



Supplementary Section 42A Report to the District Plan Review Hearing Panel

Proposed Horowhenua District Plan Utilities and Energy

April 2013



Hearing Date: 6-7 May 2013

Report Prepared by: David McCorkindale

Report Number: 12.02

This Supplementary Section 42A Report to the District Plan Review Hearing Panel has been prepared for the hearing topic Utilities and Energy.

This report specifically addresses the submission point 100.11 made by New Zealand Wind Energy and the further submission points made in relation to that submission point.

The submission point 100.11 and associated further submission points had been omitted from Report 12.01 being the Section 42A Report for the hearing topic Energy and Utilites.

The text highlighted in **yellow** is the new text that has been added to the Analysis of submissions on Methods for Issue 12.2 and Objective 12.2.1.

4. Analysis of Submissions

4.34 Methods for Issue 12.2 & Objective 12.2.1

4.34.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.14	Todd Energy Ltd	In-Part	No explanation or provision to achieve Policies 12.2.9 and 12.2.10. It would be helpful to be able to respond to the proposed implementation of these policies.	Include Methods and any other provisions required to support Policies 12.2.9 and 12.2.10 and providing for the identification and assessment of potential sites for renewable energy generation (including wind energy facilities) and In-particularly how they will be implemented.	
92.14	KCE Mangahao Ltd	In-Part	No explanation or provision to achieve Policies 12.2.9 and 12.2.10. It would be helpful to be able to respond to the proposed implementation of these policies.	Include Methods and any other provisions required to support Policies 12.2.9 and 12.2.10 and providing for the identification and assessment of potential sites for renewable energy generation (including wind energy facilities) and In-particularly how they will be implemented.	
100.11	New Zealand Wind Energy Association	Opposes	NZWEA opposes the more stringent activity status within ONFLs and Domains of High Landscape Amenity. Non-complying activity status could make it virtually impossible for a wind farm proposal located in or near an ONFL or Domains of High Landscape Amenity to satisfy the s104D(1) gateway test, which may prevent the benefits of the proposal being considered. Such an outcome would be contrary to the NPSREG. A more appropriate method for achieving this policy is to ensure that renewable electricity generation activities are provided for as discretionary activities while ensuring the objectives and policies	Amend Methods 12.2 12.4, District Plan, fourth bullet point as follows: Resource consents will be required for new renewable electricity generation facilities, with more stringent activity status within Outstanding Natural Features and Landscapes and Domains of High Landscape Amenity. to ensure that Assessment of environmental effects are properly assessed through the resource	514.21 Todd Energy Ltd - Support 515.21 KCE Mangahao Ltd - Support 527.11 Director-General of the Department of Conservation - Oppose 528.26 Horizons Regional Council -

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>in the plan clearly signal the desire to protect these sensitive areas from development.</p> <p>In addition to the relief sought above, NZWEA suggests the council prepares a non-statutory renewable energy strategy or infrastructure strategy, which among other things, highlights locations where people in the community think potential renewable electricity generation activities might be appropriate.</p>	<p>consent process, and impose conditions to avoid, remedy or mitigate adverse effects as appropriate.</p> <p>Include an additional Method 12.2 42.4 Long Term Plan and Annual Plan as a seventh bullet point as follows:</p> <p>The council may develop an infrastructure strategy that, among other things, signals community interest in preferred locations for potential renewable electricity generation.</p>	Oppose

Two submission points were made in relation to the Methods for Issue 12.2 and Objective 12.2.1. The submission points seek that methods and any other provisions are provided to support Policies 12.2.9 and 12.2.10.

NZWEA opposes the Methods for Issue 12.2 and Objective 12.2.1 and seeks an amendment to method (fourth bullet point under the heading District Plan) and the inclusion of an additional method under the heading Long Term and Annual Plan. (I note that the notified Summary of Submissions had incorrectly referred to the Method 12.1 instead of 12.2).

4.34.2 Discussion & Evaluation

1. Todd Energy (80.14) and KCE Mangahao (92.14) have identified that there is no explanation or provision in the Proposed Plan to achieve Policies 12.2.9 and 12.2.10. It would be helpful to be able to respond to the proposed implementation of these policies. The submitters have requested that Methods and any other provisions required are provided to support Policies 12.2.9 and 12.2.10 including providing for the identification and assessment of potential sites for renewable energy generation (including wind energy facilities).
2. It is not the purpose or intent of the District Plan to identify suitable sites for renewable energy generation and assessment would occur as part of a consent process, although I note that some activities such as wind monitoring masts are provided for as permitted activities. I also note that the Explanation and Reasons include the following “In recognition of the benefits of renewable electricity, investigation into renewable energy sources is provided for in the District Plan. Investigations include the evaluation of prospective sites or sources, and also of emerging technologies and methods”. These investigations are intended to be undertaken by the generators and developers not the Council. I therefore recommend that the submissions from Todd Energy (80.14) and KCE Mangahao (92.14) are rejected.

3. NZWEA (100.11) sought amendments to the Methods of Issue 12.2 together with the inclusion of a new method.
4. NZWEA seek the fourth method to be amended to read “Resource consents will be required for new renewable electricity generation facilities, ~~with more stringent activity status within Outstanding Natural Features and Landscapes and Domains of High Landscape Amenity. to ensure that Assessment of environmental effects are properly assessed~~ through the resource consent process, and impose conditions to avoid, remedy or mitigate adverse effects as appropriate”. The submitter has concerns over the more stringent non-complying activity status within the ONFL and domains of high landscape amenity which the submitter contends would make it impossible to establish a wind farm. The submitter considers that a more appropriate method for achieving this policy would be to ensure that renewable electricity generation activities are provided for as discretionary activities while ensuring the objectives and policies in the Proposed Plan clearly signal the desire to protect these sensitive areas from development.
5. The submission point is supported by Todd Energy Ltd (514.21) and KCE Mangahao Ltd (515.21) on the basis that as the policies stand it would be virtually impossible for a wind farm proposal located in or near an Outstanding Natural Feature or Landscape (ONFL) or the Tararua Ranges to satisfy the policies.
6. Horizons (528.26) and DoC (527.11) have both made further submissions opposing the NZWEA submission point. Horizons argue that the provisions in the proposed District Plan relating to development of wind farms within or affecting ONFL give effect to the Proposed One Plan.
7. I consider that the method as currently written in the Proposed Plan accurately reflects the current approach in the Proposed Plan. I recognise this is not consistent with the opinion of the submitter, I consider it appropriate that the methods reflect the actual framework of the Proposed Plan. Until such time that the framework changes I consider the method should remain as notified.
8. NZWEA has requested that an additional method be included to read “The council may develop an infrastructure strategy that among other things signals community interest in preferred locations for potential renewable electricity generation”. The submitter suggests that Council prepare a non-statutory renewable energy strategy or infrastructure strategy, which among other things, highlights locations where people in the community think potential renewable electricity generation activities might be appropriate. While the method is only suggesting that Council may develop a Strategy rather than actually committing Council to undertake the preparation of such a Strategy, I am not convinced of the need for Council to prepare a Strategy of this kind as I am not aware that the Council and community see renewable electricity generation being a ‘hot’ issue that warrants this action. The cost of the Strategy would be borne by Council but ultimately the ratepayers, with the Strategy potentially being of greater benefit to renewable electricity operators than Council or the community. In other words if there was no further renewable electricity generation facilities established in Horowhenua the Council and community would not have lost anything by not preparing a Strategy. Given that the method would not commit Council to preparing the Strategy I could be persuaded to include this method. Council would at some point in time need to make a decision if it wanted to commit resources to preparing this Strategy. I do however note that even without the method in the Proposed Plan, Council would still have the opportunity to prepare a Strategy if there was a need or desire to do so. I invite the

submitter to advise at the hearing whether there is sufficient pressure for renewable energy generation in Horowhenua to necessitate the preparation of an Infrastructure Strategy and justify the need for this method to be included in the Plan.

9. For the reasons set out above I recommend that the submission point by NZWEA (100.11) be rejected together with the further submission points 514.21 and 515.21. I recommend that further submission points 527.11 and 528.26 be accepted.

4.34.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
80.14		Todd Energy Ltd		Reject
92.14		KCE Mangahao Ltd		Reject
110.11		NZWEA		Reject
	514.21	Todd Energy Ltd	Support	Reject
	515.21	KCE Mangahao Ltd	Support	Reject
	527.11	DoC	Oppose	Accept
	528.26	Horizons	Oppose	Accept

4.34.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Chapter 12.