



Section 32 of the Resource
Management Act 1991

District Plan Change 7:
Renewable Energy – Wind
Farms

▪ report

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District Plan Change 7: Renewable Energy – Wind Farms

Prepared for
Porirua City Council

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Appendix A - National District Plan Review

1 Introduction

This report is written to meet the requirements of Section 32 of the Resource Management Act 1991 (the Act). Section 32 of the Act sets out the analysis Council must undertake when considering any change to the objectives, policies and rules within its District Plan (the Plan). The section applies equally to the development of a plan and changing or adding to the objectives, policies and rules within an existing plan.

Specifically the Act states:

“32. Consideration of alternatives, benefits and costs

- (1) *In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by –*
 - (a) *the Minister, for a national policy statement or [[a national environmental standard]]; or*
 - (b) *the Minister of Conservation, for the New Zealand coastal policy statement; or*
 - (c) *the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or*
 - (d) *the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.*

- (2) *A further evaluation must also be made by –*
 - (a) *a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and*
 - (b) *the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.*

- (3) *An evaluation must examine –*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

- [[3A) This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.]]*

- (4) *For the purposes of [[the examinations referred to in subsections (3) and (3A)], an evaluation must take into account –*
- (a) *the benefits and costs of policies, rules, or other methods; and*
 - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.]”*

In brief, Council must have regard to:

- The extent to which the proposed change is necessary to achieve the purpose of the Act.
- Other means which might be used to achieve the intended purpose of the plan change including:
 1. Provision of information;
 2. Provision of services or incentives;
 3. Levying of charges (including rates);
 4. The reasons for and against:
 - a. adopting the proposed plan change; and
 - b. the principal alternative means available, including taking no action.

Further, Council must:

- Carry out an evaluation of the costs and benefits of the proposed change and the principal alternative means of achieving the desired outcome.
- Carry out an evaluation of the likely implementation and compliance costs associated with the proposed plan change.

In summary, the Council must establish that the plan change is needed to achieve the purpose of the Act and that the change is the best means available to achieve Council's objectives when compared against the alternative methods available – including doing nothing. The analysis must be available to the public at the time of notification of the plan change.

This report will cover:

- The background of the issue that Plan Change 7 intends to address.
- The alternative methods available to Porirua City Council (PCC) to address identified issues associated with renewable energy – including a review of the effectiveness, efficiency, and costs and benefits of the identified methods.
- The approaches other councils have taken in their district plans to address the issue.

- The reasons for concluding that:
 - a. A plan change is necessary in achieving the purpose of the Act;
 - b. The chosen plan change is the most appropriate option available to PCC in terms of its effectiveness and efficiency. This includes an analysis of the implementation costs and compliance costs of associated with the plan change.
- The consultation Council has undertaken in developing the plan change and the reasons for the chosen method of consultation.

2 Background

The Council is currently reviewing the Rural Zone provisions of the Porirua City District Plan. This review has six interlinked components, one of which is Wind Farms.

Section 7(j) of the Act requires councils to have particular regard to the benefits to be derived from the use and development of renewable energy when exercising functions and powers under the Act.

Wind energy has been recognised as being the form of renewable energy that is most likely to be developed in the near future in Porirua. This is primarily due to the quality of the wind resource in the area and the favourable topography of the City.

The current operative Porirua City District Plan (1999) was prepared in the early 1990's prior to the introduction of the Section 7(j) requirement under the Act in 2004, and the emergence of commercial wind farm development in New Zealand. Therefore the Plan has not been prepared with any specific provisions relating to wind farms and the wider issue of the use and development of renewable energy. It is likely that there will be the demand for wind farm development in the Porirua City in the near future. As such, it is prudent that an appropriate regulatory framework be put in place to manage the effects of future wind farm developments within the city.

Council has decided that an appropriate solution is to provide specific objectives and policies that encourage the use and development of wind energy as the key likely form of renewable energy generation in Porirua City, while at the same time ensuring the any potential significant adverse effects on the environment, including the sustainability of the rural land resource, are avoided, remedied or mitigated.

3 The Issue

The Plan is currently silent on wind farms as a particular activity. Any application for a wind farm would currently fall within the default category of a discretionary activity, for activities that are not specifically provided for within the Rural Zone. This means that there is effectively little guidance on how to manage any associated effects on the environment and how section 7(j) of the RMA should be balanced in terms of any potential adverse effects. There is currently little certainty for applicants, the community and the Council on what matters would need to be considered should an application be made.

A regulatory framework would assist by providing the means to assess an application for resource consent against relevant objectives, policies, rules and assessment criteria, rather than an application being assessed without such a framework to provide any guidance.

The potential effects associated with wind farm development were identified from an extensive literature review. This literature included case law, decisions, guidelines, plans and other reports. Following this review it was identified that the effects that Council would need to assess as part of an application would generally include:

- Landscape and visual effects
- Sensitive uses, including:
 - noise and vibration
 - shadow
 - shadow flickering
- Ecological effects, including:
 - bird/bat strike
 - habitat loss and displacement
- Transport effects, including:
 - traffic
 - construction transport
 - aviation
 - traffic generation
- Land use effects, including:
 - land use sensitivity
 - wind-take
- Economic effects, including:
 - tourism
 - electricity generation
- Construction effects
- Utilities
- Renewable energy and greenhouse gas effects
- Cultural values and heritage effects.

Having determined that Council does not have clear policy framework to identify and assess these effects under the Plan, a decision was made to initiate a plan change process that would result in the introduction of appropriate provisions to deal with wind farm developments.

4 Policy Aims

The essential aim of the Plan Change policy can be summarised into two key aspects:

- To give particular regard to the benefits to be derived from the use and development of renewable energy, such as wind energy (Section 7(j) of the Act); and

- To ensure that the adverse environmental effects resulting from the development of renewable energy resources, particularly wind, are avoided, remedied or mitigated (Section 5(2)(c) of the Act).

The policy aim is to provide a framework for assessing wind farm proposals against these two aspects.

As a preliminary matter, it is necessary to provide policy clarity in terms of defining what constitutes a 'wind farm' at a commercial scale, as opposed to the use of wind turbines to generate electricity at a domestic scale, as the characteristics and effects of wind farms differ significantly to those associated with a single domestic scale turbine. Domestic scale wind turbines are generally considered as those that generate a maximum output of 5kW. It may be reasonable to include up to 20kW maximum output on any given site.

By differentiating the different scales of development of wind as a renewable energy resource, the proposed policy changes can provide overarching guidance in relation to all renewable energy development, while specifically focussing on the management of the effects of large scale commercial wind farms. The effects of domestic scale turbines would subsequently continue to be managed by performance standards that apply to the different zones across the City.

Prior to investigating options for how these policy aims could be achieved, it was considered necessary to identify those parts of the city where renewable energy development, particularly wind farms, would most likely be located. In doing so, this would help determine those parts in the Plan that would require amending.

The Rural Zone is the most likely zone for wind farm development to occur. This is mainly due to the scale of the zone, which comprises approximately 80% of land in the City with larger allotment sizes, and the general need of wind farms to be located in open and exposed spaces that also provide separation from 'sensitive' land-uses (such as existing residential areas). Given these characteristics, the Suburban, City Centre, Industrial and Business Park Zones are less likely to be appropriate for wind farm development.

While the Rural Zone is the most likely location for any wind farm developments, it also needs to be recognised that the Rural Zone is in a state of change, with increasing demand for rural residential living and small lifestyle farms, while also comprising areas of productive farmland. This change is reflected in the provision for subdivision to 5ha as a discretionary activity in the Rural Zone. Wind farms could potentially impact on the use and future development of properties within the immediate vicinity, and the sustainability of the rural land resource as a whole.

As such, it was considered that proposed policy changes would need to focus on specifically providing for wind farm development in the Rural Zone in a manner that ensures that significant adverse effects on the local environment would be avoided, remedied or mitigated, whilst giving particular regard to the local, regional and national benefits to be derived from its use and development.

5 Alternatives for Addressing the Suggested Policy Aims

As set out in Section 1 of this report, Council must consider the necessity of any action in achieving the purpose of the RMA. It must also consider alternatives, costs, including implementation costs, benefits, and the overall effectiveness and efficiency of the alternatives.

5.1 The Alternatives

There are several alternatives that can be reasonably considered when determining how the new policy could be effected. These alternatives are:

1. **Do nothing.** There are no specific provisions in the Plan that deal with wind farms. However, if the Plan were to be left as it is, wind farm activities would still trigger the need for a resource consent, as outlined in Table 1 (within Appendix A). Reliance on the existing objectives and policies would be necessary in terms of the assessment of a proposal.
2. **Introduce a new section into the plan that specifically addresses wind farms.** This option involves the insertion of two new parts of the Plan, one for Renewable Energy Objectives and Policies and a second for Renewable Energy Rules.
3. **Introduce new objectives, policies and rules into the existing plan framework.** This option involves the insertion of new objectives, policies and rules into the existing Rural Zone sections of the Plan, given that the Rural Zone was identified as the only feasible zone for where wind farm development would occur.

5.2 Analysis of the Alternatives

	1. Do nothing	2. Introduce a new section into the plan that specifically addresses wind farms	3. Introduce new objectives, policies and rules into the existing plan framework
Costs	<ul style="list-style-type: none"> ■ No costs in terms of implementation, as no change would need to be made to the text of the Plan. ■ For applicants, the current land use consent processing costs would apply to new wind farm developments. ■ Little guidance for applicants in terms of the types of effects that Council wants addressed. ■ Little certainty for the community as to the issues that would need to 	<ul style="list-style-type: none"> ■ Costs for Council associated with attempting to defend amendments. ■ Costs to submitters in challenging amendments. ■ Applicant's costs would include the current land use consent processing costs. ■ Costs in reprinting and distributing the revised Plan. 	<ul style="list-style-type: none"> ■ Costs for Council associated with attempting to defend amendments. ■ Costs to submitters in challenging amendments. ■ Applicant's costs would include the current land use consent processing costs. ■ May exclude areas of the City. ■ Costs in reprinting and distributing the revised Plan.

	1. Do nothing	2. Introduce a new section into the plan that specifically addresses wind farms	3. Introduce new objectives, policies and rules into the existing plan framework
	<p>be addressed and how these may be managed.</p> <ul style="list-style-type: none"> ■ Little guidance for the Council in assessing proposed developments. ■ Ad hoc development that could result in adverse effects on the environment. 		
Benefits	<ul style="list-style-type: none"> ■ A clear benefit of doing nothing to the Plan is that it requires no work in terms of developing amendments to the Plan text. 	<ul style="list-style-type: none"> ■ Specific guidance for assessing wind farm applications will be provided by virtue of specific Plan provisions. ■ Plan users could locate relevant rules and standards easily as wind farms would have their own specific section, and it would also clearly identify the information that an applicant needs to submit as part of an application. ■ Amendments to existing Zone-based rules and standards would not necessarily be required, potentially making the change easier to implement. ■ Provides a consistent approach to the management of potential effects on the environment. ■ Provides greater certainty in relation to wind farm development. 	<ul style="list-style-type: none"> ■ Specific guidance for assessing wind farm applications will be provided by virtue of specific Plan provisions. ■ Would clearly identify the information that an applicant needs to submit as part of an application. ■ This approach would also be consistent with the existing zone-based Plan structure, and therefore there would be less likelihood of conflicts occurring with other provisions in the Plan. ■ Provides a consistent approach to the management of potential effects on the environment. ■ Provides greater certainty in relation to wind farm development.
Effectiveness and efficiency	<ul style="list-style-type: none"> ■ Would not be as effective or efficient in terms of its application to the assessment of wind farm proposals as there is no guidance for Council staff assessing such applications. ■ May lead to inconsistent and inappropriate approaches to assessment. ■ Inefficiency could also occur as a result of the 	<ul style="list-style-type: none"> ■ Providing guidance for Council staff assessing such applications, would lead to increased consistency in approaches to assessment. ■ As wind farm information requirements would be clearly defined, it would make the application process much more efficient for applicants. ■ This approach is 	<ul style="list-style-type: none"> ■ Providing guidance for the assessment of such applications, would lead to increased consistency in approaches to assessment. ■ As wind farm information requirements would be clearly defined, it would make the application process much more efficient for applicants and the public.

	1. Do nothing	2. Introduce a new section into the plan that specifically addresses wind farms	3. Introduce new objectives, policies and rules into the existing plan framework
	wind farm information requirements not being clearly defined, creating the need for further information requests. <ul style="list-style-type: none"> ■ May result in inappropriate and inefficient development of renewable energy resources. 	inconsistent with the current Plan approach to issues, which are addressed in a zone-based manner. <ul style="list-style-type: none"> ■ Provides greater certainty in relation to wind farm development. 	<ul style="list-style-type: none"> ■ This approach is consistent with the current Plan approach to issues, which are addressed in a zone-based manner. ■ Provides greater certainty in relation to wind farm development.

5.3 Conclusion

The above assessment clearly identified that the “do nothing” approach would not achieve the purpose of the Act as effectively or efficiently, and is inconsistent with Section 7(j) of the Act, when compared to the two alternatives. While taking the “do-nothing” approach would mean that the Council did not incur the cost of a plan change process, any application for resource consent would be assessed in a policy vacuum, with little certainty for any of the parties involved on what the matters are that need to be addressed and considered, how local, regional and national benefits would be assessed in relation to local adverse effects, and how any potential adverse effects would be managed. By providing a policy framework, all parties are assured of the matters that will be considered in a resource consent application. As such, the “do nothing” approach was ruled out.

The other two alternatives were similar in terms of their costs, benefits and overall effectiveness and efficiency. Whilst the option of adding in a new renewable energy section had the advantage of being more readily locatable within the Plan, it was decided that inserting new objectives, policies and rules into the existing framework would better complement the structure of the Plan, and would be less likely to result in inconsistencies throughout the Plan.

It was considered that a new stand-alone section could be more appropriate after further study is undertaken on other potential sources of renewable energy, so that all sources of renewable energy could be comprehensively addressed. Given the relatively narrow range of issues relating to wind farm activities compared with the entire spectrum of renewable energy sources and that any wind farms are most likely to be located in rural areas, introducing new objectives, policies and rules into the existing plan framework was chosen as the most suitable option for achieving the purpose of the RMA in terms of wind farm use and development.

6 Proposed Changes to the Plan

Given the decision to proceed with the insertion of Renewable Energy objectives, policies and rules into the existing framework of the Plan, the changes to the Plan would be as outlined in this section. New provisions are underlined and deleted text is struck through.

Where appropriate the full objective, policy, rule or other provision in which the change sits has been included for clarity.

6.1 Part B Significant Resource Management Issues

6.1.1 Plan Text

B13 RENEWABLE ENERGY

Section 7(j) of the Resource Management Act requires particular regard to be given to the benefits to be derived from the use and development of renewable energy. The rural areas of the City, in particular, have potential for the development of renewable energy, such as wind energy at a commercial scale, while the urban areas of the City offer the opportunity for domestic scale renewable energy use. Section C4 of the Plan recognises the importance of the development of, and use of, renewable energy resources while at the same time ensuring that any significant adverse effects of such development are avoided, remedied or mitigated and the sustainability of the rural land resource is not compromised.

The rural land resource in Porirua has multiple values including its potential value for wind energy generation. Primary production and plantation forestry activity are predominant in the Rural Zone. However, the nature of the Rural Zone is changing, with rural lifestyle development becoming increasingly prevalent. This is reflected by the number of lots with areas less than 40 hectares and the increasing number of lots between five and 10 hectares in size. The change in land development patterns can mainly be attributed to the following factors:

- (a) The Rural Zone's proximity to the Porirua urban area;
- (b) The District Plan provides for subdivision to a minimum of five hectares as a discretionary activity;
- (c) The high level of accessibility, being bisected by State Highway One and State Highway 58; and
- (d) The amenity values provided by the Porirua Harbour catchments' landscapes.

Peri-urban development now has a significant presence on the developable land nestled in amongst the hills and ridges of the harbour catchment. Along with its landscape attributes, the harbour catchment also has significant ecological values, and is recognised by Greater Wellington Regional Council as being of regional significance as an estuarine harbour ecosystem.

Both the geographical location of Porirua City and its many hills and ridges within close proximity to the coastal area, lends the City to being a potential wind energy resource. However, the characteristics that make the City a potential wind energy resource are the same that provide the landscape

backdrop and natural edge to the harbour catchment and the City's urban and peri-urban areas. The relatively close proximity of the hills and ridges to the lower lying urban and peri-urban areas and the harbour ecosystem results in potential tensions between the existing values of the Rural Zone and its potential as a wind energy resource. These tensions require careful management in considering the sustainable management of the Rural Zone."

6.1.2 Explanation

The addition of this issue to the Significant Resource Management Issues section introduces the policy aims, and provides the background for why amendments to the objectives, policies and rules for the Rural Zone are proposed.

6.2 Part C4 Rural Zone Objectives and Policies

6.2.1 Plan Text

"C4.2A OBJECTIVE

To recognise the potential of the Rural Zone for renewable energy development, in particular wind farming, while ensuring that any significant adverse effects on the environment, including the sustainability of the rural land resource, are avoided, remedied or mitigated.

Explanation

The Rural Zone has been recognised as encompassing environments that are potentially suited to the development of renewable energy resources, particularly commercial scale wind farms, due to the scale and characteristics of the Zone.

While the benefits of renewable energy generation from commercial scale wind farms are recognised, so too are their potential to generate significant adverse effects on the environment, including landscape, ecology and amenity values, noise, traffic and the sustainable development and use of land. The likely scale and location of wind farms generally means these adverse effects will generally not be able to be internalised within the wind farm site and may impact on the development potential of sites in the immediate vicinity and the sustainability of the rural land resource.

Renewable energy developments may be located in the Rural Zone where any significant adverse effects on the environment and on the sustainability of the rural land resource are avoided, remedied or mitigated.

The broader, and national, regional and local, benefits need to be weighed against the potential adverse, and local, effects of the development of renewable energy resources. This requires careful assessment to ensure that any significant adverse effects are avoided, remedied or mitigated. The

retention of Council's discretion to grant or refuse any application for resource consent ensures that full consideration can be given to this on a case-by-case basis."

6.2.2 Explanation

The addition of a new objective that specifically addresses renewable energy provides reasoning for why the Rural Zone has been identified as having the potential to be an appropriate area for developing wind farms, and provides a precursor for introducing relevant policies.

6.2.3 Plan Text

"C4.2A.1 Policy

To recognise the benefits of the development of renewable energy resources and the natural advantages that the Rural Zone provides for wind energy in particular.

Explanation

This policy recognises the local, regional and national benefits of renewable energy development and regional and central government policies that seek to reduce dependence on non-renewable energy generation in favour of renewable energy generation. The City is recognised as having environments with a very good wind resource. The Rural Zone, in particular, contains potentially favourable locations for wind farms based on topography and land contour. The Zone also provides larger undeveloped spaces that potentially offer some degree of isolation from sensitive land uses. However, at the same time, it should be recognised that many of these large spaces are becoming increasingly fragmented.

Method of Implementation

District Plan policies and rules specify that wind farms are a discretionary activity in the Rural Zone, subject to certain criteria about their location. Any applications will be assessed against a range of assessment criteria that includes the recognition of the potential contribution of wind farms to achieving national, regional and local energy policy objectives, amongst other matters.

Principal Reasons

Central and regional government policies, along with an amendment in 2004 to the Resource Management Act, emphasise the importance of the development and use of renewable energy resources. More specifically, this includes:

- Central Government policies in relation to climate change and energy, which seek a reduction of greenhouse gas emissions in accordance with New Zealand's Kyoto Protocol obligations, increased energy efficiency and an increase in the supply of energy from renewable sources. These policies are included in the National Energy Efficiency and Conservation Strategy (NEECS)(2001), the Draft NEECS (2006) and the draft New Zealand Energy Strategy (2006). The NEECS targets an annual increase in renewable energy supply of 2% to 2012.
- Section 7(j) of the Resource Management Act that requires Council to have particular regard to the benefits derived from the use and development of renewable energy.
- The Wellington Regional Policy Statement that seeks reduced energy demand, increased energy efficiency, the management of non-renewable sources and the development of renewable energy sources.

The Wellington Region, including Porirua City, is recognised as having a wind resource that is suitable for renewable energy generation. Given its characteristics, the Rural Zone has the most potential of any environment in the City for commercial wind farm development. Other zones in the City do not offer the natural advantages that the Rural Zone does. Other Zones also provide for activities that are sensitive to, and incompatible with, the development of commercial wind farms. Domestic scale turbines will require assessment against the performance standards of these zones."

C4.2A.2 Policy

"To manage the adverse environmental effects of wind farms on the Rural Zone and the City as a whole, by recognising that wind farms have the potential to cause significant adverse effects on the environment, particularly in terms of landscape, ecology and amenity values, noise and traffic and may be inappropriate in some locations.

Explanation

This policy recognises the importance of the development of renewable energy resources, while recognising that the development and use of wind farms, as the most likely type of renewable energy generators, have the potential to cause significant adverse effects on the environment, particularly in terms of landscape, ecology and amenity values, noise and traffic. These potential adverse effects and the general inability of wind farms to be able to internalise those effects means that a wind farm, or part thereof, may be inappropriate in some locations.

Method of Implementation

District Plan policies and rules provide for wind farms as a discretionary activity in the Rural Zone where criteria relating to separation from other Zones, separation from adjacent properties and exclusion from Landscape Protection Areas are met. This category of resource consent allows the Council to either refuse the application, or grant consent and impose conditions in order to avoid, remedy or mitigate adverse effects on the environment. The rule includes specific assessment criteria to guide Council's consideration of any applications for resource consent.

Wind farms that do not meet the separation and exclusion criteria will be considered as non-complying activities.

Principal Reasons

Given the likely scale and the generally elevated location of wind farm developments, they are unlikely to be able to internalise all potential adverse effects that they may generate within the wind farm site. The consequential scale of effects generated on the surrounding environment will vary widely depending on the location of the wind farm and the characteristics of the surrounding area, including such factors as topography, screening and background noise.

The nature of the topography and geographical layout of the City means that any wind farm will potentially be visible throughout the City. Any application for resource consent for a wind farm will need to include an assessment of the ability of the environment to absorb the visual impact of the wind farm within the landscape and the appropriateness of the location. The discretionary activity criteria specifically excludes wind farms from being located within Landscape Protection Areas to reflect that it would be unlikely that wind farms would not significantly compromise the high landscape and amenity values that these areas are recognised for.

It is generally accepted that adverse effects associated with noise and shadow flicker may be able to be mitigated at a distance of 700m from the closest wind turbine, and that the visual impact of the wind farm may be reduced at this distance. The status of wind farms as a discretionary activity rule reflects this by requiring a separation distance of 700m from adjacent Zone boundaries and boundaries with properties that do not form part of the wind farm site.

As a discretionary activity, any wind farm will be subject to a full and rigorous assessment. Where the separation distance is not met, it is less likely that significant adverse effects on the environment will be able to be avoided, remedied or mitigated, and a non-complying activity status will apply.

C4.2A.3 Policy

To recognise the potential for conflict from wind farms on the present and future use and development potential of sites within the immediate vicinity and to protect the sustainability of the rural land resource from the impacts of wind farms, while also recognising the changing character of the Rural Zone.

Explanation

This policy recognises the values associated with the Rural Zone, which have historically been associated with productive farmland and primary production activities. However, these values are changing as the demand for rural residential lifestyle living and lifestyle farming blocks increase and areas of the Zone become more peri-urban in nature. The inappropriate location of wind farms within this Zone has the potential to compromise the opportunities for future use and development of sites within the immediate vicinity and the ongoing sustainability of the rural land resource.

Method of Implementation

This policy seeks to recognise the potential impact that windfarms could have on the sustainability of the rural land resource, particularly in terms of limiting the use and future development opportunities of sites within the immediate vicinity. The District Plan reflects this potential impact through the inclusion of an assessment criterion as part of a discretionary activity rule.

Principal Reasons

It is recognised that wind farms themselves need not significantly limit the use of the land on which they are located. However, the generally large scale, visual prominence and other potential adverse effects of wind farms may limit opportunities for the use and development of sites within the immediate vicinity, thus impacting on the sustainability of the rural land resource. This is particularly relevant to those areas of the City that do not comprise productive farmland, are not as suitable for primary production activities, and where there is an increasing demand for rural residential lifestyle living. Parts of the Rural Zone of the City have also been identified through the Wellington Regional Strategy 2007 as being suitable for rural residential living, signalling that this increase in demand will be ongoing.

In assessing an application for a resource consent for a wind farm, the Council will consider its potential impact on the use and future development opportunities of sites within the immediate vicinity and the sustainability of the land resource as a whole."

6.2.4 Explanation

These three policies are key to the plan change as they provide the policy aim, introduce the assessment criteria and provide supporting evidence for why the rural area is the more likely location for wind farm development, as opposed to other zones within the City, and the type of environmental effects that should be considered for any resource consent application.

The first policy recognises the potential benefits that wind farms may provide and identifies why Porirua City may be a potentially desirable location for wind farm proposals.

The second policy provides the policy approach for managing the potential adverse effects associated with wind farms and provides a rationale why the activity status of wind farms within Landscape Policy Areas and within 700 metres from other Zone boundaries and the legal boundary of sites that do not form part of the windfarm changes from discretionary to non-complying. This separation distance is based on the most likely distance required for a wind farm to be able to comply with the strictest noise requirements of NZS6806:1998 Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators at a design level of 43dBAL_{eq}, as well as mitigating adverse shadow flicker effects.

The third policy recognises that wind farms will generally not be able to internalise any associated effects and that the characteristics of the Rural Zone are in a state of change. The potential resultant impacts on the use and future development of sites located within the immediate vicinity and the sustainability of the rural land resource therefore need to be considered in the assessment of any such proposal.

It is appropriate that these policies are included within Part 4.1 of the Plan, because they specifically work towards achieving the objective C4.2A.

6.2.5 Plan Text

“C4.3 ENVIRONMENTAL OUTCOMES ANTICIPATED

The following environmental outcomes are anticipated:

- C4.3.1 The retention of the existing visual and land-use distinction between the rural and urban areas.
- C4.3.2 The protection of the natural and physical character of the rural environment.
- C4.3.3 To enable landowners to continue the sustainable management of the rural resource whilst encouraging a range of rural activities.
- C4.3.4 The identification and conservation of ecologically sensitive habitats, significant landscape areas and sites of cultural significance to the Tangata Whenua.
- C4.3.5 Opportunities for people to live and work in the Rural Zones without jeopardising existing land use patterns, sensitive ecological and landscape areas, the rural character, and water quality, or services provided by the community.

C4.3.6 An efficient and effective rural roading network which is environmentally sensitive to the lower intensity of traffic from rural levels of activity envisaged in the Plan.

C4.3.7 The opportunity to derive national, regional and local benefits from the development of wind farms, as a source of renewable energy, where potential significant adverse effects are avoided, remedied or mitigated and the sustainability of the rural land resource is maintained.

6.2.6 Explanation

The addition of an anticipated environmental outcome relating to renewable energy outlines the purpose of what the plan change is attempting to achieve, in terms of Sections 5 and 7 of the Act.

6.3 Part D4 Rural Zone Rules and Standards

6.3.1 Plan Text

"D4.1.4 Discretionary activities

Any one or more of the following are discretionary activities:

- (i) All activities which are not a permitted, controlled, limited discretionary, or prohibited activity, and are not specified in D4.1.5 (ii), (iii) or (v) as a non-complying activity.
- (ii) Subdivision where any of the resultant allotments are 5 hectares or more in area and less than 40 hectares.
- (iii) New buildings (including new dwellings) in a Landscape Protection Area.
- (iv) New vehicle crossings onto State Highway No 1 and State Highway No 58.

Note: Refer to Figure 6 in Part H of this Plan for the requirements relating to private access onto state highways.

- (v) Extractive industries.
- (vi) Service Stations.
- (vii) Wind farms where no structure (including substations and turbines) is located within a Landscape Protection Area or within 700 metres of:
 - a) A Zone boundary (excluding city boundaries); or
 - b) The boundary of a site that is not part of the windfarm.

Assessment Criteria

In considering whether to grant consent to an application for resource consent and, if granted, what conditions to impose, Council

will have specific regard to (but will not be restricted to) the following criteria:

- a) The contribution to achieving national, regional and local energy policy objectives;
- b) Visual impacts, including the design, location, appearance and concentration of structures and their impact on the natural character of the coastal environment, outstanding natural features and landscapes, rural character and visibility from residences and public places;
- c) The effects of noise, and particularly the ability to meet NZS 6808:1998 (Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators);
- d) Impacts on the amenity values of the surrounding environment, including a consideration of electromagnetic interference vibration and turbine blade shadow or glare flicker;
- e) Ecological impacts, particularly impacts on waterbodies, impacts associated with native vegetation removal and impacts on indigenous avifauna and other fauna;
- f) Impacts on archaeological and historic features and items and sites of significance to tangata whenua;
- g) Impacts of earthworks and the modification of natural landforms, including proposed remedial and mitigation measures;
- h) Traffic impacts (including construction and post-construction traffic) and impacts on the roading network, including the nature and extent of vehicle movements, management and mitigation measures and impacts associated with traffic distraction;
- i) Impacts on aviation, navigation and existing network utilities;
- j) Impacts on the use and future development potential of sites within the immediate vicinity of the wind farm and the sustainability of the rural land resource;
- k) Construction effects, including construction noise (and the ability to meet NZS 6803:1999 Acoustics – Construction Noise); and
- l) Cumulative effects, including a consideration of visual saturation.

In submitting an application for resource consent the applicant will be required to undertake a full assessment of environmental effects in accordance with the information requirements of Part F Information to be Supplied.

It is acknowledged that a wind farm is likely to encompass more than one site (or land contained within a single certificate of title). For the purpose of this Rule, the provisions of Rule D4.1.4(vii) apply to all sites that form the windfarm.

Note: Council may require financial contributions as a condition of a resource consent in accordance with Part E of this plan.

6.3.2 Explanation

The addition of a discretionary (unrestricted) activity rule for wind farms in the Rural Zone is considered appropriate, as it allows for the assessment of a wind farm activity through specified assessment criteria. These criteria provide guidance for applicants in terms of the minimum level of information required in an application and what matters are going to be assessed. They also provide guidance for Council staff when assessing a wind farm application. The discretionary activity status presumes notification, subject to individual assessment on a case-by-case basis.

Three standards within the rule recognise sensitive areas of the zone where wind farm development may be inappropriate. These standards exclude wind farms in Landscape Protection Areas and set a uniform 700 metre buffer zone from any zone boundary and from the boundary of a site in the Rural Zone that is not part of the windfarm development (acknowledging that wind farms are likely to be made up of more than one 'site', as defined in the District Plan). The 700 metre buffer zone approach ensures that developments will be less likely to occur in sensitive environments and that some of the more significant adverse effects are more likely to be internalised, yet still provides a large area of the City that could be developed for wind farm activities.

Where a wind farm is proposed within one of these areas, the activity would default to a non-complying activity in accordance with rule D4.1.5(i). As such, a wind farm located within in these areas would be subject to the relevant tests under s104D of the Act.

6.4 Part F Information to be Supplied

6.4.1 Plan Text

"F8.3 APPLICATION FOR A DISCRETIONARY ACTIVITY

External storage of material. The strategy should clearly illustrate how the storage will be screened from the view of neighbours and the public. Plans and views from vantage points may be requested.

Storage of hazardous substances. The strategy should clearly state the manner in which they are to be stored, site management and any other relevant information regarding the use and management of the hazardous substances (including contingency responses). If requested, a risk assessment and a site management plan must be provided (including a contingency plan).

Natural hazards - earthquake. For any site identified in the Plan as likely to be subject to a seismic hazard an appropriately qualified and experienced

consultant's report on the site, and any measures taken to mitigate against the effects of earthquakes may be requested.

Heritage Areas and Features. For any site on the Heritage Register illustrations and information necessary to indicate the proposed alteration and its actual or potential effect on the heritage feature, and, if requested, an environmental impact assessment which should include, as appropriate, a visual assessment, mitigation and restoration measures, an assessment of any alternative methods of implementing the alteration, and the results of any consultation undertaken may be required.

Road crossings, rural roads. All applications must provide plans, at an appropriate scale, to indicate the location of the proposed road crossing in relation to the road, including other road crossings in the immediate vicinity, the location of trees and other vegetation, sightline distances, and other relevant information, and, if requested, a traffic assessment undertaken by a qualified traffic specialist.

Earthworks and the removal of native vegetation in Landscape Protection Area. Further information may be required on the nature of the ecology of the area, the effect on the ecology of the proposal, the significance of the effect, and alternative locations for the activity.

Wind farms. All applications are to include relevant assessments undertaken by suitably qualified and/or experienced professionals in relation to the anticipated adverse effects of the proposal, in addition to any of the above requirements for discretionary activities. These assessments shall particularly address the Assessment Criteria listed in Rule D4.1.4(vii). Where necessary, a geotechnical investigation may also be required to be included."

6.4.2 Explanation

The addition of this paragraph provides applicants with some certainty of the information required as part of a wind farm application and provides consistency with the assessment criteria by directly referring to these criteria identified within the discretionary rule.

6.5 Part M Interpretation

6.5.1 Plan Text

"Primary Production Activity

Means any land based activity which:

- (i) Has as its purpose the production of any livestock or vegetative matter for use or consumption by humans or animals; and
- (ii) Utilises the in-situ production capacity of the soil, water and air as a medium for production; and

- (iii) Where stocking density does not preclude the maintenance of pasture or ground cover.

The harvesting of production forestry and renewable energy developments are is excluded from this definition."

...

Wind farm

Means land, structures (including substations and turbines), earthworks and access tracks associated with the generation of electricity from wind. It does not include:

- (a) Domestic scale turbines that are capable of generating up to 5kW of electricity and up to 20kW of total maximum output per site;
- (b) Transmission lines that connect the wind farm to the National Grid; and
- (c) Any upgrades or traffic improvements to legal roads."

6.5.2 Explanation

The exclusion of "renewable energy developments" from the definition of a Primary Production Activity is a consequential amendment necessary to ensure that a wind farm activity is not inadvertently also classified as a primary production activity. Primary production activities are permitted activities in the Rural Zone, where they comply with all permitted activity standards. Although wind farms would not comply with the permitted activity standards (e.g. height), it is important that an amendment to the definition of primary production activities is made so that there is no confusion that wind farms could be classed as permitted activities.

The addition of a wind farm definition is necessary to provide an interpretation for where it is mentioned in the preceding parts of the Plan. To allow a comprehensive and integrated assessment, a wind farm has been identified as including all the associated land, structures, earthworks and access tracks. To exclude domestic scale wind turbines from the definition of wind farm, a threshold output of 5kW (to a maximum output of 20kW on any given site) has been suggested as 5kW is commonly accepted as being able to supply the electricity needs of a single household. Development up to that level tends to be considered a domestic use, and will require consent under the relevant zone rules (height and noise restrictions for example). Any wind energy facility over that level will be subject to the proposed new wind farm rule.

Transmission lines that connect the wind farm to the national grid and upgrades of legal roads are not included in this wind farm rule, as there are existing rules in the Plan that already address such activities. To include these aspects would be inconsistent with the current Plan approach to transmission lines and the roading network.

7 Approaches in Other District Plans

A desk-top review was undertaken on all district plans in New Zealand to identify which plans made particular provision for wind farms, and if so, how they were addressed in terms of activity status and assessment criteria. Typically, district plans across the country are largely 'silent' on wind farm developments, and therefore many become 'non-complying' activities. However, 12 district plans were found to contain relevant windfarm provisions, and with windfarms as an activity being dealt with in a number of ways. Several Councils such as Palmerston North City Council and Franklin District Council have added general windfarm provisions into existing zone-based Plan framework. In contrast, Wellington City Council, for example, has added new windfarm provisions under a Renewable Energy section.

A wider assessment of the 12 district plans containing relevant provisions is included within Appendix A.

8 Conclusion

For the various reasons set out in the sections above, inserting new objectives, policies and rules into the Plan is considered to be the most appropriate mechanism for providing for the national benefits of windfarm development within Porirua City, while ensuring that any significant adverse effects on the local environment are avoided, remedied or mitigated.

9 Part II of the Resource Management Act 1991

Any objective policy or rule of a district plan must achieve the purpose of the Act. The purpose of the Act is stated in section 5 of the Act. Specifically it states:

“5. Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Wind farms provide a generally reliable natural source of renewable energy. The electricity that wind farms generate allows both individuals and communities to provide

for their social, economic and cultural wellbeing, by powering our homes, businesses and infrastructure.

The proposed plan change is seeking to avoid, remedy or mitigate potential adverse effects of new commercial scale wind farms within the City, whilst protecting the life-supporting capacity of air, water, soil, and ecosystems. The discretionary or non-complying wind farm activity status allows Council to decline an application where the potential adverse environmental effects cannot be adequately avoided, remedied or mitigated.

10 Consultation Requirements for any Plan Change

Clause 3 of the First Schedule of the RMA specifies the people who must be consulted in the preparation of a plan. This clause extends to the preparation of a plan change.

Specifically it states:

“3. Consultation

- (1) *During the preparation of a proposed policy statement or plan, the local authority concerned shall consult –*
 - (a) *The Minister for the Environment; and*
 - (b) *Those other Ministers of the Crown who may be affected by the policy statement or plan; and*
 - (c) *Local authorities who may be so affected; and*
 - (d) *The tangata whenua of the area who may be so affected, through iwi authorities ...; and]*
 - [(e) the board of any foreshore and seabed reserve in the area.]*
- (2) *A local authority may consult anyone else during the preparation of a proposed policy statement or plan.*
- (3) *Without limiting subclauses (1) and (2), a regional council which is preparing a regional coastal plan shall consult –*
 - (a) *The Minister of Conservation generally as to the content of the plan, and with particular respect to those activities to be described as restricted coastal activities in the proposed plan; and*
 - (b) *The Minister of Transport in relation to matters to do with navigation and the Minister's functions under [Parts XVIII to XXVII of the Maritime Transport Act 1994]; and*
 - (c) *The Minister of Fisheries in relation to fisheries management, and the management of aquaculture activities.*
- [(4) In consulting persons for the purposes of subclause (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002.]*

A draft proposed plan change was forwarded to the Hongoeka Marae Committee on behalf of Ngati Toa Iwi and to Greater Wellington Regional Council as required by the above

clauses. The draft that was consulted on was an earlier version of the draft proposed Plan Change. The proposed Plan Change has subsequently been further developed following consideration of feedback received, legal advice to strengthen the objective and policy framework and expert noise acoustics advice from Nevil Hegley on noise effects. This redrafting does not substantially negate the comments made by these groups, as the fundamental aspects of the Proposed Plan Change remain unchanged. However, it should be noted that the earlier version of the Proposed Plan Change that was consulted on provided for a 500m separation distance. The Proposed Plan Change, as proposed to be notified, increases this distance to 700m, based on expert advice from Nevil Hegley.

The Hongoeka Marae Committee were given a presentation of the draft proposed Plan Change at their regular meeting on 16th July 2007. This was followed by a discussion about how such Plan Change would work. Members of the Marae Committee who were present at that meeting generally seemed in favour of the concept of a discretionary activity 500m separation standard from the Suburban Zone boundary and from other properties not forming part of the wind farm site. However, the Marae Committee have not made a formal statement about the draft Proposed Plan Change.

The staff of GWRC who have been provided with a copy of the 27th June version of the draft Proposed Plan Change have not made a formal statement on the Proposed Draft at the time of preparing this report. However they did suggest consulting with RES, which has been done.

In addition, the groups referred to in the following paragraphs have all been consulted with based on an earlier version of the Proposed Plan Change. The groups who were consulted with on the earlier version are as follows:

- a. The Rural Review Reference Group (comprised of representatives of; Pauatahanui Residents Association, Porirua Large Farm Group, local Federated Farmers representatives, the Pauatahanui Inlet Community Trust, the Guardians of the Pauatahanui Inlet, Te Runanga o Toa Rangatira Inc)
- b. The developers of the intended Puketiro wind farm (RES New Zealand Ltd)
- c. The CEO of the New Zealand Wind Energy Association (Fraser Clarke)

The Rural Review Reference Group (the Group) generally supports the concept of the Proposed Plan Change and considers that the regulation afforded by the proposed Plan Change is superior to what is in the existing District Plan. The Group has decided at its regular meeting on 15th August 2007 to endorse the proposed timetable to notify the proposed Wind Farms plan change before the local body elections.

There was some disagreement in the Group on the detail of regulatory standards in such Proposed Plan Change. Some members of the Group favour the proposed 500m standard for discretionary activities as recommended in the draft provided by Beca Planning on 27th June as applying to neighbouring property boundaries that are not part of the wind farm site. Other members in the Group favour making this standard apply to a 'notional boundary' surrounding an existing dwelling on a site that is not part of the wind farm site.

RES New Zealand Ltd (RES) has provided a statement in response to the 27th June draft proposed Plan Change, the crux of which states that;

"We are pleased that a plan change is being prepared. We think it is far better and fairer for all concerned if windfarm proposals can be considered under properly targeted and prepared rules rather than default provisions under older plans where the effects and benefits of this type of activity were not even considered.

We think that the amount of detail in the plan change is nicely weighted. It is not 'too much' or too directive, but suitably short, simple, clear and enabling. By and large the drafting is excellent."

RES have expressed concern that if the discretionary activity 500m separation standard proposed in the Draft recommended by Beca Planning of 27 June is based on protecting amenities then it should be tied to:

"Distances from other zones where amenity issues are important – principally residential

Distances from inhabited dwellings where the owners have not consented to a windfarm proposal"

The CEO of the New Zealand Wind Energy Association (NZWEA), Fraser Clark, has had discussions with Council Staff about the Draft Plan Change. Mr Clark was generally supportive of the introduction of a regulatory framework for assessing any application for wind farm developments, but raised similar concerns to RES about the proposed 500m separation distance and his concern that this 'could trump' efforts to enable wind farms.

Subject to the adoption of this plan change by PCC for notification, other parties will have the opportunity to submit and be heard on the Proposed Plan Change provisions as notified. In considering any submissions received on the Proposed Plan Change, Council will reconsider its section 32 assessment as is appropriate to the circumstances in making any decisions.

- Appendix A
**National District Plan
Review**

National RMA District Plan Review

A desk-top review was undertaken on all district plans in New Zealand to identify which plans made particular provision for windfarms, and if so, how they were addressed in terms of activity status and assessment criteria. Typically, district plans across the country are largely 'silent' on wind farm developments, and therefore many become 'non-complying' activities.

However, the following 12 district plans were found to contain relevant provisions:

- Christchurch City District Plan
- Ashburton District Plan
- Queenstown Lakes District Plan
- Central Otago District Plan
- Clutha District Plan
- Southland District Plan
- Whakatane District Plan
- Western Bay of Plenty District Plan
- Matamata-Piako District Plan
- Wellington City Council District Plan
- Palmerston North City District Plan
- Franklin District Plan.

Further information on each of these plans and how each plan provides for windfarms is provided in this section. These provisions will assist in formulating a suitable plan change comprising issues, objectives, policies, rules and assessment criteria for Porirua City Council's District Plan.

Christchurch City Plan

Status of Plan: Operative

Relevant provisions: **3.1.2 Policy: Renewable Energy Sources**

"To encourage the development and use of renewable energy sources".

Explanation and Reasons

"Whilst the management of major supplies of energy is beyond the direct control of the City, encouragement can be given to developing and using alternative sources that are renewable, such as solar power in domestic and commercial situations, or biogas and electricity in transportation.

Similarly, encouragement will also be given to investigation of the conversion of waste to energy.

Again the Council will set an example by investigating its own energy consumption, for example by installing an efficient energy generator at the sewage treatment works".

Activity Status: Discretionary

Ashburton District Plan

Status of Plan: Operative

Relevant provisions: **3.6 Energy and Greenhouse Gases (pg 3-81)**

3.6.1 Resources, Activities And Values

“Nationally, the consumption of energy is increasing. Although hydro-electricity is widely used in the country, most of New Zealand's energy demand is met by fossil fuels, oil and gas. Although we have enough energy to meet our present needs, this will not necessarily be the case in the future. The fossil fuel resources used in New Zealand are finite. As their availability worldwide decreases and New Zealand uses up its own reserves, their cost will inevitably increase. Activities dependent on the use of fossil fuels will be vulnerable to their lack of availability and price rises. However, the likelihood of this causing difficulties for New Zealand in the foreseeable future will be affected by the extent of any new discoveries of fossil fuels in New Zealand and the extent to which alternative sources of renewable energy such as windpower become viable”.

Activity Status: Discretionary

Queenstown Lakes District Plan

Status of Plan: Operative

Relevant provisions: **Chapter 4, District Wide Issues**

4.5.1 Resources, activities and values.

i Wind and Solar Energy

There will be some sites where wind and solar resources can be utilized for the supply of local energy requirements and the Council strongly supports individual solar units.

5.3 Rural General and Ski Area Subzone – Rules

5.3.3.4

(a) The following shall be Non-Complying Activities, provided that they are not listed as a Prohibited Activity:

iv Power Generation Facilities

Power generation facilities outside the areas scheduled under Rule 20.2, other than small hydro (1.5 to 2 k) inverter based systems for residential and non-residential activities.

Activity status: Non-complying

Note: A proposal to develop a plan change to address wind farms is being considered.

Central Otago District Plan

Status of Plan: Proposed

Relevant provisions: **Section 13, Energy, Infrastructure & Utilities, Rule 13.7.4 (iii):**

“Policy 13.4.7 Development of Power Generation Facilities

“To ensure that the development of power generation facilities avoids, remedies or mitigates:

- (a) Adverse effects on ecosystems, habitats, soils and minerals.
- (b) Impact on communities, infrastructure and services.
- (c) Adverse effects generated during the construction phase particularly in terms of noise, lightspill, glare, vibration, dust, traffic generation and earthworks.
- (d) Potential for the loss of or irreversible change to outstanding landscapes.
- (e) Impacts on heritage values.
- (f) Adverse effects on cultural values of importance to Kai Tahu ki Otago.
- (g) Ongoing effects of the development including land stability issues.
- (h) Potential effects on local climate.
- (i) The potential impact of natural hazard events and the effect the activity itself may have on exacerbating natural hazards.
- (j) Impact on public access to and along the margins of lakes and rivers or to natural and physical features".

13.4.8 Policy - Reducing the Environmental Impact of Power Generation

"To promote the development of power generation facilities that have minimal environmental impact by encouraging investigation into a wide range of renewable energy sources and prohibiting the production of nuclear power within the District.

Discretionary Activities - Development of New Power Generation Facilities

Except as provided for by (iv) below, any activity that:

- (a) Involves or is associated with the construction and commissioning of a power generation facility,
 - OR
 - (b) Results in an increase in the height of a dam that comprises part of any power generation facility that has status as a scheduled activity in Clause 19.3.5 of Schedule 19.3.
- is a discretionary activity".*

Activity status: Discretionary

Clutha District Plan

Status of Plan: Proposed

Relevant provisions: **Section 3, General Section, 3.4 Energy, 3.4.2 Issues**

"There is potential for the development of energy resources within the Clutha District.

Explanation

Power generation already exists within the District in the form of hydro electricity generation on the Waipori River.

The Lower Clutha River has been seen as a significant potential resource for hydro development for some years now. A number of sites including Barnego, Tuapeka Mouth, Birch Island and Beaumont have been subject to investigation. Current investigations by ECNZ are now based on a power station at Tuapeka Mouth, with a nominal generation capacity of 350 MW.

As outlined in the Section 2.5 Minerals significant coal and lignite reserves exist in the Clutha District. New thermal power generating technology may see this resource developed as an important energy resource in the future.

Other potential renewable energy sources include wind, biogas, biofuels and solar energy, although there has not to date, been any significant investigation into their potential. Wind is not currently a significant provider of electricity in New Zealand but research and investigations are being undertaken into its potential. Trees are a potential source of biofuel and there is scope within the District for developing woodlots and plantations for this purpose. Although the District is not in one of New Zealand's sunniest regions, there is scope for making greater use of the available solar energy".

3.4.3 Objectives And Policies

"Policy ENG.4

To promote and encourage investigation into, and the use of, energy sources that have minimal environmental impact.

Explanation

There is a great deal of scope for investigation and development into energy sources such as wind, solar, biogas and biofuels. Development of energy production has, to date, concentrated on sources that are more easily accessed. With advances in technology and depletion of these sources, together with a greater awareness of environmental costs often associated with the development of these resources, alternative energy sources are becoming a more attractive development option.

Rule ENG.2 Discretionary Activities

Any activity that involves or is associated with the construction and commissioning of energy facilities, is a discretionary activity.

Assessment Criteria (not part of this rule)

In considering any such application, Council will consider, amongst other relevant issues the following:

- (i) the impact on communities*
- (ii) the impact on infrastructure and services*
- (iii) the impact on ecosystems and habitats*
- (iv) the impact on amenity values, (including visual and noise)*
- (v) health and safety issues*
- (vi) Central Governments policy on greenhouse gas emission*
- (vii) the potential loss of, or irreversible change to, landscape and landforms, and uses associated with them.*
- (viii) whether the use of the energy source has adverse environmental effects on the sustainable use of land and associated natural and physical resources for which Council has responsibility under the Act.*
- (ix) whether the proposed use of land and its associated natural and physical resources for energy production is an efficient use and development of natural and physical resources*

(x) the benefit to the District

(xi) ongoing effects of the development (for example, climatic change, land instability, loss of a particular landscape etc)

(xi) the impact on heritage values

(xii) degree to which any adverse effects are proposed to be avoided, remedied or mitigated”.

Note: Not all of these issues may be relevant to each type of energy production facility.

Activity status: Discretionary

Southland District Plan

Status of Plan: Operative

Relevant provisions: **Section 3, General Objectives Policies Methods And Rules, Section 3.3 Energy and Minerals, 3.3.3 Objectives and Policies**

“Policy ENG.1

To minimise, avoid, remedy or mitigate the adverse effects of developing resources for the purposes of energy production.

Explanation

Energy production developments have significant adverse effects on the environment, including communities. Discretionary resource consent status will enable all the relevant issues to be considered.

Policy ENG.4

To encourage the investigation of alternative energy sources that have less environmental impact than traditional energy production methods.

Explanation

There is a great deal of scope for investigation and development into energy sources such as wind, solar, biogas, and biofuels. Development of energy production has, to date, tended to concentrate on sources of energy that are more easily accessed, despite the high environmental cost generally associated with these traditional sources. If environmental costs were added to the cost of power produced by traditional generation methods, alternative energy sources would look more attractive.

Rule ENG.3 - Discretionary Activity

Any activity that involves or is associated with the construction and commissioning of energy facilities.

In considering any such application, Council will consider, amongst other relevant issues the following:

(a) Those matters contained in Sections 6, 7 and 8 of the Act

(b) The impact on communities

(c) The impact on infrastructure and services

(d) The impact on ecosystems and habitats

(e) The impact on amenity values, (including visual and noise)

- (f) Health and safety issues
- (g) Central Government's policy on greenhouse gas emission
- (h) The potential loss of, or irreversible change to, landscape and landforms, and uses associated with them
- (i) The sustainability of the energy source and energy production method
- (j) The need for the facility
- (k) The benefit to the District
- (l) Ongoing effects of the development (for example, climatic change, land instability, loss of a particular landscape, disturbance of vegetation).

Note: Not all of these issues may be relevant to every type of energy facility.

Method ENG.1 - Advocacy

Council will encourage and support;

- (a) Investigation into renewable, low environmental impact energy sources (eg such as wind and solar).
- (b) Energy conservation and efficiency measures.

Where possible and practicable Council will lend assistance, at the appropriate level, in such matters and where practicable, will facilitate delivery of information to the public".

Activity status: Discretionary

Whakatane District Plan

Status of Plan: Proposed

Relevant provisions: Chapter 4 Performance Standards, 4.8 Works and Network Utilities, 4.8.1 Activity Status for Works and Network Utilities.

Power Generation Schemes (new, upgrading)	Rural 1 (Plains)	Rural 2 (Foothills)	Rural 3 (Coastal)	Rural 4 (Settlement) Residential 1 (Urban Living)	Business 1 & 2	Business 3 & 4	Scheduled Features Coastal Protection Zone	Reserve Zone Other Public Reserves	Formed Roads
(a) Wind turbines, windmills, wind power generators	D	D	D	D	D	P	D	D	D

Activity Status: Discretionary

Western Bay of Plenty

Status of Plan: Partially Operative

Relevant provisions: **Section 17 Works and Network Utilities, 17.3 Rules, 17.3.1 Activity Status.**

	Surface of Water	Identified Significant Features	Residential, Future Urban, Rural Residential Zone	Commercial Zone	Industrial Zone	Rural Zone	Public Reserves	Formed Roads
(w) Windmills, wind power generators	-	D	X	D	D	X	X	-

D - Discretionary X - Non-complying

Activity Status: Discretionary or Non-complying

Matamata Piako - Section 8, Works and Network Utilities (in activity table 8.1)

Status of Plan: Operative

Relevant provisions: **Part 8 Works and Network Utilities, 8.1 Activity Table.**

Power Generation Schemes (new, upgrading)	Katikati (Conservation Identified Significant Features)	Residential & Rural Residential	Business	Industrial	Rural	Public Reserves	Formed Roads
(w) Windmills, wind power generators	D	NC	NC	D	D	NC	-

Part 8 Works and Network Utilities, 8.2 Development Controls.

"The following development controls apply, rather than Sections [3.1](#) to [3.4](#) to the activities listed below:

- i. *Landscape planting to a minimum depth of 3 metres shall be developed and maintained around the perimeter of any of the above activities. Landscape planting shall be assessed in accordance with Section [1.4.1 \(iv\)](#).*
- ii. *All Yards Minimum 3m*
 - *Electrical Substations and Switching Stations above and including 66kv*
 - *Electrical, Radio, Telecommunication and Council [Depots](#) or workshops,*
 - *Telephone exchanges,*
 - *Radio, Meteorological or Telecommunication buildings greater than 30m² [gross floor area](#),*

- *Gas compressor stations valve and take off stations, sales gates and regulator stations, but excluding standard regulator stations with a maximum floor area of 3 m² and maximum height of 2m.*
- *Windmills, wind power generators,*
- *Community solid waste management [sites](#), sewage treatment plants*
- *Water reservoirs, hydro electric power stations, geothermal natural gas biomass and coal-fired generators of electricity facilities”.*

Activity Status: Discretionary or Non-complying

Wellington City Council - Proposed Plan Change 32 (Under Appeal)

Status of Plan: Operative

Relevant provisions: **Plan Change 32 (Currently under appeal to the environment court).**

“Chapter 3.10 Definitions

WIND ENERGY FACILITY: *means the land, buildings, substations, turbines, structures, earthworks, access tracks and roads associated with the generation of electricity by wind force and the operation of the wind energy facility. It does not include:*

- *Domestic scale turbines of less than 5kW*
- *The transmission lines required to link the wind energy facility to the transmission network.*

Chapter 25 – Renewable Energy, 25.2 Renewable Energy Objectives and Policies

25.2.1.2 Provide for renewable energy development, while at the same time avoiding, remedying or mitigating adverse effects on the environment.

METHOD

- *Rules*
- *Advocacy*

Pursuant to s7 of the RMA, Council is to have particular regard to the benefits to be derived from the use and development of renewable energy. This is to be considered within a wider context of central government project and policy framework to address climate change, which focuses on both a continued improvement in energy efficiency, and an increase in consumer energy to be supplied from renewable sources.

Whilst renewable energy provides recognised environmental benefits, it is also acknowledged that renewable energy developments, such as wind farms, can have adverse effects that must be carefully considered. In terms of wind farm development there is an inherent potential conflict between landscape and amenity values and the nature, scale and intensity of development because turbines, by necessity, need to be sited on ridgelines, hilltops or other elevated positions. It is considered that renewable energy developments such as wind farms could successfully co-exist in the Wellington City boundary if adverse effects are avoided, remedied or mitigated. However, this potential conflict needs to be carefully managed and assessed on a case by case basis. The discretionary (unrestricted) rule will ensure that any application is given full consideration.

Chapter 26 – Renewable Energy Rules

26.2 Discretionary Activities (Restricted)

Section 26.2 describes which activities are Discretionary Activities (Restricted). Consent may be refused or granted subject to conditions. Grounds for refusal and conditions will be restricted to the matters specified in rule 26.2.1. The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

26.2.1 Anemometers (including associated support structures) established for the purpose of measuring wind, [in the Rural and Open Space B areas] are a Discretionary Activity (Restricted) in respect of:

26.2.1.1 Siting and Design

26.2.1.2 Duration

26.2.1.3 Height.

Non-notification

The written approval of affected persons will not be necessary in respect of items 26.2.1.1 to 26.2.1.3. Notice of applications need not be served on affected persons and applications need not be notified.

Assessment Criteria

In determining whether to grant consent the conditions to be imposed, if any, Council will have regard to the following criteria:

26.2.1.4 *The visual and amenity effects of the anemometer and the extent to which any effects of the anemometer can be mitigated by:*

- *alternative siting*
- *alternative design of the supporting structure*
- *alternative colour or finish selection*
- *attachment to an existing structure*

26.2.1.5 *The duration of the activity.*

26.2.1.6 *The height of the mast.*

26.2.1.7 *Operational or technical considerations.*

Anemometers are erected to obtain information on wind flows at a particular location. Typically this is done as part of the initial research phase for a wind energy development. Information is usually collected over a number of seasons to get an understanding of how the wind resource varies over time. In most cases these structures are a temporary activity of 1-3 years. They are provided for as a discretionary activity (restricted) in the Rural and Open Space B Areas to facilitate testing in those areas, as they have been identified by the Council as being most likely for the development of wind energy proposals. In other areas they are to be assessed under the relevant utility rules.

26.3 Discretionary Activities (Unrestricted)

Section 26.3 describes which activities are Discretionary Activities (Unrestricted). The decision on whether or not a resource consent application will be notified will be made in accordance with the provisions on notification in the Act.

26.3.1 *Wind energy facilities in the Rural or Open Space B Areas are Discretionary Activities (Unrestricted).*

Assessment Criteria

In determining whether to grant consent and what conditions, if any, to impose, Council will have regard to (but will not be restricted to) the following criteria:

26.3.1.1 The contribution the proposal will make to Central Government energy policy objectives and renewable energy targets.

26.3.1.2 The actual or potential noise effects of the proposal; with particular consideration of special audible characteristics and the proximity to and effect on settlements or dwellings; and the ability to meet NZS 6808:1998 (Acoustics- The Assessment and Measurement of Sound from Wind Turbine Generators).

26.3.1.3 The extent to which the proposal will adversely impact on the amenity of the surrounding environment. Particular regard will be given to the impact of the development on dwellings, including consideration of potential 'nuisance' issues including interference to broadcast or other signals; blade shadowing, glint or flickering.

26.3.1.4 The visual effects of the proposal, including:

- *The extent to which the proposal will adversely impact on residences, key public places including roads, and recreation areas.*
- *The proximity of the proposal to the Ridgeline and Hilltop overlay.*
- *The visibility of the proposal.*
- *The extent to which the proposal will impact on the natural character of the coastal environment, including on cliffs and coastal escarpments.*
- *The extent to which any aspects of the proposal can be sited underground.*

26.3.1.5 The ecological impact of the proposal – in particular the extent to which vegetation is disrupted, any impacts on waterways, and the likely impact on birds or other fauna.

26.3.1.6 The impact on geological or archaeological values.

26.3.1.7 The effects of traffic and vehicle movements and the extent that traffic or site management plans can be implemented to mitigate effects.

26.3.1.8 The extent of any required earthworks, including access tracks, roads and turbine platforms and the rehabilitation proposed. Major alterations to natural landforms should be avoided.

26.3.1.9 The extent to which the proposal will impact on identified sites of significance to tangata whenua, heritage items or if the land is Open Space B, its open space values and consideration of the surrounding land use.

26.3.1.10 Where a development is located within a Hazard Area the extent that measures are taken to mitigate the effects of the hazard event.

26.3.1.11 The cumulative effects of the proposal.

26.3.1.12 The extent to which the access track, roads and buildings are consistent with Rural Area design guide.

26.3.1.13 Operational or technical considerations.

Explanation

Wind farm developments can be, by necessity, large-scale developments (in terms of heights of turbines and often numbers of turbines) and are typically situated in locations such as on hilltops, ridgelines, or other elevated sites. In addition, there are numerous variables that may restrict their establishment to particular locations, such as constructability, transmission, environmental factors, wind resource and land tenure. The potential scale of development and consequential scale of effects, particularly in terms of visual, amenity and landscape issues, will be variable, and contingent upon the location of the development and the nature and particular sensitivities of the 'receiving environment', including the ability of the location to absorb the activity. Wind farms can also impact on the ecology of a site, including by the loss or fragmentation of habitat, displacement of wildlife, and bird mortality through collisions. The effects can vary considerably depending on: terrain, climate, turbine design, and the spatial pattern of turbine distribution, the species of bird at the site, and their breeding, feeding roosting behaviour and their movement patterns. Wellington's rugged topography creates site specific variables that make it inappropriate to set buffer zones or other thresholds. In order to undergo a full and rigorous assessment and to enable balanced consideration of all environmental effects, it is appropriate that wind farm development be considered as Discretionary Activities (Unrestricted").

Activity Status: Discretionary

Palmerston North City Council

Status of Plan: Partially Operative

Relevant provisions: **Section 9: Rural Zone, Rules Discretionary Activities (Unrestricted)**

"R 9.9.2 Sawmills, Rural Industries and Wind Farms

Sawmills, Rural Industries and Wind Farms are Discretionary Activities (Unrestricted). In determining whether to grant consent and what conditions if any to impose, Council will in addition to the City View objectives in section 2 and the Rural Zone objectives and policies, assess any application in terms of the following further policies:

- (a) To avoid, remedy or mitigate adverse visual impacts of any proposed building, structure or storage areas for products and waste, on the surrounding rural environment, and on the landscape values of adjoining areas.*
- (b) To avoid, remedy or mitigate the effects of noise and other environmental disturbance, on the amenity of the surrounding area.*
- (c) To avoid, remedy or mitigate the risk of contamination posed by hazardous substances.*
- (d) To avoid, remedy or mitigate the adverse effects on the safe and efficient operation of the roading network from the traffic movements generated by activities.*
- (e) To ensure the provision of adequate on-site parking, loading, manoeuvring and access space to avoid this taking place on roads.*

Explanation

All industrial activities in the rural area, because of the lack of services, have the potential to create adverse effects on the rural environment. Their usually, "one-off" location also increases their visual impact as does outdoor storage of goods and waste. A Discretionary Activity consent process gives

Council the opportunity to assess any adverse effects and to ensure that those effects are avoided, remedied or mitigated. In the case of wind farms, the largely unknown effects of the activity mean that it is essential that it be examined on a case by case basis.

In respect of these activities, it should be noted that horizons.mw may have separate consent requirements”.

Activity Status: Discretionary

Franklin District Plan

Status of Plan: Operative

Relevant provisions: **Part 15 – Activities Throughout the District, 15.1 Network and Other Utilities and Essential Services**

“15.1.2 Rule 15.1.2 - Network And Other Utilities And Essential Services

15.1.2.1 Permitted activities

Generation of less than 1MVA of output of electricity, not being a prohibited activity, which complies with the development standards and the performance standards for the relevant zone, and is either

- a. from wind or solar sources; or*
- b. a temporary activity by a network utility operator (as defined in section 2 of the Electricity Act) for the purpose of maintaining line services; or*
- c. a standby service for an individual premise”.*

Activity Status: Permitted to Discretionary