KEY

Red Underlined – Recommended Additions

~~Red Strikethrough~~ – Recommended Deletions

[HSX] – Hearing stream recommendation

ENERGY - ENRG

This chapter contains provisions that have legal effect. They are identified with a to the right hand side of the provision.

Overview

Energy is required to meet the day-to-day needs of people and communities, and to facilitate social, cultural and economic activities. Development and use of renewable energy resources is becoming increasingly important as a way of meeting future energy demand in an environmentally sustainable manner.

Energy efficiency and the use and development of renewable energy are matters which the District Plan must have particular regard to under section 7 of the RMA. The District Plan must also give effect to the National Policy Statement on Renewable Electricity Generation 2011 which requires recognition of the benefits of renewable electricity generation.

The Gore District has the potential to provide for large scale energy production utilising wind. The District also contains substantial lignite reserves. However, the adverse environmental effects arising from its extraction, production and use, particularly its contribution to *climate change,* rules out the development of lignite under current technology.

Small scale electricity generation is utilised in the District using solar, *water* and wind sources. Coal, including lignite, remains a significant source of home heating. The Southland Regional Air Plan includes provisions providing for a transition away from this energy source.

The location of renewable electricity generation facilities is often driven by their *functional need* and *operational need* to access renewable energy resources. With wind for example, suitable sites are located on exposed ridge lines where there is a constant wind. This limits the geographic areas where *renewable electricity generation activities* can occur. Logistical or technical practicalities, and the need to integrate with existing supporting infrastructure, may also place constraints on the location of these activities, as does potential effects on natural landscapes, amenity, biodiversity and ecosystems.

Alternative approaches to the production of energy are emerging, and such innovation can be expected to continue. This includes use of methane from *sewage* ponds and *landfills*, and production of hydrogen.

Adverse environmental *effects*, including *discharges* to air, visual impacts and noise, can arise from the investigation, development and utilisation of both renewable and non-renewable energy resources. Equally, the development and use of energy resources, including the generation of electricity, can be compromised by the location of incompatible land uses.

The efficient use of energy resources can be enhanced by good urban design and consideration of energy use and retention in building design.

Objectives

ENRG-O1 The national significance ~~significant~~ local, regional and national benefits derived from the use and development of renewable energy resources are recognised and provided for and the transitional need for non-renewable energy is appropriately and sustainably managed.

ENRG-O2 The investigation, development, operation, maintenance and upgrading of *renewable electricity generation activities* is enabled.

ENRG-O3 *Effects* from the use and development of renewable energy generation ~~electricity generation activities~~ on people and communities, and the *environment* ~~and the underlying relationship Ngāi Tahu hold with the natural *environment*~~ are managed, while ~~recognising~~ acknowledging practical constraints, including technical and functional needs. ~~(eg, technical, locational, operational) from the use and development of renewable energy;~~

ENRG-O4 The safe and efficient operation, maintenance and upgrading of existing electricity generation activities is not constrained or compromised by *reverse sensitivity effects*.

ENRG-O5 The whakapapa relationship of mana whenua with the whenua (land) and wai (water) is recognised and potential effects on mauri, wāhi tapu, mahinga kai and the ability to offer manaakitanga, mātauranga associated with the current landscape, and the exercise of kaitiakitanga are avoided, remedied or mitigated.

Policies

ENRG-P1 Recognise the ~~local, regional and national~~ benefits of *renewable electricity generation activities* including, but not limited to:

1. maintaining or increasing electricity generation capacity while avoiding, reducing or offsetting greenhouse gas emissions;
2. maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;
3. using renewable natural resources rather than finite resources, which requires the transition away from fossil fuels.
4. the reversibility of the adverse *effects* on the environment of some renewable electricity generation technologies; and
5. avoiding reliance on imported fuels for the purposes of generating electricity.

ENRG-P2 ~~Encourage and facilitate~~ Provide for the increased use and development of renewable energy resources including the use of:

1. wind, solar and hydro; and
2. waste products; and
3. gas *discharges*

as a source of energy production.

ENRG-P3 Adopt land use patterns, *site* layout and building design that achieve energy efficiency and conservation.

ENRG-P4 Recognise and provide for ~~Support~~ activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.

ENRG-P5 Provide for the investigation, development, and operation, maintenance, and upgrading of new and existing renewable electricity generation activities and *green infrastructure* where adverse environmental or cultural *effects* are appropriately managed.

ENRG-P6 Provide for the development, operation, maintenance and upgrading of small and community-scale renewable electricity generation where adverse environmental or cultural *effects* are appropriately managed.

ENRG-P7 Avoid the location of

1. ~~*renewable and non-*~~*R~~r~~enewable electricity generation activities-large scale* within outstanding natural features and landscapes, unless adverse effects can be mitigated, and

2. non-renewable electricity generation activities within the following areas unless adverse *effects* can be mitigated:

1. outstanding natural features and landscapes
2. significant natural areas
3. areas of indigenous *biodiversity*

ENRG-P8 Protect electricity generation activities, transmission and associated *infrastructure* and undeveloped energy resources from *reverse sensitivity effects* from incompatible *subdivision*, land use and development.

ENRG-P9 When considering any residual environmental *effects* arising from the use and development of energy resources that cannot be avoided, remedied or mitigated, regard may be had to offsetting measures or compensation, including:

1. measures which benefit the local *environment*; and
2. measures which benefit the local community affected; and
3. measures which benefit *mana whenua* aspirations or projects; and
4. the benefits of Renewable Electricity Generation, including maintaining or increasing generation capacity and security of electricity supply, as well as the reduction in use of finite resources.

ENRG-P10 Recognise the need for resilient energy supply, including standby power generation in emergency situations, and stand-alone power systems where other sources are not available.

ENRG-P11 ~~Require~~ Large scale *renewable electricity generation activities* are provided for in the General Rural Zone, or are required to demonstrate they are located appropriately having regard to relevant land use zone, also considering the following:

1. any practical constraints, including functional, logistical or technical practicalities ~~logistical or technical constraints~~ to developing, upgrading, operating or maintaining the activity, including essential activities such as distribution to the national grid;
2. the location of existing structures and infrastructure and the effects on ~~existing~~ infrastructure ~~and the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, and connections to distribution networks, and the efficient use of land;~~
3. the scale, intensity, duration or frequency of the activity's *effects*;
4. the design and *site* layout of the activity and its ability to internalise *effects*;
5. *earthworks* and construction *effects*;
6. adverse amenity *effects*, including but not limited to visual, traffic generation, safety, *light spill,* shadow and *noise effects*;
7. effects on ~~adequate separation distances from~~ *sensitive activities* ~~and *Outstanding Natural Features and Landscapes* to ensure conflict and *reverse sensitivity effects* are minimised;~~ and significant environmental values, such as Outstanding Natural Features and Landscapes
8. use of adaptive management measures through monitoring of adverse *effects*; and
9. Ngāi Tahu cultural values, including those listed in MW2.3.

ENRG-P12 ~~Encourage~~ provide for innovation and flexibility for new and existing *renewable electricity generation activities* to adopt new technologies and sources of renewable energy where this:

1. Increases the capacity and efficient use of renewable energy resources; or
2. Encourages the re-use of *structures* and associated *infrastructure* where appropriate; or
3. Increases the resilience, safety or reliability of *renewable electricity generation activities*; or
4. Results in environmental benefits and enhancements.

ENRG-P13 Only allow the operation, maintenance, and upgrading of non-renewable energy infrastructure and non-renewable electricity generation activities where:

a. The activity is existing;
b. It is required to assist the transition to renewable energy, and
c. the effects of the activity are avoided, remedied or mitigated.

Notes

Note 1	Provisions in Other Chapters
	The provisions in this chapter apply in addition to the provisions of the other district wide chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua. This Rules and standards in Part 3 - Area Specific Matters (zones) do not apply to activities managed under this chapter, unless expressly identified within the chapter.

Rules

ENRG-R1	***Small and community-scale Renewable Electricity Generation activities - small scale* construction, operation, maintenance, repairs and upgrading (including associated *structures*)**	
All Zones	**Activity Status:** Permitted Where: 1. All Energy Standards are complied with; and 2. No *structure* or *building* is located in a *Outstanding Natural Feature or Landscape;* and 3. Any *structure* or *building* complies with the underlying zone bulk and location standards; and 4. No *structure* is attached to a scheduled heritage *building.*	**Activity status where compliance is not achieved with:** **ENRG-R1(1):** Restricted Discretionary **Matters of discretion:** 1. The matters of discretion of any infringed standard. **ENRG-R1(2) and ENRG-R1(3):** Discretionary **ENRG-R1(4)** Restricted Discretionary **Matters of discretion:** 1. The matters of discretion of HH-R2.
ENRG-R2	**~~Large Scale~~ *Renewable Electricity Generation Activities – Large Scale* construction, operation, maintenance, repairs and upgrading (including any *structures* and associated *buildings*)**	
All Zones	Activity Status: Permitted 1. Operation and maintenance of existing activities	
General Rural Zone	Activity status: Discretionary 2. Upgrading of existing, or construction and operation of new activities	**Activity status where compliance not achieved:** N/A

All Other Zones	Activity status: Non-Complying 3. Upgrading of existing, or construction and operation of new activities	Activity status where compliance not achieved: N/A
Note	Noise associated with a wind farm is assessed and measured in accordance with NZS6808:2010 Acoustics - Wind farm noise.	
ENRG-R3	***Renewable Electricity Generation* Investigations, including associated *structures* and *buildings***	
General Rural Zone	**Activity status:** Permitted Where: 1. All Energy Standard are complied with. 2. Associated *structures* and *buildings* are temporary and removable.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The matters of discretion of any infringed standard.
All Other Zones	**Activity status:** Discretionary	**Activity status where compliance not achieved:** N/A
ENRG-R4	***Non-renewable Electricity Generation***	
General Rural Zone	**Activity status:** Permitted Where: 1. The generators operate as a stand-alone power system on a *site* that does not have connection to the local electricity network; and 2. The generator only supplies activities on the *site* on which it is located.	**Activity status where compliance is not achieved:** Non-Complying

All Other Zones	**Activity status:** Permitted Where: 1. The generator is used only: (a) during periods of electricity outages; (b) for testing and the duration is no longer than 30 minutes.	**Activity status where compliance is not achieved:** Discretionary

Standards

ENRG-S1	***Small scale wind turbines***	
General Rural, Rural Lifestyle, Settlement Zones and General & Light Industrial Zones	1. The maximum *height* above natural *ground level* to the tip of the blade is 20 metres above ground level. 2. The maximum number of turbines per site is: (a) one turbine for *sites* less than 20 hectares. (b) three turbines for *sites* which are more than 20 hectares. 3. The maximum rotor diameter is 7.2 metres. 4. The minimum *setback* of the wind turbine and associated mast/pole is the greater of: (a) 60 metres from a habitable *building*; or (b) 10 times the *height* of the *structure* from the *site* boundaries.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The type, scale, form and location of the turbine and any adverse *effects* on the character, amenity, or ~~Ngāi Tahu~~ cultural values (refer MW 2.3) of the locality. 2. The ability to mitigate any adverse visual amenity or *effects* on ~~Ngāi Tahu~~ cultural values (refer MW 2.3) through use of screening, planting and alternative design. 3. Adverse *noise* and vibration *effects*.
ENRG-S2	**Small scale hydro turbines**	
General Rural, Rural Lifestyle, Settlement Zones and General &	1. The maximum *gross floor area* of any associated *building* or *structure* is no more than 20 square metres.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:**

Light Industrial Zones		1. The type, scale, form and location of the turbine and any adverse *effects* on the character and *amenity values* of the locality. 2. The ability to mitigate any adverse visual amenity *effects* through use of screening, planting and alternative design. 3. Adverse *noise* and vibration *effects*. 4. Adverse *effects* on ~~Ngāi Tahu~~ cultural values (refer MW 2.3), including those listed in MW2.3.
ENRG-S3	**Solar panels**	
All Zones	1. Solar panels erected on any roof of an existing *building* or *structure* must not exceed 250 millimetres in *height* above the highest part of the roof or *structure*.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. Whether the solar panels are of type, scale and form that is appropriate for the location and character of the zone. 2. The ability to mitigate adverse visual amenity *effects* through the use of screening, planting and alternative design.
ENRG-S4	**Exploratory wind ~~generation~~ monitoring masts**	
General Rural Zone	1. The minimum *setback* from the *site boundary* is at least 10 times the mast's *height.* 2. The Maximum duration of activity is five years. Removal of mast and all associated *structures* and equipment must be undertaken no later than two months after the cessation of wind monitoring activities.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. The type, scale, form and location of the mast ~~turbine~~ and any adverse *effects* on the character and *amenity values* of the locality. 2. The ability to mitigate any adverse visual amenity *effects* ~~through use of screening, planting and alternative~~ siting and design. 3. Adverse *noise* and vibration *effects*.

4. Adverse *effects* on Ngāi Tahu cultural values, including those listed in the MW2.3
5. *Operational need, functional need* or other technical considerations.

ENRG-S5	**Minimum *Setbacks* from *Rivers* and Stream**	
All Zones	1. The foundation of any *building* or *structure* must be set back from the closest bank of any stream or *river* as follows: (a) 20m for high order rivers or streams (order 5 and above); (b) 10m for middle order rivers or streams (order 3 and 4); and (c) 5m for low order rivers or streams (order 1 and 2). Except that fences of post and wire construction are permitted within the setback where these are: (i) not constructed with wire mesh if located within an area of Actual or Potential Inundation as identified within the Natural Hazards layer of the Planning Maps; (ii) not located within the stream or riverbed; (iii) not constructed across the stream or river channel; or (iv) not constructed across or along a stopbank. Refer to Appendix 3 for river and stream orders and guidance on riverbed extents and the location of banks for measuring setbacks.	**Activity status where compliance is not achieved:** Restricted Discretionary **Matters of discretion:** 1. Whether there is a *functional need* for the *building* or *structure* to locate in a riparian margin, and the extent to which alternative practicable options have been considered and their feasibility. 2. The effects on water quality and the stability and health of the stream bed and banks, including erosion and *sedimentation control measures.* 3. The nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous *biodiversity* and proposed mitigation measures, including: (a) opportunities for enhancement and restoration; (b) methods proposed to monitor or inspect the works undertaken; (c) the timing of works to minimise adverse effects on threatened or at risk indigenous species; and (d) management of potential adverse effects through a Biodiversity Management Plan. 4. The natural character of the riparian margin and the effects of the activity on landscape values and the ability to restore, rehabilitate or enhance riparian areas. Refer to Natural Features and Landscapes – Appendix 5 in regard to the Mataura River. 5. Impacts on cultural values, including those listed in MW.2.3. 6. The effects on public and customary access to the stream or *river.*

7. The potential for flooding and to create new or exacerbate existing *natural hazards*, impact natural drainage patterns, redirect overland flow paths or flood flows, including on to other *sites*.