

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of submissions to Proposed Plan Change
42: General Rural and Rural Lifestyle
Environments, to the Taupo District Plan

STATEMENT OF EVIDENCE OF MILES ROWE

FOR

GENESIS ENERGY LIMITED

(Submitter OS84 and Further Submitter FS215)

Plan Change 42 – General Rural and Rural Lifestyle Environments

09 August 2023

INTRODUCTION

1. My full name is Miles Rowe. I have over 26 years of experience in the field of resource management and planning in local government, consultancy and private sector roles in New Zealand. I hold a Bachelor of Science (Geology) degree from the University of Canterbury and a post-graduate Diploma in Applied Environmental Technology from Christchurch Polytechnic. I am full member of the New Zealand Planning Institute. I am a Principal Planning Consultant at 4Sight Consulting Limited (now Part of SLR).
2. I have prepared this planning evidence for Genesis Energy Limited (**Genesis**) on Plan Change 42 (**PC42**) to Taupo District Plan (*the Plan*). I also prepared the planning evidence for Genesis on Plan Change 38 (**PC38**). Full details of my qualifications and experience are provided in paragraph 1 to 6 of the evidence for PC38.
3. I was not involved in the preparation of submissions or further submissions for Genesis on PC38 or PC42 but I support the intent of changes sought in those submissions. In relation to PC42, I have considered the notified plan change and the section 42A (**s42A**) reports¹ prepared for Taupo District Council (*the Council*).

CODE OF CONDUCT FOR EXPERT WITNESSES

4. While this is not an Environment Court process, I acknowledge that I have read the Environment Court's Practice Note January 2023 as it relates to expert witnesses. My brief of evidence is prepared in compliance with the Code of Conduct, and I agree to comply with it in appearing before the hearings panel. I am not, and will not behave as, an advocate for my client. I confirm that my evidence is within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions. I have not relied on the evidence or opinion of any other person, in preparing my evidence. I am engaged by Genesis as an independent expert.

SCOPE OF EVIDENCE

5. My evidence addresses the following matters raised in the Genesis submission relating to PC42:
 - (a) New definition for “renewable electricity generation activities”.
 - (b) Objective and Policy on the Character of the General Rural Environment.
 - (c) Objective on ‘Other Activities’ in the General Rural Environment.
 - (d) Objective on ‘Reverse Sensitivity’ in the General Rural Environment.
 - (e) Policy on ‘Incompatible Activities’ in the General Rural Environment.

¹ This includes the Overarching s42A report for Plan Changes 38-43 (by Hilary Samuel), and the s42A report for PC42 (by Craig Sharman).

- (f) Policy limiting 'Industrial Activities' in the General Rural Environment.
 - (g) General Rural Environment Rules relating to the setback from transmission lines, Outstanding Landscape Areas, and Performance Standards relating to vehicle movements, and maximum noise.
6. There are some matters raised in the submission and further submissions by Genesis relating to PC42 where I agree with the recommendations in the s42A report and further discussion on these matters is not undertaken in this evidence. For ease of reference, I have addressed these matters in **Schedule C** to this evidence.

BACKGROUND AND CONTEXT TO THE GENESIS ENERGY SUBMISSION

7. Genesis owns and operates the Tongariro Power Scheme (**TPS**), which comprises three hydro power stations – Rangipo (120MW, underground), Tokaanu (240MW) and Mangaio (1.8MW). Fuller details of this scheme, including a schematic diagram and the criticality of TPS to the region and the nation, is provided in paragraphs 10 to 15 of my evidence for PC38.
8. Paragraph 16 of my evidence for PC38 briefly describes the importance of renewable electricity generation under the National Policy Statement for Renewable Electricity Generation (**NPS-REG**) and the National Policy Statement for Freshwater Management 2020 (**NPS-FM**).
9. Paragraphs 17 to 22 of my evidence for PC38 describe the environment and surrounds in which TPS operates, which includes the General Rural Environment in the Plan. Other features of the Plan relevant to TPS, as described in my evidence for PC38, includes an enabling overlay known as Electricity Generation Core Site (**Core Site**) and restrictive Natural Values overlays, including Outstanding Landscape Areas (**OLA**), Amenity Landscape Area (**ALA**) and Significant Natural Areas (**SNA**).
10. It is with consideration of these settings and restrictive overlays that Genesis made submissions on PC38 and PC42 with the goal of enabling the ongoing operation, maintenance and upgrade of TPS and to recognise and provide for its national and regional significance.
11. Finally, paragraphs 23 to 27 of my evidence for PC38 describe the importance of a future Energy Chapter in the Plan that accords with the National Planning Standard and other national direction. However, my evidence for PC38 accepts that an Energy Chapter is out of scope of the current plan changes.

DEFINITION – RENEWABLE ELECTRICITY GENERATION ACTIVITIES

Submissions for Genesis (submission point 84.50)

12. Genesis seeks the addition of a definition for renewable electricity generation activities on the basis that it has been recognised in the NPS-REG as a matter of national significance. It is therefore appropriate to treat that activity differently from other activities that occur in the rural environment, through its own set of definitions, objectives, policies and methods.

Council's s42A assessment and recommendation

13. The new definition has been rejected in the s42A report on the basis that the definition has a much broader meaning within the proposed rule framework. The s42A report states *“Using this phrase in current framework would make provisions weaker i.e. permitted activities when they shouldn't. When the district plan is transitioned to national planning standards there will be a standalone energy chapter that can capture such activities in a more specific rule framework.”*

Analysis

14. I disagree that the definition sought has a broader meaning within the proposed rule framework. The definition is taken from the NPS-REG which has been in existence since 2011 and must be given effect to by the Plan. An important element of this definition is that it is not just the renewable electricity generation structures that are nationally significant, but also the activities for the construction, operation and maintenance of structures associated with renewable electricity generation.
15. Renewable electricity generation is widespread across the district and the term “renewable electricity generation activities” is commonly used throughout PC38 and PC42, including (but not limited to) Strategic Direction Objective 2.5.2.2 and Policy 2.5.3.21, Objective 3b.2.4 and Rule 4b.1.4. This Rule provides for existing renewable electricity generation activities as a permitted activity. In addition, the s42A report has recommended a number of changes using the term “renewable electricity generation activities” including (but not limited to) the Introduction for the General Rural Environment Policy 3b.3.9 and in several rule performance standards.
16. It is appropriate that the meaning of the term “renewable electricity generation activities” is made clear through a Plan definition, consistent with the definition in the NPS-REG. In my opinion, the definition will not have unintended consequences across other parts of the Plan, provided the Plan provisions distinguish (where appropriate) whether it applies to new and existing renewable electricity generation activities or only to existing renewable electricity generation activities.

Conclusion and Relief

17. Under the NPS-REG, the need to develop, operate, maintain and upgrade renewable

electricity generation activities throughout New Zealand is a matter of national significance. For the reasons noted, I support a new definition being added to the Plan as follows (insertions underlined, deletions ~~struck-out~~):

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 ENVIRONMENT – RURAL CHARACTER

Submissions for Genesis (submission point 84.14 and 84.19)

18. The Genesis submission proposes amendments to both Objective 3b.2.2 and Policy 3b.2.9 on the basis that the provisions are misguided and seek to achieve the wrong outcome. Firstly, it presupposes that that the established character of the General Rural Environment represents a good environmental outcome in all respects and to the extent that it should be “maintained”. Secondly, the provisions seek to maintain the “established character” which essentially locks in the status quo and will make it difficult for any new activity to occur, including any new activity that has been identified in other planning provision as being appropriately located in the General Rural Environment.
19. Genesis considers that the existence of more than 20 large-scale renewable electricity generation activities in the district is a significant and defining aspect of the character of the General Rural Environment.

Council’s s42A assessment and recommendation

20. The s42A report does not accept the submission points on the basis that the purpose of the objective is about protecting the rural environment from subdivision thereby maintaining the established character as it is now, i.e. not making it worse. In relation to the Policy, the s42A report believes that the proposed amendments are too specific when the policy was aimed at being broader, setting out general features of the rural environment and not specific activities. Further, the s42A report purports that the amendments sought would be more appropriate in a future Energy Chapter rather than the General Rural Environment.

Analysis

21. I do not accept the reasons given in the s42A report, including that the matter should be left until it can be addressed through a future Energy Chapter. The Plan does not currently, have an Energy Chapter or a generation-specific zone. Instead, the majority of the district’s existing renewable electricity generation is provided for within the General Rural

Environment and there is potential for further development of the district's renewable energy resources within this Environment, including in the short term – before a specific Energy Chapter can be developed. Therefore, renewable electricity generation is a key feature of the rural character for the General Rural Environment. Any character provisions added now in response to the Genesis submission can be carried across to a future Energy Chapter to the extent necessary.

22. It is not appropriate or necessary, in my opinion, for the objective and policy to be benchmarked against “established” rural character as that does not adequately provide for the range activities that are generally compatible with rural character and have a locational need to be in the General Rural Environment, including new or emerging technologies (e.g. solar farms).
23. I consider that the reference in the Objective to seeking the avoidance of “*incremental subdivision and development*” is a blunt instrument, whereas it would be more appropriate to avoid subdivision and development that is incompatible with the character of the General Rural Environment.
24. In relation to the Policy, it is my opinion that it is not just buildings and structures that define rural character, but also the activities undertaken within the rural environment. The s42A report gives reasons that the Policy is aimed at the broader features of the rural environment, not specific activities, but recommends changes to clause (b) of Policy 3b.2 to include “visitor accommodation” and “tourism activity” alongside residential and rural industry buildings as being part of the mix that defines rural character. In my view, this implies that other activities that are not listed do not contribute to the rural character, such as renewable electricity generation and transmission, despite the pre-eminence of these activities in the General Rural Environment.
25. I also note that the s42A report recommends an amendment to Policy 3b.3.9 (relating to the Character of the Rural Lifestyle Environment) to the effect that the Rural lifestyle Environment is “*surrounded by a working rural environment including rural production, geothermal areas/steamfields and renewable electricity generation activities.*” That is, it is these surrounding working rural environment activities that constitute the character of the General Rural Environment.

Conclusion and Relief

26. For the reasons set out, I support Objective 3b.2.2 and Policy 3b.2.9 being amended as follows (insertions underlined, deletions ~~struck-out~~):

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~~ incompatible subdivision and development is avoided.

Policy 3b.2.9 Maintaining the established General Rural character

Maintain the established General Rural Environment character, as defined by:

a) Large open spaces between built structures

b) A mix of residential, visitor accommodation, tourism activity, and rural industry buildings and renewable electricity generation activities.

...

GENERAL RURAL ENVIRONMENT – RURAL INDUSTRY AND OTHER ACTIVITIES

Submissions for Genesis (submission point 84.15 and 84.16)

27. In line with the Genesis submission seeking a definition for renewable electricity generation activities, the submission seeks a new objective that enables renewable electricity generation activities (and transmission activities by association). The submission favours this matter being addressed in a separate objective rather than renewable electricity generation and transmission activities being included in Objective 3b.2.4 for 'Other Activities', as notified.
28. Further, the submission seeks that the 'Other Activities' listed in Objective 3b.2.4 should only be enabled where they are appropriately located in the General Rural Environment.

Council's s42A assessment and recommendation

29. In relation to the first point, the s42A report considers that renewable electricity generation objectives and policies are included in the PC38 Strategic Directions which applies to all zones, not just the Rural Environment.
30. In relation to the second point, the s42A report notes that the wording of Objective 3b.2.4 is intended to provide a clear list of current activities in rural locations, and that reference to 'appropriate locations' for those other activities isn't clear and has potential to have a contested meaning.

Analysis

31. The s42A report reasons are not logical in my view. Renewable electricity generation activities are currently addressed in the General Rural Environment provisions (including in Objective 3b.2.4) and these provisions should build on the Strategic Direction objectives and policies. I agree with the Genesis submission that renewable electricity generation has an elevated status under the NPS-REG, but I consider that the matter could be dealt with through Objective 3b.2.4. All activities will also need to satisfy Objective 3b.2.5 to avoid reverse sensitivity effects, so I agree that the reference to 'appropriate locations' is not necessary. I consider that this approach will avoid the need for a separate objective on renewable electricity generation and transmission activities.

32. However, I am concerned that the recommended change in the s42A report does not make it clear that all activities enabled by the Objective (Māori cultural activities, tourism activities, visitor accommodation, renewable electricity generation and transmission) must be able to demonstrate that they have a locational need to be in the General Rural Environment. I propose a change to the Policy that I believe will address the issue without changing its intent.

Conclusion and Relief

33. For the reasons set out, and to assist in achieving the Strategic Direction objectives and policies and the relief sought in the Genesis submission, I support an amendment to Objective 3b.2.4 as follows (insertions underlined, deletions ~~struck-out~~):

Objective 3b.2.4 Other activities

Māori cultural activities, tourism activities, visitor accommodation and renewable electricity generation and transmission activities are enabled where these activities have a locational need to be within the General Rural Environment.

GENERAL RURAL ENVIRONMENT – REVERSE SENSITIVITY

Submissions for Genesis (submission point 84.20 and 84.22), and further submissions FS215 (on submission OS22.8 and OS26.29))

34. Genesis supports the reverse sensitivity Objective 3b.2.5 (including the s42A report recommended change in response to the Genesis submission), but the submission seeks a change to Policy 3b.2.10, relating to residential units in the General Rural Environment, so that it addresses potential reverse sensitivity effects and residential units do not constrain the ability to access or utilise renewable energy resources.
35. The Genesis submission also seeks to change the reverse sensitivity Policy 3b.2.13 so that it better reflects the direction in Objective 3b.2.5.

Council's s42A assessment and recommendation

36. The s42A report does not accept the changes sought to Policy 3b.2.10, principally on the basis that reverse sensitivity is addressed through Policy 3b.2.13. In relation to Policy 3b.2.13, the s42A report recommends some changes to Policy 3b.2.13 but rejects the suggested amendments seeking to avoid reverse sensitivity effects from 'sensitive activities' as the policy needs to be kept more general for Council to assess on case by case basis.

Analysis

37. I accept that Policy 3b.2.10, relating to residential units in the General Rural Environment, does not need to be amended to address potential reverse sensitivity effects as the policy should not be read in isolation of Policy 3b.2.13. However, Policy 3b.2.13, is framed so broadly that it requires all adverse effects generated by an activity to be internalised with the allotment, which is broader than the intent of the policy being “avoiding reverse sensitivity”.
38. Policy 3b.2.13, in its current form, extends beyond the outcome sought by Objective 3b.2.5 and other General Rural Environment objectives. In my opinion, the policy is inappropriate for large scale infrastructure that has a locational need to be in the General Rural Environment (such as renewable electricity generation), where some effects may not be fully internalised. In my opinion, Policy 3b.2.13 fails to achieve Objective 3b.2.4 to enable renewable electricity generation and transmission in the General Rural Environment.
39. If Policy 3b.2.13 is intended to apply more broadly than reverse sensitivity effects then it must be done so in a way that achieves, and is consistent with, the Strategic Direction objectives policies set out in PC38. This includes (but not limited to):
- Avoiding fragmented urban development that affects the efficient functioning of infrastructure and the General Rural Environment (Policy 2.3.3.4).
 - Subdivision, use and development that does conflict with existing activities on adjoining properties and surrounding areas (Policy 2.3.3.10.b).
 - Recognising and providing for the benefits of renewable electricity generation and transmission (Policy 2.5.3.1).
 - Recognising the functional and operational needs associated with Nationally and Regionally Significant Infrastructure (Policy 2.5.3.2).
 - Subdivision, use and development that does not adversely affect (including reverse sensitivity effects) the effective and safe functioning of infrastructure (Policy 2.5.3.3).
40. I consider that the most appropriate course of action is for the policy to be amended with a single purpose of “avoiding reverse sensitivity” as per its title (and in the corresponding Objective 3b.2.5). It is important that the policy is directed towards avoiding the creation of reverse sensitivity effects as the effect cannot be adequately managed after the sensitive activity is established. However, I agree with the s42A report that the policy does not need to refer to “sensitive” activities, as sought in the Genesis submission. The new definition for “reverse sensitivity” recommended in the s42A report appropriately confines the effect to the establishment of new sensitive activities.

Conclusion and Relief

41. For the reasons set out, and to assist in achieving the Strategic Direction objectives and policies, and Objectives 3b.2.4 and 3b.2.5, I recommend changes to Policy 3b.2.13 as sought in the Genesis submission, with minor variation, as follows (insertions underlined, deletions ~~struck out~~):

Any ~~adverse effects generated by an new~~ activity 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 ENVIRONMENT – INCOMPATIBLE ACTIVITIES

Further Submissions for Genesis (FS215 on submission OS26.27- Horticulture NZ)

42. Genesis made a further submission that supports, in part, a submission by Horticulture NZ for a new policy to avoid incompatible land use activities establishing within the Rural Environment, provided that any such policy is consistent with the National Policy Statement for Highly Productive Land. Genesis sought that the policy did not preclude the establishment of renewable electricity generation activities within the Rural Environment.

Council's s42A assessment and recommendation

43. The s42A report notes that Policy 3b.3.15 has been included referencing the National Policy Statement for Highly Productive Land, and a corresponding rule titled “Subdivision – Rural Lifestyle Environment on land containing Land Use Capability Class 3 Soils”.

Analysis

44. With all respect, the Policy and Rule recommended by the s42A report only relates to the Rural Lifestyle Environment, which only constitutes a small part of Rural Environment. The policy sought on avoiding incompatible activities relates to all Rural Environment land. In my view, this policy is needed to appropriately achieve the General Rural Environment Objectives 3b.2.1 to 3b.2.6 relating to the enablement of activities requiring a rural location, maintaining rural character, avoiding reverse sensitivity, and not impacting on infrastructure. In addition, the policy will help to be consistent with the Strategic Direction policies set out in PC38, as referenced in paragraph 39 above.

Conclusion and Relief

45. For the reasons set out, and to assist in achieving the General Rural Environment objectives, and Strategic Direction policies I support a new General Rural Environment policy, as requested by Horticulture NZ (with minor variation to the relief sought by Horticulture NZ) as follows (insertions underlined, deletions ~~struck out~~):

Avoid land use that:

- i. is incompatible with the character of the General Rural Environment;
- ii. does not have an operational or functional need to locate in the General Rural Environment and is more appropriately located in another zone;
- iii. would result in the loss of productive capacity of highly productive land except as provided in the National Policy Statement for Highly Productive Land 2022 (or later versions);
- iv. would exacerbate natural hazards;
- v. cannot provide appropriate on-site infrastructure.
- vi. could result in reverse sensitivity effects.

GENERAL RURAL ENVIRONMENT – LIMITS ON COMMERCIAL AND INDUSTRIAL ACTIVITY

Submissions for Genesis (submission point 84.23)

46. Genesis generally supports Policy 3b.2.14 relating to limiting the scale of commercial and industrial activities in the General Rural Environment but is concerned that it will limit some industrial activities, such as renewable electricity generation activities, that are provided for and anticipated in the General Rural Environment.

Council's s42A assessment and recommendation

47. The s42A report rejects the submission point and states that the “*policy does not apply to renewable electricity generation activities as it is not covered in rural industry definition. When Council transition the ODP into national planning standards format there will be an Energy chapter where specifics on energy such as this can [be] provided. The General Rural Environment is not the appropriate place to include this.*”

Analysis

48. It would appear from the reasons in the s42A report that the submission point has been misunderstood. The existing definition in the Plan for “industrial activities” is “*activities including associated land and buildings used for ...electricity generation activities*”. Therefore, Policy 3b.2.14 would inadvertently limit the scale of renewable electricity generation activities in the General Rural Environment unless specifically excluded by the Policy.

Conclusion and Relief

49. For the reasons set out, and to assist in achieving the Objective 3b.2.4 relating to other activities in the General Rural Environment, and Strategic Direction 5 (Significant and Local Infrastructure) objectives and policies, I support the changes sought in the Genesis

submission to amend Policy 3b.2.14 as follows (insertions underlined, deletions ~~struck out~~):

Limit the scale of commercial and industrial activity (excluding renewable electricity generation activities) 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 and other activities provided for within the General Rural Environment.

GENERAL RURAL ENVIRONMENT – RULE FOR SETBACK FROM TRANSMISSION LINES

Submissions for Genesis (submission point 84.37)

50. Genesis supports Rule 4b.1.7 as it seeks to ensure the safe operation of high voltage transmission lines through building setbacks. However, the submission seeks to amend the heading of the rule to be more accurate, and to amend the rule to provide for renewable electricity generation activities, which by their nature, must be connected to the high-voltage network.

Council's s42A assessment and recommendation

51. The s42A report rejects the submission point on the basis that the term “renewable electricity generation activities” is too broad.

Analysis

52. I agree with the s42A report recommendation in part. The rule seeks to restrict “buildings” located with the setback of high voltage transmission lines but it does not restrict “activities” more broadly². However, I believe that buildings associated with renewable electricity generation should be excluded by the rule, given their functional and operational need to connect to the high voltage network.
53. This amendment would not change the intent of the rule (being the safe operation of high voltage network), nor does it mean that building associated with renewable electricity generation would be carried out in the transmission line setback without consulting the transmission (or network) operator.

Conclusion and Relief

54. For the reasons set out, I support Rule 4b.1.7 being amended as requested in the Genesis submission as follows (insertions underlined, deletions ~~struck out~~):

² There is a separate rule recommended by the s42A report that restricts earthworks with the National Grid Corridor.

4b.1.7 Buildings in proximity to High voltage transmission lines

*i. Any building (except those associated with network utilities or renewable electricity generation) located within 0 – 12 meters of a high-voltage transmission line is a **restricted discretionary activity**.*

GENERAL RURAL ENVIRONMENT – RULES FOR OUTSTANDING LANDSCAPE AREAS

Submissions for Genesis (submission point 84.38 and 84.39)

55. Genesis supports that Outstanding Landscape Area rules, Rule 4b.1.8 and Rule 4b.1.9, on the basis that it does not apply to structures or earthworks within Electricity Generation Core Sites. However, Genesis considers the exception should be broadened to include all other existing renewable electricity generation activities.

Council's s42A assessment and recommendation

56. In relation to these submission points, the s42A report states “*Renewable electricity core sites are geographically defined whereas a phrase like 'renewable electricity generation activities' would not be and could apply widely across the district. This would have the effect of creating a broad exception and is not supported.*”

Analysis

57. I do not agree with the reason given in the s42A report as the Genesis submission sought that the exception apply to “existing” renewable electricity generation activities, all of which are geographically defined.
58. Not all existing renewable electricity generation sites are currently defined as Electricity Generation Core Sites (**Core Site**) and mapping additional sites as Core Sites is outside the scope of the Plan Change. In my evidence on PC38, I noted that only some parts of TPS are identified in the planning maps as being Core Site.
59. From my previous experience working for Mercury NZ (2006 to 2023) I can attest to the Core Site being a practical and beneficial mechanism for the management of electricity generation sites, particularly where it intersects with Natural Value areas, such as Outstanding Landscape Areas. However, there remains a regulatory gap for electricity generation sites (or parts of) that are not identified in the Plan as Core Sites.
60. My evidence on PC38 (paragraphs 20 and 21) stated that:
- “20. TPS also operates within or immediately adjacent to several Natural Values area identified in the Plan, including Outstanding Landscape Areas (OLA)...*
- 21. The OLA rules for the Rural Environment would significantly restrict the scale of structures and earthworks if it were not for the Core Site overlay.”*

61. I consider that the recommendation in the s42A report to reject the Genesis submission points on the Outstanding Landscape Area rules is at odds with Rule 4b.1.4 that permits “*Any activity involving continued operation, maintenance and minor upgrading of **existing** electricity generation core sites, geothermal steamfields, **renewable electricity generation activities and associated structures**”.* (My emphasis)
62. Extending the exception in the Outstanding Landscape Area rules to existing renewable electricity generation is consistent with the exception that is already provided for Core Sites, and in my opinion, does not undermine the intent or application of the rules in any way. I also consider that it will continue to achieve Strategic Direction Objective 2.6.2.5 to protect outstanding landscape area from inappropriate subdivision, use and development which may adversely affect their landscape attributes.

Conclusion and Relief

63. For the reasons set out, and to assist in achieving Strategic Direction Objective 2.6.2.5, I support Rules 4b.1.8 and 4b.1.9 being amended as requested by Genesis, with minor variation as follows (insertions underlined, deletions ~~struck-out~~):

4b.1.8 Buildings within Outstanding Landscape Areas

- i. *Provided that the activity has not been identified as a discretionary or non-complying activity by another rule in the Plan, within an Outstanding Landscape Area, the erection of structures:*

...

*is a **restricted discretionary activity**.*

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

- a. *Associated with existing renewable electricity generation activities permitted by Rule 4b.1.4 or* *Within Electricity Generation Core Sites.*

4b.1.9 Earthworks within Outstanding Landscape Areas

*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**,...*

EXCEPTION: This rule will not apply to Earthworks associated with existing renewable electricity generation activities permitted by Rule 4b.1.4 or within Electricity Generation Core Sites.

GENERAL RURAL ENVIRONMENT – PERFORMANCE STANDARD FOR VEHICLE MOVEMENTS

Submissions for Genesis (submission point 84.40)

64. Genesis supports Rule 4b.2.1 for a performance standard relating to vehicle movements, subject to the exception being expanded to include existing and/or consented renewable electricity generation activities.

Council's s42A assessment and recommendation

65. The submission point is rejected by the s42A report with the reason given that “*Expanding the exemption to also include 'renewable electricity generation activities' could apply widely across the district as it would not be geographically defined (unlike a phrase like 'renewable electricity core sites'). This would have the effect of creating a much wider exception than was intended and is not supported.*”

Analysis

66. It is essential that renewable electricity generation activities and structures can be maintained and upgraded in accordance with permitted activity Rule 4b.1.4, including to ensure their structural integrity and to protect the assets during or following a natural hazard event. This can involve the use of heavy machinery that may exceed the allowed equivalent vehicle movements. For this reason, I consider it is appropriate that the exception in the rule is extended to existing renewable electricity generation activities.

Conclusion and Relief

67. For the reasons set out, I support Rule 4b.2.1 being amended as follows (insertions underlined, deletions ~~struck-out~~):

4b.2.1 Vehicle movements

...

EXCEPTION: This performance standard shall not apply to traffic movements involved in forest harvesting operations or existing renewable electricity generation activities.

GENERAL RURAL ENVIRONMENT – PERFORMANCE STANDARD FOR MAXIMUM NOISE – OTHER

Submissions for Genesis (submission point 84.44)

68. Genesis supports Rule 4b.2.13 for a performance standard relating to maximum noise for specified activities, subject to it being expanded to include renewable electricity generation activities.

Council's s42A assessment and recommendation

69. The s42A report accepts some of the minor amendments proposed in the submission but rejects the amendments to widen the applicability of the rule to 'Renewable Electricity Generation Activities' rather than solely the Core Sites as the statutory effect of that change would be significant.

Analysis

70. The rule is intended to apply to noises that may occur on electricity generation sites, such as emergency/warning sirens, circuit breakers and hydro spills. These noises, while generally irregular, may occur at any time of day or night and otherwise exceed the stated noise limits. The rule already applies to Core Sites, but as noted earlier, some parts of TPS is not provided within the Core Site. Therefore, extending the rule to existing renewable electricity generation activities is appropriate, in my opinion.
71. I do not consider that this amendment would undermine the integrity of the Plan or have an effect that is significant, given that it would only apply to renewable electricity generation that is existing and the remote locations of those sites.

Conclusion and Relief

72. For the reasons set out, I support Rule 4b.2.13 being amended as requested by Genesis, with minor variation as follows (insertions underlined, deletions ~~struck-out~~):

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 existing renewable electricity generation activities or Electricity Generation Activities Core Sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.*

CONCLUSION

73. The district has an abundance of natural and physical resources that are used, planned to be used, or potential to be developed, for renewable electricity generation activities. Of relevance to the Genesis submission on PC42, its existing renewable electricity generation assets and activities are located within the General Rural Environment. Protecting existing renewable electricity generation and providing for the further development of renewable electricity generation activities is critical to decarbonising the economy and addressing climate change.

74. In order to appropriately address the Genesis submission points on PC42, this evidence recommends changes or additions to:
- (a) A definition for “renewable electricity generation activities”.
 - (b) Objectives and Policies relating to rural character, activities requiring a rural location, reverse sensitivity, incompatible activities, industrial activities in the General Rural Environment.
 - (c) Rules relating to the setback from transmission lines, Outstanding Landscape Areas, and Performance Standards relating to vehicle movements, and maximum noise in the General Rural Environment
75. All requested changes sought in this evidence are set out in the attached **Schedule A**. A s32AA evaluation of the requested changes is provided in the attached **Schedule B**.
76. A number of submission and further submissions points by Genesis have been accepted, accepted in part, or not accepted in the s42A report where I agree with the recommendations in the s42A report. These matters have been recorded in the attached **Schedule C** and the evidence does not provide further discussion or evaluation of these matters.

Miles Rowe

09 August 2023

SCHEDULE A: TRACK CHANGES OF AMENDMENTS SOUGHT IN EVIDENCE

The recommended amendments to the provisions are listed in the order that they appear in the PC42, with insertions underlined, deletions ~~struck out~~.

Definitions

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.

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~~ incompatible subdivision and development is avoided.

Objective 3b.2.4 Other activities

Māori cultural activities, tourism activities, visitor accommodation and renewable electricity generation and transmission activities are enabled where these activities have a locational need to be within the General Rural Environment.

Policy 3b.2.9 Maintaining the ~~established~~ General Rural character

Maintain the ~~established~~ General Rural Environment character, as defined by:

- a) Large open spaces between built structures
- b) A mix of residential, visitor accommodation, tourism activity, ~~and~~ rural industry buildings and renewable electricity generation activities.

...

Policy 3b.2.13 Avoiding reverse sensitivity

Any ~~adverse effects generated by an~~ new activity 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.

Policy 3b.2.X

Avoid land use that:

- i. is incompatible with the character of the General Rural Environment;

ii. does not have an operational or functional need to locate in the General Rural Environment and is more appropriately located in another zone;

iii. would result in the loss of productive capacity of highly productive land except as provided in the National Policy Statement for Highly Productive Land 2022;

iv. would exacerbate natural hazards;

v. cannot provide appropriate on-site infrastructure.

vi. could result in reverse sensitivity effects.

Policy 3b.2.14 Commercial and industrial activity

Limit the scale of commercial and industrial activity (excluding renewable electricity generation activities) 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 and other activities provided for within the General Rural Environment.

4b.1.7 Buildings in proximity to High voltage transmission lines

i. Any building (except those associated with network utilities or renewable electricity generation) located within 0 – 12 meters of a high-voltage transmission line is a **restricted discretionary activity**.

4b.1.8 Buildings within Outstanding Landscape Areas

i. Provided that the activity has not been identified as a discretionary or non-complying activity by another rule in the Plan, within an Outstanding Landscape Area, the erection of structures:

...

is a **restricted discretionary activity**.

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

- a. Associated with existing renewable electricity generation activities permitted by Rule 4b.1.4 or Within Electricity Generation Core Sites.

4b.1.9 Earthworks within Outstanding Landscape Areas

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**,...

EXCEPTION: This rule will not apply to Earthworks associated with existing renewable electricity generation activities permitted by Rule 4b.1.4 or within Electricity Generation Core Sites.

4b.2.1 Vehicle movements

...

EXCEPTION: This performance standard shall not apply to traffic movements involved in forest harvesting operations or existing renewable electricity generation activities.

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 existing renewable electricity generation activities or Electricity Generation Activities Core Sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.

SCHEDULE B: S32AA EVALUATION OF AMENDMENTS SOUGHT IN EVIDENCE

The s32AA is undertaken at a level of detail that corresponds to the scale and significance of the changes to:

- show that changes to objectives are the most appropriate way to achieve the purpose of the RMA;
- show that changes to policies are the most appropriate way to achieve the objectives,
- identify and assess the benefits and costs, and assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Recommended Amendments	S32AA evaluation
<p>Definitions</p> <p><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></p>	<p>I consider that 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>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>Objective 3b.2.2 Maintaining the established General Rural character</p> <p><i>The established character of the General Rural Environment is maintained and the cumulative erosion of its character through incremental-incompatible subdivision and development is avoided.</i></p>	<p>I consider that the amendments recommended to the objective are the most appropriate way to achieve the purpose of the RMA.</p> <p>The recommended amendment provides clarity without changing the underlying intent of the objective, by removing an unclear benchmark of “established” character and a blanket prohibition on “incremental” subdivision and development.</p> <p>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.</p> <p>The risk of not acting is that subdivision and development that are compatible with the Rural Environment are prevent from occurring in that Environment.</p>
<p>Objective 3b.2.4 Other activities</p> <p><i>Māori cultural activities, tourism activities, visitor accommodation and renewable electricity generation and transmission activities are enabled <u>where these activities have a locational need to be within</u> the General Rural Environment.</i></p>	<p>I consider that the amendments recommended to the objective 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.</p> <p>The recommended amendment provides clarity without changing the underlying intent of the objective, by identifying the types of non-primary production activities that have a locational need to be in the Rural Environment. This is more efficient when assessing non- primary production proposals against the objective.</p>

Recommended Amendments	S32AA evaluation
	<p>The risk of not acting is that activities that have a functional and operational need to be located in the Rural Environment are prevent from occurring in that Environment.</p>
<p>Policy 3b.2.9 Maintaining the established General Rural character</p> <p>Maintain the established General Rural Environment character, as defined by:</p> <p>a) Large open spaces between built structures</p> <p>b) A mix of residential, <u>visitor accommodation, tourism activity, and rural industry buildings and renewable electricity generation activities.</u></p> <p>...</p>	<p>I consider that the recommended amendments to the policy are the most appropriate way to achieve the objectives, including Objectives 3b.2.2 and 3b.2.4 (and recommended amendments).</p> <p>The recommended amendment provides clarity without changing the underlying intent of the policy, by removing an unclear benchmark of “established” character and by clearly establishing the types of activities (in addition to buildings and structure) that comprise rural character.</p> <p>The recommended amendment is more efficient as it enables application for non-primary production activities requiring a rural location to be considered on their merits.</p> <p>The risk of not acting is that activities that are compatible with the Rural Environment are prevent from occurring in that Environment.</p>
<p>Policy 3b.2.13 Avoiding reverse sensitivity</p> <p>Any adverse effects generated by an new activity must be managed within the allotment so as to avoid adversely affecting reverse sensitivity effects on permitted, and lawfully established and/or <u>consented</u> neighbouring activities.</p>	<p>I consider that the recommended amendments to the policy are the most appropriate way to achieve Objective 3b.2.5.</p> <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>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>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>
<p>Policy 3b.2.X</p> <p><u>Avoid land use that:</u></p> <p><u>i. is incompatible with the character of the General Rural Environment;</u></p> <p><u>ii. does not have an operational or functional need to locate in the General Rural Environment and is more appropriately located in another zone;</u></p> <p><u>iii. would result in the loss of productive capacity of highly productive land except as provided in the National Policy Statement for Highly Productive Land 2022;</u></p> <p><u>iv. would exacerbate natural hazards;</u></p> <p><u>v. cannot provide appropriate on-site infrastructure.</u></p> <p><u>vi. could result in reverse sensitivity effects.</u></p>	<p>I consider that the recommended policy is the most appropriate way to achieve the General Rural Environment Objectives and giving effect to higher order documents.</p> <p>The policy provides clarity by bringing together a number of land use matters that must be avoided, some of which are not dealt with by other policies.</p> <p>The policy is efficient as it is complementary to the Strategic Direction policies and it will assist in achieving multiple objectives.</p> <p>The risk of not acting is that some land use activities will be allowed to occur where it is not appropriate for the purpose of the General Rural Environment.</p>
<p>Policy 3b.2.14 Commercial and industrial activity</p>	<p>I consider that the recommended amendment to the policy is the most appropriate way to achieve Objectives 3b.2.3 and 3b.2.4,</p>

Recommended Amendments	S32AA evaluation
<p><i>Limit the scale of commercial and industrial activity (<u>excluding 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>	<p>and the Strategic Direction objectives and policies for infrastructure.</p> <p>The policy provides clarity by clearly setting out the activities that need to be limited in scale and those that don't.</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>The risk of not acting is that activities needing to be located in the Rural Environment, such as renewable electricity generation, are limited in the scale of the activity.</p>
<p>4b.1.7 Buildings in proximity to High voltage transmission lines</p> <p><i>i. Any building (except <u>those associated with network utilities or renewable electricity generation</u>) located within 0 – 12 meters of a high-voltage transmission line is a restricted discretionary activity.</i></p>	<p>I consider that the recommended amendment to the rule is the most appropriate way to achieve the General Rural Environment objectives and policies.</p> <p>The recommended amendment provides clarity without changing the underlying intent of the rule, by establishing that buildings for renewable electricity generation have a functional and operational need to be cited within transmission line setbacks, such as the connection to the transmission line.</p> <p>The recommended amendment is efficient as it provides certainty for existing and new renewable electricity generation.</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>4b.1.8 Buildings within Outstanding Landscape Areas</p> <p><i>i. Provided that the activity has not been identified as a discretionary or non-complying activity by another rule in the Plan, within an Outstanding Landscape Area, the erection of structures:</i></p> <p>...</p> <p><i>is a restricted discretionary activity.</i></p> <p><i>EXCEPTION: This rule will not apply to the erection of structures:</i></p> <p><i>a. <u>Associated with existing renewable electricity generation activities permitted by Rule 4b.1.4 or Within Electricity Generation Core Sites.</u></i></p>	<p>I consider that the recommended amendment to the rule is the most appropriate way to achieve the General Rural Environment objectives and policies and Strategic Direction Objective 2.6.2.5.</p> <p>The recommended amendment provides clarity without changing the underlying intent of the rule.</p> <p>The recommended amendment is efficient as it provides certainty for existing and new renewable electricity generation activity and treating the activity consistent with those associated with Electricity Generation Core Sites.</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>4b.1.9 Earthworks within Outstanding Landscape Areas</p> <p><i>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,...</i></p>	<p>I consider that the recommended amendment to the rule is the most appropriate way to achieve the General Rural Environment objectives and policies and Strategic Direction Objective 2.6.2.5.</p> <p>The recommended amendment provides clarity without changing the underlying intent of the rule.</p> <p>The recommended amendment is efficient as it provides certainty for existing and new renewable electricity generation activity and treating the activity consistent with those associated with Electricity Generation Core Sites.</p> <p>The risk of not acting is that it would lead to unnecessary resource consents for renewable electricity generation that is</p>

Recommended Amendments	S32AA evaluation
<p><i>EXCEPTION: This rule will not apply to Earthworks <u>associated with existing renewable electricity generation activities permitted by Rule 4b.1.4</u> or within Electricity Generation Core Sites.</i></p>	<p>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>4b.2.1 Vehicle movements ... <i>EXCEPTION: This performance standard shall not apply to traffic movements involved in forest harvesting operations <u>or existing renewable electricity generation activities.</u></i></p>	<p>I consider that the recommended amendment to the rule is the most appropriate way to achieve the General Rural Environment objectives and policies.</p> <p>The recommended amendment provides clarity without changing the underlying intent of the rule, by recognising that vehicle movements are vital to ensuring the maintenance and upgrading of existing renewable electricity generation.</p> <p>The recommended amendment is efficient as it provides certainty for existing renewable electricity generation activities.</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>4b.2.13 Maximum Noise – Other ... <i>ii. Nothing in the foregoing Performance Standards shall apply to sirens, circuit breakers, <u>bursting discs, emergency or upset operating conditions</u> and hydro spills associated with the operation of <u>existing renewable electricity generation activities</u> or Electricity Generation Activities Core Sites. Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.</i></p>	<p>I consider that the recommended amendment to the rule is the most appropriate way to achieve the General Rural Environment objectives and policies.</p> <p>The recommended amendment provides clarity without changing the underlying intent of the rule.</p> <p>The recommended amendment is efficient as it provides certainty for existing renewable electricity generation activity and treating the activity consistent with those associated with Electricity Generation Core Sites.</p> <p>The risk of not acting is that it would lead to unnecessary resource consents for existing 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>

SCHEDULE C: S42A REPORT RECOMMENDATIONS AGREED IN RELATION TO SUBMISSIONS AND FURTHER SUBMISSIONS BY GENESIS

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
Original Submissions							
OS84.11	Rural Industry and new definition	Oppose	<p>Genesis opposes the inclusion of “geothermal / electricity generation” within the definition of Rural Industry.</p> <p>The proposed definition is inconsistent with the National Planning Standard 2019 (NP Standard) definition for Rural Industry, which states:</p> <p><i>Rural industry means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</i></p> <p>Primary production is defined in the NP Standard to relate to aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities.</p> <p>Geothermal and electricity generation activities do not fit within the NP Standard definition for rural industry, and should not be included as these activities do not relate to primary production.</p> <p>Whilst Genesis acknowledges that the NP Standard definitions may not need to be incorporated into the Taupō District Plan until 2026, including an inconsistent definition as part of PC42 unnecessarily complicates the Plan, and hinders the efficient application of the Rural Chapter provisions.</p>	<p>Amend the definition of Rural Industry as shown, and insert new definitions of “Renewable Electricity Generation” and “Renewable Electricity Generation Activities” (being the same definitions in the NPS-REG).</p> <p>Rural Industry – an activity that directly supports, services, or is dependent on primary production and has a locational need to be within the General Rural Environment (rather than an urban environment). These activities include, but are not limited to; forestry, agriculture, <u>and</u> dairy farming and <u>geothermal/electricity generation.</u></p>	Accept in part	<p>It is acknowledged there is an obligation to respond to the NPS-REG. Although “Renewable Electricity Generation” is not used within Plan Change 42 there is a future process for transitioning the ODP into national planning standards format where it will be included within their own 'Energy' chapter. Including the definition ahead of this transition does not result in consequential amendments elsewhere in the ODP. However, including a definition for “Renewable Electricity Generation Activities” does have a much broader meaning within the proposed rule framework and could result in provisions becoming weaker. When the district plan is transitioned to national planning standards there will be a standalone energy chapter that can capture such activities in a more specific rule framework. However, other submission points have been accepted in relation to replacing the definition for 'rural industry' to be consistent with national planning standards so therefore reject this part of the submission.</p>	Agree
OS84.49	New definitions	Oppose	<p>Notwithstanding the inconsistency with the NP Standard, renewable electricity generation is an activity that has been recognised in the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) as a matter of national significance. It is therefore inappropriate to treat that activity as part of, and in the same manner as, other activities that occur in the rural environment such as forestry, agriculture and dairy farming. The elevated status and importance of renewable electricity generation should be recognised in the Taupō District Plan with its own set of definitions, objectives, policies and methods.</p>	<p>Add a new definition for Renewable Electricity Generation:</p> <p><u>Renewable electricity generation means generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources.</u></p>	Accept	<p>The inclusion of renewable electricity generation as a definition is consistent with the NPS-REG without having consequences elsewhere in the plan before it fully transitions to national planning standards format</p>	Agree
OS84.50	New definitions	Oppose	<p>Notwithstanding the inconsistency with the NP Standard, renewable electricity generation is an activity that has been recognised in the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) as a matter of national significance. It is therefore inappropriate to treat</p>	<p>Add a new definition for Renewable Electricity Generation activities:</p> <p><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</u></p>	Reject	<p>This definition has a much broader meaning within the proposed rule framework. Using this phrase in current framework would make provisions weaker i.e. permitted activities when they shouldn't. When the district plan is transitioned to national planning standards there</p>	Addressed in evidence from paragraph 12.

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
			that activity as part of, and in the same manner as, other activities that occur in the rural environment such as forestry, agriculture and dairy farming. The elevated status and importance of renewable electricity generation should be recognised in the Taupō District Plan with its own set of definitions, objectives, policies and methods.	<u>to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.</u>		will be a standalone energy chapter that can capture such activities in a more specific rule framework.	
OS84.48	New definitions	Oppose	Further to Genesis' submission to the definition of Rural Industry, due to the nature of the wider submissions by Genesis, a definition for "Reverse Sensitivity" need to be included in the Taupō District Plan.	Insert a new definition of "reverse sensitivity" (being the definition in the Waikato Regional Policy Statement) as follows: <u>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.</u>	Accept	The insertion of the proposed definition of the phrase 'reverse sensitivity', as inclusion of the definition will enhance the operation of the district plan.	Agree It is also noted that 'reverse sensitivity' is a term used in PC38 (Policy 2.5.3.3).
OS84.12	3b.1 Introduction	Support with amendment	As previously identified, the TPS within the Rural Environment is also identified by the EGCS. Whilst this arrangement in the Taupō District Plan has generally served well for the TPS, in the context of the emerging climate change challenges, Genesis considers more enabling framework is necessary in the form of a dedicated Energy Chapter. Genesis understands an Energy Chapter is likely to be introduced in a future plan change as part of the Taupō District Plan review; however, as the form and timing of the new chapter is currently unknown, Genesis' submission on PC42 seeks to ensure the provisions under the Rural Environments appropriately provides for existing and new renewable electricity generation activities. The introductory statement to Chapter 3b provides context about the nature and character of the District's rural environment, and the activities that are anticipated to occur within it. Genesis generally supports the introductory statement but seeks minor changes to recognise the importance and functional need for renewable electricity generation to occur within the Rural Environment and its contribution to New Zealand's security of electricity supply. These changes also reflect the need to ensure that renewable electricity generation activities are protected from potential reverse sensitivity effects (such as housing, visitor accommodation and lifestyle development both within the General Rural Environment and the new Rural Lifestyle Environment), and that if sensitive and incompatible activities do establish, they do not constrain the ability of renewable electricity generation operations to continue operating efficiently and effectively.	Retain 3b.1 Introduction subject to amendments below: General Rural Environment The General Rural Environment is predominantly characterised by large open space and vegetated areas including productive farmland and forest, ridgelines, native bush, lakes, rivers and their margins. Other prime characteristics of the General Rural Environment are the diverse range of land uses including farming, horticulture, energy <u>sources</u> and plantation forestry activities, with dispersed buildings and rural roads. There is also a wide range of development associated with tourism activities, recreation, and the District is one of New Zealand's most significant for the generation, storage and transmission of renewable electricity. The purpose of separating the General Rural Environment from the Rural Lifestyle Environment is to preserve the productive potential of the land <u>and other natural resources</u> within the General Rural Environment by retaining large property sizes and limiting the extent of housing provided for. Yet allowing appropriate development to occur while preserving the <u>'openness' rural character</u> of the General Rural Environment. The creation of the General Rural Environment aims to support primary productive uses, <u>renewable electricity generation activities</u> , and rural industry, <u>meaning an activity being activities</u> that directly supports, services, or is <u>are</u> dependent on primary production and <u>or</u> has <u>have</u> a locational <u>or functional</u> need to be within the General Rural Environment (rather than an urban environment). Primary production a <u>Activities</u> in the General Rural Environment will produce effects that are different from urban areas, such as noise, odour, vibration, spray drift and dust. Allowing these activities to operate in a more suitable environment, along with compatible activities, aims to protect rural land uses from unnecessary restrictions. The General Rural Environment provisions seek to limit the scale of commercial and industrial activities unless they are dependent on primary production and <u>or</u> have <u>have</u> a <u>locational functional or operational</u> need to be within the General Rural Environment. This is to avoid the uptake of General Rural Environment land by activities which are provided for in other Environments and may therefore impact on the land available for primary production activities within the General Rural Environment. Rural Lifestyle Environment The Rural Lifestyle Environment has been created to address the increasing demand for rural lifestyle living within the Rural Environment. The Rural Lifestyle Environment aims to provide for rural residential development in specific	Accept	The amendments proposed by the submitter are supported as provide greater clarity and better achieve the intent of PC42 in formulating this introductory statement.	Agree

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
			<p>Genesis supports the statement about creating Rural Lifestyle Environments “<i>inappropriate locations within the Rural Environment</i>”.</p> <p>Genesis also supports the statement: “<i>By concentrating rural residential development within the Rural Lifestyle Environment this serves to preserve the open space characteristics and productive potential of the rest of the Rural Environment, and to reduce the potential for land use conflict</i>”.</p> <p>Genesis suggests other amendments to this section for clarity and accuracy, particularly in respect to recognise activities (including renewable electricity generation) that have a functional need to be located in the General Rural Environment.</p>	<p>locations for those who want the benefits of rural living without necessarily undertaking a productive rural activity.</p> <p>By creating separate areas in appropriate locations within the Rural Environment, the Rural Lifestyle Environment creates areas for rural living on smaller property sizes, whilst retaining separation from the rural production <u>and other</u> activities predominating in the General Rural Environment. This separation of activities serves to minimise reverse sensitivity issues. By concentrating rural residential development within the Rural Lifestyle Environment this serves to preserve the open space characteristics <u>rural character</u> and <u>the</u> productive potential of the rest of the Rural Environment, and to reduce the potential for land use conflict.</p> <p>The Rural Lifestyle Environment will be less populated than a Residential Environment, with standards in place for minimum lot sizes to preserve the rural residential aspect of the area. Limited provision is also made for home business and commercial activity to occur, but not of a scale or extent that changes the predominantly rural residential amenity and character intended. The Rural Lifestyle Environment areas are located <u>closer in proximity</u> to urban areas to allow for access to community facilities within the district’s townships.</p>			
OS84.13	Objective 3b.2.1	Support in part	Genesis supports Objective 3b.2.1 with an amendment so that it covers a wider range of uses anticipated in the General Rural Environment beyond just “primary production”.	<p>Retain Objective 3b.2.1 subject to amendments below.</p> <p>Objective 3b.2.1 Enable Primary Production and the Use of Natural Resources Primary production <u>and the use of natural resources</u> is enabled by protecting the availability of the rural land <u>and other</u> resources <u>and its their</u> productive capability.</p>	Accept	The broadening of the objective beyond a focus on primary production is support	Agree
OS84.14	Objective 3b.2.2	Oppose	<p>Genesis is of the view that Objective 3b.2.2 is misguided and seeks to achieve the wrong outcome. Firstly, it presupposes that the established character of the General Rural Environment represents a good environmental outcome in all respects to the extent that it should be “maintained”. Secondly, an objective that seeks to maintain the “established character” is essentially seeking no change. The proposed objective seeks to <u>avoid</u> “incremental subdivision and development” which essentially locks in the status quo and will make it difficult for any new activity to occur, including new activity that has been identified in other planning provision as being appropriately located in the General Rural Environment.</p> <p>As an example, a new geothermal power station will definitely change the character of the part of the General Rural Environment in which it is proposed and ultimately constructed which is an outcome contrary to Objective 3b.2.1. The same applies for other forms of development such as the construction and operation of a dairy shed. Genesis considers the objective should more appropriately focus on enabling activities in the General Rural Environment that are compatible in scale, amenity and character.</p>	<p>Amend Objective 3b.2.2 as shown below:</p> <p>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. <u>Enable a range of productive activities in the General Rural Environment that are compatible with rural character.</u></p>	Reject	The purpose of the objective is about protecting the rural environment from subdivision thereby maintaining the established character as it is now i.e. not making it worse. The objective also achieves retaining rural productivity and therefore the proposed amendment does not add to the current wording.	Addressed in evidence from paragraph 18.
OS84.15	Objective 3b.2.3 Rural Industry	Support in part	Due to its elevated status under the NPS-REG, Genesis has sought (above) that the definition of Rural Industry be amended to delete any reference to electricity generation and that a new definition	<p>Retain Objective 3b.2.3 as notified, and insert a new objective following Objective 3b.2.3 as follows:</p> <p>Objective 3b.2.3 Rural industry</p>	Reject	Renewable electricity related objectives and policies are already included within the Strategic	Addressed in evidence from paragraph 27.

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
			of Renewable Electricity Generation be including in the Plan. In line with that outcome, a new objective needs to be included in the Plan seeking to enable renewable electricity generation activities (and transmission activities by association).	Rural industry is enabled whilst general commercial and industrial activities not having a locational need to be within the General Rural Environment, other than home-business, are avoided. Objective 3b.2.X Renewable Electricity Generation and Transmission Activities <u>Enable the development, operation, maintenance and upgrading of renewable electricity generation activities and transmission activities in the General Rural Environment.</u>		Directions Plan Change 38 which crosses over all zones, not just the Rural Environment.	
OS84.16	Objective 3b.2.4 Other activities	Oppose in part	As a consequential change to the relief sought above (inserting a new objective in relation to renewable electricity generation activities), Objective 3b.2.4 needs to be amended to remove the reference to renewable electricity generation (and transmission by association). Visitor accommodation is a sensitive activity and should only be enabled in appropriate locations within the General Rural Environment rather than enabled anywhere including in locations whereby reverse sensitivities could arise.	Amend Objective 3b.2.4 as follows: Objective 3b.2.4 Other activities Māori cultural activities, tourism activities, <u>and</u> visitor accommodation and renewable electricity generation and transmission activities are enabled in <u>appropriate locations within</u> the General Rural Environment.	Reject	'Appropriate locations' isn't clear and has potential to have a contested meaning. The current objective wording provides a clear list of current activities in rural locations. Council have controls in place to review visitor accommodation through restricted discretionary provisions.	Addressed in evidence from paragraph 27.
OS84.17	Objective 3b.2.5 Avoidance of reverse sensitivity	Support in part	Genesis supports an objective in the General Rural Environment chapter that seeks to avoid reverse sensitivity effects. However, Genesis is concerned that the scope of the objective is too narrow. As currently drafted it would only require reverse sensitivity effects to be avoided where an activity already <i>exists</i> . The objective needs to also cover consented activities which have yet to be constructed / undertaken. This objective and policy framework could allow housing to proliferation of newhouses to establish in areas of the rural environment because there are few if any rural production activities operating. The introduction of new sensitive activities into the rural environment where rural production and renewable electricity generation exist has the potential to create complaint as the two are incompatible.	Amend Objective 3b.2.5 as follows: Objective 3b.2.5 Avoidance of reverse sensitivity Reverse sensitivity effects on permitted, and legally established, <u>and/or consented</u> activities within the General Rural Environment, including conflict with activities in neighbouring Environments, are avoided.	Accept	The additional wording better reflects Environment Court decisions on what constitutes the 'environment' and is supported as an enhancement to the wording of the objective.	Agree
OS84.18	Objective 3b.2.6 Impacts on infrastructure	Support in part	Genesis considers an objective (or policy) that only seeks to "manage" something (with no specified outcome) provides no useful guidance to resource management decision makers or other users of the Taupō District Plan.	Amend Objective 3b.2.6 as follows: Objective 3b.2.6 Impacts on infrastructure The impacts on infrastructure arising from subdivision and development are managed <u>do not compromise the safe and efficient functioning of infrastructure.</u>	Accept	The submitter's amendments sharpen the focus of the objective wording and better achieves the intent of PC42.	Agree
OS84.19	Policy 3b.2.9	Oppose	Genesis opposes Policy 3b.2.9 for the same reasons it opposes Objective 3b.2.2. Genesis is of the view that Policy 3b.2.9 is misguided and seeks to achieve the wrong outcome. Firstly, it presupposes that the established character of the General Rural Environment represents a good environmental outcome in all respects to the extent that it should be "maintained". Secondly, a policy that seeks to maintain the "established character" is	Amend Policy 3b.2.9 as follows: Policy 3b.2.9 Maintaining the established Rural 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) Renewable electricity generation activities</u> <u>c) Geothermal steamfields, electricity transmission and distribution</u> <u>d) Large open spaces between built structures</u>	Reject	The proposed amendments are too specific when policy was aimed at being more broad, setting out general features of the rural environment not specific activities. When Council transition the ODP into national planning standards format there will be an Energy chapter where specifics on energy such as this can be provided. The General Rural	Addressed in evidence from paragraph 18.

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
			essentially seeking no change. The policy characterises the rural environment by matters such as “limited signage” whereas the existence of more than 20 large-scale renewable electricity generation activities is a far more significant and defining aspect of the General Rural Environment in the Taupō District. Furthermore, Genesis considers other aspects of the policy need to be more realistic and not create false expectations.	b e) A mix of residential and rural industry buildings c) Noises related to production activities during the day but low levels of noise at night d) <u>Low levels of light spill</u> f) Effects from activities including noise, vibration, odour and visual effects e) <u>Infrequent vehicle movements to and from a site</u> g) Limited signage that directly relates to the activity operating on the site.		Environment is not the appropriate place to include this.	
OS84.20	Policy 3b.2.10 Residential units	Support in part	Genesis supports Policy 3b.2.10 but considers it needs to be expanding to address one of the most significant adverse effects that can arise as a result of residential units being established in the General Rural Environment, that being reverse sensitivity effects. The establishment of residential units should also not constrain the ability to access or utilise renewable energy resources (which are of national significance).	Amend Policy 3b.2.10 as follows: Policy 3b.2.10 Residential units Avoid the cumulative effects of rural lifestyle development by <u>providing for these activities within the Rural Lifestyle Environment and otherwise</u> limiting residential units <u>within the General Rural Environment</u> 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. <u>d) Result in the potential to generate reverse sensitivity effects.</u> <u>e) Constrain the ability to access or utilise renewable energy resources.</u>	Accept in part	The additional wording has a sharper focus and strengthens what PC42 are trying to achieve through the policy. However, reject the inclusion/amendments clauses d) and e). Clause d) is already provided for in the reverse sensitivity Policy 3b.2.13 and clause e) doesn't need to be provided across whole plan.	Agree, subject to changes to reverse sensitivity policy 3b.2.13, as addressed in evidence from paragraph 34.
OS84.21	Policy 3b.2.12 Minor residential unit	Support in part	It is important that the location of minor residential units is managed to avoid the potential for reverse sensitivity effects on activities in the General Rural Environment. A minor residential unit is a sensitive activity, and these should also be setback (like new houses in the Rural Lifestyle Environment) from the boundary with the General Rural Environment.	Amend Policy 3b.2.12 as follows: Policy 3b.2.12 Minor residential unit Manage the scale and location of minor residential units to ensure it is near the principal dwelling on the allotment, is of a suitable size, and to ensure that the future availability of the rural land resource will not be compromised <u>and to avoid the potential for reverse sensitivity effects.</u>	Reject	There's a specific reverse sensitivity Policy 3b.2.13 that should not be duplicated.	Agree
OS84.22	Policy 3b.2.13 Avoiding reverse sensitivity	Support in part	Genesis supports a policy in the General Rural Environment chapter that seeks to avoid reverse sensitivity effects. Genesis seeks an amendment to the policy for the same reasons set out in relation to the changes sought to Objective 3b.2.5.	Amend Policy 3b.2.13 as follows: Policy 3b.2.13 Avoiding reverse sensitivity Any adverse effects generated by a new sensitive activity must be managed <u>within the allotment</u> so as to avoid adversely affecting reverse sensitivity effects <u>on</u> permitted, and lawfully established <u>and/or consented</u> neighbouring activities.	Accept in part	The wording "and/or consented" should be included only as this provides for consented activities not yet built. However reject the suggested amendments on 'sensitive activities' as this needs to be kept more general for Council to assess on case by case basis	Addressed in evidence from paragraph 34.
OS84.23	Policy 3b.2.14 Commercial and industrial activity	Support in part	Genesis notes that as renewable electricity generation activities fall within the definition of industrial activities, they need to be excluded from the first part of the policy which seeks to limit commercial and industrial activities. Genesis supports the intent of the policy but considers it needs to be widened to cover other activities (including renewable electricity generation activities) beyond just primary production.	Amend Policy 3b.2.14 as follows: Policy 3b.2.14 Commercial and industrial activity Limit the scale of commercial and industrial activity (<u>excluding 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</u> activities <u>provided for</u> within the General Rural Environment.	Reject	This policy does not apply to renewable electricity generation activities as it is not covered in rural industry definition. When Council transition the ODP into national planning standards format there will be an Energy chapter where specifics on energy such as this can be provided. The General Rural Environment is not the appropriate place to include this.	Addressed in evidence from paragraph 46.
OS84.24	Policy 3b.2.15 Allotment size	Support	Genesis supports Policy 3b.2.15 on the basis that it reinforces the intent that the General Rural Environment is for larger scale productive activities (rather than rural residential opportunities).	Retain Policy 3b.2.15 as notified.	Accept	Accept submission point in full.	Agree

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
OS84.25	Objective 3b.3.1 Maintain the character of the Rural Lifestyle Environment	Oppose	<p>It is assumed that this objective relates to activities within the Rural Lifestyle Environment (if it is intended to control activities in the surrounding General Rural Environment, then the objective is in the wrong section of the Plan).</p> <p>This is an unexpected objective for the parts of the Rural Environment where a greater density of subdivision and development is anticipated and provided for. The objective should focus on enabling rural residential opportunities in appropriate locations (i.e. where they will not create reverse sensitivity effects on activities in the wider General Rural Environment or Industrial Environments).</p> <p>If Rural Lifestyle Environment are proposed in inappropriate locations (and no decision is made to amend that situation), it forces Genesis (and other parties) to seek to amend the rules and performance standards within the Rural Lifestyle Environment as an alternative means to avoid the creation of reverse sensitivity effects. It is preferable that only appropriate locations are zoned Rural Lifestyle Environment whereby activities occurring within those zones do not need to be constrained by way of the rules and performance standards.</p>	<p>Delete Objective 3b.3.1 and replace it with the following:</p> <p>Objective 3b.3.1 Maintain the character of the Rural Lifestyle Environment The character of the Rural Lifestyle Environment is maintained and protected from incremental subdivision and development.</p> <p>Objective 3b.3.1 Enable Rural Residential Activities <u>Zone parts of the Rural Environment as Rural Lifestyle Environment to enable and provide for rural residential activities in appropriate locations where they will not give rise to reverse sensitivity effects on the surrounding General Rural Environment or Industrial Environments.</u></p>	Accept in part	The wording of the objective has been updated to replace the word “incremental” with the word “inappropriate” as this allows for Rural Lifestyle subdivision but does not encourage residential zoning density. The word "enabling" implies the encouragement of development when the intent is to keep rural development where it currently is.	Agree
OS84.26	Objective 3b.3.2 Avoid reverse sensitivity	Oppose in part	<p>Genesis supports an objective in the Rural Lifestyle Environment chapter that seeks to avoid reverse sensitivity effects. However, Genesis is concerned that the scope of the objective is too narrow. As currently drafted it would only require reverse sensitivity effects to be avoided where an activity already <i>exists</i>. The objective needs to also cover consented activities which have yet to be constructed / undertaken.</p> <p>This objective and policy framework could allow housing to proliferation of newhouses to establish in areas of the rural environment because there are few if any rural production activities operating.</p> <p>The introduction of new sensitive activities into the rural environment where rural production and renewable electricity generation exist has the potential to create complaint as the two are incompatible.</p>	<p>Amend Objective 3b.3.2 as follows:</p> <p>Objective 3b.3.2 Avoid reverse sensitivity Adverse reverse sensitivity effects, including conflict with on permitted, and legally established <u>and/or consented</u> activities in neighbouring Environments, are avoided.</p>	Accept	The submitter’s amended wording enhances the clarity of meaning, and the words "including conflict with" are not considered necessary.	Agree
OS84.27	Objective 3b.3.3 Commercial and industrial activities	Support in part	<p>Genesis supports Objective 3b.3.3 but it needs to be more precisely drafted for accuracy and clarity.</p>	<p>Amend Objective 3b.3.3 as follows:</p> <p>Objective 3b.3.3 Commercial and industrial activities The establishment of commercial and industrial activities that have no functional need to locate and are incompatible with the rural residential activities occurring within the <u>Rural Lifestyle</u> Environment are avoided.</p>	Accept	The submitter’s wording is a useful addition to the objective for clarity.	Agree

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
OS84.28	Objective 3b.3.4 Consolidate rurallifestyle activities	Support	Genesis supports the consolidation of Rural Lifestyle activities within identifiedand appropriately located Rural Lifestyle Environments.	Retain Objective 3b.3.4.	Accept	Accept submission point in full.	Agree
OS84.29	Objective 3b.3.6 Impacts on community infrastructure	Oppose	An objective (or policy) that only seeks to “manage” something (with no specified outcome) provides no useful guidance to resource management decision makers or other users of the Taupō District Plan. The objective should apply to all infrastructure, not just community infrastructure.	Amend Objective 3b.3.6 as follows: Objective 3b.2.6 Impacts on <u>community</u> infrastructure The impacts on community infrastructure arising from subdivision and development are managed <u>do not compromise the safe and efficient functioning of infrastructure.</u>	Reject	Community infrastructure is a specific definition used from wider ODP and for reason as it specifies Council-operated infrastructure. This objective doesn't need to be broadened as wider infrastructure is protected for anyway.	Agree
OS84.30	Policy 3b.3.9 Characterof the Rural Lifestyle	Support in part	Genesis supports Policy 3b.3.9 but considers it also needs to recognise, and not have adverse effects on, the nature of the surrounding General Rural Environment.	Add a new point i) to Policy 3b.3.9 as follows: Policy 3b.3.9 Character of the Rural Lifestyle Environment Manage the anticipated character of the Rural Lifestyle Environment as defined by: ... <u>i) An environment that is surrounded by a working rural environment including rural production,geothermal steamfields and renewable electricity generation activities.</u>	Accept	The addition of the extra clause i) as sought by the submitter is useful for enhancing clarity and is supported.	Agree
OS84.31	Policy 3b.3.10 Lot sizesand setbacks for allotments adjoining the General Rural Environment	Support	Requiring larger lot sizes and greater building setbacks for new dwellings withinthe Rural Lifestyle Environment are two key methods for managing reverse sensitivity effects. Genesis therefore supports this policy on this basis. However, Genesis reiterates that these two measures alone will not always avoid the potential for reverse sensitivity effects (which is what new Objective3b.3.2 requires), and this needs to be reflected across several policies within this sub-chapter. See the relief sought in relation to other objectives and policies.	Retain Policy 3b.3.10 as notified.	Accept	Accept submission point in full	Agree
OS84.32	Policy 3b.3.12 Minor residential unit	Support in part	A minor residential unit is a sensitive activity, and these should also be setback(like new houses in the Rural Lifestyle Environment) from the boundary with the General Rural Environment. It is important that the location of minor residential units is managed to avoidthe potential for reverse sensitivity effects on activities in the General Rural Environment.	Amend Policy 3b.3.12 as follows: Policy 3b.3.12 Minor residential unit Manage the scale and location of minor residential units to ensure it is near the principal dwelling on the allotment, is of a suitable size, and to further protect the character of the r Rural Lifestyle Environment- <u>and to avoid reverse sensitivity effects.</u>	Accept	The amendment enhances the meaning of the policy and will better give effect to Objective 3b.3.2 regarding reverse sensitivity.	Agree
OS84.33	4b.1.1 Activities in theGeneral Rural Environment	Support	Genesis supports Rule 4b.1.1 on the basis that it is consistent with the approachthroughout the rest of the Plan, is effects based, and enables activities to occur that do not need to be the subject of a resource consent application process.	Retain Rule 4b.1.1 as notified.	Accept	Accept submission point in full	Agree
OS84.34	4b.1.2 Minor residential units	Support in part	Minor residential units are sensitive activities whereby their establishment needs to be controlled so as to not result in reverse sensitivity effects. The relevant matters of discretion should therefore consider any potential for reverse	Retain Rule 4b.1.2 subject to the amendments below. i. A minor residential unit which complies with the performance standards is a permitted activity . ii. A minor residential unit which does not comply with the performance	Accept in part	By adding the word 'avoid' for reverse sensitivity effects, the meaning would become 'avoid' all types of adverse effects which is not the intention. Including the use of restrictive covenants is not considered necessary to define	Agree

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
			sensitivity effects. An additional criterion is also suggested to ensure that minor residential units do not constrain access to and/or the utilisation of renewable energy sources.	standards is a restricted discretionary activity . When considering activities under Rule 4b.1.2 Council restricts the exercise of its discretion to the following matters: ... f) The ability to mitigate <u>avoid</u> adverse effects, <u>including reverse sensitivity effects</u> , through the use of screening, planting, landscaping, and alternative design, <u>and/or other means including restrictive covenants</u> . g) Proposed methods for the avoidance, remedying or mitigation of potential adverse effects, and the degree to which they would be successful h) The likelihood of future subdivision which results in the minor residential unit being on a separate allotment to the primary residential unit. <u>i) The potential to constrain access to and/or the utilisation of renewable energy sources.</u>		here. Accept the addition of clause i) as a useful addition the provision.	
OS84.35	4b.1.4 Electricity Generation Core Sites, Renewable Energy Generation Activities and Geothermal Steamfields	Support in part	Genesis supports the retention of Rule 4b.1.4 (being a continuation of the Rule in currently in the Rural Environment) with a number of minor amendments. This is the enabling rule that appropriately provides for renewable electricity generation activities in the General Rural Environment.	Amend Rule 4b.1.4 as follows: 4b.1.4 Electricity Generation Core Sites, Renewable <u>Energy Electricity</u> Generation Activities and Geothermal Steamfields <u>Areas</u> i. Any activity involving continued operation, maintenance and minor upgrading of existing electricity generation core sites, geothermal steamfields areas , renewable <u>energy electricity</u> generation activities and associated structures <u>and ancillary activities</u> is 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 <u>of all associated structures</u> and includes maintenance of surrounds and water areas. NOTE: For the purpose of this rule “minor upgrading” means: Structural improvement, repair and replacement <u>or upgrade of components, or activities required for the continued safe and efficient operation</u> 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 <u>of similar character and scale</u> , and includes associated drilling, <u>vehicles, infrastructure, machinery</u> , testing, monitoring, earthworks and vegetation removal. Also the extension to existing Buildings and Structures, and the erection of new Buildings and Structures <u>up to 100m² in area and not exceeding the maximum height standard for the Rural Environment and the erection of any aerial, antennae or communication dish not exceeding 5m² in area located on top of a hydro or geothermal existing structure, subject to compliance with the Noise Performance Standard.</u>	Accept in part	To be consistent with Plan Change 38, replace 'energy' with 'electricity' as per proposed amendment. However reject the proposed deletion as these terms are specifically defined. Also reject the addition of "and ancillary activities" and clause ii) as these are too wide and broad. When Council transition the ODP into national planning standards format there will be an Energy chapter where energy related ancillary activities will be provided for. Accept proposed amendments to the note apart from the submitter's phrase "any structure including" as this is too wide and broad, potentially allowing for activities it should not.	Agree
OS84.36	4b.1.5 Commercial and industrial activities, and home businesses,	Support in part	As home businesses could include sensitive activities, Genesis considered there is a need to avoid creating reverse sensitivity effects which should be a matter of discretion.	Retain Rule 4b.1.5 subject to the amendments below. i. A commercial, industrial activity or home business which complies with the performance standards is a permitted activity . ii. A commercial, industrial activity or home business which does not comply with the performance standards is a restricted discretionary activity . When considering activities under Rule 4b.1.5 <u>ii</u> Council restricts the exercise of its discretion to the following matters:	Accept	The additional wording is considered a helpful addition that enables potential reverse sensitivity effects to also be included.	Agree

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
				c. The effect of the activity on surrounding land uses <u>(including reverse sensitivity effects)</u> and how these effects can be managed onsite and/or mitigated. ...			
OS84.37	4b.1.7 High voltage transmission lines	Support in part	Genesis supports this rule as it seeks to ensure the safe operation of transmission lines. However the heading of the rule needs to be more accurate and the rule needs to provide for renewable electricity generation activities (new definition included, which includes maintenance activities) which, by nature of the activity, are connected to the high-voltage network.	Retain Rule 4b.1.7 subject to the amendments shown: 4b.1.7 <u>Buildings and structures in proximity to H</u> high voltage transmission lines i. Any building <u>or structure</u> (except network utilities <u>or renewable electricity generation activities</u>) located within 0 – 12 meters of a high-voltage transmission line is a restricted discretionary activity .	Reject	Structures are covered within the definition of building and the term "renewable electricity generation activities" is too broad.	Addressed in evidence from paragraph 50.
OS84.38	4b.1.8 Buildings within Outstanding Landscape Areas	Support	Genesis supports this rule on the basis that it does not apply to buildings within Electricity Generation Core Sites. However, Genesis considers the exception should be broadened to include all other existing renewable electricity generation activities.	Retain Rule 4b.1.8 but amend the first exception to the rule as follows: Provided that the activity has not been identified as a discretionary or non-complying activity by another rule in the Plan, within an Outstanding Landscape Area, the erection of structures: a. Between 5m and 10m in height; or b. For Masts and Poles between 5m and 20m in height; or c. Which are between 250m ² and 1,000m ² in ground floor area, and have an aggregate coverage less than 2.5% of the allotment is a restricted discretionary activity . EXCEPTION: This rule will not apply to the erection of structures: <u>a. Associated with existing renewable electricity generation activities including W</u> within Electricity Generation Core Sites. ...	Reject	By including the word 'including' as sought by the submitter the meaning is altered significantly. Renewable electricity core sites are geographically defined whereas a phrase like 'renewable electricity generation activities' would not be and could apply widely across the district. This would have the effect of creating a broad exception and is not supported.	Addressed in evidence from paragraph 55.
OS84.39	4b.1.9 Earthworks within Outstanding Landscape Areas	Support	Genesis supports this rule on the basis that it does not apply to earthworks within Electricity Generation Core Sites. However, Genesis considers the exception should be broadened to include all other existing renewable electricity generation activities.	Retain Rule 4b.1.9 but amend the exception to the rule as follows: 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 , provided that any exposed cut or fill face located in vegetation of a height 1.5 metres or less is revegetated not later than the next growing season. Revegetation should consist of indigenous species or the same or similar species (other than pest species) present on the site prior to earthworks). EXCEPTION: This rule will not apply to Earthworks <u>associated with existing and consented renewable electricity generation activities including</u> within Electricity Generation Core Sites.	Reject	By including the word 'including' as sought by the submitter the meaning is altered significantly. Renewable electricity core sites are geographically defined whereas a phrase like 'renewable electricity generation activities' would not be and could apply widely across the district. This would have the effect of creating a broad exception and is not supported.	Addressed in evidence from paragraph 55. -
OS84.40	4b.2.1 Vehicle movements	Support in part	Genesis supports Rule 4b.2.1 subject to the exception being expanded to include renewable electricity generation activities.	Retain 4b.2.1 subject to the amendment below. i. 200 'equivalent vehicle movements' per day for the allotment. ii. Papakāinga - 100 'equivalent vehicle movements' per day for the allotment or 24 per dwelling, whichever is the greater. EXCEPTION: This performance standard shall not apply to traffic movements involved in forest harvesting operations <u>or existing and/or consented renewable electricity generation activities</u> .	Reject	Expanding the exemption to also include 'renewable electricity generation activities' could apply widely across the district as it would not be geographically defined (unlike a phrase like 'renewable electricity core sites'. This would have the effect of creating a much wider exception than was intended and is not supported.	Addressed in evidence from paragraph 64.
OS84.41	4b.2.9 Maximum Noise – Limits	Support	Genesis support performance standard 4b.2.9 as it retains the existing provision in the District Plan.	Retain 4b.2.9 as notified.	Accept in part	Accept in part insofar as minor wording amendments have been recommended in response to technical acoustic advice to enhance clarity.	Agree

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
OS84.42	4b.2.10 Maximum Noise – Construction Noise	Support	Genesis supports performance standard 4b.2.10 as the New Zealand Standard for construction noise is a well understood standard.	Retain 4b.2.10 as notified.	Accept in part	Accept in part insofar as minor wording amendments have been recommended in response to technical acoustic advice to enhance clarity.	Agree
OS84.43	4b.2.11 Maximum Noise – Electricity Generation Core Sites	Support	Genesis supports performance standard 4b.2.11 as it retains the existing provision in the District Plan.	Retain 4b.2.11 as notified.	Accept in part	Accept in part insofar as minor wording amendments have been recommended in response to technical acoustic advice to enhance clarity.	Agree
OS84.44	4b.2.13 Maximum Noise – Other	Support	Genesis supports this rule subject to minor amendments to ensure it applies to all applicable circumstances.	Amend Rule 4b.2.13 as follows: 4b.2.13 Maximum Noise – Other ... ii. Nothing in the foregoing Performance Standards shall apply to sirens, circuit breakers, <u>bursting discs, emergency or upset operating conditions</u> and hydro spills associated with the operation of <u>Renewable</u> Electricity Generation <u>Activities Core sites</u> . Provided that the activity shall comply with the requirements of S16 of the Resource Management Act 1991.	Accept in part	The amendments proposed by the submitter, as the additional wording is a useful amendment for clarity. The exception to this is to reject the amendment that widens the applicability of the rule to 'Renewable Electricity Generation Activities' rather than solely the 'core sites' as the statutory effect of that change would be significant.	Addressed in evidence from paragraph 68.
OS84.45	4b.5.3 Subdivision – Rural Lifestyle Environment that does not adjoin the General Rural Environment	Oppose in part	Genesis supports this rule with the inclusion of an additional matter over which control is reserved for controlled activities.	Amend Rule 4b.5.3 as follows: 4b.5.3 Subdivision – Rural Lifestyle Environment that does not adjoin the General Rural Environment i. Subdivision resulting in lots that are 2 hectares or larger that do not adjoin the General Rural Environment is a controlled activity . ii. Subdivision resulting in lots that are smaller than 2 hectares that do not adjoin the General Rural Environment is a non-complying activity . For the purposes of Rules 4b.5.1.i, 4b.5.2.i and 4b.5.3.i the matters over which the Council reserves control for the purpose of assessment are: ... <u>i) Any effects on the functioning of the Rural Environment including adverse effects on infrastructure, renewable electricity generation activities and access to renewable energy resources.</u>	Accept	The additional assessment matter provides a useful addition for consideration of subdivision applications within the General Rural Environment	Agree
OS84.46	General Rural and Rural Lifestyle Environments	Support in part	Genesis generally supports the creation of the Rural Lifestyle Environment on the basis that they can provide for rural residential activities in appropriate locations, which do not include within or in close proximity to permitted, lawfully existing and/or consented renewable electricity generation activities. If Rural Lifestyle Environments are only located in appropriate locations, that outcome avoids the need for Genesis (and others) to seek changes to the rules and performance standards relating to the Rural Lifestyle Environment to avoid reverse sensitivity effects. That is the approach taken in this submission where amendments are focused on the proposed objectives and policies	Genesis seeks the relief set out under each relevant provision. To the extent that any of the relief sought is not accepted, Genesis seeks any alternative relief which will have the same or similar effect.	Accept in part	Accept in part, insofar as amendments are recommended in response to the wider suite of submission points from this submitter	
Further submissions (Genesis further submission FS215 reasons and relief – shaded cells)							
OS22.8	Objective 3b.2.5 -	Support	Support an objective of avoiding reverse sensitivity, but this should specifically link back to	Amend objective as follows: Reverse sensitivity effects on permitted and legally established <u>Primary Production</u>	Reject	Reverse sensitivity effects do not just arise with primary production activities but with a wider	Agree

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
New Zealand Pork Industry	Avoidance of reverse sensitivity		not constraining the operation of primary production activities within the environment, as this is the primary function of the zone. This should also be supported by a specific rule framework to managed defined sensitive activities.	activities within the General Rural Environment, including conflict with activities in neighboring Environments, are avoided.		range of permitted and legally established activities.	
		Genesis FS215 Oppose	The amendments sought are opposed insofar as they would exclude other activities including existing (lawfully established) industrial activities and large-scale recreational activities that are also located within the Rural Environment (including power stations).	Reject the relief sought by the submitter and adopt the relief sought by Genesis' primary submission.			
OS22.9 New Zealand Pork Industry	Policy 3b.2.9 - Maintaining the established character	Support	Support policy to maintain the established character of the zone, but the description should also include reference to airbased effects including odour and dust as being typical of primary production activities within a rural environment.	Amend policy as follows: Maintain the established General Rural Environment character, as defined by: <u>g) sights, odour and dust associated with primary production activities.</u>	Accept in part	The proposed wording provides a useful addition to the policy, as the established rural character is not just the appearance of the rural environment, but also the types of effects typically of rural land uses including primary production. "Sights" however has not been included as this does not have a clear meaning.	Agree
		Genesis FS215 Oppose in part	The amendments sought are opposed insofar as they would exclude effects associated with other activities including existing (lawfully established) industrial activities and large-scale recreational activities that are also located within the Rural Environment (including power stations). These activities are located within the Rural Environment and form part of the existing character. Effects should not be limited to primary production activities.	Reject the relief sought by the submitter and adopt the relief sought by Genesis' primary submission.			
OS22.11 New Zealand Pork Industry	Policy 3b.2.13 - Avoiding reverse sensitivity	Support	Support policy to avoid reverse sensitivity, however this should be aimed at protecting primary production activities from neighbouring sensitive activities, to ensure the continued productive operation of the rural environment.	Amend policy as follows: <u>Sensitive activities must be separated from primary production activities through the use of setbacks, to prevent reverse sensitivity effects from impacting on the ability of primary production to operate within the zone.</u>	Accept in part	Amendments have been recommended to the policy in response to other submissions that partially provide the relief being sought by the submitter. Altering the entire policy is not favoured as the wording around 'permitted and lawfully established' is an important element.	Addressed in evidence from paragraph 34 relating to Genesis submission OS84.22.
		Genesis FS215 Oppose	The amendments sought are opposed insofar as they do not require sensitive activities to be separated from existing (lawfully established) industrial activities and large-scale recreational activities that are also located within the Rural Environment (including power stations). The amendments sought do not afford any consideration of reverse sensitivity effects with respect to these existing land use activities. Consideration of reverse sensitivity effects should not be limited to primary production activities.	Reject the relief sought by the submitter and adopt the relief sought by Genesis' primary submission.			
OS26.15 Horticulture New Zealand	Section 10 Definitions	Support in part	A definition for reverse sensitivity that should be included in the Plan.	Include a new definition for reverse sensitivity: <u>Means the vulnerability of an existing lawfully established activity to other activities in the vicinity which are sensitive to adverse environmental effects that may be generated by such existing activity, thereby creating the potential for the Horticulture New Zealand operation of such existing activity to be constrained</u>	Accept in part	Accept in part insofar as a definition for this phrase is recommended for acceptance, but with a different wording to that proposed by this submitter.	Agree
		Genesis FS215 Support in part	To ensure consistency, Genesis considers the existing definition in the Waikato RPS should be used. Reverse sensitivity is defined as: "Is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity	Accept the relief sought by the submitter in part subject to the definition in the Waikato RPS being adopted.			

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			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.”				
OS26.20 Horticulture New Zealand	3 Objectives and policies	Support in part	To provide for primary production and ancillary activities in rural zone	Include a new objective OX: <u>The rural zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional and operational need to be in a rural environment.</u>	Reject	There are similar objectives and policies already in the rural chapter such as Objective 3b.2.1 which covers similar subject matter.	Agree
		Genesis FS215 Oppose	Genesis considers the existing objectives and policies are already comprehensive to capture primary production activities without the need for a further objective.	Reject the relief sought by the submitter.			
OS26.25 Horticulture New Zealand	Policy 3b.2.9 Maintaining the established character	Oppose	Current policy is somewhat draconian and limits activities.	Delete policy and replace: <u>Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the rural zone, which includes: i. a predominance of primary production activities ii. generally open space between built structures iii. typical adverse effects such as odour, noise and dust associated with a rural working environment; and iv. a diverse range of rural environments, rural character and amenity values throughout the district.</u>	Reject	The proposed amendments do not add clarity to the policy	Agree
		Genesis FS215 Oppose	The amendments proposed by the submitter are inconsistent with the relief sought in the original submission by Genesis.	Reject the relief sought by the submitter insofar as it is inconsistent with the original submission by Genesis.			
OS26.27 Horticulture New Zealand	3b.2 Objectives and Policies – General Rural	Support in part	Submitter seeks the addition of a new policy as this is consistent with National Policy Statement of Highly Productive Land and avoids incompatible activities from rural environment	<u>Avoid land use that</u> <u>i. is incompatible with the purpose, character and amenity of the general rural environment;</u> <u>ii. does not have a functional need to locate in the general rural environment and is more appropriately located in another zone;</u> <u>iii. would result in the loss of productive capacity of highly productive land;</u> <u>iv. would exacerbate natural hazards; and</u> <u>v. cannot provide appropriate on-site infrastructure.</u> <u>vi. could result in reverse sensitivity effects</u>	Accept in part	A policy has been included referencing the National Policy Statement for Highly Productive Land i.e. Policy 3b.3.15 along with a corresponding rule titled "Subdivision – Rural Lifestyle Environment on land containing Land Use Capability Class 3 Soils"	Addressed in evidence from paragraph 42.
		Genesis FS215 Support in part	Genesis supports the adoption of a new policy to avoid incompatible land use activities establishing within the Rural Environment provided the wording of the proposed policy is consistent with the National Policy Statement of Highly Productive Land and does not preclude renewable electricity generation activities from establishing within a Rural Environment.	Accept the relief sought by the submitter subject to amendments that ensure the proposed wording is consistent with the National Policy Statement of Highly Productive Land and does not preclude renewable electricity generation activities from establishing within a rural environment.			
OS26.29 Horticulture New Zealand	Policy 3b.2.13 Avoiding reverse sensitivity	Support	Amend policy to avoid and mitigate reverse sensitivity effects.	Amend and replace with: <u>Manage the establishment, design and location of new sensitive activities and other non-productive activities in the general rural environment to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.</u>	Accept in part	Amendments have been recommended to the policy in response to other submissions that partially provide the relief being sought by the submitter. Altering the entire policy is not favoured as the wording around 'permitted and lawfully established' is an important element.	Addressed in evidence from paragraph 34 relating to Genesis submission OS84.22.
		Genesis FS215 Oppose	The suggested wording only refers to reverse sensitivity effects on primary production activities, and therefore excludes other existing lawfully established activities (including power stations) within the Rural Environment, and for which reverse sensitivity is still relevant.	Reject the relief sought by the submitter.			

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OS35.11 Miraka Limited	Rule 4b.1.5 Commercial and industrial activities, and home businesses.	Support in part	The permitted activity status of this rule 4b.1.5, as it relates to commercial and industrial activities, does not align with the direction through Objective 3b.2.3 to avoid the activities of this nature with no functional need to locate in the General Rural Environment. Nor are there any performance standards in 4b.2 which require a functional need to locate in the General Rural Zone.	Support the rule with the following amendments: 4b.1.5 Commercial and industrial activities, and home businesses, i. A commercial, industrial activity or home business which complies with the performance standards is a permitted activity. ii. A commercial, industrial activity or home business, <u>excluding Rural Industry</u> , which does not comply with the performance standards is a restricted discretionary activity. When considering activities under Rule 4b.1.5 Council restricts the exercise of its discretion to the following matters: a. ... <u>f. The functional need to the activity to locate in the General Rural Environment.</u> Also request the wording of Objectives 3b.2.3 and 3b.3.3 are amended to ensure that they align i.e. both use the term functional need, rather than one referring to locational need and one referring to functional need.	Reject	The purpose of 4b.1.5 is simply to differentiate activity status on the basis of compliance or not with the performance standard, which in turn manages the scale of 'commercial and industrial activities, and home businesses'.	Agree
		Genesis FS215 Oppose	Genesis notes there may be industrial activities which may have a functional need to be located in the rural environment. Accordingly Genesis considers the current rule is appropriate to provide for those activities that meet the relevant performance standards.	Reject the relief sought insofar as it is inconsistent with the original submission by Genesis.			
OS91.12 Federated Farmers of New Zealand	3b.2 Objectives and Policies – General Rural Environment	Support in part	Federated Farmers has concerns over Objective 3b.2.6 which deals with the impacts on infrastructure from subdivision and development. We recognise that for some essential infrastructure there will be a need to locate in the rural environment. However, the objective also should acknowledge that essential infrastructure can cause reverse sensitivity effects on activities located in the rural environment. Objective 3b.2.4 as currently drafted is inconsistent with Part 2 of the Resource Management Act 1911. It is not appropriate that the objective does not address both sides of the issue or that it seeks to protect all infrastructure from the effects of all subdivision and development	(a) the amendment of the objectives for chapter 3b Rural Environment so that they clearly state what is to be achieved, where the objective is to be achieved and when the objective will be achieved; and (b) the amendment of objective 3b.2.6 so that it reads as follows or with wording to similar effect: Objective 3b.2.6 Impacts on <u>essential</u> infrastructure The impacts on <u>essential</u> infrastructure arising from <u>inappropriate</u> subdivision, <u>use</u> and development are <u>managed avoided, remedied or mitigated where it is possible to do so</u> . (c) the insertion of a definition for 'essential infrastructure' into the district plan; and (d) any consequential amendments required as a result of the relief sought.	Reject	The drafting intent for the objective was around ensuring that subdivision and development did not generate demand on existing infrastructure (roading primarily) provided by Council and the state highway network managed by Waka Kotahi, but could also apply in respect of the national grid and sub-transmission lines. Other amendments have been made in response to other submissions, and the submitters wording is not favoured as simply re-states Part 2 RMA wording.	Agree
		Genesis FS215 Oppose in part	Genesis considers the scope of the objective would be narrowed significantly, and uncertainty of outcomes would surround use of the term 'essential infrastructure' without offering a definition of such.	Reject the relief sought by the submitter.			
OS91.20 Federated Farmers of New Zealand	Rule 4b.5.1 Subdivision – General Rural Environment	Support in part	Federated Farmers has concerns over how the rule is currently drafted. A minimum size of ten hectares has been used to determine whether a subdivision is a controlled activity or whether it becomes non-complying. Council subdivision and development policies and rules should provide for managed growth in rural communities. While acknowledging that the loss of productive land can impact on the district's economy, there is also a need to recognise that farmers undertake small lot subdivision to provide for farm succession, dispose of surplus dwellings and for providing on-farm accommodation for employees.	(a) the amendment of rule 4b.5.1 to provide for all subdivision in the rural zone as a controlled activity provided certain performance standards are met; and (b) provide for the subdivision of rural land down to four hectares in size or relief with similar intent; and (c) the retention of the associated performance standards for this rule as currently drafted or with wording to similar effect; and (d) any consequential amendments required as a result of the relief sought.	Reject	The purpose of Plan Change 42 is to address some issues with ongoing land fragmentation and sporadic rural residential development within the Rural Environment. This is being implemented primarily through the introduction of the General Rural Environment and the Lifestyle Rural Environment with differentiating performance standards for land use and minimum lots sizes for subdivision. Accepting the submitter's points would be closer to the Operative District Plan provisions that the plan change is seeking to address.	Agree
		Genesis FS215	Genesis' primary submission sought for an additional matter to be included as an assessment matter in rural subdivision. In particular, the adverse effects on infrastructure, renewable electricity generation	Accept in the relief subject to Genesis' primary submission being accepted.			

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
		Oppose in part	activities and access to renewable energy resources must be assessed. Subdivision of rural properties to smaller lot sizes should only be permitted subject to the additional assessment being required.				
OS96.8 Heritage New Zealand Pouhere Taonga	3b.2 Objectives and Policies – General Rural Environment	Support in part	HNZPT is supportive of the proposed objectives and policies that relates to tangata whenua, however, is concerned that there are no objectives and policies related to historic heritage. Given that there are assessment criteria within the section related to historic heritage values, HNZPT considers that there should also be related objectives and policies. As per their earlier feedback to the draft plan changes, HNZPT continues to seek relevant objectives and policies in this section of the Plan, to ensure that the Plan gives effect to Part 2- s6 Matters of National Importance, s 6(f).	That the proposed objective and policy are retained, and amended as follows; <u>New Objective: Protect historic heritage from the effects of subdivision, use and development.</u> <u>New Policy: Ensure subdivision, use and development are designed to avoid historic heritage and that any historic heritage is retained within one lot.</u>	Accept in part	Whilst historic heritage is a section 6 RMA matter of national importance, heritage is managed within a district-wide chapter of the operative district plan, and also the response to this submission request will primarily be via the transition to national planning standards, within the 'Historical and Cultural Values' chapter.	Agree
		Genesis FS215 Oppose	The submission offers no qualifiers to the effects to be managed such that any effect must be avoided. The use of absolute terms is opposed.	Reject the relief as sought by the submitter.			
OS96.9 Heritage New Zealand Pouhere Taonga	3b.3 Objectives and Policies – Rural Lifestyle Environment	Support in part	HNZPT is supportive of the proposed objectives and policies that relates to tangata whenua, however, is concerned that there are no objectives and policies related to historic heritage. Given that there are assessment criteria within the section related to historic heritage values, HNZPT considers that there should also be related objectives and policies. As per their earlier feedback to the draft plan changes, HNZPT continues to seek relevant objectives and policies in this section of the Plan, to ensure that the Plan gives effect to Part 2- s6 Matters of National Importance, s 6(f).	That the proposed objective and policy are retained, and amended as follows; <u>New Objective: Protect historic heritage from the effects of subdivision, use and development.</u> <u>New Policy: Ensure subdivision, use and development are designed to avoid historic heritage and that any historic heritage is retained within one lot.</u>	Accept in part	Whilst historic heritage is a section 6 RMA matter of national importance, heritage is managed within a district-wide chapter of the operative district plan, and also the response to this submission request will primarily be via the transition to national planning standards, within the 'Historical and Cultural Values' chapter.	Agree
		Genesis FS215 Oppose	The submission offers no qualifiers to the effects to be managed such that any effect must be avoided. The use of absolute terms is opposed.	Reject the relief as sought by the submitter.			
OS109.1 Rural Contractors	Section 10	Oppose	Taupo District Council is required to use the National Planning Standards definition for “rural industry”.	Replace the definition for “rural industry” with the following National Planning Standards definition: <u>Means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production.</u>	Accept	It is acknowledged there is a future process for transitioning the ODP into national planning standards format. Replacing the current definition ahead of this transition does not result in consequential amendments elsewhere in the ODP	Agree
		Genesis FS215 Support in part	Genesis’ primary submission seeks amendment to the definition of ‘rural industry’ that relies in turn on acceptance of new definitions for ‘Renewable Electricity Generation’ and ‘Renewable Electricity Generation Activities’.	Accept the relief sought by the submitter insofar as it is consistent with the original submission by Genesis.			
OS110.2 Transpower New Zealand Limited	Section 10 Definitions.	Support in part	These terms are used in the Strategic Directions chapter but are not defined in Plan Change 38 nor in the operative District Plan. The introductory text in 2.5 Strategic Direction 5 refers to various types of infrastructure but does not clearly delineate between regionally significant and nationally significant infrastructure, nor whether any infrastructure is	Add new definition for ‘regionally significant infrastructure’ and include the ‘National Grid’ within this definition.	Accept in part	Accept in part, insofar as the definition of 'regionally significant infrastructure' is being inserted within the district plan via Plan Change 38.	Agree

Submission No.	Provision	Position	Submission Reasons	Relief sought (deletion struck out , insertions <u>underlined</u>)	S42A recommendation	S42A reasoning	Genesis position
			classified as neither of these. Definitions are required so that the intention and application of the strategic direction objectives are clear.				
		Genesis FS215 Support in part	'Regionally significant infrastructure' is a defined term in the Waikato Regional Policy Statement. This is preferred and in Genesis' view should be retained for sake of consistency.	Accept relief in part insofar as renewable electricity generation activities are included in any amended definition of regionally significant infrastructure.			
OS110.8 Transpower NewZealand Limited	Section 10 Definitions	Support in part	A number of the proposed new or amended definitions are inconsistent with the definitions provided in the National Planning Standards. Section 14.1 of the National Planning Standards states that: 'Where terms defined in the Definitions List are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List.'	Amend definitions so that they are consistent with the National Planning Standards, including 'Intensive indoor primary production' and 'rural industry'	Accept in part	It is acknowledged there is a future process for transitioning the ODP into national planning standards format. Replacing the current definition for 'rural industry' ahead of this transition does not result in consequential amendments elsewhere in the ODP. However, reject the definition of "intensive indoor primary production" as this results in wider re-writes of provisions that are not efficient to address through this Plan Change 42 process.	Agree
		Genesis FS215 Support in part	Genesis' primary submission sought amendments to the definition of 'rural industry' subject to new definitions being included for 'renewable electricity generation' and 'renewable electricity generation activities'. Genesis is not opposed to the definition of 'rural industry' being consistent with the National Planning Standards provided the new definitions as outlined in its original submission are included.	Accept the relief sought by the submitter insofar as it is consistent with the original submission by Genesis.		This will be done comprehensively when Council transition the ODP into national planning standard format next year. It is also important to note that national planning standards definitions do not need to be updated until 2027.	
OS110.13 Transpower NewZealand Limited	3b Rural Environment Chapter	Oppose	Transpower seeks the introduction of a specific framework that manages effects of and on the National Grid, and gives effect to the NPSET. Transpower requests that new districtwide provisions are introduced, and provides suggested objectives, policies and rules in Appendix A to this submission. If Council chooses not to introduce the framework in Appendix A district-wide, Transpower seeks amendments to the Rural Environment chapter as outlined in following submission points.	Delete references to the National Grid from the Rural Environment chapter and introduce a new district-wide Infrastructure/Network Utilities chapter.	Accept in part	An earthworks rule with associated matters of discretion have been included specifically for earthworks within the National Grid corridor in GRE and RLE.	Agree
		Genesis FS215 Support	Genesis supports the inclusion of a new Infrastructure/Network Utilities chapter. If a new chapter is to be considered, renewable electricity generation activities would also need to be included.	Accept the relief sought to include a new Infrastructure/Network Utilities chapter. Alternatively, accept the relief to delete references to the National Grid from the General Rural Environment chapter insofar as the proposed amendments still provide for the functioning and operation of infrastructure within the General Rural Environment.			
OS113.9 Waka Kotahi NZ Transport Agency	4b.2 Performance Standards – General Rural Environment	Support	The submitter has identified that there are no lighting restrictions for the General Rural Environment and seeks the inclusion of a provision to control the obtrusive effects of lighting in the General Rural Environment.	Submitter seeks new provision: 4b.2.16 - Maximum Artificial Light Level 5 LUX (lumens per square meter) at the boundary.	Reject	The General Rural Environment of the district accommodates large industrial sites (such as geothermal power stations) that operate 24 hours per day and seven days per week, and from necessity require on-site lighting. The inclusion of this rule would have unknown consequences for these existing industrial operations	Agree
		Genesis FS215 Oppose	There are activities in the General Rural Environment which rely on 24-hour operation where lighting may be an operational and safety requirement.	Reject the relief sought.			
OS116.8	3b.2 Objectives and	Support in part	Sites under approximately 100ha containing soil which has very low land use capability may not be suitable for primary production which is economically	Add a policy which recognises as appropriate, and enables, limited rural residential subdivision and development on sites with marginal or limited productive capacity (i.e., LUC 4 or higher) where the size of the lots constrain productive use. For example:	Reject	Whilst there are large areas of LUC 4 or higher soils in the district (i.e. are not high quality soils LUC 1, 2 or 3), productive potential of the rural	Agree

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Bryce David McGrath	Policies – General Rural Environment		viable. Some limited development of such sites is appropriate in locations where all relevant services can be provided and appropriate transport links etc., are available	“Enable limited rural residential subdivision and development on sites where the parent title has marginal or limited productive capacity” or similar wording to address the reasons for the submission		environment is not solely about soil quality, but also around being a working rural landscape with large-scale industrial operations such as quarries, geothermal electricity generation and similar. Enabling sporadic rural residential development across the district’s rural environment would not be consistent with the intent of Plan Change 42.	
		Genesis FS215 Oppose	Genesis considers accepting this submission would potentially allow a proliferation of lifestyle blocks including in inappropriate locations.	Reject the relief sought by the submitter.			