

**BEFORE THE HOROWHENUA DISTRICT COUNCIL**

**IN THE MATTER** Of the Resource Management Act  
1991

**AND**

**IN THE MATTER** Proposed Horowhenua District Plan –  
Utilities and Energy

---

**Statement of Evidence by Kellie Jane Roland**

---

**INTRODUCTION**

1. My name is Kellie Jane Roland. I am a Resource Planner with eleven years postgraduate experience. I have prepared this evidence on behalf of Genesis Power Limited, trading as Genesis Energy, in my role as the Environmental Policy Manager.
2. My qualifications are a Bachelors Degree (Resource Studies - Environmental Policy and Planning) from Lincoln University. My predominant experience has been in statutory land use and subdivision planning.
3. I confirm that I prepared both the primary submission and further submissions by Genesis Power Limited and have read the Council Officer's report ('Section 42A report'). This evidence has been prepared in response to the Section 42A report on the Utilities and Energy chapter of the Horowhenua District Plan ('the Proposed Plan').
4. In general, the recommendations made in the Section 42A report are supported. This evidence does not address those submission points which have been accepted by the Council Officer, but rather, focuses on those submission points which have either been accepted in part or rejected.

5. I have set out my evidence as follows:
- (a) Company Overview
  - (b) Submission Overview
  - (c) National Policy Statement for Renewable Electricity Generation 2011
  - (d) Matters raised in Section 42A report
  - (e) Conclusion

### **COMPANY OVERVIEW**

6. Genesis Energy is New Zealand's largest electricity retailer. To meet the energy needs of our customers and to generate electricity for sale on the wholesale market, we have a diverse portfolio of renewable and thermal electricity generation assets including hydro, thermal and wind generation plants. We are one of the largest electricity generators in the country, supplying an average of approximately 20% of electricity generation per year over the last five years.
7. Our generation assets have a combined nominal generation capacity of approximately 2,140MW and are currently comprised of:
- the Huntly Power Station;
  - the Tongariro Hydro Power Scheme (central North Island);
  - the Waikaremoana Hydro Scheme (Hawke's Bay);
  - the Tekapo Hydro Scheme (Canterbury); and
  - the Hau Nui Wind Farm in southern Wairarapa.
8. Genesis Energy is pursuing new generation development prospects across New Zealand. We are currently seeking resource consent for the Castle Hill Wind Farm Project in North Wairarapa (near Ekatahuna) and are investigating the Slopedown Wind Farm project in Southland.

9. As a State Owned Enterprise, Genesis Energy is bound by the State Owned Enterprises Act 1986 that requires Genesis Energy, among other things, to operate its assets in the same manner as a commercial business and to act as a good corporate citizen.
10. To achieve this, Genesis Energy seeks to make the best use of the resources available to it while working alongside its communities and looking after the environment in which it operates. We are committed to developing sustainable energy in New Zealand.

### **SUBMISSION OVERVIEW**

11. Genesis Energy's interest in the Proposed Plan is to ensure that it provides for the operation and development of renewable electricity generation infrastructure in the Horowhenua District and that it effectively implements the National Policy Statement for Renewable Electricity Generation ('the Renewables NPS').
12. We consider that the Proposed Plan generally responds well to the Renewables NPS. However, our submission identified some key amendments that were necessary to properly implement the Renewables NPS, to ensure consistency with the Act and to improve the general usability of the Proposed Plan.
13. A number of our key concerns were accepted and addressed in the Section 42A report, however there are several key concerns outstanding, including:
  - The Proposed Plan seeks to create a pseudo Outstanding Landscape overlay across a large portion of the District by requiring views from the Levin urban area of the Tararua ranges are not interrupted, which will unduly restrict land use and development across a substantial area of the Horowhenua District.
  - There are a number of policies currently contained in Chapter 12 (Utilities and Energy) that do not fit with the overall purpose and objective of that Chapter. We suggest that these policies be deleted from Chapter 12 and are reinstated in Chapters 2, 5, 6 and 7.
  - The Proposed Plan does not properly recognise the positive local, regional and national benefits of the development and use of renewable energy infrastructure. We suggest that this recognition is important for the proper implementation of Councils obligations under the Renewables NPS.

## NATIONAL POLICY STATEMENT FOR RENEWABLE ELECTRICITY GENERATION 2011

14. The National Policy Statement for Renewable Energy 2011 ('the Renewables NPS') recognises the national significance of renewable electricity generation activities and the need to develop, operate, maintain and upgrade renewable electricity generation throughout New Zealand if we are to meet the 90% target.
15. The RMA requires local authorities to amend regional policy statements, proposed regional policy statements, plans, proposed plans, and variations to give effect to any provision in an NPS that affects those documents.
16. Section 3.6.2 of the Section 42A report sets out to outline the policy direction promoted by the Renewables NPS. To clarify bullet point three of this section, the Renewables NPS only seeks to "*have regard to off-setting measures or environmental compensations*" when "*considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated*"<sup>1</sup>.
17. The Renewables NPS does not seek to promote off-setting measures or environmental compensations before all reasonable steps are taken by an applicant to avoid, remedy or mitigate the effects of a renewable electricity generation proposal.

### MATTERS RAISED IN SECTION 42A REPORT

18. In general, our submission points have been accepted, with the exception of submissions in response to:
  - Policy 12.2.8;
  - Policies 12.2.12 – 12.2.14;
  - Rule 22.1.8(b)(iii);
  - General Comment: Controlled Rule for Wind Monitoring Masts;
  - General Comment: All rules pertaining to Utilities and Energy to be included in Chapter 22;

---

<sup>1</sup> National Policy Statement for Renewable Electricity Generation 2011, Policy C2

- General Comment: Specifically provide for other forms of electricity generation (other than Wind Generation);
- Assessment Criteria 25.7.13(a)(ii); and
- Assessment Criteria 25.7.13(b).

19. Policy 12.2.8 as notified reads:

*Ensure development of renewable electricity generation facilities do not interrupt or intrude views of the Tararua Ranges when viewed from public spaces within the Levin urban area.*

20. Genesis sought Policy 12.2.8 be deleted in its entirety as it essentially created a pseudo Outstanding Landscape overlay on a large portion of the District; a statement the the Council Officer has agreed with<sup>2</sup>, although has sought that the policy is retained but amended as follows:

*Ensure development of renewable electricity generation facilities minimises visual interruption or intrusion of views of the Tararua Ranges when viewed from public spaces within the Levin urban area [emphasis added].*

21. It is not accepted that Policy 12.2.8 is an important policy for “*addressing a specific tension for the District*”. Furthermore, it is not clear from the explanation provided in the Section 42A report as to what the existing tension within the District is. The re-worded policy continues to impose a higher effects threshold for renewable electricity generation facilities than otherwise promoted by the RMA (i.e. ensures effects are minimised rather than avoided, remedied or mitigated) and extends the protection afforded to the Tararua Ranges under Plan Change 22.

22. In addition, it is considered that the amendments will have unintended consequences for the development of renewable energy generation infrastructure

---

<sup>2</sup> “As proposed, the policy is very restrictive and is likely to be a significant barrier to renewable energy generation facilities as any wind turbine or other such facility is likely to interrupt a view of the Tararua Ranges from a public space in Levin. The area of land that would be affected by this policy is relatively expansive and I consider unduly so. I agree with Genesis that the policy should be reworded to minimise effects on views rather than trying to prevent any change from the status quo. Whilst the Tararua Ranges are considered to be an Outstanding Natural Landscape, this overlay’ is effectively extended to all the land between the Ranges and public open spaces in Levin. This land has not been identified as an outstanding natural landscape and therefore should not be treated as such. I note that there is some protection provided by Policy 12.2.7 which considers the effects on the character and values of the District’s Outstanding natural Features and Landscapes. I consider policy 12.2.8 to be an important policy addressing a specific tension for the District. I therefore recommend that the Policy 12.2.8 be retained but accept that it be reworded as sought by NZWEA and some effects on views provided for but these should be minimised” Section 42A Report, pg. 68, Section 4.25.2.7.

in the district, specifically when considering how views will actually be required to be minimised in the context of a windfarm development, through conditions of consent.

23. As such, we seek that Policy 12.2.8 is deleted in its entirety, as per our original submission.
24. Our submission sought to delete Policies 12.2.12 – 12.2.14 in their entirety and reinstate them within the relevant zone chapters of the Proposed Plan, largely as they cannot be directly linked to any Objective listed within Chapter 12. Policies should describe how a particular objective is to be achieved: that is, a general course of action to be pursued to achieve certain environmental outcomes.<sup>3</sup> We do not consider Policies 12.2.12 – 12.2.14 achieve this.
25. Furthermore, the policies are not relevant to the energy generation and transmission industries generally but are more specifically relevant to residential, commercial and industrial development within the District.
26. The Explanation and Principle Reasons<sup>4</sup> accompanying Policies 12.2.12 – 12.2.14 states:

*It is also important to encourage the use of energy efficient materials and renewable energy in development including construction materials and individual application of renewable energy sources, (e.g. solar panels). In exercising its responsibilities, the Council is able to advocate for achieving efficiencies in energy use, in the design of development and subdivisions, and in implementing building standards. This encouragement of energy efficiency will be achieved mainly through the Building Act requirements, sharing information, and providing guidance and encouragement.*

27. The Section 42A report suggests that the policies are “*appropriately worded and correctly located in an over-arching chapter rather than being repeated in the Residential, Greenbelt Residential and Rural Zone chapters*”<sup>5</sup>. We agree that the policies are appropriately worded, however their location within the utilities and energy chapter of the Proposed Plan poses a real risk of these policies being overlooked. We cannot find a logical connection between subdivision and

---

<sup>3</sup> Quality Planning, Developing the Policy Framework.

<sup>4</sup> Proposed District Plan, pg. 12-9

<sup>5</sup> Pg.77, Section 4.30.2(2)

development and the Utilities and Energy chapter of the Proposed Plan, supported by the fact that there is no narration within the Introduction Chapter of the Proposed Plan which outlines the purpose of each Chapter.

28. We maintain that Policies 12.2.12 – 12.2.14 would be better suited to those chapters which provide for subdivision and development (i.e. zone chapters).
29. The amendments proposed in the Section 42A report to Rule 22.1.8(b)(iii) are supported on the basis that the rule specifies the notional boundary of any dwelling on a separate lot in separate ownership as the appropriate means to calculate the setback from. Furthermore, it is considered appropriate to use the height of the structure to determine the necessary setback from a notional boundary.
30. In the absence of a rule for wind monitoring masts not complying with the Permitted Activity standards, we proposed a new controlled activity rule and matters over which control was reserved,
31. While a Controlled Activity status for wind monitoring masts not complying with Rule 22.1.8 is preferred, we support the proposed amendment / addition to Rule 22.1, which requires any wind monitoring masts not complying with Rule 22.1.8 to be considered as a Restricted Discretionary Activity and Council's discretion being limited to the assessment matters included in 25.7.12.
32. Our submission noted that the Proposed Plan only provides for wind generation and proposed the inclusion of a new Rule in Chapter 22 which provides for the development and on-going use of all other renewable energy infrastructure as a Discretionary Activity.
33. It is understood that the proposed amendments / additions to Section 22.1 of the Proposed Plan respond to our submission point in this regard, with activities not meeting the permitted activity conditions, falling to be considered as restricted discretionary activities. We support this amendment.
34. In response to our submission in relation to Assessment Criteria 25.7.13(a)(ii), the Section 42A report<sup>6</sup> notes:

*This particular criterion refers to —The visibility of the proposal, including the number of turbines and their height. I consider that this is a very important*

*consideration in the assessment of Wind Energy Facilities. There will be parts of the District where potential sites could have very little visibility beyond the site boundaries. I consider it to be an appropriate assessment criterion when included as part of the suite of criteria that has been set out in 25.7.13. I therefore recommend that submission points 44.25, 514.08 and 515.08 be rejected.*

35. We accept that the **visual effects** of a wind farm development are an integral consideration as to its appropriateness. However, Assessment Criteria 25.7.13(a)(ii) refers to the **visibility** of a proposal, with specific reference to the number of turbines and their height. Whether something is visible or not does not mean that there is an effect.
36. The number, location, design and height of wind turbines within a proposed wind farm are closely linked to resource availability and economies of scale, countered by a comprehensive effects assessment. The ability to remove wind turbines, or reduce their overall height as part of the assessment of an activity has the potential to undermine the feasibility of a project.
37. We consider Assessment Criterion 25.7.13(a) is sufficiently broad to allow a comprehensive assessment of the actual and potential visual effects of a development to be undertaken, without the need to include criterion (ii).
38. As such, we seek that Assessment Criterion 25.7.13(a)(ii) is deleted in its entirety, as per our original submission.
39. Assessment Criterion 25.7.13(b) seeks to assess the ecological effects of a wind farm including the effects on waterways. Despite the assertion made in the Section 42A report<sup>7</sup>, it is our opinion that the management of waterways is a Regional Council function.
40. While we accept that the NPS for Freshwater Management (2011) directs that an integrated approach is required for the management of freshwater bodies, it is not clear how the assessment criterion will actually assist in achieving this function in the context of a resource consent application, specifically as the Council is limited in its ability to impose conditions which specifically address water quality.

---

<sup>7</sup> "Council as a territorial authority does have responsibilities in terms of waterways these include managing activities on the surface of water and access to water bodies. In support of the submission point made by DoC, I remain of the opinion that the reference to waterways in this Assessment Criteria is appropriate" pg. 141, Section 4.61.2.2.



41. In the context of landuse activities, the management of freshwater bodies is generally linked to earthworks. It is noted that the Proposed Plan only contains controls on earthworks in relation to land within a Specific Landscape Domain, Heritage Setting, Coastal Outstanding Natural Feature and Landscape and the Moutoa Floodway (where earthworks are not permitted).
42. There are no restrictions on earthworks identified otherwise in the Proposed Plan on land in the general rural zone. It is expected that the management of earthworks in these areas (where landscape and visual effects are not paramount) has been left to the Regional Council.
43. On this basis and to address the concerns of both Council and the Department of Conservation, the following amendments to Assessment Criterion 25.7.13(b) are suggested:

*The ecological impact of the proposal, including the extent of the disruption to vegetation and habitat, any impacts on waterways located within a Specific Landscape Domain, Heritage Setting, Coastal Outstanding Natural Feature and Landscape, and the likely effect on birds and other fauna.*

## **CONCLUSION**

44. Genesis Energy depends upon and fully supports the principles of sustainable management and efficient use of resources as outlined in Part 2 of the Resource Management Act ("the Act").
45. We have particular interests in ensuring the Proposed Plan provides for the development of new renewable electricity generation sites within the Horowhenua District. Subject to the amendments proposed within this brief of evidence, we consider that the Proposed Plan generally responds well to the Renewables NPS and the RMA.



**Kellie Roland**

Genesis Energy

23 April 2013