



PALMERSTON NORTH CITY COUNCIL
'MANAGING WINDFARMS'

Technical Workshop Report

March 2009



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BACKGROUND

1. Palmerston North City Council (PNCC) has considered a number of resource consent applications in recent years for the development and operation of windfarms within the City. Some of the windfarms have been wholly located within the City boundary while others have been partially located within the City and have been developed, or are proposed to be developed, across the boundary of the City with Tararua and Horowhenua District Councils.
2. All windfarm applications attract submissions both in support and in opposition. Opposition to windfarms arises from concerns about potential adverse affects on amenity values, ecology (threats to birds in particular), landscapes, noise and property values. Expressions of support for windfarm applications typically include local and regional economic benefits, the benefits to be derived from renewable energy, a reduction in total greenhouse gas emissions and consistency with national policy direction such as the New Zealand Energy Strategy.
3. Recent windfarm applications in the Tararua Ranges (eg Turitea and Motorimu) have generated significant public interest (and in particular opposition).
4. As a consequence of the expressions of public concern being noted by PNCC Councillors (about windfarms in general but particularly in relation to the Turitea proposal), a Notice of Motion to the Council, dated 17 September 2008, was put forward by Councillor Michael Feyen and seconded by Councillor John Hornblow. In summary, the Notice of Motion sought that the Chief Executive be asked to prepare a report containing a set of guidelines for the City in relation to the siting and operation of windfarms that may be either fully, or at least partly, located within the City boundaries. The Notice of Motion also detailed what the report should cover, timeframes for completion of the report and that the report be suitable as a basis for a Council initiated District Plan Change.
5. Following consideration of an officer report on the matter, the Planning and Policy Committee of the Council passed the following the recommendation at its meeting on 6 October 2008 (resolution 66-08):

"That the Chief Executive be asked to prepare a report designed to lead to a policy for the city in relation to the siting and operation of wind farms that may be either fully or at least partly located within our city boundaries, and that the report:

- (a) has particular regard to health, amenity and landscape matters, conservation values and property values, without limitation.*
- (b) is based on relevant local and international knowledge and experience;*
- (c) is suitable as a basis for a council-initiated District Plan Change; and*
- (d) and that a report on progress be presented to the Planning and Policy Committee meeting in February 2009."*

The abovementioned recommendation was confirmed by the Council at its meeting on the 29 October 2008.

6. In response to the direction from Council that the Chief Executive be asked to prepare a report designed to lead to a policy for the City in relation to the siting and operation of windfarms, it was determined that a workshop be held to identify and discuss the alternative planning methods for managing windfarms within Palmerston North City and outline the pros and cons of the various methods.

7. The anticipated outcome of the technical expert workshop was that the workshop facilitator would prepare a report summarising the discussions held. This report would form the basis of the PNCC officer response to the Council resolution. It could also support any future s32 analysis should a Plan Change be promoted by Council.

THE WORKSHOP

8. The workshop was held on 8 December 2008 and involved nationally recognised professionals with experience and/or expertise in RMA windfarm matters, including landscape architecture, acoustical engineering (noise) and planning. It also included representatives of the Tararua and Horowhenua District Councils and the Manawatu-Wanganui Regional Council.

A list of the workshop participants is attached as part of Appendix A.

9. The primary purpose of the workshop (as stated in the agenda distributed to participants - refer Appendix A) was:

"To identify and discuss the alternative planning methods for managing wind-farms within Palmerston North City and outline the pros and cons of the various methods."

10. Other guidance for participants was also provided by way of suggested discussion matters (refer Appendix A) and the following background reading material which was circulated to all participants prior to the workshop:
 - MWRC's Proposed One Plan Provisions - Landscape and Energy
 - National Policy Statement on Renewable Energy
 - Palmerston North City Landscape Study - Stage One
 - Motorimu Decision
 - Palmerston North City District Plan Review Process and Timeline
 - Relevant Council Resolutions.

WORKSHOP DISCUSSION

CONTEXT AND PROCESS

11. The facilitator opened the workshop, welcomed participants and outlined its purpose. He also explained the importance of the participation of officers from the Horowhenua and Tararua District Councils, given the cross-boundary issues which had arisen, and would continue to arise, from windfarm applications on the Tararua Range.
12. It was stressed that there was no "magic" or obvious answer to the complex issues and questions arising from windfarm proposals. The facilitator presented the following quote to illustrate this point:

"Planning involves the allocation of resources; it confers benefits on some groups and takes benefits away from other groups. Planning is a question of values, it is a question of which group you think ought to get what. There cannot be a right plan or a best plan in the ultimate analysis, but only an accepted plan or course of action which is a reflection of the wishes of those groups in power at the particular time of its acceptance. Planning is clearly a political exercise."

(Mant, J: 'Strategy Planning Experience in Australia' in Wilde, R.D. and Chapman, R.J.K. (Eds) Strategy Planning for Tasmania, 1977)."

He emphasised that through workshop discussions we would be seeking an acceptable course of action or a "best fit".

13. In particular, it was suggested (because of the definition of amenity values in the RMA) that we would need to recognise and focus on:
 - Values Clarification
 - Values Reconciliation (or acceptance of inherent conflicts of values)
 - RMA S32 and S104 Reconciliation
 - whose interests are being served?
 - whose interests will prevail?
 - National v Local Interests.
14. In summary, participants were challenged that to effectively assist PNCC officers to report to their Council, they would need to:
 - Clarify the issue(s)
 - Identify and evaluate options
 - Form a collective view, in so far as that is possible
 - Recommend a preferred option (i.e. "a best fit" or "acceptable course of action"), if possible, for possible changes (if any) to the District Plan.

It was agreed that the focus of discussions would be on process and in particular the planning process necessary for developing an acceptable means of managing windfarms and their effects on the environment.

BACKGROUND INFORMATION

15. As a basis for considering possible resource management options for windfarms, participants provided information in respect of the following:
 - Need for the workshop
 - Council's resolutions
 - Community interest
 - Mighty River Power's Turitea application
 - Maps showing all the Manawatu windfarms (T1, 2 and 3, Te Apiti, Te Rere Hau, Motorimu and that proposed for the Turitea)
 - The Motorimu decision
 - Landscape matters in relation to windfarms nationally, proposed regional guidelines and cross boundary issues and local landscape studies and evaluation initiatives being proposed
 - Noise effects, both nationally and locally.

DISCUSSION

16. After considerable discussion, it was accepted by the participants that the status quo was not an acceptable option. It was agreed that the District Plan's provisions would need to be changed, if for no

other reason than the fact that the District Plan is perceived as not providing sufficient certainty (protection?) to residents.

17. It was also agreed that there is a need to gauge (objectively assess) community (Palmerston North City resident's) views on windfarms and to also have the community and its representatives understand (if not accept) that most electrical energy consumed in New Zealand is generated from water bodies and ridgelines. It was also accepted that any changes would have to take cognisance of a rapidly developing body of RMA case law in relation to windfarms.

OPTIONS CONSIDERED

18. Participants discussed and listed the following options for consideration:

- 1a Do nothing - maintain the status quo and continue to assess and determine any windfarm application as a discretionary activity (unrestricted).
- 1b Do nothing at the moment in relation to the District Plan's provisions and put all PNCC's effort and resources into the Turitea (Mighty River Power) resource consent application (RCA) on the grounds that this is likely to be the last major windfarm development in the City.
- 1c Do nothing immediately - but continue to evaluate windfarm effects and caselaw and make any changes, if necessary, via the District Plan Review (the Proposed District Plan) or subsequent plan changes.
- 2a Maintain discretionary activity status for windfarms (by default) but provide specific windfarm policy provisions in the District Plan (anticipated environmental outcomes, objectives and policies) based on evidence to date, either by way of either an immediate plan change or via the Proposed District Plan.
- 2b Maintain discretionary activity status for windfarms (by default) but provide specific windfarm policy provisions in the District Plan (anticipated environmental outcomes, objectives and policies) based on a "speedy" landscape assessment on the landscape unit for the Turitea / Kahuterawa areas (a pilot study) by way of either an immediate Plan Change or via the Proposed District Plan.
- 3 Promulgate a District Plan Change to make windfarms either:
 - (a) a non-complying activity; or
 - (b) a discretionary activity if "small scale" (i.e. both size and number of turbines is restricted) and subject to meeting specific locational criteria (eg if greater than 2 to 3 kms away from the nearest occupied dwelling), otherwise the activity defaults to non-complying.
4. Change the District Plan to prohibit windfarms in Palmerston North City.
5. Change the District Plan to provide for windfarms as a permitted activity (i.e. permitted as of right).
6. Change the District Plan to provide for windfarms as a controlled activity (i.e. permitted subject to conditions).

7. Put PNCC's effort and resources into developing regional policy for windfarms (via the Regional Policy Statement).

PROS AND CONS

These options were then discussed in detail and a list of pros and cons for each option was developed by participants. The outcome of these discussions is provided in the following table:

Planning Option	Pros	Cons
1(a) Do nothing -maintain status quo	<ul style="list-style-type: none"> ▪ No cost associated with Plan Change preparation and process ▪ Council Officers have a demonstrable and valuable record of experience in advising decision makers in respect of windfarm applications ▪ Motorimu application and decision case has vindicated the case by case discretionary approach to determining windfarm proposals ▪ Community accepting / satisfied with outcome of the Motorimu application ▪ As Turitea is the last major windfarm opportunity and RCA is already lodged, there is no need to consider any District Plan changes. 	<ul style="list-style-type: none"> ▪ Uncertainty as to cost, time and outcome of any resource consent application (RCA) ▪ No policy direction (context) is provided from the Council to assist in determining any particular windfarm application.
1(b) Do nothing but put effort/resource into MRP's Turitea RCA	<ul style="list-style-type: none"> ▪ Tackles issue directly (i.e. MRP RCA is last major windfarm development). 	<ul style="list-style-type: none"> ▪ Uncertainty of outcome if the application is subject to a ministerial call-in.
1(c) Maintain the status quo but work on possible longer term District Plan (DP) changes (Rural Zone review)	<ul style="list-style-type: none"> ▪ as in 1(a) above 	<ul style="list-style-type: none"> ▪ as in 1(a) above
2(a) Maintain the status quo for activity status (discretionary) but with windfarms identified as a specific category of activity and supported by specific objectives and policies based on current knowledge.	<ul style="list-style-type: none"> ▪ Develops local policy (context) ▪ Acknowledges local amenity values ▪ Criteria could include need for consistency in turbine design (appearance in particular) including replacements. 	<ul style="list-style-type: none"> ▪ Time and costs associated with developing policy ▪ Some proposals may be relatively low impact based on a 4th schedule AEE but not meet specific policies and objectives.

Planning Option	Pros	Cons
2(b) Accept the status quo for activity status (discretionary) but with windfarms identified as a specific category of activity, and supported by specific objectives and policies, based on the outcome of a "Pilot" landscape study.	<ul style="list-style-type: none"> ▪ As for 2(a) ▪ More robust evidence base ▪ Greater transparency. 	<ul style="list-style-type: none"> ▪ Increased cost ▪ Opportunity cost; diverts focus of landscape assessment. ▪ Confusion for public – overlap with Turitea RCA. ▪ Risk of landscape assessor being subpoenaed to appear before a MRP Turitea RCA Board of Inquiry. ▪ Legal and procedural difficulties.
3. Non-complying activity status (could include discretionary status for defined small scale windfarms).		<ul style="list-style-type: none"> ▪ Disenabling
4. Prohibited Activity	<ul style="list-style-type: none"> ▪ Residents who do not like or want windfarms would be happy ▪ Defined areas of the City may be appropriate for windfarms based on landscape assessment / study results, therefore remaining area could be prohibited ▪ Builds on 1(d) and 2(a) & (b). 	<ul style="list-style-type: none"> ▪ May not be legally possible. ▪ Information requirements to secure this status in the District Plan would be insurmountable.
5. Permitted Activity	<ul style="list-style-type: none"> ▪ No direct process costs other than District plan development costs ▪ Reflects Government Policy ▪ Encourages inward investment ▪ Marketing opportunity for PN. 	<ul style="list-style-type: none"> ▪ Potential for significant adverse environmental effects ▪ Unable to manage the activity via performance conditions (on a resource consent) ▪ Likely to raise concern amongst the local community.
6. Controlled Activity	<ul style="list-style-type: none"> ▪ As above (see 5) for permitted activity. 	<ul style="list-style-type: none"> ▪ Likely to raise concern amongst the local community as consent must be granted and there will be no opportunity to object to activity.

Planning Option	Pros	Cons
7. Regional Policy Statement	<ul style="list-style-type: none"> ▪ Limited cost to the Council ▪ Responsibility would be with the MWRC to consider and determine appropriate windfarm management policy. 	<ul style="list-style-type: none"> ▪ Limited scope within the already lodged PNCC submission on the Proposed One Plan to seek appropriate changes ▪ Limited in what the Council could ask for in the RPS ▪ At the Mayor's Forum in 2007, agreement was reached that territorial authorities would be invited to identify landscapes of local or district significance, in addition to the landscapes of regional significance identified in the One Plan.

RECOMMENDATION(S)

Following consideration of the pros and cons of each option, and being mindful of the Council's request (resolution), it was agreed that Option 2(b) above be recommended to the Council as being the most appropriate immediate option to pursue.

APPENDIX A

Agenda

Wind Farm Development in Palmerston North City: Technical Workshop

9am, 8 December, Committee Room One, Civic Administration Building, Palmerston North City Council.

AGENDA:

9am - Welcome from David Forrest (facilitator)

9.05am - Introductions

9.15am - David Murphy - Background to the issue and recent resolution of Council

9.30am - Virginia Shaw - Mighty River Power Update

10.00am - MORNING TEA

10.30am - Jeff Baker - Motorimu Overview

10.45am - David Murphy - District Plan Review Update

11.00am - Clive Anstey - Key landscape considerations

11.15am - Nigel Lloyd - Key noise considerations

11.30am - David McKenzie - Palmerston North City Landscape Study Update

11.45am - Fiona Grodon and Barry Gilliland - Horizons One Plan Update

12.00pm - Mike Brown / David Forrest - Tararua District Plan Review Update

12.15pm - Tony Thomas - Horowhenua District Plan Review Update

12.30pm - LUNCH

1.15pm - 1.30pm - Group Discussion - What is the issue / problem?

1.30pm - 4.30pm - Group Discussion: Evaluation of Alternative Methods for Managing Wind-Farms within Palmerston North City.

To identify the pros, cons, costs, timeframes, risks, likely political and community acceptance of various planning methods for managing the development of wind-farms including:

- *Permitted Activity*
- *Controlled Activity*
- *Restricted Discretionary Activity with associated matters of discretion and assessment criteria*

- *Unrestricted Discretionary Activity (status quo)*
- *Unrestricted Discretionary Activity and associated assessment criteria*
- *Unrestricted Discretionary Activity and associated assessment criteria with landscape overlay identifying significant local landscapes*
- *Unrestricted Discretionary Activity and associated assessment criteria and exclusion areas based on landscape significance*
- *Non-Complying Activity*
- *Prohibited Activity*

INFORMATION TO BE PRE-CIRCULATED TO ALL PARTICIPANTS

One Plan Provisions - Landscape and Energy

NPS - Renewable Energy

Palmerston North City Landscape Study - Stage One

Motorimu Decision

Palmerston North City District Plan Review Process and Timeline

Relevant Council Resolution

Wind Farm Development in Palmerston North City: Technical Workshop

Purpose:

To identify and discuss the alternative planning methods for managing wind-farms within Palmerston North City and outline the pros and cons of the various methods.

Note: The outcome is likely to be of some benefit / interest to Taranua, Horowhenua and Horizons Plan Reviews.

Facilitator:

David Forrest, Planner, Good Earth Matters Ltd.

Palmerston North City Council Contact:

David Murphy, Senior Policy Planner, PNCC

Background:

Palmerston North City and its neighbouring Districts (Horowhenua and Taranua) have been at the forefront of the wind energy debate for the last decade with 5 wind-farms totalling 366 turbines consented in the local area. The Taranua ranges continue to be placed under significant development pressure with further wind-farms proposed.

Mighty River Power has recently lodged a resource consent application with Council to construct 131 turbines, the majority of which are located within Palmerston North City.

The ongoing development of wind farms within the City has lead to an increasing level of political unease within Council, particularly in relation to the Mighty River Power application, which Council has a contractual interest in.

A notice of motion was recently put to Council seeking the preparation of wind-farm guidelines. Council passed the following resolution:

The COMMITTEE RECOMMENDS that the CEO be asked to prepare a report designed to lead to a policy for the city in relation to the siting and operation of wind farms that may be either fully or at least partly located within our city boundaries, and that the report:

- (a) *has particular regard to health, amenity and landscape matters, conservation values and property values, without limitation.*

- (b) *is based on relevant local and international knowledge and experience;*
- (c) *is suitable as a basis for a council-initiated District Plan Change; and*
- (d) *and that a report on progress be presented to the Planning and Policy Committee meeting in February 2009 - carried*

Workshop Details:

To facilitate discussion and, where possible, reach conclusions on the following matters:

- The alternative planning methods for managing wind-farms
- The pros and cons of the various methods, including financial costs and likely timeframes
- The impact of external guiding documents, e.g. the One Plan, NPS on Renewable Electricity Generation, the NZ Energy Strategy
- The key messages from recent decisions, e.g. Motorimu.
- Recognition of short term and long term options, i.e. are there any quick wins which can be achieved prior to the implementation of a long term strategy?

Workshop Participants:

David Forrest, Planner, Good Earth Matters, Consultant Planner for Tararua District (workshop facilitator).

David Murphy, Senior Planner, City Future, PNCC.

Andrew Brown / Jonathan Fergusson-Pye, City Future, PNCC

Virginia Shaw, Principal Planner, City Contact, PNCC.

Jeff Baker, Senior Planner, City Contact, PNCC.

Rebecca Blyth, Senior Planner, City Contact, PNCC

John Maassen, City Solicitor, Cooper Rapley

Clive Anstey, Landscape Architect, advisor to PNCC on wind-farm applications, advisor to Horizons on the One Plan.

Nigel Lloyd, Acoustic Consultant, advisor to PNCC on wind-farm applications.

David McKenzie, Landscape Architect, Opus, advisor to PNCC on Rural Review that includes the Palmerston North City Landscape Study.

Jo Ross, Principal Planner, Opus, advisor to PNCC on Rural Review that includes the Palmerston North City Landscape Study.

Fiona Gordon, Senior Policy Analyst, Horizons Regional Council

Barry Gilliland, Policy Advisor, Horizons Regional Council

Mike Brown, Environmental Services Manager, Tararua District Council.

Tony Thomas, Environmental Services Manager, Horowhenua District Council.

Workshop Outcome:

The workshop facilitator would prepare a report summarising the discussions held. This report would form the basis of the PNCC officer response to the Council resolution. It could also support any future s32 analysis should a Plan Change be promoted by Council.

Council resources will be made available to record the discussions held to assist with the facilitators report.

Workshop Date:

9am, Monday 8 December, Committee Room One, Palmerston North City Council Civic Administration Building.