



**BELL GULLY**

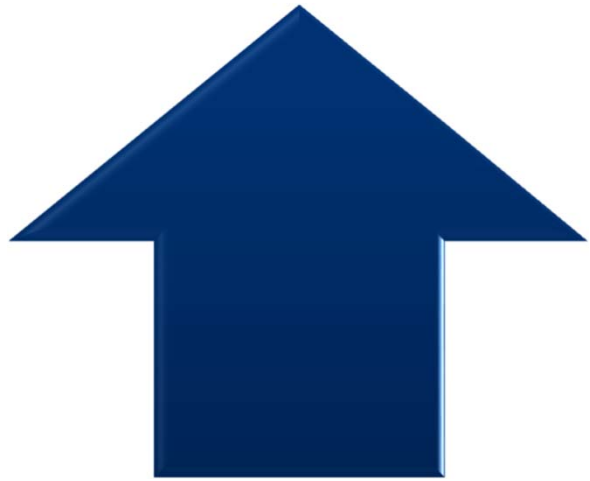
# RMA – what needs fixing?

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# Context



Only three wind farms declined resource consent (compared to approximately 33 consented).



But some potential applications not progressed due to RMA issues.

And other consented wind farms incurred extra time and cost due to RMA issues.

# Overview



- Arbitrary setbacks



- Debate over noise standard



- Ad hoc reliance on plans



- Activity status issues


# Arbitrary Setbacks – Examples

- Porirua District Plan includes a 700 metre setback from a zone boundary or the boundary of a site that is not part of the wind farm. Otherwise a wind farm will be assessed as a non-complying activity.
- Proposed Plan Change 15B includes a 700 metre setback from the boundary of the wind farm site with an adjacent property, unless the owner and occupier consent. Otherwise a wind farm will be assessed as a non-complying activity.

# Arbitrary Setbacks – Stated Rationale

The s32 report stated the purpose of the Performance Standard “is to establish a buffer zone area and development set-back for Wind Farms to avoid adverse effects on the amenity of surrounding properties, as far as practicable. The 700 m setback for Wind Farms is based on expert advice, that within this area, there is a significant potential for wind turbines to generate adverse effects on the amenity, use and enjoyment of an adjoining property”.

# Arbitrary Setbacks - Consequences



<b>Prevent proposals</b>	<ul style="list-style-type: none"><li>• May not be possible to avoid property boundaries</li><li>• Barrier with NC threshold</li></ul>
<b>Poor outcomes</b>	<ul style="list-style-type: none"><li>• Avoid property boundaries to avoid NC activity status</li></ul>
<b>Raised expectations</b>	<ul style="list-style-type: none"><li>• Misplaced assumption regarding effects</li><li>• Greater debate about breach of setbacks</li></ul>

# Arbitrary Setbacks – Potential solutions

## NES

- Default to RDA over 1.2km from dwelling?
- Default to D if closer?

## National Planning Template

- Framework for decisions
- Defaults?

## Court

- New precedent?
- Give effect to NPS

# Noise standard - Problems



Persuasive  
(but not  
binding)

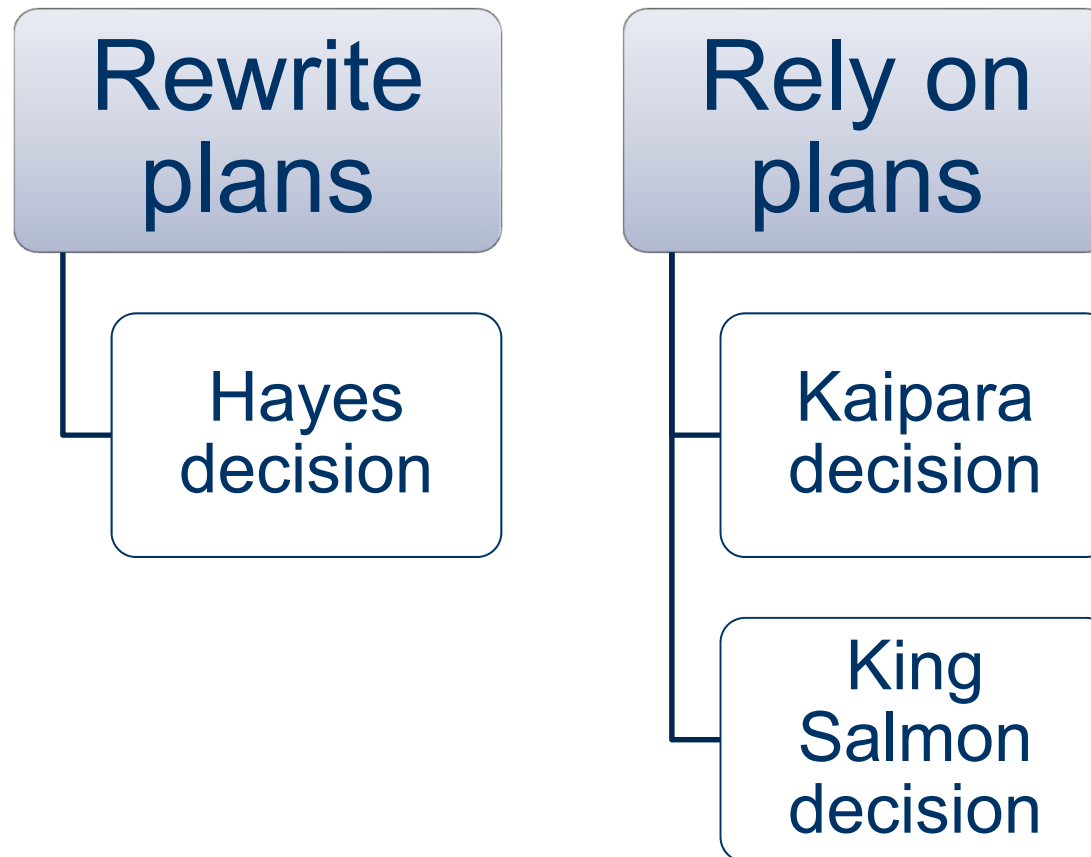
Debate in  
Court (some  
consider  
industry-led  
process)



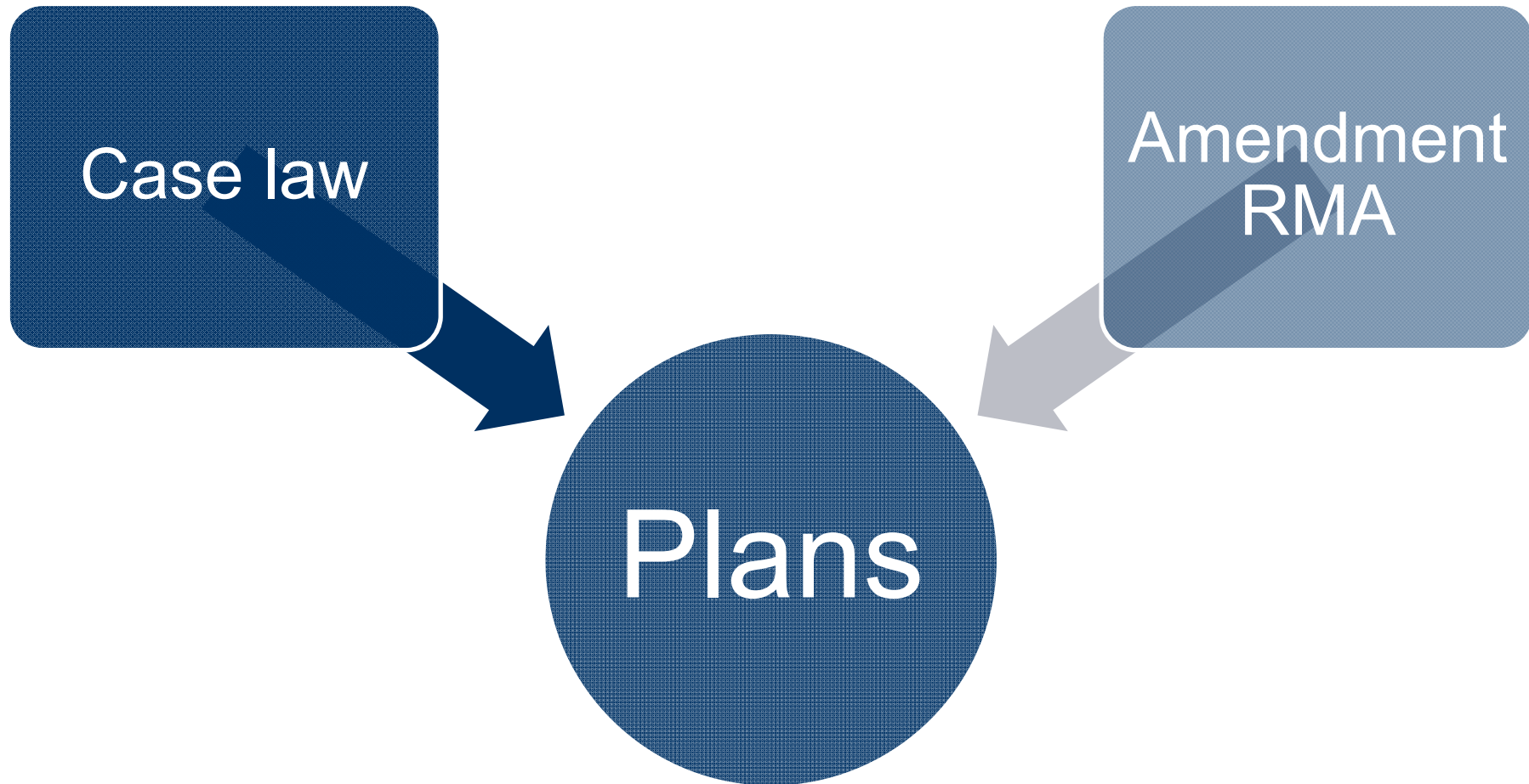
# Noise standard – Potential solutions

- Incorporated into a National Environmental Standard (NES)
- Noise standards and standards, methods, or requirements for monitoring are expressly within scope of NES under RMA
- Could be relatively straight-forward as existing standards can be incorporated by reference in NES
- Minister must establish a process that gives the public and iwi authorities adequate time and opportunity to comment on the proposed subject matter of the standard, and a report must be prepared

# Ad hoc reliance on plans - trends



# Ad hoc reliance on plans –Potential solutions



# Activity status issues

- Examples of great lengths to avoid non-complying (NC) activity status.
- Potential for splitting applications so activities considered separately.
- Can lead to perverse outcomes e.g. avoid degraded wetland so not NC but massive volume of earthworks.
- May not be best outcome from perspective of sustainable management and adverse effects and/or cost of wind farm.

# Activity status issues – Potential solutions

## NES

- Defaults for activity status involving wind farms

## National Planning Template

- Framework for decisions
- Defaults?

## NPS

- Existing requirement to give effect to NPS
- Strengthened NPS

# Resource Legislation Amendment Bill 2015

## **Key relevant amendments:**

1. National guidance: Strengthened national policy statements and national planning templates
2. Plan making process: Collaborative planning and streamlined planning processes
3. Iwi Involvement: Increased ability and requirement for involvement in consultation process

Will the reforms deliver?

