

Attachment 2 – Track Change Version of Provisions

S42A recommended wording = **additions underlined text deletions ~~strikethrough text~~**

David Badham recommended wording = **additions underlined text deletions ~~strikethrough text~~**

Renewable Electricity Generation Chapter

Objective REG-01

"The significant local, regional and national benefits from the use and development of renewable electricity generation activities, and their technical, operational and functional needs and constraints, are recognised and provided for."

Objective REG-02

"**Recognise and provide for the following benefits from R**enewable electricity generation activities **recognise and provide for the following benefits:**

- a. Contribute to the reduction in greenhouse gas emissions;
- b. Increase the security of supply of electricity for the district and the region; and
- c. Support the economic, social and cultural well-being of people and communities."

Objective REG-04

"The ongoing efficient operation, maintenance, **repair** and upgrading of existing renewable electricity generation activities is enabled, including through avoiding, **or otherwise mitigating,** the reverse sensitivity effects from sensitive activities in close proximity to community and large-scale renewable electricity activities."

Policy REG-P3

Enable new small scale renewable electricity generation activities **and activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation** where the activity:

a. is of a form, location, and scale that minimises adverse effects on the environment; and

b. will not result in significant adverse effects on the character and amenity values of the zone.

Policy REG-P8

“Require sensitive activities to be designed and located to avoid ~~to the extent possible, or otherwise mitigate,~~ reverse sensitivity effects on existing or consented community scale and large-scale renewable electricity generation activities.”

Policy REG-P9

~~“Avoid locating large scale renewable electricity generation activities outside the Rural Production zone unless it can be demonstrated that adverse effects will be no more than minor.”~~

Policy REG-P10

~~“Require that during or following decommission of any renewable electricity generation activity, that all renewable electricity generation structures, buildings and concrete areas are removed or otherwise mitigated to be compatible with future land use.”~~

Policy REG-P11

~~“Manage renewable electricity generation activities to address the effects of the activity requiring resource consent, including (but not limited to) Consideration of the following matters where relevant when assessing and managing the effects of renewable electricity generation activities to the application:~~

1. Any locational, technical, functional, operational needs and constraints, including the need to be located where renewable resource is located and the need for infrastructure to connect to the local electricity distribution network or the National Grid, or directly to high energy users;
2. Bulk, height or design of any associated buildings or structures;

3. The extent of earthworks, or indigenous vegetation removal **and proposed measures to mitigate any adverse effects;**
4. The degree to which the environment has already been modified;
5. The nature, duration, timing and frequency of any adverse effects;
6. Any adverse effects on areas with cultural and heritage, natural environment values, coastal values and recreational values;
7. Proposed methods to avoid, minimise and remedy adverse effects and any proposed measures to offset or compensate more than minor residual adverse effects;
8. Health, well-being and safety of people and communities, specifically any nuisance or adverse effects from noise, vibration, traffic and light spill;
9. Safe and efficient operation of other infrastructure;
10. The local, regional or national benefits of the project, including the significant social, economic, and cultural benefits of regionally significant infrastructure; and
11. Any historical, spiritual or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.
- 12. Plan for rehabilitation of the site following decommissioning of any renewable electricity generation activity, including removal of buildings, and concrete areas.**

Policy REG-PX

"Enable activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation."

Rule REG-R3

~~"New buildings or structures associated with in-stream hydro investigation and electricity generation, a r~~**Renewable energy generation investigation activitiesy,** excluding in-stream structures (new and upgrading)

All Zones

Activity status: Permitted

Where:

PER-1

~~The building or structure does not exceed a GFA of 25m² and the total GFA of all buildings or structures shall not exceed 50m² in total.~~

Any building or structure located above ground associated with the investigation activity does not exceed a GFA of 25m².

PER-2

~~It is not located on an esplanade reserve or strip, marginal strip or any consented or planned public access area.~~

Any building or structure can comply with the height, setback, height in relation to boundary performance standards of the underlying zone.

PER-3

~~It is not located on any unformed road.~~

Small and Community Scale Renewable Electricity Generation Activities*

means renewable electricity generation primarily supplying an immediate community that is supplied to local electricity users, with provision for excess electricity to be supplied for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into or the distribution network. ~~and where the installed capacity does not exceed 10MW.~~

*definition adopted from the National Policy Statement for Renewable Electricity Generation 2011

REG-R6

~~Solar energy~~ Large scale renewable electricity generation activities or community scale renewable electricity generation activities ~~(new and upgrading)~~

~~Rural Production zone~~

~~Māori Purpose zone~~

~~Open Space zone~~

All Zones

Activity status: Permitted

Where:

PER-1

No structure or device, including any attachments ~~or turbine blades~~, exceeds a maximum height above ground level of 20m.

PER-2

All devices and supporting structures attached to land, including solar panels, cover a total area of no more than 5,000m².

PER-3

Any structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site and is not within the notional boundary of any other site.

PER-4

The setback of any structure from a road, is at least three times the height of structure or 20m, whichever is the greatest distance.

PER-5

Compliance is achieved with NZS 6806:2010 Acoustics – Wind farm noise for any proposal involving wind generation.

~~PER-5~~

~~Compliance is achieved with NZS 6806:2010 Acoustics – Wind farm noise for any proposal involving wind generation.~~

PER-56

Written notice is provided to Council at least 1 month prior to the installation of the structures, or the upgrade of any existing structure. The written notice shall detail the location and function of the activity, details of ownership and management responsibilities, and where the electricity will be supplied to.

Activity status where compliance not achieved with PER-1, PER-2, PER-3, PER-4, or PER-5, PER-6 PER-6 or PER-7: Restricted Discretionary

Matters of discretion are restricted to:

- a. Location, scale and size of the activity;
- b. Adverse effects on any area with historical or cultural values, natural **environment** values or coastal **environment** values;
- c. Shadow flicker and glare on surrounding sites, waterbodies and private and public roads;
- d. Character, level, duration of noise received at the boundary or **national-notional** boundary of another site;
- e. Effects on migratory birds using any identified and scientifically established flight path;

- f. Function and operational need to be in that location;
- g. Alternative design options for the structure; and
- h. Colour scheme of structure(s), screening and landscaping.

REG-RY

~~Wind generation large scale or community scale renewable electricity generation activity (new and upgrading)~~

~~Activity status: Permitted~~

~~Where:~~

~~PER 1~~

~~No structure or device, including any attachments or turbine blades, exceeds a maximum height above ground level of 20m.~~

~~PER 2~~

~~All devices and supporting structures attached to land, including solar panels, cover a total area of no more than 5,000m².~~

~~PER 3~~

~~Any structure is setback at least three times the height of the structure (including supporting structures) from the boundary of any other site and is not within the notional boundary of any other site.~~

~~PER 4~~

~~The setback of any structure from a road, is at least three times the height of structure or 20m, whichever is the greatest distance.~~

~~PER 5~~

~~Compliance is achieved with NZS 6808:2010 Acoustics – Wind farm noise for any proposal involving wind generation.~~

~~PER 6~~

~~Written notice is provided to Council at least 1 month prior to the installation of the structures, or the upgrade of any existing structure. The written notice shall detail the location and function of the activity, details of ownership and management responsibilities, and where the electricity will be supplied to.~~

~~Activity status where compliance not achieved with PER 1, PER 2, PER 3, PER 4, PER 5 or PER 6: Discretionary~~

Infrastructure Chapter

New Objective I-OX

Recognise and provide for the operation, maintenance, repair and upgrading of other infrastructure including electricity and telecommunications infrastructure within the transport network, in particular the roading corridor.

New Policy I-PX

Recognise and provide for other infrastructure by enabling the operation, maintenance, repair and upgrading of infrastructure in the transport network as a permitted activity.

New Rule I-RX

Operation, maintenance, repair and upgrading of electricity and telecommunications infrastructure within the roading network
Activity status: Permitted

Objective I-O6

The location of infrastructure does not **unnecessarily** constrain the ability of tangata whenua to develop land in the Māori Purpose zone or the Treaty Settlement overlay.

Policy I-P11

Avoid-Manage new infrastructure **where so that** it will **not unnecessarily constrain** ~~compromise~~ the ability to develop and use land in the Māori Purpose zone or in the Treaty Settlement overlay **unless the owners of the land agree to the new infrastructure.**

Policy I-P12

Recognise **and provide for** the benefits of new technology in infrastructure that:

- a. Improve access to, and efficient use of, networks and services;
- b. Increases resilience or reliability of networks and services;
- c. Protects the on-going safety of the community and the integrity of the network; or
- d. Results in environmental benefits or enhancements.

Policy I-P13

Manage the adverse effects of infrastructure on **other land uses and activities the environment** by:

a. avoiding, remedying or mitigating the adverse effects ~~of substantial upgrades to, or the development of new infrastructure, including effects~~ on:

~~i. natural and physical resources;~~

~~ii. amenity values;~~

iii. sensitive activities;

iv. the safe and efficient operation of other infrastructure;

v. the health, well-being and safety of people and communities; ~~and~~

b. avoiding radio, electric and magnetic emissions that do not meet the international and national recognised standards or guidelines in I-S1 and I-S2;

~~c. requiring the undergrounding of network utilities in Urban zones and the Settlement zone where it:~~

~~a. is technically feasible;~~

~~b. is justified by the extent of adverse visual effects; and~~

~~c. provides for the safety of the community.~~

Redrafted Rule I-R3

Upgrading of existing above ground network utilities

Activity status: Permitted

Where:

General

PER-1

The upgrade of network utility structures or buildings:

1. is within 5m of the existing alignment location of the original structure or building;
2. complies with the zone's permitted setback standards if it is a building; and
3. does not result in an increase to the diameter of a replacement pipe by more than 300mm.

PER-2

The activity complies with standards:

1. I-S1 Radio frequency fields; and
2. I-S2 Electric and magnetic fields.

Electricity

PER-3

In addition to PER 1 and PER 2, the upgrade of electricity network utilities structures or buildings must not result in:

1. Pole or tower height that exceeds 25m above ground level;
2. More than two additional poles; and
3. Additional towers.

PER -4

1. Additional cross arms must not exceed a length of more than 4m;

Gas

PER - 5

In addition to PER 1 and PER 2, the realignment, relocation or replacement of a gas transmission line is within:

- 1. an existing easement in favour of the pipeline;**
- 2. 12m of the existing alignment or location**

Telecommunications

PER 6

In addition to PER 1 and PER 2

- 1. A replacement panel antenna does not increase the face area by more than 20 percent.**
- 2. A replacement dish antenna does not increase in diameter by more than 20 percent.**

Activity Status where compliance not achieved with PER 1, PER 3 – PER 6: Restricted Discretionary

Matters of discretion are restricted to:

Matters of discretion are restricted to:

- a. The functional need and operational need of the network utility;**
- b. The benefits of the network utility;**
- c. The purpose and necessity of the upgrading;**
- d. The potential adverse visual effects of the upgrading, including impacts on the amenity values of the locality, and any cumulative adverse effects; and**
- e. Any measures to avoid, remedy or mitigate adverse effects.**

Activity status where compliance not achieved with PER-2: Discretionary

Rule I-R7

PER-1

Poles or telecommunications poles and attached antenna (**excluding lightning rods**) do not exceed a height **above ground level** of:

- 1. 25m in the Rural Production Zone, Rural Lifestyle Zone, Māori Purpose Zone, Light Industrial Zone, Heavy Industrial Zone, Airport Zone, Hospital Zone, Horticulture Zone, Horticulture Processing Facilities Zone;**

2. **20m in the Mixed-Use Zone, Open Space Zone, Sport and Active Recreation Zone, Ngawha Innovation and Precinct Zone, Orongo Bay Zone, Rural Residential Zone;**
3. **15m in the General Residential Zone, and all other special purpose zones; or**
4. **The permitted height of the adjacent zone in clause a to c above if located in the road reserve.**

PER-2

Towers do not exceed a height of **25.15m above ground level.**

PER-3

Where two or more telecommunication facility operators are located on the same pole in the zones referred to in PER-1.a. the pole and attached antenna (excluding lightning rods) do not exceed a height of 30m above ground level.

PER-34

The activity complies with the standards:

I-S1 Radio frequency fields; and

I-S2 Electric and magnetic fields.

Rule I-R8

PER-1

It does not exceed:

1. A height of 3.5m, **excluding any support structure**; and
2. An area of 1.5m².

PER-2

The activity complies with the standards:

I-S1 Radio frequency fields; and

I-S2 Electric and magnetic fields.

Rule I-R12 – New buildings or structures, and extensions to existing buildings or structures, **and earthworks** within 10m of a Critical Electricity Lines Overlay

PER-1

- 1. The building or structure is less than 3m in height above ground level does not require a building consent; or**
- 2. The extension of the building or structure does not exceed the envelope or footprint of the existing building or structure.**

PER-2**Earthworks:**

- ~~1. Are not directly above underground cables;~~
- ~~2. Do not result in a reduction of existing ground clearance distances from overhead lines below the minimums prescribed in the New Zealand Code of Practice 34:2001 (NZECP 34:2001); and~~
- ~~3. Are in accordance with NZECP 34:20091.~~

PER-132**Activities that do not comply with PER 1 or PER 2 provided that:**

- i. Prior to works notification is provided to Council **that the building or structure complies with the safe distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the proposed activity is being carried out in accordance with the Electricity Act 1991 and associated regulations (NZECP 34:2001, the Electricity Hazards from Trees) Regulations 2003 (SR 20032/375), and the Electricity (Safety) Regulations 2010;**
or
- ii. The activity is being carried out by a network utility operator or territorial authority in accordance with **the New Zealand Electrical Code of Practice for Electrical Safe Distances** (NZECP 34:2001).

Rule I-R13**PER-1**

The planting of trees is not for the purpose of providing a shelterbelt, plantation forestry or commercial horticultural operations.

PER-12**Activities that do not comply with PER 1 provided that:**

1. Prior to works ~~notification~~ **being undertaken confirmation** is provided to Council and ~~that the proposed activity is being carried out in accordance with the trees will be planted and managed to comply with Electricity Act 1992 and associated regulations (NZECP 34:2001, the Electricity (Hazards from Trees) Regulations 2003. (SR 2003/375), and the Electricity (Safety) Regulations 2010).~~

I-R1 – I-R9

Amend all of these rules so that the activity status where compliance with I-S1 and I-S2 becomes discretionary rather than non-complying

Rule SUB-R10

Activity status: Restricted Discretionary

Where:

RDIS-1**Where: RDIS- 1**

Proposed building platforms are identified for each allotment and located at least 1032m from Critical Electricity Lines Overlay (except where the allotments are for roads, esplanades, accessways and infrastructure).

Matters of discretion are restricted to:

- a. the safe and efficient operation and maintenance of the electricity supply network;
- b. the location of any future building and access as it relates to the critical electricity line;
- c. effects on access to critical electricity lines and associated infrastructure for inspections, maintenance and upgrading purposes;
- d. the extent to which the subdivision design allows for any future sensitive activity and associated buildings to be setback from the critical electricity line;
- e. the mature size, growth rate, location, and fall zone of any associated tree planting;
- f. including landscape planting and shelterbelts;
- g. compliance with NZECP 34: 2001 New Zealand Electricity Code of Practice for Electricity Safe Distances;
- h. effects on public health and safety; and
- i. the outcome of any consultation with the owner and operator of the potentially affected infrastructure.

Activity Status where not achieved **with RDIS-1: Not applicable:**
Discretionary Non complying