

SECTION 13: ENERGY RULES

Note: The “grey-out” highlighted text indicates the provisions which have been appealed to the Environment Court. All other provisions are operative and have legal effect.

This part of the Plan contains rules and performance standards relating to energy activities. The rules contained in this section take precedence over any other zone rules that may apply to energy activities in the District Plan, unless specifically stated to the contrary. The following provisions for energy activities shall apply to all zones of the District. District wide rules including Section 11 Noise, Section 12 Hazardous Substances, Section 15 Heritage Protection, Section 17 Natural Environment, and Section 19 Signs will still apply.

13.1 CATEGORIES OF ACTIVITIES

13.1.1 PERMITTED ACTIVITIES

The following activities are permitted activities, provided activities comply with all relevant Permitted Activity Performance Standards in Section 13.2 and all other Sections of the District Plan:

- (a) In the Rural Zone, the following activities:
 - (i) Small scale renewable electricity generation.
 - (ii) Exploratory wind generation activities.
 - (iii) **Prospecting, including seismic surveys.** ¹
 - (iv) Existing renewable electricity generation activities, including the Patea Hydro Scheme.
- (b) In the Residential, Township, Commercial, and Industrial Zones, the following activities:
 - (i) Small scale renewable electricity generation.
 - (ii) **Prospecting, excluding seismic surveys.**
- (c) In the Rural Industrial Zone, the following activities:
 - (i) Small scale renewable electricity generation.
 - (ii) Large-scale renewable electricity generation activities.
 - (iii) **Prospecting, petroleum exploration and production.** ²

13.1.2 CONTROLLED ACTIVITIES

None.

13.1.3 RESTRICTED DISCRETIONARY ACTIVITIES

- (a) In all Zones, the following activities:

¹ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

² Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

- (i) Any small scale renewable electricity generation activity that does not comply with one or more of the performance standards in Section 13.2.

Matters to which the Council restricts its discretion:

- (i) Design, scale and location in relation to neighbouring properties and dwelling units.
- (ii) Noise.
- (iii) Landscaping.
- (iv) Effects on the natural character and values of waterbodies, particularly those listed in Schedule 5.

- (b) Any small scale renewable electricity generation activity located within the Coastal Protection Area or an Outstanding Natural Features and Landscapes.

Matters to which the Council restricts its discretion:

- (i) Potential adverse effects on the natural character-of the coastal environment and the values of any outstanding natural feature and landscape.
- (ii) Design, scale and location in relation to neighbouring properties and dwelling units.
- (iii) Noise.
- (iv) Landscaping.

13.1.4 DISCRETIONARY ACTIVITIES

- (a) In the Rural Zone, the following activities:

- (i) Petroleum exploration that is not located in the Coastal Protection Area or in an area of Outstanding Natural Features and Landscapes.
- (ii) Petroleum production that is not located in the Coastal Protection Area or in an area of Outstanding Natural Features and Landscapes.³
- (iii) Large-scale renewable electricity generation activities that is not located in the Coastal Protection Area or in an area of Outstanding Natural Features and Landscapes.^{4 5}

- (b) In all Zones, unless listed elsewhere in the District Plan, any permitted activity listed in Section 13.1.1 which does not meet one or more of the performance standards for permitted activities in Section 13.2.

13.1.5 NON-COMPLYING ACTIVITIES

- (a) In the Rural Zone, the following activities:

- (i) Petroleum exploration in the Coastal Protection Area or an area of Outstanding Natural Features and Landscapes.

³ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

⁴ Appeal – Tararua Wind Power Ltd – ENV-2016-WLG-000078

⁵ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

- (ii) Petroleum production in the Coastal Protection Area or an area of Outstanding Natural Features and Landscapes.⁶
 - (iii) Large-scale renewable electricity generation activities in the Coastal Protection Area or an area of Outstanding Natural Features and Landscapes.^{7 8}
- (b) In the Residential, Township, Commercial and Industrial Zones, the following activities:
- (i) Seismic surveys, petroleum exploration and production.⁹
 - (ii) Large-scale renewable electricity generation activities.

13.1.6 PROHIBITED ACTIVITIES

None.

[Taranaki Energy Watch Inc appealed seeking a new rule making petroleum exploration, petroleum production or large-scale renewable energy a prohibited activity within the Coastal Protection Area, an area of Outstanding Natural Features or Landscapes or Significant Natural Areas. It also seeks a new rule making seismic surveys, petroleum exploration and production a prohibited activity in the Residential, Township and Industrial Zones].¹⁰

13.2 PERFORMANCE STANDARDS – PERMITTED ACTIVITIES

13.2.1 Small-Scale Renewable Electricity Generation

1. For small-scale wind turbines, the following standards apply:
 - (i) Maximum height above natural ground level to the tip of the blade shall not exceed 20m.
 - (ii) Maximum number of turbines per site shall be:
 - a. One turbine on sites up to 20 hectares.
 - b. Three turbines on sites 20 hectares or more.
 - (iii) Maximum rotor diameter of 7.2m.
 - (iv) The wind turbine and associated mast/pole shall be at least 60m from the closest wall of a dwelling unit (excluding balconies and decks).
 - (v) The wind turbine and associated mast/pole shall be a distance of at least ten times its height from the boundary of any site that is in separate ownership.
2. For small-scale hydro turbines, the following standards apply:
 - (i) Any associated building or structure shall not exceed 50m² (excluding structures within the bed of a river and/or existing dam structures).

⁶ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

⁷ Appeal – Tararua Wind Power Ltd – ENV-2016-WLG-000078

⁸ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

⁹ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

¹⁰ Appeal – Taranaki Energy Watch Inc – ENV-2016-WLG-000080

- (ii) Any building or structure shall not be located within an existing esplanade reserve or strip.
 - (iii) Any building or structure associated with small-scale hydro turbines shall be exempt from the 50m/30m setback from a natural waterbody in Rural Zone Rules 3.1.3 (i) and (j).
3. For solar panels, the following standards apply:
- (i) Where solar panels are attached to buildings, they shall comply with all the relevant permitted activity performance standards for the relevant Zone, including bulk and location (height and setbacks) standards.
 - (ii) Where solar panels are free-standing, including any support structures, they shall:
 - a. Comply with all the relevant permitted activity performance standards for the relevant Zone, including bulk and location (height and setbacks) standards; and
 - b. Have a maximum footprint (gross floor area) of 50m² per site.

Note: Resource consents may be required from the Taranaki Regional Council in respect of taking, using, damming and/or diversion of water for small-scale hydro turbines.

13.2.2 Exploratory Wind Generation Activities

1. Any wind monitoring mast shall be a distance of at least three times its height from the boundary of any site that is in not in the same ownership, except that a wind monitoring mast may be erected closer to boundary of any site where, prior to the mast being erected, the written approval of those property owners and occupiers whose properties adjoin the proposed non-compliance has been obtained and is clearly endorsed on all relevant building plans provided to the South Taranaki District Council.
2. Any wind monitoring mast shall be a distance of at least ten times its height from the boundary of any site that is in separate ownership.
3. Any wind monitoring mast shall be erected for a maximum duration of 5 years.
4. Any wind monitoring mast shall be removed within 2 months of the wind monitoring equipment ceasing to operate.

13.2.3 Existing Renewable Electricity Generation Activities

1. Any activity involving continued operation, maintenance, enhancement, refurbishment and upgrading of existing renewable electricity generating activities and structures (including the Patea Hydro Scheme).

For the purpose of the above rule –

- (i) “Maintenance” means all activities associated with the protective care, repair and monitoring of a hydro dam, wind turbine or power station and associated structures, in order to prevent decay, structural fatigue, erosion or dilapidation and includes maintenance of surrounds and water areas.
- (ii) “Operation” means the working of the electricity generation facility on a day-to-day basis to generate and transmit electricity.

- (iii) “Enhancement” means the improvement of an electricity generation facility (e.g. activities include landscaping, planting, painting, refurbishment of buildings).
- (iv) “Refurbishment and upgrading” means structural improvement, replacement, upgrade and renewal of existing plant, machinery or structures to gain efficiencies in generating and transmitting electricity (a gain in efficiency of generation under this definition includes increases in installed generation capacity by replacement of turbines that have higher energy generation capacity).

This includes work to all structures, such as the parts of the powerhouse, hydro dams and spillways, wind turbines and structures, substations, switchyards, intake, control and diversion structures, jetties, wells, pipes, tunnels, cables, other equipment and accessory buildings and structures of similar character and scale, and includes associated roads, access, drilling, earthworks and vegetation removal. Any extension to existing buildings and the erection of new buildings shall not exceed a gross floor area of 50m², or a maximum height of 3.5m.

- 2. For the Patea Hydro Scheme, in addition to Rule 13.2.3.1, the operation of this scheme shall comply with the conditions in Energy Appendix 1.

13.3 Energy Appendix 1: Patea Hydro Electric Power Scheme – Lake Rotorangi (Patea River) (Performance Standard 13.2.3.2)

Note: The below conditions are based on the original decision made under the Town and Country Planning Act 1977 when the scheme was first established. The original decision directed the conditions be included in the respective District Plan (Scheme). The original conditions contained in the District Plan were reviewed in 2015 as part of the overall review of the District Plan. The conditions in the District Plan were amended to remove original conditions that were now redundant (i.e. they related to the dam's construction) and other conditions were updated to reflect the current operation.

Site:

The Patea Hydro Scheme includes:

Lake Rotorangi which has been formed behind an earth dam on the Patea River located at, or about NZTM Map reference Easting 1734675, Northing 5621416 in South Taranaki District Council to be used for the generation of electricity, such lake to be formed by controlling the maximum operating level of the water in the lake to a level of 80m above mean sea level.

The dam and power house area is shown on Planning Map Rural Map 16.

Conditions

Reserves

- (a) The provision of a Lake Shore Reserve of a minimum width of 20m,

RESERVES related to a theoretical lake level of 80m above mean sea level, subject to the provisions below, around the total perimeter of the lake and extending up any tributary, river or stream exceeding three metres in width except where the topography of the land precludes the siting of necessary roads or road reserves other than within this area. Where the topography of the land makes the siting of a road, or road reserve, within the close proximity to the edge of the 20m reserve impracticable as determined upon by Trustpower and the South Taranaki District Council, then the 20m reserve strip shall as much as is necessary be replaced by a road, or road reserve and the provision of the 20m reserve strip around the entire lake boundary shall be subject to road access, parking and barge docking provisions, more specifically set out hereunder.

The above information shall be subject to the following conditions:

- (i) All reserves shall be vested in the territorial local authority in whose territory they are situated unless, prior to the vesting, an Administering Body is appointed under the Reserves Act 1977 in which case the reserves will be vested in such administering body.
- (ii) The cost of the land for reserves, its subdivision of and incidental to its vesting as above set out, shall be borne by Trustpower.

Roads

The following roads shall be provided:

- (b) A continuous road, or road reserve outside the 20-metre lake reserve provided this is practicable as determined by the Trustpower and South Taranaki District Council, shall be

provided on the left bank of the lake from Glen-Nui and downstream, through Maben Road, linking up with Ball Road extension.

- (c) A road connecting the lower Maben Road with Rotorangi Road and the lake reserve above the dam site.

The basis on which the conditions are set is intended to reinstate any roads, or bridges, to provide for improvements where added usage is envisaged as a direct result of the formation of the lake and where the lake necessitates the provisions of alternative access for the land used around its perimeter.

The roads shall be provided to the following standards:

- (i) Roads shall be replaced with roads to a rural all-weather access standard, metalled but not sealed, except where the part required to be replaced has been previously sealed, when the replacement shall also be sealed – all roads to conform generally with land development and subdivision NZS 4404:2010.
- (ii) Included in the road area to be brought up to this standard is a new road to be formed connecting the lower Maben Road with the Rotorangi Road and the lake reserve in the vicinity of the dam site.
- (iii) If required by circumstances specifically attributable to the formation of the lake and power project, following consultation with Trustpower, and pursuant to a resolution of the South Taranaki District Council, Trustpower shall erect a fence, or fences, to an adequate standard so as to contain any formed road, or road reserves which pursuant to these conditions are being replaced and/or upgraded in positions satisfactory to the appropriate Council and the costs of such fencing shall be the responsibility of Trustpower.

These requirements shall lapse fifteen years after the date that the engineer of the Local Authority certifies that the road has been brought up to the standard satisfied above.

Miscellaneous

- (d) Trustpower shall provide a barge with a loading capacity of not less than 10 tonnes, such barge being available at all reasonable times, as of right, for use by Trustpower, South Taranaki District Council, the property owners on the left bank of the Patea River between the northern boundary of the land contained in Part Section 4 Block XIII Omoana Survey District and the southern boundary of the land contained in Part Section 3 Block II Opaku Survey District, and such other persons as Trustpower or the Council shall think fit. The barge shall be maintained by Trustpower as long as the Council, think fit.
- (e) Trustpower shall provide suitable docking and loading facilities for the barge.
- (f) Trustpower shall provide such access across the dam as is reasonable having regard to the operation of the hydro-electrical scheme and its security.
- (g) In lieu of the following land lost by inundation:
 - (i) Section 8 Block II Opaku SD
 - (ii) Part Rotorangi Block III Opaku SD

If agreement can be reached with the Crown, Trustpower shall provide an equivalent area of land within Section 7 Block II Opaku SD, or such other area agreed between the respective parties, the siting to be approved by the South Taranaki District Council.