

WAIMAKARIRI DISTRICT COUNCIL

Submission on the Proposed National Policy Statement for Renewable Electricity Generation

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1 General Submission

This is a submission from the Management of the Waimakariri District Council based on professional advice from staff that addresses the technical merits of the proposed National Policy Statement for Renewable Electricity Generation.

The Management of the Waimakariri District Council considers that a National Policy Statement for Renewable Electricity Generation is unnecessary, and requests that the government withdraw its Proposed National Policy Statement for Renewable Electricity Generation.

In adopting our position with respect to this proposed national policy statement (NPS) we are mindful that the government amended the Resource Management Act to include S7 (j) *“the benefits to be derived from the use and development of renewable energy”* as a matter that *“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard...”* in 2004. This elevates the importance of renewable energy as a matter for consideration when making decisions under the Resource Management Act 1991, and the details of the proposed NPS, do not significantly clarify the situation as is suggested in the preamble to the proposed NPS.

2 Specific submission with respect to Policies 4 and 5

If the government decides to progress with the Proposed NPS for Renewable Electricity Generation, we do not consider that it is appropriate for the NPS to require changes to all district plans to include objectives, policies and where appropriate methods relating to renewable electricity generation.

Our opposition to Policies 4 and 5 relates to the nature of any proposal that is likely to come before a council for the establishment of a renewable energy generation complex, and the estimated costs associated with the implementation of the Proposed NPS by Councils.

It is unlikely that proposals for renewable energy generation will to come before every council in New Zealand, and the nature of proposals that are developed will differ from locality to locality. Under these conditions, it would be more efficient from a planning perspective for the major proposals that eventuate to be processed as Plan Changes rather than consented.

This would mean that each would be considered on its merits, against the Resource Management Act which has already been amended to establish the status of renewable generation as a Section 7 matter. It is also important to recognise that the

government has other methods of facilitating decision-making with respect to major proposals. The Minister for the Environment can use his/her power to “call in” a case, or the government can signal the significance of the proposal by way of a Crown (whole of government) submission to the consenting authority.

The cost for meeting the requirements to change plans, as estimated in the Section 32 report is prohibitive and out of proportion with the likely gains to be derived. The Section 32 report estimates the cost to government for providing support for the implementation in the first year after approval as \$250,000 (undiscounted). At the same time, the Section 32 Report acknowledges that the majority of the costs will fall on local government, and estimates these cost as \$19.9 million (undiscounted and spread over years two to five following approval), plus an additional \$3.1 million (undiscounted spread over 20 years following approval) (Section 32 Report Executive Summary p.xiv).

The government also indicates that it *expects that generators will monitor plan changes made in response to the NPS. It is likely that generators will lodge submissions on plan changes in areas where they have commercial interests; a cost of \$7.3 million (undiscounted cost spread over years two to five following approval).* This figure is based on the employment of one FTE equivalent per generator for advocacy plus \$50,000 per plan.

Based on the government's estimates the total cost to all parties of the implementation of the Proposed NPS for Renewable Electricity Generation is in excess of \$30 million, and is out of proportion to the likely advancement of renewable electricity generation from the introduction of this Proposed NPS. It should also be noted that these calculations do not take into account the cost of appeals to councils, the appellants or the Ministry for the Environment which might choose to become involved with cases that reach the Environment Court and/or cases that progress to the High Court or the Court of Appeal.

When reflecting on the cost of the plan changes and subsequent appeals that might be triggered, it is also important to recognise that any policy setting out criteria for the assessment of suitable sites for renewable energy generation, or the zoning of such areas on plan maps is likely to trigger considerable controversy. In particular, those opposed to the use of prominent ridgelines for wind farms are likely to mount strenuous cases for the extension of landscape controls to head off applications for the establishment of wind farms.

During the development of the first generation of district plans there were many cases where landscape issues were strenuously disputed and many settled via appeals to the Environment Court. There is a risk that the requirement to provide objectives, policies and, where appropriate, methods in plans to facilitate the introduction of renewable energy generation will provide an opening for these cases to be revisited unnecessarily and at considerable additional cost to communities.

Despite the inclusion of a definition of “small scale” as referring to a generation capacity of up to 4 megawatts, it is not easy to envisage the scale of activities that the Proposed NPS seeks to facilitate under Policy 5. In some instance, it may well be possible for these to be developed as permitted activities as the effects may not extend beyond a site boundary, and/or not trigger consenting requirements. Under these conditions, it would also seem unnecessary for the Proposed NPS to require the wholesale changing of plans across New Zealand. In other cases, a small scale development that has effects likely to trigger concerns should receive an appropriate level of scrutiny under the established resource management decision-making

framework, and taking into account the status of renewable energy generation in the Act.

It is also important to recognise that it is possible for the inclusion of provisions in Regional Policy Statements (RPS) dealing with renewable energy generation, because of the status accorded to this matter in the Act, and without the backing of a national policy statement. This means that irrespective of the scale of any proposal for renewable energy generation, support from the Act and RPS objectives and policies would mean that a plan change to authorise the establishment of a renewable energy generation plant could well face few barriers.

Decisions requested:

That the Proposed NPS for renewable energy generation be withdrawn.

If the government decides to retain the Proposed NPS, delete Policies 4 and 5.

We wish to be heard in support of this submission.