

26 RENEWABLE ENERGY RULES

26.1 Application of Chapter 26

26.1.1 Where the rules in this chapter apply to any proposal the relevant area based rules do not apply to that proposal.

If the rules in Chapter 26 apply to a proposal, the Area based rules will not apply. The purpose of this provision is to avoid uncertainty as to which rule applies. The anemometer and wind energy facility rules provide specific and comprehensive assessment criteria that are relevant to those activities. The assessment criteria focus on the specific and particular effects anticipated by those activities and provide a means by which it is possible to adequately assess the effects of both anemometers and wind energy facilities. When considering any application for a resource consent under Chapter 26, the relevant Area based objectives and policies are to be considered in conjunction with the objectives and policies of Chapter 25.

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 and 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
- the number to be erected

26.2.1.5 The duration of the activity, and any plans for removal.

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 Area to facilitate testing, as they have been identified by the Council as being most likely for the development of wind energy proposals.

In other areas (ie other than Rural) 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.

Explanation

Wind energy facilities can be, by necessity, large scale developments (in terms of heights of turbines and often numbers of turbines). They are typically situated on elevated sites. There are numerous variables that may restrict their establishment to particular locations, such as the practicalities of construction, the need for transmission lines, environmental factors, wind resource and land tenure.

The potential scale of development of wind energy facilities and the consequential scale of effects, particularly in terms of visual, amenity and landscape issues, will vary widely. The effects will be contingent upon the location of the development and the nature and particular sensitivities of the 'receiving environment'.

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 energy facilities be considered as Discretionary Activities (Unrestricted).

This means all effects both positive and negative can be considered. The assessment criteria are not an exclusive list but are provided as an indication of the potential effects that may arise and the Council will expect to be addressed in the application.

26.3.1 Wind energy facilities in the Rural 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 actual or potential noise effects of the proposal
- 26.3.1.2 The extent to which the proposal will affect the amenity values (other than noise) of the surrounding environment with particular regard to the effects on residential locations including potential nuisance effects on communities including:
- electromagnetic – interference to broadcast or other signals;
 - blade glint – resulting from the reflection of the sun from the turbine blades
 - shadow flickering – occurring when the blades of an operating wind turbine pass between the sun and an observer, generating flickering light.
- 26.3.1.3 The visual effects of the proposal, including:
- The extent to which the proposal will impact on rural character;
 - The extent to which the proposal will be visible from residences, key public places including roads, and recreation areas;
 - The relationship of the proposal to the Ridgelines and Hilltop overlay;
 - The visibility of the proposed development;
 - 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.
 - The scale of any proposed development, including the number of turbines, their height and the cumulative visual effects of the development as a whole.
- 26.3.1.4 The ecological impact of the proposal – including:
- the extent to which vegetation will be removed or disturbed during construction and operation of the wind energy facility;
 - the sensitivity of the site to disturbance;
 - the potential effects on birds or other fauna, either migratory species or resident populations on site.
 - The extent of any proposed earthworks and the degree to which runoff and the effects on local catchments can be managed.
- 26.3.1.5 The effects of traffic and vehicle movements and the extent that traffic or site management plans can be implemented to mitigate effects.
- 26.3.1.6 The resulting effects of any alteration to natural landforms required, including earthworks, including access tracks and roads, turbine platforms and the rehabilitation proposed. Major alterations to natural landforms should be avoided.
- 26.3.1.7 The extent to which the proposal will impact on:
- identified sites of significance to tangata whenua;
 - heritage items;
 - Geological or archaeological values;
 - Landscape features; and
 - the surrounding land use.
- 26.3.1.8 Where a development is located within a Hazard Area the extent that measures are taken to mitigate the effects of the hazard event.
- 26.3.1.9 The cumulative effects of the proposal.
- 26.3.1.10 The extent to which the proposal is consistent with any relevant aspects of the Rural Area Design Guide.
- 26.3.1.11 Operational or technical considerations.
- 26.3.1.12 The effects of any proposal on aircraft safety, radar stations and navigation sites and facilities.
- 26.3.1.13 The benefits to be derived from the proposal, including its contribution to Central Government energy objectives and renewable energy targets.