

SECTION 32 REPORT - PROPOSED PLAN CHANGE (RENEWABLE ENERGY AND WIND FARM DEVELOPMENT)

1. Introduction

Section 32 of the Resource Management Act stipulates a requirement that, in achieving the purpose of the Act, a decision maker must consider alternatives and assess the benefits and costs of adopting any objective, policy, rule, or method in the District Plan. Under section 32(3) the assessment 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.*

A report summarising a section 32 evaluation and giving reasons for the evaluation must be available for public inspection at the same time as public notification.

2. Process & Consultation

Background

The Built and Natural Environment Committee on February 25th heard a paper detailing the international and national context of policy, projects and targets to increase the use of renewable energy. That report also expressed a need for renewable energy to be specifically addressed as a resource management issue in the District Plan. Wind energy was recognised as being the form of renewable energy that is most likely to be developed, and of particular interest to Wellington given the region's quality of wind resource. That meeting directed that further work be done to determine options for objectives and policies for renewable energy and rule options referring to wind energy development specifically. This report responds to that direction. (*Note: A copy of that report is available from the Council's Democratic Services, (04) 801 3453 or off the Council's website www.wcc.govt.nz*)

Key documents

- 1. Wind's Up: Planning the Future Now.** Mark Ashby, Connell Wagner Ltd February 2004.
- 2. Te Apiti Wind Farm Resource Consent Documentation,** Tararua District Council, August 2003.
- 3. Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria,** Sustainable Energy Authority Victoria, May 2003.
- 4. Evaluation of Energy Efficiency and Renewable Issues in Plans under the RMA 1991, and other Local Authority Initiatives,** Montgomery Watson Harza, April 2003.
- 5. Electricity, Energy and the Environment: Making the Connections (Parts A and B)** Parliamentary Commissioner for the Environment, June 2003

6. **Public Attitudes to Wind Farms: a Survey of Local Residents in Scotland**, Scottish Executive Social Research, 2003.
7. **Planning Bulletin -Wind Farms**, Draft for Consultation, Planning South Australia, August 2002.
8. **New Zealand's Renewable Energy Target: a component of the National Energy Efficiency and Conservation Strategy**, Energy Efficiency and Conservation Authority and the Ministry for the Environment, October 2002.
9. **Renewable Energy Technologies**, Planning Advice Note 45, Scottish Executive Development Department, Revised 2002.
10. **Southland District Plan**, Southland District Council, June 2001.
11. **Getting More from Less: A review of progress on energy efficiency and renewable energy initiatives in New Zealand**. Parliamentary Commissioner for the Environment, February 2000.
12. **Energy-Wise Renewables Guidelines for Renewable Energy Developments- Wind Energy**, Energy Efficiency and Conservation Authority, 1995
13. **Planning Policy Guidance Note 22: Renewable Energy**, Department of the Environment, (February 1993); and **Draft New Planning Policy Statement 22(PPS 22): Renewable Energy**, Office of the Deputy Prime Minister (December 2003).

Key discussions/briefings

- € **25 March 2004**: Meeting with Greater Wellington Regional Council regarding Renewable Energy /Wind Farm Policy Paper; Rural Review and Ridgelines and Hilltops Policy Paper.
- € **22 March 2004**: Built and Natural Environment Committee, considered Ridgelines and Hilltops Policy paper and Rural Review paper.
- € **25 February 2004**: Built and Natural Environment Committee, considered paper: Wind Farms and the District Plan: Issues and Options Report.
- € **24 February 2004**: Councillors, Officers, Greater Wellington Officers and Makara Ohariu Community Board bus trip to Tararua wind farm.

Consultation in accordance with the First Schedule of the RMA 1991

Preliminary discussions on the issue of renewable energy and wind farm development have been had with the Ministry for the Environment, Ministry of Economic Development, Greater Wellington Regional Council and Wellington Tenth's Trust. These groups, as well as the Department of Conservation, Te Runanga O Toa Rangatira Inc, Porirua City Council and Hutt City Council received copies of the draft Plan Change documentation. By the time of writing this paper no responses had been received. Responses received by the hearing will be referred to at the hearing.

3. Resource Management Act 1991

- 3.1 The following analysis considers the extent to which the proposed objectives are the most appropriate way to achieve the purpose of the RMA.

Purpose of the Act – s5

- 3.2 The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural well being and their health and safety.
- 3.3 Section 5 is intended to be enabling, so that people and communities can manage resources in a way or a rate that provides for (*inter alia*) economic well being, while achieving other things: sustaining the potential of resources to meet the needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems, and addressing adverse effects on the environment.
- 3.4 Renewable energy is a resource that can be said to have benefits that enables people and communities to provide for their social and economic wellbeing. The harnessing of the resource through wind farms has the potential to generate adverse effects. With respect to Section 5(2)(c), development needs to avoid, remedy or mitigate adverse effects on the environment. This includes the issue of avoiding, remedying or mitigating cumulative effects, which is included in the s3 definition of ‘effect’.
- 3.5 Section 5(2)(a) refers to the ability of future generations to meet their needs. Increasing renewable energy supply, which is a goal identified at central government level, is consistent with meeting the foreseeable needs of future generations. Wind farm development is unlikely to cause significant conflicts with respect to s5(2)(b) matters – safeguarding the life supporting capacity of air, water, soil and ecosystems.

Sections 6 & 7

- 3.6 Section 6 introduces matters of national importance that are *to be recognised and provided for* in achieving section 5. The s6 provisions of relevance to the issue of renewable energy use and development are those that promote the protection and preservation of the natural character of the coastal environment, outstanding natural features and landscapes, significant indigenous vegetation and fauna, and tangata whenua values. Section 7 includes additional Part II matters that *particular regard* must be given to. A number of these s7 matters are of relevance to renewable energy use and development, including the efficient use and development of natural and physical resources; the maintenance and enhancement of amenity values; and maintenance and enhancement of the quality of the environment; in addition, as described below, the recent amendment to s7 is of particular importance with respect to renewable energy.
- 3.7 The Resource Management (Energy and Climate Change) Amendment Bill was passed in February 2004. As a result, RMA s7 is amended to include:
- s7 (ba) the efficiency of the end use of energy;*
(i) the effects of climate change; and

- (j) *the benefits to be derived from the use and development of renewable energy.*

3. Appropriateness of Proposed Objective to Achieve Purpose of the Act

Proposed Objective

Objective 25.2.2 To encourage efficiency in energy use, and the development and use of energy from renewable sources.

- 3.1 The current District Plan includes objectives and other provisions to achieve the purpose of the Act, including references to s6 and s7 matters. There is a significant policy framework within the District Plan covering issues such as amenity values, landscape and visual effects, but currently no specific reference to the role of renewable energy in achieving the Act's purpose. This issue was raised at the Built and Natural Environment Committee meeting on February 25th where it was resolved to undertake further work to address this 'vacuum'. The proposed objectives would fill this policy void. As well as achieving the purpose of the Act with respect to s5, the proposed objective would provide a direct response to the recently adopted s7 matter relating to the benefits to be derived from the use and development of renewable energy.

4. Appropriateness of Policies, Rules and Other Methods for Achieving the Proposed Objectives

- 4.1 The following section provides an assessment of the efficiency, effectiveness and appropriateness of the various elements of the proposed Plan Change which comprises the following:
- € Changes to Chapter 1 The District Plan to refer to renewable energy as a resource management issue.
 - € New Definition for wind energy facility.
 - € New policy in respect of renewable energy and energy efficiency added to Residential Area, Suburban Centres, Institutional Precincts, Airport and Golf Course Recreation Precinct, Central Area and Rural Area Chapters.
 - € New Chapter 25 Renewable Energy with objectives and policies to apply across the District Plan i.e. to all area based chapters; new Discretionary (Restricted) Activity rule for Anemometers to apply to Open Space and Rural Area chapters; and new Discretionary Activity (Unrestricted) rule for wind energy facilities to apply to Open Space and Rural Area chapters.
- 4.2 The attached tables summarise the discussion in s7 of the Officer's Report that accompanies this s32 Analysis. It is noted that the Council determined, at the Built and Natural Environment Committee Meeting 25 February 2004, that the 'do nothing' approach retaining the status quo of 'silence' of the District Plan was not an option. This has therefore not been assessed.

Table 1 compares policy approaches

Table 2 compares options for location of provisions within the Plan

Table 3 compares options for the Wind Farm Development rule

Summary

- 4.3 This s32 report provides a comparison of costs and benefits, including risks of taking no action and of taking action in the first place (considered at Built and Natural Environment Committee meeting February 25th 2004), and draws the conclusion that the proposed objective is the most appropriate way to achieve the purpose of the Act, and the proposed policies, rules and other methods are the most effective and efficient means of achieving the objectives of the Plan with respect to renewable energy and energy efficiency.

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s32 Analysis Tables follow.