

## PC42 Energy Sector Agreed Provisions

## Notes

- The provisions where the Energy Sector agree with the s42A report are not included in this table.
- The table includes any new provisions sought by the Energy Sector or where a further change are sought to the recommended amendments in s42A report (all new, additional or deleted text shown in red text).

Provision	Energy Sector Agreed provision	Higher Order Provisions	S32AA Evaluation	S42A Report Writer Comments (Mr Craig Sharman)
New Definition – renewable electricity generation activities	<u><b>Renewable Electricity Generation Activities means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.</b></u>	NPS-REG – Definitions	<p><b>Whether the amended provisions are the best way to achieve the purpose of the RMA.</b></p> <p>The new recommended definition is the most appropriate way to achieve the purpose of the RMA by being consistent with and giving effect to higher order documents (NPS-REG). The definition does not change the intent or broaden the scope of PC42.</p> <p><b>The reasonably practicable options for achieving those objectives.</b></p> <p>Without a definition the Plan would not be recognising the elevated status and importance of REG activities, as identified in the NPS-REG.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b></p> <p>Definition will remain relevant and valid as it is included in the NPS-REG. With its own definition it will not be confused with being part of another definition or activity in the rural environment (such as Rural Industry). The definition assists in addressing the benefits that the NPS-REG seeks to achieve in decarbonisation.</p> <p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b></p> <p>The recommended definition will provide greater clarity to Plan users and resource consent applications when assessing proposals against objectives and policies. This is a cost effective approach to the implementation of provisions and the application of rules in a consistent manner.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b></p> <p>The costs are outweighed by the direct benefits to environmental, cultural and social well-being identified in the TDP. There is no less or greater opportunities for economic growth anticipated to be provided or reduced; or employment anticipated when compared to having no definition.</p>	Agree, the definition inclusion achieves consistency with NPS-REG and is a useful addition to the overall district plan framework.
New/ replaced Definition – reverse sensitivity	Agreement to adopt definition from the Waikato RPS. <u><b>Reverse Sensitivity means the potential for the operation of an existing lawfully established activity to be compromised, constrained or curtailed by the more recent establishment of other activities which are sensitive to the adverse environmental effects being generated by the pre-existing activity. It is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity.</b></u>	WRPS – Definitions	<p><b>Whether the amended provisions are the best way to achieve the purpose of the RMA.</b></p> <p>The new recommended definition (to replace the one recommended by the s42A report) is the most appropriate way to achieve the purpose of the RMA by being consistent with and giving effect to higher order documents (Waikato RPS). The definition does not change the intent or broaden the scope of PC42.</p> <p><b>The reasonably practicable options for achieving those objectives.</b></p> <p>The risk of not being identified as a potential environment effect, is that reverse sensitivity may not be identified and assessed properly.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b></p> <p>Definition will remain relevant and valid as it is included in the Waikato RPS. The definition provides guidance to understand what reverse sensitivity is.</p> <p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b></p> <p>The recommended definition will provide greater clarity to Plan users and resource consent applications when assessing proposals against objectives and policies. This is a cost effective approach to the implementation of provisions and the application of rules in a consistent manner.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b></p> <p>The costs are outweighed by the direct benefits to environmental, cultural and social well-being identified in the TDP. There is no less or greater opportunities for economic growth anticipated to be provided or reduced; or employment anticipated when compared to having no definition.</p>	Agree, the definition is consistent with the Waikato Regional Policy Statement and the amendment is a useful addition to the overall district plan framework.
Objective 3b.2.2	<u><b>Maintaining <del>the established</del> General Rural character</b></u> <u><b>The established character of the General Rural Environment is maintained and the cumulative erosion of its character through incremental subdivision and development is avoided. Enable a range of activities in the General Rural Environment that are compatible with and cumulatively do not erode rural character.</b></u>	Refer to Section 32 Evaluation Report: Plan Change 42 Rural Chapter - General Rural Environment and Rural Lifestyle Environment (page 148-160)	<p><b>Whether the amended provisions are the best way to achieve the purpose of the RMA.</b></p> <p>The amendments recommended to the objective and policy are the most appropriate ways to achieve the purpose of the RMA.</p> <p>The recommended amendment provides clarity without changing the underlying intent of the provisions, by removing an unclear benchmark of “established” character and a blanket prohibition on “incremental” subdivision and development.</p> <p><b>The reasonably practicable options for achieving those objectives.</b></p>	This is likely to be agreed with in part, but with a likelihood that there will be a splitting of Objective 3b.2.2 into two. The energy cohort appear to misunderstand the underlying intent of the provision, which was drafted to provide a strong ‘avoid’ directive in respect of incremental rural subdivision and rural lifestyle development. This intent is quite different to the matters of importance to the energy cohort which based on the drafting proposed are about enabling ‘a range of activities’ and applying a ‘test’ of being ‘compatible with and

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			<p>Retaining the objective and policy in their current form is not preferable because it does not 'enable' activities (such as subdivision and development) to occur which are compatible with the rural character. The objective needs to be 'enabling' rather than trying to just 'maintain' the status quo.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b> Economic benefits from enabling other compatible activities to exist in the rural environment, rather than avoiding activities that only maintain the established character.</p> <p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b> The recommended amendment is more efficient as it establishes that subdivision and development that is compatible with the Rural Environment is part of the make-up of rural character. The policy includes specific activities, such as pastoral farming, forestry and REG activities that form part of the existing environment.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b> The risk of not acting is that subdivision and development that are compatible with the Rural Environment are prevented from occurring in that Environment.</p>	<p>cumulatively do not erode rural character'. This will be considered further but there is likely a place for both. As proposed by the energy cohort, the amendment does change the underlying intent of the provision. Removing 'established' is likely to be agreed with, for the same reason as identified by the energy cohort that it sets an unclear benchmark. The suitability of the amendments are still being considered and will be fully reported within the Section 42A Reply Statement due 6 October 2023.</p>
Policy 3b.2.9	<p><b>Maintaining the <del>established</del> General Rural character</b>  Maintain the <del>established</del> General Rural Environment character, as defined by:</p> <p><i>a) Extensive pastoral farming and forestry</i>  <i>b) Renewable Electricity generation Activities and electricity transmission and distribution</i>  <i>c) Geothermal areas</i>  <i>ad) Large open spaces between built structures</i>  <i>be) A mix of residential, visitor accommodation, tourism activity and rural industry buildings</i>  <i>e) Noises related to production activities during the day but low levels of noise at night</i>  <i>d) Low levels of light spill</i>  <i>e) Generally infrequent vehicle movements to and from a site</i>  <i>f) Effects from activities including noise, vibration, odour and visual effects</i>  <i>fg) Limited signage that directly relates to the activity operating on the site.</i>  <i>g) Odour and dust associated with primary production activities</i></p>	Refer to Section 32 Evaluation Report: Plan Change 42 Rural Chapter - General Rural Environment and Rural Lifestyle Environment (page 148-160)	<p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b> The risk of not acting is that subdivision and development that are compatible with the Rural Environment are prevented from occurring in that Environment.</p>	<p>As above, this is likely to be agreed with in part. Removing 'established' is likely to be agreed with, for the same reason as identified by the energy cohort that it sets an unclear benchmark. This provision was heavily presented on during the hearing, including by a group of parties with strong rural interests (the 'rural cohort' of Federated Farmers, Horticulture NZ and others). Many of the amendments proposed are likely to be agreed with as being enhancements, but these will be discussed with the rural cohort to ensure all perspectives are considered. The suitability of the amendments is still being considered and will be fully reported within the Section 42A Reply Statement due 6 October 2023.</p>
New Objective 3b.2.x	<p><b>Renewable Electricity Generation and Transmission Activities</b>  Enable the development, operation, maintenance and upgrading of renewable electricity generation activities and transmission activities in the General Rural Environment.</p>	<p>NPSET Objective 1, Policies 2 and 5.</p> <p>NPS-REG – Objective, Policy C1, Policy E</p> <p>WRPS – Objective EIT-01, Policy EIT-P1.</p> <p>BOPRPS – Objective 6, Policy EI 5B</p>	<p><b>Whether the amended provisions are the best way to achieve the purpose of the RMA.</b> The addition of a new specific objective and the amendment to Objective 3b.2.4 are the most appropriate way to achieve the purpose of the RMA and higher order documents relating to the provision of renewable electricity generation and transmission activities, including due to the unique functional and operational needs of REG.</p> <p><b>The reasonably practicable options for achieving those objectives.</b> The absence of a specific REG objective in the General Rural Environment is not preferable because a specific objective is required to express the importance of REG activities helping NZ, including achieving a reduction in greenhouse gases. Without a specific objective and with no dedicated Energy Chapter, there would be inadequate policy coverage in the TDP.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b> Recognition of the significant role of REG activities within the General Rural Environment. Specific provision is provided for REG activities to locate in the rural environment where the majority currently exist and are part of the existing rural character.</p> <p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b> The new objective is more efficient when assessing REG proposals that require a rural location, including for the operation, maintenance and upgrading of existing REG occurring in that environment.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b> The costs are outweighed by the direct benefits to environmental, cultural and social well-being identified in the Plan, and economic growth and employment, by enabling the development, operation, maintenance and upgrading of REG in the General Rural Environment.</p>	<p>Agree, as a suitable response to the 'recognise and provide for' policy wording now recommended within Plan Change 38 Strategic Directions, the NPS-REG and applicable regional policy statements. Also, otherwise the framework of Rural Environment objectives would be silent on 'renewable electricity generation and transmission activities' given the response to proposed amendments to Objective 3b.2.4 below.</p>
Objective 3b.2.4	<p><b>Other activities</b>  Māori cultural activities, tourism activities, and visitor accommodation, and renewable electricity generation and transmission (including sub-transmission) activities, and other activities that have a locational need are enabled in the General Rural Environment.</p>		<p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b> The new objective is more efficient when assessing REG proposals that require a rural location, including for the operation, maintenance and upgrading of existing REG occurring in that environment.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b> The costs are outweighed by the direct benefits to environmental, cultural and social well-being identified in the Plan, and economic growth and employment, by enabling the development, operation, maintenance and upgrading of REG in the General Rural Environment.</p>	<p>Agree, the amendments enable this objective to set a clear framework for 'Māori cultural activities', 'tourism activities', 'visitor accommodation' and 'other activities that have a locational need', but in a manner separated from 'renewable electricity generation and transmission activities'.</p>
Policy 3b.2.13	<p><b>Avoiding reverse sensitivity</b>  Any adverse effects generated by a new activity, including reverse sensitivity effects, must be managed within the allotment</p>	NPSET Policies 10 and 11	<p><b>Whether the amended provisions are the best way to achieve the purpose of the RMA.</b> The recommended amendments to the policy are the most appropriate way to achieve Objective 3b.2.5.</p>	<p>Agree, the proposed re-wording of the policy provides an enhanced response to Objective 3b.2.5,</p>

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	<p>so as to avoid <del>adversely affecting</del> <u>reverse sensitivity effects on permitted, and lawfully established and/or consented neighbouring activities.</u></p>	TDP PC42 – Objective 3b.2.5	<p>The recommended amendment provides clarity by bringing it in line with the intent of the objective, including the single purpose in the objective and policy titles to “avoiding reverse sensitivity”.</p> <p><b>The reasonably practicable options for achieving those objectives.</b></p> <p>The policy as notified is not preferable as it will only manage reverse sensitivity effect rather than avoiding the effect from the outset.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b></p> <p>The recommended changes will protect lawfully established and consented activities from reverse sensitivity effects.</p> <p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b></p> <p>The recommended amendment is efficient as it better recognises the serious consequences that new sensitive activities can have on existing and consented activities.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b></p> <p>The risk of not acting is that permitted, lawfully established and/or consented neighbouring activities are constrained or curtailed where reverse sensitivity effects are not avoided.</p>	and better reflects the ‘avoidance of reverse sensitivity’ wording of the objective.
Policy 3b.2.14	<p><b>Commercial and industrial activity</b></p> <p><i>Limit the scale of commercial and industrial activity (excluding rural industry <u>and renewable electricity generation activities</u>) to avoid the uptake of general rural land by activities that are provided for in other Environments and may impact on the availability of land for primary production <u>and other activities provided for</u> within the General Rural Environment.</i></p>	TDP PC42 – Objective 3b.2.3	<p><b>Whether the amended provisions are the best way to achieve the purpose of the RMA.</b></p> <p>The recommended amendment to the policy is the most appropriate way to achieve the objectives (including Strategic Direction objectives and policies for infrastructure). The policy provides clarity by clearly setting out the activities that need to be limited in scale and those that don’t.</p> <p><b>The reasonably practicable options for achieving those objectives.</b></p> <p>Retaining the policy as notified is not preferable because it does not exclude legitimate rural industry and REG activities in the General Rural Environment. In addition, it does not recognise that REG activities are included in the definition of ‘industrial’ activities, so there needs to be an exclusion for the REG activity.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b></p> <p>Specific exclusion is provided for rural industry and REG activities to limit their scale in the rural environment as the rural environment is where the majority of these activities currently exist and are part of the existing rural character.</p> <p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b></p> <p>The recommended amendment is efficient as it will enable the scale of infrastructure/renewable electricity generation that has a locational need to be in the Rural Environment to be considered on its merits when an application is made.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b></p> <p>The risk of not acting is that activities needing to be located in the Rural Environment, such as REG, are limited in the scale of the activity.</p>	Agreed, the additional wording within the policy is an enhancement for the reasons given in the Section 32AA Evaluation column.
Rule 4b.1.2	<p><b>Minor residential units</b></p> <p>...</p> <p><i>When considering activities under Rule 4b.1.2 Council restricts the exercise of its discretion to the following matters:</i></p> <p>...</p> <p><i>i. The potential to constrain access to and/or the utilisation of renewable energy sources.</i></p> <p><i><u>j The ability to avoid reverse sensitivity effects through the use of screening, planting, landscaping, alternative design and/or other means including restrictive covenants.</u></i></p>	TDP PC42 – Objective 3b.2.5, Policy 3b.2.13	<p><b>Whether the amended provisions are the best way to achieve the purpose of the RMA.</b></p> <p>The recommended amendments to the rule are the most appropriate way to achieve the reverse sensitivity objective and policy, including constraints on the utilisation of renewable energy sources.</p> <p><b>The reasonably practicable options for achieving those objectives.</b></p> <p>The rule as notified is not preferable as it does not provide sufficient direction on the matters that are to be directed by the rule.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b></p> <p>The recommended changes will protect lawfully established and consented activities from reverse sensitivity effects, as well as the future ability to utilise renewable energy sources.</p> <p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b></p> <p>The recommended amendment is efficient as it better provides clear direction on the matters that must be addressed when considering minor residential activities under the rule.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b></p> <p>The risk of not acting is that permitted, lawfully established and/or consented neighbouring activities are constrained or curtailed where reverse sensitivity effects are not avoided, as well as the potential to not access or fully utilise renewable energy sources.</p>	Agreed, the additional matter of discretion when considering activities under Rule 4b.1.2 is a useful addition.

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Rule 4b.1.4	<p><b>Electricity Generation Core Sites, Renewable Electricity Generation Activities and Geothermal Areas Steamfields</b></p> <p><i>i. Any activity involving continued operation, maintenance and minor upgrading of existing electricity generation core sites, geothermal <u>areas steamfields</u>, renewable electricity generation activities and associated structures <u>and ancillary activities</u> is a permitted activity.</i></p> <p><i><u>ii. Activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators are a permitted activity.</u></i></p> <p><i>NOTE: For the purpose of this rule “maintenance” means: All activities associated with the protective care, <u>and</u> monitoring of a hydro dam, a geothermal or hydroelectric power station, geothermal steamfields and associated structures, in order to monitor, test and/or arrest the processes of decay, structural fatigue, erosion or dilapidation <u>of all associated structures</u> and includes maintenance of surrounds and water areas.</i></p> <p><i>NOTE: For the purpose of this rule “minor upgrading” means: Structural improvement, repair and replacement or upgrade of components, or activities required for the continued safe and efficient operation including worn or technically deficient parts of <u>any structure including</u> the powerhouse, hydro dams, separation plants, switchyards, intake, control and diversion structures, wells, pipes, tunnels, cables, other equipment and accessory buildings and structures and includes associated drilling, vehicles, infrastructure, machinery, testing, monitoring, earthworks and vegetation removal. Also the extension to existing Buildings and Structures, and the erection of new Buildings and Structures.</i></p>	TDP PC42 – Objective 3b.2.5, Policy 3b.2.13	<p><b>Whether the amended provisions are the best way to achieve the purpose of the RMA.</b></p> <p>The recommended amendment is considered to be the most appropriate way to achieve the purpose of the RMA, the NPS-REG and national targets as it provides for REG investigations as a permitted activity.</p> <p><b>The reasonably practicable options for achieving those objectives.</b></p> <p>Retaining the rule as notified is not preferable because, in the absence of a specific Energy Chapter, there is a strong reliance on the provisions of the General Rural Environment and the Strategic Directions chapter. Specific provisions and rules REG activities therefore need to be included in the General Rural Environment.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b></p> <p>There is no cost to the recommended amendment to the rule, and it will provide a benefit to electricity generators to allow for further REG investigations without the need for resource consent.</p> <p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b></p> <p>The recommended amendment is efficient as it is unnecessary to require consents for activities that are reasonably anticipated in the General Rural Environment.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b></p> <p>There is a risk that not acting could result in undue restriction and development of REG in the General Rural Environment as well as leading to unnecessary resource consents for renewable electricity generation that is unlikely to elicit a different outcome in relation to managing adverse effects on people or the environment.</p>	The proposed wording amendments represent a broadening of the statutory impact of the rule (as is the drafting intention) with use of the phrases ‘and ancillary activities’, ‘activities associated with the investigation, identification and assessment of potential sites and energy sources’, ‘of all associated structures’, and ‘any structure including’. The addition of clause (ii) also represents a broadening of the statutory impact of the provision. Whilst the commentary within this table that the operative District Plan approach dates from 2007, was generally adequate at that time, but that since a lot of additional generation has been developed that are not within areas mapped as Electricity Generation Core Sites, is all recognised and acknowledged. The implications and suitability of broadening the statutory impact of the rule is still being considered and will be fully reported within the Section 42A Reply Statement due 6 October 2023.
Rule 4b.1.7	<p><b>High voltage transmission lines</b></p> <p><i><del>i. Any building (except network utilities) located within 0–12 meters of a high voltage transmission line or sub-transmission is a restricted discretionary activity.</del></i></p> <p><u>4b.1.7 Buildings, structures and activities in the National Grid Yard</u></p> <p><i><u>Any building, structure and activity in the National Grid Yard which complies with the performance standards in 4b.x.x is a permitted activity.</u></i></p> <p><i><u>A building, structure or activity which does not comply with the performance standards in 4b.x.x or is not otherwise provided for, is a non-complying activity.</u></i></p> <p><u>Notification:</u></p> <p><i><u>Transpower will be considered to be an affected party where consent is required under the National Grid specific rules. Notice of any application for resource consent under this rule must be served on Transpower New Zealand Limited in accordance with Clause 10(2) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.</u></i></p>	NPSET Policy 10 and Policy 11  TDP PC42 - Rule 4b.1.7	<p><b>Whether the amended provisions are the best way to achieve the purpose of the RMA.</b></p> <p>The revised rule is considered the most appropriate means in which to give effect to the higher order policy direction in the NPSET and achieving the purpose of the RMA. The approach sought is consistent with that sought in other district plans across the country. While it is understood Council intends to provide a more comprehensive review of infrastructure provisions in the form of an Infrastructure/Energy chapter, in the absence of a notified plan change, Transpower has to assess the merits of the provisions as notified.</p> <p><b>The reasonably practicable options for achieving those objectives.</b></p> <p>The alternative option is to rely on the rules as notified which would not give effect to the NPSET.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b></p> <p>The rule framework ensures that development can occur in a safe manner, taking into account the existence of the line, and the characteristics of conductor movement.</p> <p>Specific to land use, the benefit of the amended rule is the provision of a rule that reflects the effects of activities on the National Grid and permits some activities and identify (though a non-complying activity status) other activities which are inappropriate. This more nuanced rule framework will have benefits for some activities in that they are permitted and do not require resource consent. The costs of the amended rule are confined in that resource consent is currently required for a wide range of buildings and structures. The change in activity status will not generate a significant change in costs given consent is already required under the notified rule.</p> <p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b></p> <p>The amendments sought through this evidence to the National Grid specific rules are considered the most efficient and effective to give effect to the Strategic Directions and Objective 3b.2.6 and that objective sought for the Rural Lifestyle Environment, and the National Grid specific policy. The provision of a National Grid corridor approach give effect to NPSET policies 10 and 11.</p>	The Section 42A report author Craig Sharman is currently in direct discussions with Transpower representatives regarding this provision. Subject to several wording and definition discussions points being resolved, there is agreement on the merits of this provision, and inclusion of an equivalent rule provision within the Rural Lifestyle Environment. The final outcome of the discussions will be reported in the Section 42A Reply Statement due 6 October 2023.

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	<p>Insert new performance standards for buildings, structures and activities in the National Grid Yard for each rural zone as follows:</p> <p><u><i>4b.x.x Performance standards – Buildings, structures and activities in the National Grid Yard</i></u></p> <p><u><i>1. The activity, building or structure is not for a sensitive activity.</i></u></p> <p><u><i>2. The building or structure meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) under all transmission line operating conditions and is:</i></u></p> <p><u><i>a. a fence or artificial screen not exceeding 2.5 metres in height measured from ground level.</i></u></p> <p><u><i>b. an uninhabited farm or horticultural structure or building (but not intensive indoor primary production, commercial greenhouses, wintering barns, produce packing facilities, or milking/dairy sheds (excluding ancillary stockyards and platforms)).</i></u></p> <p><u><i>c. irrigation equipment used for agricultural or horticultural purposes including the reticulation and storage of water where it does not permanently physically obstruct existing vehicular access to a National Grid support structure.</i></u></p> <p><u><i>d. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.</i></u></p> <p><u><i>3. The building or structure does not permanently physically impede existing vehicular access to any National Grid support structure.</i></u></p> <p><u><i>4. The building or structure is not for the handling or storage of Class 1-4 hazardous substances (Hazardous Substances (Hazard Classification) Notice 2020) with explosive or flammable intrinsic properties (except this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).</i></u></p> <p><u><i>5. The building or structure is located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:</i></u></p> <p><u><i>a. is a fence or artificial screen not exceeding 2.5 metres in height that is located at least 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower.</i></u></p> <p><u><i>b. meets the requirements of clause 2.4.1 of New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).</i></u></p> <p><u><i>c. undertaken by a network utility operator, infrastructure or any part of electricity infrastructure that connects to the National Grid.</i></u></p>		<p><b><i>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</i></b></p> <p>The risk of not acting (and amending the rules) is extremely significant in terms of risk to the integrity of the National Grid which could affect thousands of homes and businesses. There is also a high risk to both structures and lives if people and property are inappropriately located within close proximity to the lines and support structures.</p>	
Rule 4b.1.8	<p><b><i>Buildings within Outstanding Landscape Areas</i></b></p> <p><i>i. Provided that the activity has not been identified as a discretionary or non-complying activity by another rule in the</i></p>	TDP PC42 – Objective 3b.2.5, Policy 3b.2.13.	<p><b><i>Whether the amended provisions are the best way to achieve the purpose of the RMA.</i></b></p> <p>The recommended amendments to the rules are the most appropriate way to achieve the General Rural Environment objectives and policies and Strategic Direction Objective 2.6.2.5. The recommended amendments provide clarity without changing the underlying intent of the rule.</p> <p><b><i>The reasonably practicable options for achieving those objectives.</i></b></p>	The proposed wording amendment “ <u>associated with existing and/or consented renewable electricity generation activities including within Electricity Generation Core sites</u> ” substantially broadens the statutory impact of the provision. Whilst there appears limited overlap between OLA and

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Provision	Energy Sector Agreed provision	Higher Order Provisions	S32AA Evaluation	S42A Report Writer Comments (Mr Craig Sharman)
	<p>Plan, within an Outstanding Landscape Area, the erection of structures:</p> <p>...</p> <p>is a restricted discretionary activity.</p> <p>EXCEPTION: This rule will not apply to the erection of structures:</p> <p><u>Associated with existing and/or consented renewable electricity generation activities including <del>W</del>within Electricity Generation Core Sites.</u></p>		<p>The alternative option is to rely on the rules as notified which only exempts activities within Electricity Generation Core Sites. This approach was generally adequate when the Plan was first made operative (2007) but since that time a lot of additional generation has been developed that are not within areas Electricity Generation Core Sites (e.g. Ngatamariki and Nga Awa Purua power stations and associated steamfield developments). The intent of the rules would be better achieved by extending the exemption to existing and/or consented REG activities.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b></p> <p>There is no cost to the recommended amendment to the rules, and it will provide a benefit to electricity generators to allow for existing and consented REG activities without the need for further resource consent.</p>	<p>‘existing and/or consented renewable electricity generation activities’, given this relates to a section 6 RMA ‘matter of national importance’, the implications and suitability of this exemption are still being considered and will be fully reported within the Section 42A Reply Statement due 6 October 2023.</p>
Rule 4b.1.9	<p><b>Earthworks within Outstanding Landscape Areas</b></p> <p>Earthworks within an Outstanding Landscape Area that creates a new cut face or fill that is in excess of 1.5 metres in height, or cumulative vertical ground alteration in excess of 3.0 metres over a 12 month period, is a restricted discretionary activity,...</p> <p>EXCEPTION: This rule will not apply to Earthworks <u>associated with existing and/or consented renewable electricity generation activities including</u> within Electricity Generation Core Sites.</p>	TDP PC42 – Objective 3b.2.5, Policy 3b.2.13	<p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b></p> <p>The recommended amendments are efficient as they provide certainty for existing and consented REG activity and treating the activity consistent with those associated with Electricity Generation Core Sites.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b></p> <p>The risk of not acting is that it would lead to unnecessary resource consents for renewable electricity generation that is unlikely to elicit a different outcome in relation to managing adverse effects on people or the environment compared the same activities within Electricity Generation Core Sites.</p>	<p>The proposed wording amendment “<u>associated with existing and/or consented renewable electricity generation activities including</u> within Electricity Generation Core sites” substantially broadens the statutory impact of the provision. Whilst there appears limited overlap between OLA and ‘existing and/or consented renewable electricity generation activities’, given this relates to a section 6 RMA ‘matter of national importance’, the implications and suitability of this exemption are still being considered and will be fully reported within the Section 42A Reply Statement due 6 October 2023.</p>
Rule 4b.2.1	<p><b>Vehicle movements</b></p> <p>...</p> <p>EXCEPTION: This performance standard shall not apply to traffic movements involved in forest harvesting operations where access is to a local road <u>or existing and/or consented renewable electricity generation activities.</u></p>	TDP PC42 – Objective 3b.2.5, Policy 3b.2.13	<p><b>Whether the amended provisions are the best way to achieve the purpose of the RMA.</b></p> <p>The recommended amendments to the rules are the most appropriate way to achieve the General Rural Environment objectives and policies. The recommended amendment provides clarity without changing the underlying intent of the rule, by recognising that vehicle movements and power station operational noises are vital to their operation, maintenance and upgrading.</p> <p><b>The reasonably practicable options for achieving those objectives.</b></p> <p>The alternative option is to rely on the rules as notified which either does not exempt REG activities (Rule 4b.2.1) or only provides for some REG activities (Rule 4b.2.13). The intent of the rules would be better achieved by extending the rules to all and/or consented REG activities.</p> <p><b>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</b></p> <p>There is no cost to the recommended amendment to the rules, and it will provide a benefit to electricity generators to allow for existing and consented REG activities without the need for further resource consent.</p> <p><b>The efficiency and effectiveness of the provisions for achieving the objectives.</b></p> <p>The recommended amendments are efficient as they provide certainty for existing renewable electricity generation activity, including treating the activity consistent with those associated with Electricity Generation Core Sites.</p> <p><b>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</b></p> <p>The risk of not acting is that it would lead to unnecessary resource consents for renewable electricity generation that is unlikely to elicit a different outcome in relation to managing adverse effects on people or the environment.</p>	<p>This amendment is likely to be agreed with on the basis that it applies only to traffic movements associated with ‘existing and/or consented renewable electricity generation activities’. This is similar to the existing exemption in relation to ‘traffic movements involved in forest harvesting operations’ which by their nature are also ‘existing and/or consented’. However, the section 42A recommended wording of ‘where access is to a local road’ (i.e. not including state highways) is currently being actively analysed for suitability in response to hearing evidence presented on behalf of Manulife Forest Management (NZ) Ltd and NZ Forest Managers Ltd which is challenging the suitability of this wording, and which was not in the notified plan change provision wording. This will be fully reported on within the Section 42A Reply Statement due 6 October 2023, including the potential deletion of this wording which would have the statutory impact of broadening the exemption also for ‘existing and/or consented renewable electricity generation activities’ which obtain access directly off a state highway (and which may not have been considered by the energy cohort).</p>
Rule 4b.2.13	<p><b>Maximum Noise - Other</b></p> <p>...</p> <p>ii. Nothing in the foregoing Performance Standards shall apply to sirens, circuit breakers, bursting discs, emergency or upset operating conditions and hydro spills associated with the operation of <u>Rrenewable electricity generation activities including within</u> Electricity Generation Core sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.</p>	TDP PC42 – Objective 3b.2.5, Policy 3b.2.13		<p>The proposed wording amendment “<u>including within</u> Electricity Generation Core sites” substantially broadens the statutory impact of the provision, being effectively an exemption from the noise provisions of the Operative District Plan, to include the operation of all renewable electricity generation activities, both within and without of the mapped Electricity Generation Core sites. The implications and suitability of this are still being considered and will be fully reported within the Section 42A Reply Statement due 6 October 2023.</p>