Proposed Amendments to the Renewable Energy Chapter (changes underlined)

RE – Renewable Energy

The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter.

Introduction

Renewable energy is defined in the RMA as energy produced from solar, wind, hydro, geothermal, biomass, tidal, wave and ocean current sources.

The New Zealand Government has set a target, under the New Zealand Energy Strategy, for 90% of the country's electricity to be generated from renewable energy resources by the year 2025. The Strategy states that the major energy challenges facing New Zealand are the need to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy and the need to deliver clean, secure, affordable energy while managing the environment responsibly. To achieve this, the National Policy Statement on Renewable Electricity Generation (NPSREG) came into effect on 13 May 2011 and sets out an objective and policies to enable the sustainable management of renewable electricity generation under the RMA.

Renewable electricity generation is defined in the NPSREG as the generation of electricity from renewable energy. Renewable electricity generation activities are also defined as the construction, operation and maintenance of structures associated with renewable electricity generation. These include small and community-scale distributed renewable generation activities and the system required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

Sections 7(i) and 7(j) of the RMA also require all persons exercising functions and powers under the RMA to have particular regard to the effects of climate change and the benefits to be derived from the use and development of renewable energy.

The renewable energy provisions in this part of the Plan recognise renewable energy as an essential natural resource and set direction for activities that convert renewable energy into electricity. This part also interrelates with the activities for network utility operators in the NU-Network Utilities chapter of the Plan.

Objectives

RE-O1	**Enable and encourage the sustainable use and development of renewable energy resources within the Central Hawke's Bay District.**
RE-O2	**Enable renewable electricity generation activities while avoiding, mitigating or offsetting adverse effects.**

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Policies

RE-P1 **To provide for the use and development of renewable energy resources of the District for electricity generation in recognition of the particular local, regional and national benefits in relation to climate change, national energy production and social and economic wellbeing.**

RE-P2 **To provide for the identification, investigation, establishment, development, upgrading, operation and maintenance of new and existing renewable electricity generation activities in a manner that supports the protection of the District's:**

1. **High Natural Character Areas (in CE-SCHED7);**
2. **Outstanding Natural Features and Landscapes (in NFL-SCHED6); and**
3. **Historic Heritage as identified in HH-SCHED2 and Sites and Areas of Significance to Māori as identified in SASM-SCHED3.**

RE-P3 **To recognise the environmental, functional, operational and technical constraints of managing new and existing renewable electricity generation activities.**

RE-P4 **To provide for small-scale and community scale renewable electricity generation activities where they are in a form, location and scale to manage adverse effects.**

RE-P5 **To protect renewable electricity generation activities from reverse sensitivity effects.**

RE-P6 **To recognise that in some circumstances not all significant environmental effects of renewable electricity generation activities can be avoided or remedied. In determining if a proposal is consistent with sustainable management, regard will be had to any environmental compensation or mitigation measures offered by the applicant as part of the proposal.**

Replace this definition:

~~**Small scale renewable electricity generation**~~

~~small scale and community scale renewable electricity generation at a capacity of no greater than 20 kW for the purpose of using or generating electricity on a particular site, or supplying an immediate community, or connecting into the distribution network, and includes generation using solar, wind, hydro and biomass energy resource.~~

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Insert the following definitions:

Small-scale Renewable Electricity Generation

means REG where the primary purpose is to provide electricity for on-site use at an individual site, or to a telecommunications facility

Community Scale Reg

Means REG with the primary purpose of supplying electricity to a community.

Rule Overview Table

Use/activity	Rule Number
Small-scale Renewable Energy Generation Activities	RE-R1
Community-scale renewable Energy Generation Activites	RE-R2
Works or activities associated with the on-going operation, maintenance or upgrading of existing, lawfully established Renewable Electricity Generation Activities	RE-R23
Wind Monitoring Masts	RE-R34
Construction and commissioning of new Renewable Electricity Generation Activities not otherwise provided for	RE-R45

Rules

It is important to note that, in addition to the provisions in this chapter, a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant to activities involving renewable energy.

RE-R1 Small-scale Renewable Energy Generation Activities		
All Zones	1. Activity Status: PER Where the following conditions are met: a. In the case of wind generation, limited to one wind turbine per site. b. Compliance with: i. RE-S1; ii. RE-S2; iii. RE-S3; iv. RE-S4; and v. RE-S5.	**2. Activity status where compliance with RE-R1 not achieved: RDIS** **Matters over which discretion is restricted:** a. The extent to which the amenity of adjacent properties will be adversely affected and the ability to mitigate any adverse effects. b. The character, level and duration of noise and vibration as received at the boundary, or notional boundary, of another site. c. The extent to which the heritage and cultural values of any heritage items identified in HH-SCHED2 or wāhi tapu, wāhi taonga and sites of significance to Māori identified in SASM-SCHED3 located within the site, will be adversely affected and the ability to mitigate any effects.
RE-R2 Community Scale Renewable Energy Generating Activities (Solar)		
All Zones	**1. Activity Status: RDIS** **Where the following conditions are met:** a. Must not be located within an Outstanding Natural Feature or Landscape, or a high natural character area, identified on the Planning Maps and in NFL-SCHED6 and CE-SCHED7.	**2. Activity status where compliance with RE-R2 (1 a-d) is not achieved: D**

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	or b. Must not be located within 20 metres of any Heritage Item as identified in HH-SCHED2, or wāhi tapu, wāhi taonga and sites of significance to Māori identified in SASM-SCHED3 c. Compliance with: vi. RE-S1; vii. RE-S2; viii. RE-S3; ix. RE-S4; and RE-S5. **Matters over which discretion is restricted:** **a.** The extent to which the amenity of adjacent properties will be adversely affected and the ability to mitigate any adverse effects. **b.** The character, level and duration of noise and vibration as received at the boundary, or notional boundary, of another site. **c.** The extent to which the heritage and cultural values of any heritage items identified in HH-SCHED2 or wāhi tapu, wāhi taonga and sites of significance to Māori identified in SASM-SCHED3 located within the site, will be adversely affected and the ability to mitigate any effects	
RE-R~~2~~3 Works or activities associated with the on-going operation, maintenance or upgrading of existing, lawfully established Renewable Electricity Generation Activities		
All Zones	**1. Activity Status: PER** **Where the following conditions are met:**	**2. Activity status where compliance not achieved: DIS**

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	a. The works or activities must be fully contained within the originally consented or authorised footprint of the existing renewable electricity generation activity they are ancillary to.		
RE-R~~34~~ Wind Monitoring Masts			
General Rural Zone	**1. Activity Status: PER** **Where the following conditions are met:** a. Limited to: i. a height of 80m; and ii. must be set back at least 500m from the boundaries of the site. b. Must not be located within a High Natural Character Area, or Outstanding Natural Feature or Landscape, identified on the Planning Maps and in NFL-SCHED6 and CE-SCHED7. c. Must not be located within the National Grid Yard. d. A notice of commencement must be submitted to the Council prior to the construction of the mast. e. The mast and all associated equipment must be removed within 5 years of the date of the notice of commencement required under condition 4.	**2. Activity status where compliance with conditions RE-R3(1)(a), RE-R3(1)(b), RE-R3(1)(d) and/or RE-R3(1)(e) is not achieved: RDIS** **Matters over which discretion is restricted:** a. The extent to which activities on adjacent properties will be adversely affected in terms of visual domination, noise and vibration, and the ability to mitigate any adverse effects. b. Location and scale of the wind monitoring mast and associated structures. c. Special technical requirements and constraints of the wind monitoring mast. d. The extent to which adverse effects on Outstanding Natural Features and Landscapes, and High Natural Character Areas, will be avoided, remedied, or mitigated.	
		3. Activity status where compliance with condition	

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		RE-R3(1)(c) is not achieved: NC
RE-R45 Construction and commissioning of new Renewable Electricity Generation Activities not otherwise provided for		
All Zones	**1. Activity Status: DIS** **Where the following conditions are met:** a. New renewable electricity generation activities: i must not be located within an Outstanding Natural Feature or Landscape, or a High Natural Character Area, identified on the Planning Maps and in NFL-SCHED6 and CE-SCHED7, or ii must not be located within 20 metres of any Heritage Item as identified in HH-SCHED2, or wāhi tapu, wāhi taonga and sites of significance to Māori identified in SASM-SCHED3.	**2. Activity status where compliance not achieved: NC**

Standards

The following standards apply to small-scale and community scale energy generation activities.

RE-S1 Height of buildings and structures	
All Zones	1. The height of buildings and structures must comply with the maximum height limits for buildings and structures for the Zone in which the renewable energy generation activities are located.
RE-S2 Height in relation to boundary	
All Zones	1. On any site adjoining a Residential Zone, Settlement Zone, Large Lot Residential or Rural Lifestyle Zone, no part of a building or structure must exceed a height of 2m plus the shortest horizontal distance between that part of the building and structure and the nearest site boundary.

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	This standard does not apply to solar panels that are attached to a building and do not protrude more than 500mm from the surface of the roof of the building.
RE-S3 Setbacks	
All Zones	1. All new buildings and structures must comply with the minimum setback provisions for buildings and structures from roads and neighbours for the Zone in which the small-scale renewable energy generation activities are located.
RE-S4 Light	
All Zones	1. Activities must comply with the provisions of the LIGHT – Light chapter.
RE-S5 Noise	
All Zones	1. Activities must comply with the provisions of the NOISE – Noise chapter.

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

RE-AM1 General Matters

1. The contribution the proposal will make towards achieving energy policy objectives and/or renewable electricity generation targets of the New Zealand Government.
2. The local, regional, and national benefits to be derived from the use and development of renewable energy resources, including the contributions the proposal will make to the:
   a. Security of electricity supply for current and future generations.
   b. Increased energy independence for the communities of the District.
   c. Reduced dependency on imported energy sources.
   d. Reduction in greenhouse gases.
   e. Reduction of exposure to fossil fuel volatility.
3. Any other benefits or positive effects that the project can demonstrate. This may include adding to and diversifying the District's generation base, increased network resilience, reduced grid investment, local industry development, and price security for the local community.
4. The extent to which the location and design of the activity is constrained by environmental, functional, operational and technical requirements, and the extent to which alternative locations and methods have been considered.

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5. The actual and potential effects of the proposal, with particular consideration of the following:
    a. Where the proposal is located within High Natural Character Areas, Outstanding Natural Features and Landscapes or Significant Amenity Features identified on the Planning Maps and in scheduled in NFL-SCHED6 and CE-SCHED7 of the Plan.
    b. The extent to which the proposal will affect the natural character of the coastal environment and rural environment.
    c. The extent to which the proposal will adversely affect cultural values, including wāhi tapu, wāhi taonga and sites of significance to Māori identified in HH-SCHED2 and SASM-SCHED3 of the Plan.
    d. The extent to which the proposal will adversely impact on dwellings, sensitive activities, key public places including roads and recreation areas, and existing and future urban growth areas.
    e. The extent to which any aspects of the proposal can be sited or designed to reduce the visibility of any structures, including the potential to locate facilities underground where practicable.
6. The effect of the overall scale of the proposed development, including the number of structures, their height, the visual effect of the development as a whole, staging of the development and temporary effects as a result of construction.
7. The extent to which the proposal will affect amenity values of the surrounding environment with particular regard being given to the effects of the development on residential dwellings, including consideration of any potential adverse effects on amenity values discernible at the dwelling including:
    a. If wind turbines are involved, blade glint resulting from the reflection of the sun from turbine blades.
    b. If wind turbines are involved, shadow flicker resulting from sunlight on the rotating blades casting a shadow that rapidly moves across the windows of a dwelling within 10 rotor diameters distance of a turbine.
    c. The extent of the ecological effects of the proposal, in particular:
    d. The extent to which areas of significant indigenous vegetation and/or significant habitats of indigenous fauna are affected, including Significant Natural Areas identified in ECO-SCHED5 of the Plan.
    e. The potential effects on indigenous birds or other indigenous fauna, either migratory species or resident populations on site.
    f. The sensitivity of the site to disturbance.
    g. The extent of any proposed earthworks and the degree to which stormwater runoff and the effects on local catchments can be managed.
8. The effects on archaeological sites (including the need for archaeological authorities under the Heritage New Zealand Pouhere Taonga Act), heritage and cultural values, including any heritage items identified in HH-SCHED2, SASM-SCHED3 and TREE-SCHED4 of the Plan.
9. The extent to which adverse effects will be avoided, remedied or mitigated by the proposed siting, colour and design of structures, including ancillary structures.
10. The electromagnetic effects of the proposal, including on existing telecommunications, broadcast and other signals.

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11. Cumulative effects of the proposal in the context of wider and ongoing renewable energy development, and the use of review conditions to manage these effects.
12. Where the adverse effects of renewable electricity generation activities cannot be practically avoided, remedied or mitigated, the relevance and appropriateness of any offset measures and/or environmental compensation that is of benefit to the local environment and affected community.
13. Where particular adverse effects of renewable energy are not fully known or are uncertain, the relevance and appropriateness of any adaptive management measures to avoid, remedy or mitigate any such effects.

RE-AM2 Noise

1. The actual and potential noise effects of the proposal, and the ability (if relevant) to meet *NZS 6806:2010 Acoustics Wind Farm Noise*, and other relevant standards such as *NZS 6802:1991 Assessment of Environmental Sound and NZS 6803:1999 Acoustics – Construction noise*.

RE-AM3 Traffic

1. The effects of the proposal on traffic safety.
2. The effects of traffic and vehicle movements as a result of the proposal and the extent that traffic or site management plans can be implemented to mitigate effects.

RE-AM4 Natural Hazards

1. The extent to which the activity may exacerbate or be adversely affected by natural hazards.

RE-AM5 Earthworks

1. The extent of any earthworks, including access tracks, roads and building platforms and the rehabilitation proposed.

Methods

Methods, other than the above rules, for implementing the policies:

RE-M1 National Policy Statement on Electricity Transmission

Sets out an objective and policies to enable the management of the effects of, and on, the electricity transmission network under the RMA. The objective and policies are intended to guide decision-makers in drafting plan rules, in making decisions on the notification of resource consents, in the determination of resource consent applications, and in considering notices of requirement for designations for transmission activities.

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RE-M2 **National Environmental Standard for Electricity Transmission**

Provides national environmental standards for electricity transmission for the National Grid. The Regulations categorize activities that relate to the operation, maintenance, upgrading, relocation or removal of existing transmission lines.

RE-M3 **New Zealand Electricity Code of Practice for Electricity Safety Distances 2001 (NZECP 34:2001)**

Sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from generation stations to end users. The minimum safe distances have been set primarily to protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards.

Principal Reasons

The principal reasons for adopting the policies and methods:

The above objectives and policies recognise the benefits of renewable energy resources in maintaining or enhancing electricity generation capacity and security of supply while reducing reliance on fossil fuels and reducing or displacing greenhouse gas emissions. The Plan recognises that the use of renewable energy for electricity generation will have positive effects on the environment and community.

The investigation, identification and assessment of potential sites and energy sources for the development of renewable electricity generation activities is supported by the rules of this Plan as part of recognising the need to meet or exceed the 90% national target for the generation of electricity from renewable energy. The rules also support the development and operation of small and community-scale distributed renewable electricity generation activities where the benefits are local and significant adverse effects are avoided, remedied or mitigated.

Renewable electricity generation activities need to locate where the renewable energy resources are available. As such, there are environmental, functional, operational or technical constraints associated with the construction, operation, maintenance or upgrading of renewable electricity generation activities. These constraints need to be balanced against other important factors, such as the sensitivity of the landscape and areas of cultural, historic or ecological importance.

Where significant adverse effects of renewable electricity generation activities cannot be practically avoided or remedied, regard will be had to any mitigation measures and/or environmental compensation offered as part of a proposal by applicants for resource consents, including measures or compensation which benefit the environment and/or the community.

Renewable electricity generation activities need to be protected from sensitive activities locating in close proximity to them and compromising their ability to operate. This can be addressed by the consideration of buffer areas and boundary setbacks when renewable electricity generation activities are established and consideration of the potential for existing renewable electricity

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generation activities to be compromised by reverse sensitivity effects where new sensitive activities seek to establish near them.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

RE-AER1	**Recognition of the benefits (locally/regionally/nationally) of the District's renewable energy resources and the electricity generation facilities that utilise such resources in the sustainable management of the District's resources.**
RE-AER2	**A range of renewable electricity generation initiatives supported in a manner that integrates them with the protection of the District's identified High Natural Character Areas, Outstanding Natural Landscapes and Features, Significant Natural Areas, Heritage Items and archaeological sites.**
RE-AER3	**The District's communities can be self-sufficient in energy and meet the majority of their electricity needs from a diverse range and scale of renewable energy resources.**
RE-AER4	**Individuals and communities can choose to generate their own electricity from renewable energy resources.**
RE-AER5	**Maintenance of the amenity values of the surrounding area.**

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