

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

**Decision [2025] NZEnvC 217**

IN THE MATTER OF      appeals under clause 14 of the First  
Schedule to the Resource Management  
Act 1991

BETWEEN      MERIDIAN ENERGY LIMITED  
(ENV-2022-AKL-000063)

WEL NETWORKS LIMITED  
(ENV-2022-AKL-000081)

Appellants

AND      WAIKATO DISTRICT COUNCIL  
Respondent

AND      HERITAGE NEW ZEALAND  
POUHERE TAONGA  
Section 274 Party

Court:      Environment Judge L J Newhook, sitting alone under s 279 of  
the Act  
Last case event:      10 June 2025  
Date of Order:      1 July 2025  
Date of Issue:      1 July 2025

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**CONSENT ORDER**

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Meridian Energy Limited & WEL Networks Limited v Waikato District Council – Appeals  
against the proposed Waikato District Plan – Topic 4.2: Infrastructure – All other  
infrastructure



A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the appeals are allowed subject to amendment to the Interpretation – definitions, and AINF – All other infrastructure chapters of the Waikato District Plan – Operative in Part (**DP-OP**) as set out in **Appendix A** to this Order;
- (2) paragraphs 21 and 22 of Meridian Energy Ltd’s appeal and paragraphs 4.21, 4.4 and 4.9 of WEL Networks Ltd’s appeal, allocated to Topic 4.2: Infrastructure – All other infrastructure matters, are otherwise dismissed.

B: Under s 285 of the Act, there is no order as to costs.

## **REASONS**

### **Introduction**

[1] This consent determination relates to two appeals by Meridian Energy Limited (**Meridian**) and WEL Networks Ltd (**WEL**) against parts of the decisions by Waikato District Council in respect of the Proposed Waikato District Plan (**PDP**). The PDP became the operative on 30 October 2024 (**DP-OP**).

[2] During the hearings on the PDP, the Independent Hearing Panel (**IHP**) made the decision to amend the notified PDP to adopt the National Planning Standards which came into force after notification of the PDP. As a result, the chapters and provisions referenced in submissions, further submissions, and in some notices of appeal do not reflect the chapter and provision references in the decisions version of the PDP. For ease of reference, the decisions versions provisions are referred to in this determination.

[3] Meridian and WEL have filed appeals seeking, among other relief, amendments concerning the AINF – All Infrastructure (**AINF**) chapter.

[4] This Order resolves the following parts of Meridian’s appeal:

- (a) the relief sought in paragraphs 21 and 22 of its notice of appeal regarding amendment to rule AINF-R6 which relates to the minor upgrading of infrastructure.

[5] This Order resolves the following parts of the WEL's appeal:

- (a) the relief sought in paragraph 4.21 of its notice of appeal regarding amendment to rule AINF-R6 which relates to the minor upgrading of infrastructure;
- (b) the relief sought in paragraph 4.4 regarding amendment to policy AINF-P8 which encourages the undergrounding of new infrastructure; and
- (c) the relief sought in paragraph 4.9 regarding amendment to policy AINF-P33 which encourages the location of network utility infrastructure within transport corridors.

[6] The parts of the appeals identified in paragraphs 2 and 3 above have been allocated to Topic 4.2: Infrastructure – All other infrastructure matters. This Order resolves both Meridian and WEL's interests in Topic 4.2.

## **Background**

[7] Meridian is a mixed ownership model company that generates electricity, exclusively from renewable sources. This includes the Te Uku Wind Energy Facility (**Te Uku WEF**) which is an existing 28 turbine facility near Raglan that was operational from 2010, capable of generating 64.4MW of renewable energy (equivalent to about 27,000 average New Zealand homes).

[8] WEL owns, operates, and develops electricity distribution infrastructure in the Waikato Region.

## **Meridian's appeal**

[9] Meridian's appeal sought the following amendments to the permitted standards in AINF-R6 when undertaking the minor upgrading of infrastructure:

- (a) increase the permitted relocation distance from 5m to 100m; and
- (b) increase the permitted height for any existing pole or support structure from 40% to 50%; or in the alternative
- (c) insert a specific permitted activity minor upgrading rule that is tailored to the particular needs of wind energy facilities as follows:

AINF-XX	Minor upgrading of Wind Energy Facilities
	<p>(1) Activity status: PER</p> <ul style="list-style-type: none"> <li>(a) The realignment, configuration, relocation or replacement of wind energy facilities and associated structures that meet all of the following standards: <ul style="list-style-type: none"> <li>(i) Are within 100m of the existing alignment or location;</li> <li>(ii) Do not increase the height of any existing pole or support structure by more than 50% (to a maximum height of 20m in all zones except the GRUZ – General rural zone, GIZ – General industrial zone, HIZ – Heavy industrial zone and MSRZ – Motor sport and recreation zone);</li> <li>(iii) Do not increase the diameter (width) of any existing pole or support structure by more than 50%; and</li> <li>(iv) Do not increase the area of any existing above-ground structure by more than 25%.</li> </ul> </li> </ul>

## **WEL's appeal**

[10] WEL's appeal sought the following amendments to the AINF chapter:

- (a) amend the permitted standards in rule AINF-R6:
  - (i) increase the permitted relocation distance from 5m to 10m;
  - (ii) delete the permitted standard that requires the increase in diameter of an existing above ground pipe to be limited to 300mm;
- (b) amend policy AINF-P8 to:
  - (i) remove the word "significant" from clause AINF-P8(1)(c); and
  - (ii) insert an additional clause (d) to provide an additional exemption to the policy for new infrastructure located within the GRUZ;
- (c) amend policy AINF-P33 as below:

Encourage the location of network utility infrastructure within transport corridors ~~where provided any adverse effect on~~ the function, safety and efficiency of the transport network ~~will not be compromised~~ is avoided, remedied or mitigated.

## **Parties to the appeals**

[11] Mercury NZ Limited gave notice of an intention to join Meridian's appeal under s 274 of the Act but later withdrew its interest.

[12] Heritage New Zealand Pouhere Taonga (**HNZ**) and Meridian gave notice of an intention to join WEL's appeal under s 274 of the Act.

[13] HNZ's interest was limited to paragraph 4.4 of WEL's appeal seeking deletion of the word "significant" from policy AINF-P8(1)(c) and add an additional clause. HNZ opposed the relief sought because the amendments would restrain the application of the policy and could result in the destruction of historic heritage or cultural values for a less than significant reason.

[14] Meridian's interest was limited to paragraph of 4.21 of WEL's appeal seeking to amend AINF-R6. Meridian opposed the relief sought because the requested amendments are inconsistent with the relief sought by Meridian in respect to the same rule.

### **Agreement reached**

[15] Meridian and WEL entered into direct discussions with the Council and HNZ regarding the proposed changes to the AINF chapter.

[16] The parties have now agreed on amendments to the AINF and Interpretation chapters of the DP-OP to fully resolve the appeal points set out at paragraphs [4] and [5] above.

[17] The agreed amendments are set out in **Appendix A** to this Order.

### ***Meridian appeal***

#### *New Te Uku Wind Energy Facility specific rule*

[18] During settlement discussions, Meridian agreed to pursue the alternative relief sought in its appeal. This involves insertion of a new rule specific to wind farms, rather than amending rule AINF-R6, which would apply district-wide. Additionally, Meridian agreed to limit the new rule to the Te Uku WEF only, rather than applying it to wind energy facilities in general.

[19] To inform the negotiations, Meridian's Landscape expert from Boffa Miskell Ltd prepared a technical report on the landscape and visual effects of increasing turbine heights from 40% to 50% and allowing location shifts from 5m to 100m at the Te Uku WEF as a permitted activity (**Boffa Miskell report**). The Boffa Miskell Report was peer reviewed by the Council's landscape expert from Beca Ltd.

[20] Prior to the production of the Boffa Miskell report, the experts discussed and agreed the scope of the assessment to be undertaken by Boffa Miskell, being:

- (a) to illustrate and understand the potential effects of increased turbine heights and location shifts, a series of wireframe simulations were developed from multiple viewpoints; and
- (b) the viewpoints were selected from various locations around the farm with a range of distances (2.5km to 4.9km) from the nearest turbine and based on viewpoints from the original resource consent application where effects were deemed to be the most significant.

[21] The Council's expert generally agreed with the conclusions of Meridian's expert and considered that Meridian had provided adequate information to support the relief sought. The following standards were suggested by the Council's expert to address potential landscape and visual effects, and were agreed to by Meridian's expert:

- (a) rehabilitating redundant platforms and access roads;
- (b) setting a maximum height for all turbines;
- (c) limiting the elevation or Reduced Level of new turbine platforms;
- (d) replacing all turbines within a certain timeframe to avoid "jarring" effect of turbines at different scales; and
- (e) a matter of discretion to consider cumulative effects if a resource consent is required.

[22] The parties have agreed to introduce new rule AINF-R6A to specifically provide for the upgrading of the Te Uku WEF as a permitted activity with standards. The proposed standards have been drafted based on the standards of AINF-R6, but with amendments to recognise and provide for site specific considerations for the Te Uku WEF and incorporating the advice from both Boffa Miskell and Beca as follows:

- (a) permitted relocation distance of a turbine of 100m from the existing location;

- (b) the elevation of the new turbine platform to be limited to a ground level difference of 10m relative to the platform it is replacing. This standard seeks to address the cumulative height increase and prominence of the wind farm relating to the upgrade;
- (c) the total number of turbines onsite to remain as 28 (as per existing), i.e., any upgrades cannot increase the overall number of turbines;
- (d) all other structures are within 5m of the existing location;
- (e) the height of any turbine is limited to a maximum increase of 50% of the existing structure, with a maximum height of 195m (when the blade is at its highest vertical point). During negotiations both Landscape / Visual experts considered the potential effects of upgrading turbines to a maximum height of 195m (which equates to a 50% increase in height of the existing turbine structure) and therefore it is considered appropriate to limit the standard to this height;
- (f) the height of any other structures (excluding turbines or meteorological measurement masts) must comply with the underlying height standards of the GRUZ;
- (g) upgrades to existing meteorological measurement masts must comply with the standards of rule EGEN-R3;
- (h) the diameter of the tower or support structure is increased by no more than 50% of the existing structure. This is as per AINF-R6(1)(a)(iii);
- (i) the area of existing above ground structures (excluding turbines) cannot be increased by more than 25% of existing size. This is as per AINF-R6(1)(a)(v);
- (j) no turbines or structures are to be located within Identified Areas;
- (k) earthworks activities must comply with rule AINF-R8. This is as per AINF-R6(1)(d);



- (l) exposed areas associated with upgrading activities must be rehabilitated with pasture or vegetation within 6 months of commencement of works. This is to address potential adverse landscape and visual effects of additional access roads and turbine platform;
- (m) wind turbine noise to be measured and assessed against NZS 68089:2010 Acoustics – Wind Farm Noise. This is a typical standard within the DP-OP in respect to wind farm activities (e.g., EGEN-R1, EGEN-R2); and
- (n) if a turbine is replaced with a larger size version, all remaining turbines must be replaced at the same size within 24 months. This standard seeks to mitigate the potential visual effects of “jarring” caused by having wind turbines of different heights and associated blade length and speed. The timeframe of 24 months takes into account likely construction programme to replace all 28 turbines.

[23] A restricted discretionary activity consent is required if one or more standards cannot be met (AINF-R6A(2)). The proposed matters of discretion focus on:

- (a) functional and operational needs and benefits of the upgrade;
- (b) amenity effects;
- (c) management of construction related effects such as traffic and earthworks;
- (d) impacts on Identified Area values and attributes;
- (e) ecology and biodiversity effects; and
- (f) cumulative effects on the landscape and adverse visual effects of the upgrading work.

#### Consequential amendments

[24] The parties have agreed to limit application of the rule to the subject site. Therefore, the parties have agreed to the following consequential amendments:

- (a) add a new definition for “Te Uku Wind Energy Facility” to the Interpretation (definitions) chapter of the DP-OP; and
- (b) amend AINF-R6 to exclude the activities provided for separately in AINF-R6A (and correct a minor error in the rule).

[25] The parties have considered the test to make consequential amendments established by the High Court in *Albany North Landowners v Auckland Council*<sup>1</sup> and are satisfied that the proposed amendments are “necessary and desirable” and “foreseen as a direct or otherwise logical consequence” of the changes arising from the introduction of new rule AINF-R6A. The consequential amendments are discussed below.

*New Definition – Te Uku Wind Energy Facility*

[26] The parties have agreed that to clearly articulate what activities are provided for in AINF-R6A, a new definition for “Te Uku Wind Energy Facility” is proposed to be inserted into the DP-OP. For the avoidance of doubt, the definition excludes onsite activities that are covered by existing designations (being WEL-6, a switching station and WEL-7, transmission line corridor). The parties have agreed on the following definition:

Term	Definition
<u>Te Uku Wind Energy Facility</u>	<p><u>Means the 28 turbine Large-Scale Wind Farm established in 2010 on land comprised in Lot DP 90684, Sections 4, 6 and 25 SO Plan 438940, Sections 2, 5, 6 and 13 Block XI Karioi Survey District, Section 18 Block X Karioi Survey District, Sections 5, 8, 10, 11, 14, 15, 18, 19, 22, 23, 25, 27, 29, 31, 33, 35, 40, 42 and 43 SO Plan 443427, Lots 2 and 4 DP 90684, Section 1 Block VII Karioi Survey District and Lot 3 DP 309860.</u></p> <p><u>This definition does not include the Te Uku Wind Park Switching Station designated under WEL-6 or the Transmission Line corridor for an electricity line designated under WEL-7.</u></p>

<sup>1</sup> *Albany North Landowners v Auckland Council* [2017] NZHC 138.

*Consequential amendment to AINF-R6*

[27] Rule AINF-R6 provides for the minor upgrading of infrastructure on a district-wide basis. The parties consider that a consequential amendment is required to specifically exclude the activities that are provided for separately in AINF-R6A and to correct a minor error as follows:

**AINF-R6 Minor Upgrading**

(1)...(g) The standards in Rule AINF-R6(1) do not apply to road network activities, or other lineal transport networks or those activities provided for in AINF-R6A.

***WEL appeal***

*Amendment to AINF-R6*

[28] To resolve WEL's appeal on AINF-R6, the parties have agreed to amend the standards relating to the permitted relocation distance and aboveground pipe diameter as follows:

- (a) Increase the permitted relocation distance from 5m to 10m; and
- (b) Increase the permitted above-ground pipe diameter to allow for an increase up to 50% (up to a maximum total diameter of 450mm).

[29] The parties consider that providing for greater flexibility in the rule is appropriate to better reflect the practicalities of day-to-day network utility upgrades and avoids the need for unnecessary resource consent applications.

*Amendment to AINF-P8*

[30] The parties have agreed to amend AINF-P8 to add an additional clause (d) that references overhead distribution lines and support structures within the GRUZ. The amendment expressly recognises the permitted status of such activities in the GRUZ. The parties have agreed on the following wording:

(d) It is overhead electricity distribution lines and support structures within the General Rural Zone.

*Amendment to AINF-P33*

[31] WEL sought changes in wording within policy AINF-P33 to better align with well understood resource management terminology such as “adverse effects”.

[32] The parties have agreed to amend AINF-P33 to replace “will not be compromised” with more appropriate resource management terminology “is maintained”. The parties consider that “will not be compromised” is a term that may be more open to interpretation than the use of “is maintained” which is considered a clearer word to use in the policy.

**Planning assessment**

[33] The parties have considered the statutory framework applicable to plan changes under the Act and are of the view that the agreed amendments satisfy the relevant statutory requirements.

***Part 2***

[34] The parties consider that the amendments sought will promote the sustainable management of natural and physical resources noting:

- (a) infrastructure consists of the physical structures and networks that support and provide essential services to the communities of the district. The efficient use and management of infrastructure as a physical resource is critical to the district’s economic productivity, environmental outcomes and wellbeing of the community. The benefits of infrastructure to the functioning of the district are therefore substantial;
- (b) the amendments will help provide for social and economic wellbeing of people and communities by helping to meet the reasonably foreseeable energy needs of future generations;

- (c) the efficient development, maintenance and operation of the physical resources of infrastructure is fundamental to both present and future communities. The continuing use of infrastructure through enabling the operation, maintenance and development enables people and communities to provide for their health and well-being.
- (d) the amendments related to REG contribute to mitigating the adverse effects of climate change.

### ***National Policy Statements***

[35] When preparing a district plan, Council must give effect to any national policy statement, New Zealand Coastal Policy Statement, and any national planning standard. There are no national planning documents of particular relevance to the WEL appeal; however, in respect to the Meridian appeal, the relevant national planning document is addressed below.

#### ***National Policy Statement – Renewable Electricity Generation***

[36] The National Policy Statement – Renewable Electricity Generation (**NPS-REG**) sets out an overarching objective and policies (including Policies A, C1 and E1) to enable the sustainable management of renewable electricity generation, including:

- (a) To recognise and provide for the national significance of renewable electricity generation (**REG**) activities;
- (b) To have regard to the need to locate such activities where the renewable energy resource is available and logistical and technical practicalities of these activities; and
- (c) To provide for the upgrading of existing REG activities in district plans.

[37] The parties consider that the amendments sought in respect of Meridian's appeal are consistent with the relevant provisions of the NPS-REG, as they provide for the upgrading of an existing wind REG activity as a permitted or restricted discretionary activity.

Waikato Regional Policy Statement

[38] Objective-EIT-O1 of the Waikato Regional Policy Statement (**WRPS**) (supported by policy EIT-P1) seeks to ensure that energy use is managed, and electricity generation and transmission is operated, maintained, developed and upgraded, in a way that:

- (a) recognises and provides for national, regional and local benefits of electricity transmission and REG activities;
- (b) addresses adverse effects on natural and physical resources; and
- (c) recognises technical and operational constraints of such activities.

[39] The parties consider that the proposed amendments are consistent with the relevant provisions of the WRPS, in that the amendments seek to enhance policies and rules of the DP-OP to better enable the development, maintenance and upgrading of electricity generation and transmission.

DP-OP Objectives and Policies

[40] The parties advised that the proposed policy changes to AINF-P8 and AINF-P33 have been assessed against the relevant objectives in the DP-OP for internal consistency. They consider that the changes are consistent with the direction of the DP-OP, and in particular, the objectives seeking to:

- (a) develop, maintain and upgrade infrastructure to enhance wellbeing in accordance with objective AINF-O1;
- (b) recognise non-renewable energy resources within the district in accordance with objective AINF-O6; and
- (c) provide for and integrate infrastructure within subdivision, use and development in accordance with objective AINF-O7.

[41] The parties advised that the proposed changes to AINF-R6 and new rule AINF-R6A have been assessed against the relevant objectives and policies in the DP-

OP for internal consistency. They consider that the changes are consistent with the direction of the DP-OP, and in particular, provisions seeking to:

- (a) develop, maintain and upgrade infrastructure to enhance wellbeing, have regard to the benefits of infrastructure and to recognise functional and operational needs and constraints (AINFO1, AINF-P1, AINF-P3); and
- (b) increase REG and enable upgrading of REG activities whilst addressing adverse effects (AINF-O5, AINF-P6, AINF-P21).

### **Section 32AA Assessment**

[42] Section 32AA of the Act requires a further evaluation of any changes to the proposed plan change since the initial s 32 evaluation report and the Decision. The Council has prepared a stand-alone s 32AA evaluation, which is included in Appendix C to the consent memorandum dated 10 June 2025. For clarity, the s 32AA evaluation is split into four parts:

- (a) Part 1: Upgrade to an existing Large-Scale Wind Farm (being the Te Uku WEF);
- (b) Part 2: Enabling flexibility and upgrades of existing infrastructure;
- (c) Part 3: Recognising that above ground is appropriate in the General rural zone; and
- (d) Part 4: Maintaining the function, safety and efficiency of the transport network.

[43] Overall, the s 32AA assessment concludes:

- (a) The proposed amendments are the most appropriate way to achieve the purpose of the Act because:
  - (i) the proposed amendments promote sustainable management of natural and physical resources as they support the continued use and development of these resources whilst mitigating potential adverse effects. This will provide for social and economic

wellbeing of people and communities and help to meet the foreseeable energy needs of the future in accordance with s 5 of the Act; and

- (ii) in accordance with ss 7(ba) and (j), the proposed amendments provide for the efficient use of natural and physical resources and has regard to the potential benefits from the use and development of renewable energy.
- (b) The proposed amendments are considered the most appropriate way to achieve the objective of the DP-OP because:
- (i) the amendments to AINF-P8 and AINF-P33 help to improve and articulate the policy direction for the DP-OP in respect of providing for overhead electricity distribution lines and support structures in the GRUZ and locating network utilities within the transport network;
  - (ii) the amendment of AINF-R6 provides more flexibility for minor upgrades of infrastructure, striking a balance between enabling the structures and managing adverse effects; and
  - (iii) with respect to Te Uku WEF, a bespoke permitted activity rule will enabling the upgrade of Te Uku WEF with specific standards tailored to the activity that responds to potential effects.

### **Consideration**

[44] The Court has now read and considered the consent memorandum of the parties dated 10 June 2025 which proposes to resolve the appeal.

[45] The Court is making this Order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this Order;



- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[46] I am satisfied that the agreement reached is one that represents the various interests of the parties. It is clear the parties have considered other reasonably practicable options and assessed costs and benefits. I conclude the parties have taken a nuanced and balanced approach, and the agreed amendments are the most appropriate way to achieve the purpose of the Act and the objectives in the DP-OP. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are broadly met.

[47] I am satisfied that the proposed changes are within the scope of relief sought by Meridian and WEL in their appeals and submissions.

### **Orders**

[48] Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (a) the appeals are allowed subject to amendment to the Interpretation – definitions, and AINF – All other infrastructure chapters of the Waikato District Plan – Operative in Part (DP-OP) as set out in **Appendix A** to this Order;
- (b) paragraphs 21 and 22 of Meridian Energy Ltd's appeal and paragraphs 4.21, 4.4 and 4.9 of WEL Networks Ltd's appeal, allocated to Topic 4.2: Infrastructure – All other infrastructure matters, are otherwise dismissed.

[49] Under s 285 of the Act, there is no order as to costs.



L J Newhook

Environment Judge | Kaiwhakawā o te Kōti Taiao



## Appendix A - Agreed Amendments with Track Changes

### Amendment to Part 2: District-wide matters /Energy, infrastructure and transport/ AINF - All Infrastructure

<b>AINF-P8</b>	<b>Undergrounding new infrastructure</b>	
<p>(1) Encourage new infrastructure to be placed underground unless:</p> <p>(a) The adverse effects on the environment are greater than placing the infrastructure above ground;</p> <p>(b) A natural or physical feature or structure renders underground placement impractical or undesirable; or</p> <p>(c) There are significant operational, functional, technical, cultural, historic heritage or economic reasons that require the infrastructure to be above ground; <u>or</u></p> <p>(d) <u>It is overhead electricity distribution lines and support structures within the General Rural Zone.</u></p>		
<b>AINF-P33</b>	<b>Network utility location</b>	
Encourage the location of network utility infrastructure within transport corridors where the function, safety and efficiency of the transport network <del>will not be compromised</del> <u>is maintained</u> .		
<b>AINF-R6</b>	<b>Minor upgrading</b>	
All zones	<p>(1) <b>Activity status: PER</b></p> <p><b>Activity- specific standards:</b></p> <p>(a) The realignment, configuration, relocation or replacement of infrastructure and associated structures that meet all of the following standards:</p> <p>(i) Are within <u>510m</u> of the existing alignment or location;</p> <p>...</p> <p>(iv) Do not increase the diameter of any existing above-ground pipe by more than <u>50% (up to a maximum total diameter of 450300mm)</u>; and</p> <p>...</p> <p>(g) The standards in Rule AAINF-R6(1) do not apply to road network activities, or other lineal transport networks <u>or those activities provided for in AINF-R6A.</u></p>	<p>(2) <b>Activity status: RDIS</b></p> <p>...</p>
<b>AINF-R6A</b>	<b>Minor upgrading at Te Uku Wind Energy Facility</b>	
<u>GRUZ – General rural zone</u>	<p>(1) <b>Activity status: PER</b></p> <p><b>Activity- specific standards:</b></p> <p>(a) <u>The realignment, configuration, relocation or replacement of turbines and structures comprising the Te Uku Wind Energy Facility that meet all of the following standards:</u></p>	<p>(2) <b>Activity status where compliance not achieved: RDIS</b></p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>The functional and operational needs of, and benefits derived from, the infrastructure upgrade;</u></p>

	<ul style="list-style-type: none"> <li>i. <u>A new turbine must be located within 100m of the existing turbine location it is replacing;</u></li> <li>ii. <u>The elevation of a new turbine platform is limited to a maximum ground level difference of 10m relative to the turbine platform it is replacing;</u></li> <li>iii. <u>The total number of turbines that form the Te Uku wind energy facility cannot exceed 28;</u></li> <li>iv. <u>All other structures are within 5m of the existing location;</u></li> <li>v. <u>The height of any turbine is increased by no more than 50% of the height of the structure it replaces to a maximum height of 195m (when the blade is at its highest vertical point);</u></li> <li>vi. <u>The height of any structures (other than turbines or meteorological measurement masts) complies with the height standards of the GRUZ – General rural zone;</u></li> <li>vii. <u>The upgrading of meteorological measurement masts must comply with the standards specified in rule EGEN-R3;</u></li> <li>viii. <u>The diameter (width) of any turbine tower or support structure is increased by no more than 50% of the structure it replaces;</u></li> <li>ix. <u>The area of any existing above-ground structure (excluding turbines) is increased by no more than 25%;</u></li> <li>x. <u>No turbines or structures are located within any Identified Area;</u></li> <li>xi. <u>Earthworks activities associated with the minor upgrading must comply with the standards of Rule AINF-R8;</u></li> <li>xii. <u>Exposed areas associated with turbine or structure removal and redundant access track locations must be rehabilitated with pasture</u></li> </ul>	<ul style="list-style-type: none"> <li>(b) <u>Visual, streetscape and amenity effects, including noise;</u></li> <li>(c) <u>Transport network safety and efficiency during construction;</u></li> <li>(d) <u>Management of sediment and dust, including the staging of works;</u></li> <li>(e) <u>The scale of the earthworks activities, taking into account any effects on the values, qualities and characteristics of the site;</u></li> <li>(f) <u>For non-compliance with AINF-R6A(3)(a)(ix), potential effects on the attributes and values of the Identified Area within which the upgrading occurs;</u></li> <li>(g) <u>Ecology and biodiversity effects; and</u></li> <li>(h) <u>Cumulative adverse effects on the landscape and adverse visual effects resulting from the upgrading work.</u></li> </ul>
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	<p><u>or vegetation within 6 months of the commencement of the works;</u></p> <p>xiii. <u>Wind turbine noise must be measured and assessed in accordance with NZS6808:2010 Acoustics – Wind Farm Noise; and</u></p> <p>xiv. <u>If a turbine is replaced with a larger size version (height and/or blade), all remaining turbines must be replaced at the same size within 24 months.</u></p>	
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### **Amendment to Part I: Introduction and general provisions / Interpretation / Definitions**

<b>Term</b>	<b>Definition</b>
<u>Te Uku Wind Energy Facility</u>	<u>Means the 28 turbine Large-Scale Wind Farm established in 2010 on land comprised in Lot DP 90684, Sections 4, 6 and 25 SO Plan 438940, Sections 2, 5, 6 and 13 Block XI Karioi Survey District, Section 18 Block X Karioi Survey District, Sections 5, 8, 10, 11, 14, 15, 18, 19, 22, 23, 25, 27, 29, 31, 33, 35, 40, 42 and 43 SO Plan 443427, Lots 2 and 4 DP 90684, Section 1 Block VII Karioi Survey District and Lot 3 DP 309860. This definition does not include the Te Uku Wind Park Switching Station designated under WEL-6 or the Transmission Line corridor for an electricity line designated under WEL-7.</u>