

Taupō District Plan Change 42 – General Rural and Rural Lifestyle Environments

IN THE MATTER RESOURCE MANAGEMENT ACT 1991

A N D

IN THE MATTER Submissions on Plan Change 42 – General Rural and Rural
Lifestyle Environments

AND Submissions and further submissions lodged by Manawa Energy

STATEMENT OF EVIDENCE OF ROMAEE ALICE CALLAND

PRINCIPAL PLANNER

TONKIN & TAYLOR LTD

9 August 2023

INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

- 1 My full name is Romae Alice Calland.
- 2 I have held the position Principal Planner with Tonkin & Taylor since 2019. Prior to joining Tonkin & Taylor, I have worked as a planner in consultancy and local authority roles culminating in over 25 years' experience, mainly in New Zealand, but also including Australia, the United Arab Emirates and Qatar.
- 3 I hold the qualification of Master of Science, am a full member of Te Kōkiringa Taumata (NZPI) and am a certified commissioner under the Making Good Decisions certification programme.
- 4 Over the past four years, I have assisted Manawa Energy Limited (Manawa) with submissions and expert evidence on the Proposed Selwyn District Plan and the Proposed New Plymouth District Plan.

CODE OF CONDUCT

- 5 I confirm that I have read the Code of Conduct for expert witnesses contained in the 2023 Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

BACKGROUND

- 6 In preparing my evidence, I have considered the following documents:
 - a The notified version of Plan Change 42;
 - b Submissions and further submissions on Plan Change 42;
 - c The overarching s.42A report prepared by Ms Hilary Samuel on behalf of TDC covering Plan Changes 38 - 43; and
 - d The s.42A report for Plan Change 42 prepared by Mr Craig Sharman on behalf of Taupō District Council.
- 7 In addition to considering the aforementioned documents, I have liaised with other renewable electricity generators that operate within the Taupō District and have also submitted on Plan Change 42.

SCOPE AND STRUCTURE OF EVIDENCE

- 8 Where Mr Sharman's corresponding s.42A report has accepted Manawa's amendments, or Manawa is supportive or neutral on the wording of the provisions, including amendments, I have not provided further comment and therefore limit this evidence to those provisions in contention.
- 9 My evidence is limited to the following matters of Plan Change 42 – General Rural and Lifestyle Rural Environments:
- a Electricity Generation Core Sites;
 - b Definitions;
 - c General Rural - Objectives and Policies – Established Rural Character;
 - d General Rural - Policies – REG Provisions;
 - e General Rural - Policies – Reverse Sensitivity;
 - f General Rural - Policies – Industrial Activities; and
 - g General Rural – Rules and Performance Standards.
- 10 As requested in Minute 5 from the Independent Hearing Panel, I have included a s.32AA evaluation as Appendix A and an amendments version that Manawa seeks be adopted as Appendix B.

ELECTRICITY GENERATION CORE SITES

- 11 The Manawa submission identified the Manawa assets that are currently not provided for in the Taupō District Plan as Electricity Generation Core Sites and requested that they be included as part of this review. The s.42A report is silent on the request and so it is unclear whether the request was overlooked or has been requested.
- 12 I attach the requested Electricity Generation Core Sites maps as Appendix C to my evidence.
- 13 For the provisions that refer to Electricity Generation Core Sites, I have adopted an "either or" approach, where I have suggested changes to provisions on the premise that Manawa's assets are not accepted as Electricity Generation Core Sites. This was also the approach adopted in Manawa's submission. For clarity I have included a footnote that the amendment requested may be disregarded if Manawa's assets are included as Electricity Generation Core Sites.

DEFINITIONS

- 14 The Manawa submission included a definition for “renewable electricity generation activities”. The definition as proposed is the same wording that is used in the definition contained within the National Policy Statement for Renewable Electricity Generation (NPS-REG). I consider it entirely appropriate that the Taupō District Plan adopt the same terminology and definitions as this higher order plan. I do not consider that there is any value waiting for an energy chapter¹.
- 15 The s.42A report contends that this definition weakens provisions and makes them permitted activities, when they should not be whereas I would contend that these rules should be permitted for renewable electricity generation activities. I could only find one Rule that contained renewable electricity generation activities as a permitted activity, that being Rule 4b.1.4, *Any activity involving continued operation, maintenance and minor upgrading of existing ... renewable electricity generation activities and associated structures is a permitted activity.*
- 16 I would contend that it is important to define renewable electricity generation activities to provide certainty to this rule (and for other rules where renewable electricity generation activities form a matter of control/discretion).
- 17 Therefore, I recommend the inclusion of the following definition:
“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.”

GENERAL RURAL – OBJECTIVES AND POLICIES – ESTABLISHED RURAL CHARACTER

- 18 Objective 3b.2.2 has been drafted to maintain established rural character. While the preamble to the General Rural and Rural Lifestyle Environments Chapter mentions that renewable electricity generation (REG) is anticipated in the Rural Environment, there is no definition of “established rural character”. My

¹ I addressed the absence of an energy chapter in my evidence for PC38

interpretation of this Objective would be that the intent is to limit any new activities (including REG) in areas where they are not already established, a perverse planning outcome. I disagree with the s.42A report and do not consider that the inclusion of new REG activities would not make the rural character "worse".

- 19 Instead I recommend the following wording for Objective 3b.2.2 is adopted:

*Objective 3b.2.2 ~~Maintaining the established~~ General Rural character
~~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 rural character.*

- 20 Along the same lines Policy 3b.2.9 seeks to maintain the established Rural character. No baseline for the "established Rural character" has been developed and so again it would appear that the intent is to limit any new activities that are not rural, rather than allowing compatible activities that have a location need to locate within the rural area. The proposed amendment to Policy 3b.2.9 addresses that omission as follows:

*"Policy 3b.2.9 ~~Maintaining the established~~ Rural character
 Enable activities in the ~~Maintain the established~~ General Rural Environment that will not compromise the character of the General Rural Environment, as defined by:*

a) Extensive pastoral farming and forestry

b) Structures associated with Renewable Electricity generation Activities

c) Geothermal areas and activities, electricity transmission and distribution

ad) Large open spaces between built structures

be) A mix of residential, visitor accommodation, tourism activity and rural industry buildings

ce) Noises related to production activities during the day but generally low levels of noise at night

d) Low levels of light spill

f) Effects from activities including noise, vibration, odour and visual effects

e) Generally Infrequent vehicle movements to and from a site

fg) Limited signage that directly relates to the activity operating on the site

g) Odour and dust associated with primary production activities.”

GENERAL RURAL – OBJECTIVES AND POLICIES – REG PROVISIONS

- 21 A new objective was included in the Manawa submission that needs to be considered at the same time as the suggested amendment to Objective 3b.2.4. My preference is for a stand-alone objective addressing REG given that this activity has national importance and targets and the inclusion is consistent with the specific higher order planning document, the NPS-REG. I do not consider it appropriate to leave a planning vacuum where REG is not considered until some indeterminate date when an energy chapter is developed.
- 22 I also consider it appropriate to include specific renewable electricity provisions in the General Rural and Rural Lifestyle Environments Chapter given this is the zone where most of this activity occurs, (all of Manawa’s assets are within the General Rural zone.
- 23 The wording of the new objective sought by Manawa and that I consider appropriate, is as follows:
- “Objective 3b.2.X Renewable Electricity Generation and Transmission Activities Enable the development, operation, maintenance and upgrading of renewable electricity generation activities and transmission activities in the General Rural Environment.”*
- 24 And the subsequent amendment to Objective 3b.2.4:
- “Māori cultural activities, tourism activities, 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.”*
- 25 Should the commissioners choose to omit the proposed new objective, then Objective 3b.2.4 should remain unchanged.

GENERAL RURAL – POLICIES – REVERSE SENSITIVITY

- 26 Reverse sensitivity plays a crucial role in protecting existing infrastructure, mitigating land use conflicts, future-proofing infrastructure, reducing compliance issues, enhancing community resilience, and promoting sustainable development. Ensuring these provisions are carefully formulated and regularly

reviewed is vital to support the effective and sustainable growth of communities and infrastructure in New Zealand.

- 27 A number of amendments have been accepted in the s42A report but I consider the following amendments seek to strengthen the provisions to address reverse sensitivity as follows:

"Policy 3b.2.10 Residential Units

Avoid the cumulative effects of rural lifestyle development by providing for these activities within the Rural Lifestyle Environment and otherwise limiting residential units within the General Rural Environment that:

- a) Increase the demand for community infrastructure and services*
- b) Result in the inefficient use of land or loss of future flexibility for productive uses*
- c) Erode the general rural character through its density, scale and location.*
- d) Result in the potential to generate reverse sensitivity effects.*
- e) Constrain the ability to access or utilise renewable energy resources."*

- 28 Residential units perhaps have the greatest propensity for reverse sensitivity and therefore I consider it entirely appropriate to include clause d) above. Further, I do not agree with the s.42A report that clause e) need no apply across the entire district as it is limited in this instance to new residential units in the rural zone.

- 29 I also consider that the reverse sensitivity policy requires strengthening. As currently drafted it reads as a general adverse effects policy. The proposed re-drafting places the emphasis specifically on management of adverse effects. The effects are not on the sensitive activity as purported in the s.42A Report but rather generated by a new sensitive activity locating in proximity to an existing activity.

- 30 The proposed amendment is as follows:

"Policy 3b.2.13 Avoiding reverse sensitivity

Any ~~adverse effects generated by an~~ new sensitive activity, including reverse sensitivity effects, must be managed ~~within the allotment~~ so as to avoid adversely affecting reverse sensitivity effects on permitted, and lawfully established and/or consented neighbouring activities."

GENERAL RURAL – POLICIES – INDUSTRIAL ACTIVITY

- 31 The definition of Rural Industry does not include REG as was requested by Manawa in their submission on PC42. However, coupled with this request was the request to exclude REG from consideration under Policy 3b.2.14, which is designed to limit the scale of industrial activities in the Rural Environments.
- 32 The s.42A report states that this policy does not apply to REG as it is now excluded from the definition of Rural Industry. However, the policy refers to all industrial activities and has only excluded Rural Industry. This wording therefore does capture REG as the definition of Industrial Activities in the Taupō District Plan includes *electricity generation activities*.
- 33 I agree with the s42A amendment to exclude Rural Industry but also contend the REG should also be excluded. Even with an Energy Chapter in place, this policy as worded includes limiting the scale of REG in the Rural Zone which is inconsistent with national direction, national targets and the NPS-REG. Therefore, I propose the following amendment:

"Policy 3b.2.14 Commercial and industrial activity

Limit the scale of commercial and industrial activity (excluding rural industry and renewable electricity generation) 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 activities within the General Rural Environment."

GENERAL RURAL – RULES AND PERFORMANCE STANDARDS

- 34 I accept the s42A report contention that the use of the term 'avoid' in clause f) of Rule 4b.1.2 in relation to all effects. However, I still consider it important that reverse sensitivity is a matter of consideration for this rule. Therefore, I propose the following amendment:

"4b.1.2 Minor residential units

When considering activities under Rule 4b.1.2 Council restricts the exercise of its discretion to the following matters:

...

f. The ability to mitigate adverse effects through the use of screening, planting, landscaping and alternative design.

...

j The ability to avoid reverse sensitivity effects through the use of screening, planting, landscaping, alternative design and/or other means including restrictive covenants."

35 A number of amendments were sought to Rule 4b.1.4 including terminology around geothermal steamfields vs areas. I have not turned my mind to this matter, as Manawa do not have any geothermal assets but have retained that wording for my amendments as I understand evidence will be provided by other renewable electricity generators. However, I do address the matters that have been recommended to be deferred until an Energy Chapter is developed. As previously mentioned, I do not consider it appropriate to simply defer these matters for an indeterminate period.

36 Therefore, I recommend the following amendments:

"Rule 4b.1.4 Electricity Generation Core Sites, Renewable Electricity Generation Activities and Geothermal ~~Areas~~ Steamfields

i. Any activity involving continued operation, maintenance and minor upgrading of existing electricity generation core sites, geothermal ~~areas~~ steamfields, renewable electricity generation activities and associated structures and ancillary activities is a permitted activity.

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.

NOTE: For the purpose of this rule "maintenance" means:

All activities associated with the protective care, ~~and monitoring of a hydro dam, a geothermal or hydroelectric power station, geothermal steamfields and associated structures, in order to monitor, testing and/or arresting~~ the processes of decay, structural fatigue, erosion or dilapidation of all associated structures and includes maintenance of surrounds and water areas."

37 The amendment to the maintenance note is simply to capture all structures associated with renewable electricity generation activities and not just those listed.

38 I note that this Rule applies to both Electricity Generation Core Sites and REG activities and therefore the amendments sought are not dependent on Manawa's assets being accepted as Electricity Generation Core Sites.

GENERAL RURAL – RULES AND PERFORMANCE STANDARDS – ELECTRICITY
GENERATION CORE SITES

39 The following Rules and Performance Standards include an exemption for structures/activities within Electricity Generation Core Sites. Should the Commissioners choose not to include Manawa's proposed Electricity Core Generation Sites, I recommend the proposed changes to the exemptions as follows:

"Rule 4b.1.8

EXCEPTION: This rule will not apply to the erection of structures:

*a. Associated with existing renewable electricity generation activities including
~~W~~within Electricity Generation Core Sites."*

"Rule 4b.1.9

EXCEPTION:

This rule will not apply to Earthworks associated with existing and consented renewable electricity generation activities including within Electricity Generation Core Sites"

"Performance Standard 4b.2.1

EXCEPTION:

This performance standard shall not apply to traffic movements involved in forest harvesting operations where access is to a local road or existing and consented renewable electricity generation activities."

"Performance Standard 4b.2.13 Maximum Noise - Other

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 ~~R~~renewable electricity generation activities including within Electricity Generation Core sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991."

CONCLUSION

40 In summary, it is my opinion that the amendments sought by Manawa (as outlined in this evidence) are appropriate and will assist in improving the consistency, usability and interpretation of provisions within the General Rural and Rural Lifestyle Environments chapter of the Taupō District Plan, including

how provisions are interpreted and implemented by both plan users and Council alike.

- 41 I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.

Appendix A: s32AA evaluation

Amendment	S32AA assessment
Definitions	
New Definition Renewable electricity generation activities	No s32AA assessment is deemed necessary given that the proposed definition gives clarity to interpretation of the plan.
Objectives and Policies – General Rural	
Amend Objective 3b.2.2 Amend Policy 3b.2.9	Effectiveness & efficiency – See my evidence paragraphs 18 to 20 for reasoning as to why the objective should be amended. Costs & benefits – There is no cost to the proposed amendment to the provisions notified, and will provide a benefit to both plan users due to increased certainty as to the desired outcome. Risk of acting or not acting – There is a risk that not acting could result in undue restriction and development of REG in the Rural Environment. Conclusion as to the most appropriate action – The recommended amendment is considered to be the most appropriate way to achieve the purpose of the Act as it provides more certainty for renewable electricity generators.
New Objective 3b.2.x <u>Objective 3b.2.X Renewable Electricity Generation and Transmission Activities</u> Amend Objective 3b.2.4	No s.32AA assessment is deemed necessary given that the proposed new objective is designed to highlight the importance of REG activities that captured in Objective 3b.2.4.
Amend Policy 3b.2.10 Amend Policy 3b.2.13	No s.32AA assessment is deemed necessary given that the proposed amendments are to provide clarity to the existing reverse sensitivity provisions in the plan.
Amend Policy 3b.2.14	No s.32AA assessment is deemed necessary given that the proposed amendments are to provide clarity that REG activities should be exempt from considerations afforded to other industrial activities in the Rural Environments.

Amendment	S32AA assessment
Rules and Performance Standards – General Rural	
Amend Rule 4b.1.2	No s.32AA assessment is deemed necessary given that the proposed amendments are to provide clarity to the existing reverse sensitivity provisions in the plan.
Amend Rule 4b.1.4	<p>Effectiveness & efficiency – See my evidence paragraphs 35 to 38 for reasoning as to why the rule should be amended.</p> <p>Costs & benefits – There is no cost to the proposed amendment to the provisions notified, and it will provide a benefit to electricity generators to allow for further REG investigations without the need for resource consent.</p> <p>Risk of acting or not acting – There is a risk that not acting could result in undue restriction and development of REG in the Rural Environment.</p> <p>Conclusion as to the most appropriate action – 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>
Amend Rule 4b.1.8 Amend Rule 4b.1.9 Amend PS 4b.2.1 Amend PS 4b.2.13	No s.32AA assessment is deemed necessary given that the proposed amendments are only required if Manawa Assets are not included as Electricity Generation Core Sites.

Appendix B: Amendments version

Black Text – Original wording of Proposed District Plan or as amended in the s.42A report

Red Text - Additional changes proposed by Manawa.

Definitions	
New Definition	<u>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.</u>
Objectives and Policies – General Rural	
Amend Objective 3b.2.2	Objective 3b.2.2 Maintaining the established General Rural character 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 <u>rural character.</u>
New Objective 3b.2.x	<u>Objective 3b.2.X Renewable Electricity Generation and Transmission Activities</u> <u>Enable the development, operation, maintenance and upgrading of renewable electricity generation activities and transmission activities in the General Rural Environment.</u>
Amend Objective 3b.2.4	Māori cultural activities, tourism activities, 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.
Amend Policy 3b.2.9	Policy 3b.2.9 Maintaining the established <u>Rural</u> character Enable activities in the Maintain the established General Rural Environment <u>that will not compromise the character of the General Rural Environment</u> , as defined by: <u>a) Extensive pastoral farming and forestry</u> <u>b) Structures associated with Renewable Electricity generation Activities</u> <u>c) Geothermal areas and activities, electricity transmission and distribution</u> <u>ad) Large open spaces between built structures</u> <u>be) A mix of residential, visitor accommodation, tourism activity and rural industry buildings</u>



	<p>e) Noises related to production activities during the day but generally low levels of noise at night</p> <p>d) Low levels of light spill</p> <p><u>f) Effects from activities including noise, vibration, odour and visual effects</u></p> <p>e) Generally infrequent vehicle movements to and from a site</p> <p>fg) Limited signage that directly relates to the activity operating on the site.</p> <p>g) Odour and dust associated with primary production activities.</p>
Amend Policy 3b.2.10	<p>Avoid the cumulative effects of rural lifestyle development by providing for these activities within the Rural Lifestyle Environment and otherwise limiting residential units within the General Rural Environment that:</p> <p>a) Increase the demand for community infrastructure and services</p> <p>b) Result in the inefficient use of land or loss of future flexibility for productive uses</p> <p>c) Erode the general rural character through its density, scale and location-</p> <p><u>d) Result in the potential to generate reverse sensitivity effects.</u></p> <p><u>e) Constrain the ability to access or utilise renewable energy resources.</u></p>
Amend Policy 3b.2.13	<p>Policy 3b.2.13 Avoiding reverse sensitivity</p> <p>Any adverse effects generated by an new sensitive activity, including reverse sensitivity effects, must be managed within the allotment so as to avoid adversely affecting reverse sensitivity effects on permitted, and lawfully established and/or consented neighbouring activities.</p>
Amend Policy 3b.2.14	<p>Policy 3b.2.14 Commercial and industrial activity</p> <p>Limit the scale of commercial and industrial activity (excluding rural industry <u>and renewable electricity generation</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 activities within the General Rural Environment.</p>
Rules and Performance Standards – General Rural	
Amend Rule 4b.1.2	<p>Rule 4b.1.2 Minor residential units</p> <p>When considering activities under Rule 4b.1.2 Council restricts the exercise of its discretion to the following matters:</p> <p>...</p> <p>f. The ability to mitigate adverse effects through the use of screening, planting, landscaping and alternative design.</p> <p>...</p> <p><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></p>
Amend Rule	<p>Rule 4b.1.4 Electricity Generation Core Sites, Renewable Electricity Generation Activities and Geothermal Areas<u>Steamfields</u></p>

4b.1.4	<p>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.</p> <p>ii. <u>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></p> <p>NOTE: For the purpose of this rule “maintenance” means: All activities associated with the protective care, <u>and monitoring of a hydro dam, a geothermal or hydroelectric power station, geothermal steamfields and associated structures, in order to monitor,</u> testing and/or <u>arresting</u> the processes of decay, structural fatigue, erosion or dilapidation <u>of all associated structures</u> and includes maintenance of surrounds and water areas.</p>
Amend Rule 4b.1.8	<p>Rule 4b.1.8: EXCEPTION: This rule will not apply to the erection of structures: a. <u>Associated with existing renewable electricity generation activities including Ww² within Electricity Generation Core Sites.</u></p>
Amend Rule 4b.1.9	<p>Rule 4b.1.9: EXCEPTION: This rule will not apply to Earthworks <u>associated with existing and consented renewable electricity generation activities including²</u> within Electricity Generation Core Sites</p>
Amend PS 4b.2.1	<p>Performance Standard 4b.2.1 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 consented renewable electricity generation activities².</u></p>
Amend PS 4b.2.13	<p>Performance Standard 4b.2.13 Maximum Noise - Other 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>R</u>renewable <u>electricity generation activities including within²</u> Electricity Generation Core sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.</p>

² Amendment only required if Manawa’s Electricity Generation Core Sites proposal is not accepted

Appendix C: Proposed Electricity Generation Core Sites

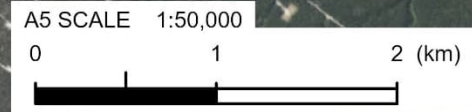
LEGEND

-  Core generation site
-  Property boundary

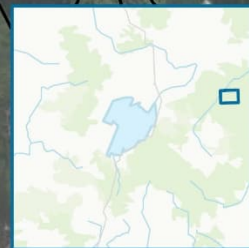


Wheao and
Flaxy

Flaxy Lake





Basemap: LINZ Data Service



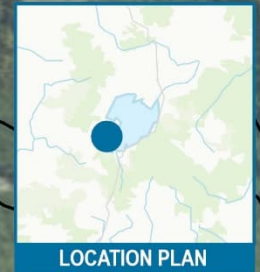
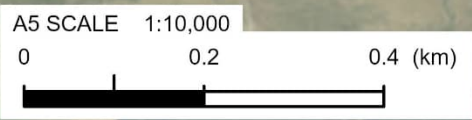
LOCATION PLAN

LEGEND

-  Core generation site
-  Property boundary

Kuratau

Whareroa Rd



Basemap: LINZ Data Service

