasons. However, I do not consider that adding a further matter of discretion is warranted as it relates to chapters of the PDP which have been withdrawn (the Ecosystems and Indigenous Biodiversity chapter) and is a matter that is outside the scope of Council’s plan stop exemption.
- (238) I note as a result of the plan stop/exemption process, any equivalent provisions of the ODP will be retained.

Recommendation

- (239) I recommend that the submission point of HNZPT (248.19) is accepted.

- (240) I recommend that the submission points of Forest and Bird (424.33a and 424.33b) are accepted in part, in that the overall support for the rule is noted but that the changes requested are rejected.

5 Mechanical issues, minor and consequential amendments

- (241) 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 proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors. The definition ‘title’ for ‘Community Scale Renewable Generation Activities’ is missing the word ‘Electricity.’ I recommend that this minor change be amended to read:

‘Community Scale Renewable Electricity Generation Activities’

- (243) The minor change in definition title for community-scale renewable electricity generation activities provides clarity and consistent application throughout the PDP.

5.1 Recommendation on provisions not in scope of the plan stop exemption

- (244) As discussed in section 2.7, I recommend that amendments are made to the REG chapter under Clause 16(2) of Schedule 1 of the RMA to ensure the chapter remains within scope of the Council’s plan stop exemption, for the reasons outlined in that section.
- (245) These amendments are marked in Appendix 1 of this report as [to be removed].

6 Section 32AA Assessment

- (246) Under section 32AA of the RMA, any changes to the proposed provisions since notification must be evaluated.
- (247) The only amendments recommended through this report are those necessary to ensure the REG chapter remains in scope of Council's plan stop exemption and minor amendments to references to "high hazard areas" in policy REG-P4 and rules REG-R4 and REG-R6 to "high natural hazard overlays".
- (248) With regard to amending references to high natural hazard overlays, this is appropriate as the amendments would improve plan interpretation and administration without materially changing the policy framework notified in the PDP.
- (249) The benefits of the recommended amendments include improved clarity for plan users, better consistency with terminology used in the REG chapter, and clearer alignment between the definitions and rules applying to renewable electricity generation activities.
- (250) The costs of the recommended amendments are expected to be low, as they do not introduce new regulatory requirements or materially change activity status. The amendments are not expected to create additional compliance costs for landowners, applicants, infrastructure providers, or Council.
- (251) Given the limited scope of the recommended changes, I consider that no further detailed section 32AA evaluation is required beyond the assessment set out in this report.

7 Conclusion

- (252) This report has considered submissions on the Renewable Electricity Generation chapter of the PDP.
- (253) For the reasons set out in this report, I consider that the notified REG chapter aligns with the Act, NPS-REG (2025) and the RPS, providing an appropriate framework for recognising the benefits of renewable electricity generation, enabling appropriate small-scale and community-scale REG activities, and requiring consent for larger-scale activities where a broader assessment of effects are required.
- (254) I acknowledge the concerns raised by submitters regarding indigenous vegetation, biodiversity, natural character, coastal environment, outstanding features and landscapes, historic heritage and cultural values. These are parts of the PDP that are not within scope of Council's plan stop exemption, and as a result must be withdrawn from the PDP, and new provisions on these matters cannot be added.
- (255) However, the withdrawal of these chapters through the plan stop process does not mean that these matters would fall away from the District Plan completely. Many of those matters will now be addressed through the relevant ODP provisions.
- (256) I recommend that the Hearing Panel accept, accept in part, reject, or reject in part the submissions as set out in this report, and that the REG chapter be amended only to the extent recommended in this report.

8 Appendices

Appendix 1: Recommended amendments to Renewable Electricity Generation chapter

Appendix 2: Recommended decisions on submissions on the Renewable Electricity Generation chapter and related definitions