

Proposed Marlborough Environment Plan

**Section 42A Hearings Report for Hearing Commencing
19 February 2018**

Report dated 11 November 2017

**Report on submissions and further submissions
topic:
Energy**

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List of Abbreviations

EECA	Energy Efficiency and Conservation Authority
MDC	Marlborough District Council
MEP	Proposed Marlborough Environment Plan
NPSFW	National Policy Statement for Freshwater Management 2014
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PV	Photovoltaic electricity generation
RMA	Resource Management Act 1991

Submitter Abbreviations

Submitter Number	Submitter Abbreviation	Full Submitter Name
280	NMDHB	Nelson Marlborough District Health Board
961	Chamber of Commerce	Marlborough Chamber of Commerce
1142	Save the Wairau River	Save the Wairau River Inc
1186	Te Atiawa	Te Atiawa o Te Waka-a-Maui
1199	Transpower	Transpower New Zealand Limited
1201	Trustpower	Trustpower Limited
1251	Fonterra	Fonterra Co-operative Group Limited

Introduction

My name is David Jackson. I am a Principal Planner from Opus International Consultants, based in Nelson. My qualifications and experience are as follows:

I have a BSc Honours in Botany and a PhD in Plant Physiology, both from the University of Canterbury. I am a full member of the New Zealand Planning Institute (NZPI).

I have worked in the resource management field for over 32 years, including for the Commission for the Environment, the Ministry for the Environment, the Nelson City Council, and since 2014 for Opus. During my 19 years at Nelson City Council I held various senior policy planning roles, with my final position being Principal Adviser, City Development. At the Commission for the Environment I specialised in energy and environmental economics.

I was one of the principal authors, and in the latter stages Project Leader, for the development of the proposed Nelson Resource Management Plan (NRMP), which received the NZPI Nancy Northcroft Award for planning excellence. The NRMP is a combined district, regional and regional coastal plan. In addition to preparing the residential, industrial, inner city and commercial zone chapters, I prepared the landscape and the historic heritage provisions for the proposed NRMP.

I also lead the preparation of the Nelson Air Quality Plan.

I prepared Section 42A reports for both the above plans, and as well have been involved in the preparation and processing of more than a dozen variations and plan changes. With these proposed plans and plan changes I have been involved through the hearings and appeals processes.

I was not involved with the preparation of the proposed Marlborough Environment Plan (MEP). I was contracted by the Marlborough District Council (Council) in July 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report.

I have read Council's Section 32 reports and the EECA report *Renewable Energy Assessment: Marlborough District*.

Code of Conduct

I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.

I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

I am authorised to give this evidence on the Council's behalf.

Scope of Hearings Report

This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).

In this report I assess and provide recommendations to the Hearing Panel on submissions made on Energy, Volume 1: Chapter 18 of the MEP.

As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.

For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

Overview of Provisions

Chapter 18 relates to Energy. The objectives and policies within this chapter are variously RPS, regional coastal plan, regional plan and district plan provisions – some relating to all, some specifically one or several (as denoted above each provision).

There is a single issue relating to the security and efficiency of supply of energy for Marlborough.

There are then two objectives responding to this issue:

1. Objective 18.1 - Optimising the use of resources, with four policies (18.1.1 – 18.1.4), and seven related methods of implementation; and
2. Objective 18.2 - Increasing efficiency in energy use, with a single policy and six related methods of implementation.

Statutory Documents

The following statutory documents are relevant to the provisions and/or submissions within the scope of this report. Although a summary of the way in which these provisions are relevant is provided below, the way in which they influence the assessment of the relief requested by submissions will be set out in actual assessment.

Resource Management Act 1991

National Policy Statements

National Policy Statement for Renewable Electricity Generation 2011 (NPSREG)

The NPSREG sets out the objectives and policies for the sustainable management of renewable electricity generation under the RMA. The NPSREG aims to assist with climate change by reducing greenhouse gas emissions from the production and use of energy. Second, it aims to deliver clean energy 'while treating the environment responsibly'. The NPSREG applies to all persons exercising powers and functions under the RMA. The objectives and policies within it are intended to guide applicants and decision-makers on application for resource consent, and in other decision-making. Regional policy statements, regional plans and district plans must give effect to the NPS.

National Policy Statement for Freshwater 2014 (NPSFW)

The NPSFM sets out the objectives and policies for freshwater management, providing direction on how local authorities should carry out their responsibilities under the RMA for managing fresh water. The key requirement of the NPSFM is for regional councils to set objectives for the state of fresh water bodies in their regions and to set limits on resource use to meet these objectives.

The NPSFM is relevant to the topics within Chapter 18, in that there can be a tension between the NPSREG which seeks to encourage renewable electricity generation, including hydro electricity, and the NPSFW which relates to water allocation (and water quality, which can be affected by damming or diversion).

Other Reports

Renewable Energy Assessment: Marlborough District

This study commissioned by the Energy Efficiency and Conservation Authority (EECA)¹ identified and assessed the renewable energy potential in the Marlborough District, and its aim was to assist Marlborough District Council to identify where it can play a role in realising that potential using both regulatory and non-regulatory approaches. The report concluded the renewable potential comprised:

- Remaining hydro potential of about 125MW in mini, small, medium and large scale projects outside Department of Conservation lands and indigenous forest areas, compared to the existing installed capacity of 13.5 MW.
- Wave energy in the thousand megawatt range, ignoring environmental constraints and conflicts with other maritime users.

¹ *Renewable Energy Assessment: Marlborough District*, report by SKM for EECA, 2006.

- About two million litres of ethanol per year for transport fuel from grain crops currently grown in the region. About thirty million litres per year of ethanol or 125 GWh/year of electrical energy from woody biomass derived from low-grade forestry,
- Significant potential for solar thermal hot water systems, considerably less for solar photovoltaic.

Analysis of submissions

There were 26 submission points received on provisions relevant to the Energy topic.

None of these were in common formats.

Key Matters

I have set out my analysis of the submissions points by issue and then by respective components of the topic, under the following headings. The first relates to the sole issue. The next two matters relate in turn to the objectives, and their policies and methods of implementation. The last matter deals with a single general submission.

Matter 1: The issue of a secure and efficient supply of energy for Marlborough.

Matter 2: Optimising the use of Marlborough's energy resources

Matter 3: Increasing the efficiency in the use of energy

Matter 4: General Submission

Pre-hearing meetings

There have been no pre-hearing meeting for this topic.

Matter 1 - The issue of a secure and efficient supply of energy for Marlborough

Issue 18A- Submissions and Assessment

Transpower (1198.34) supports the explanatory text to Issue 18A, but seeks capitalising the term 'national grid'.

This is a minor inconsequential change and I support it.

Recommendation

I recommend that the first paragraph of the explanatory text under Issue 18A is amended as follows:

Similarly, the majority of electricity demand is satisfied from the National Grid², which runs through Marlborough.

Matter 2 – Optimising the use of Marlborough’s energy resources

Overview of Provisions

This section relates to Objective 18.1, Policies 18.1.1, 18.1.2, 18.1.3 and 18.1.4 and Methods 18.M.3, 18.M.3, 18.M.4, 18.M.6 and 18.M.7.

The assessment of submissions on these provisions has been undertaken as follows:

- Objective 18.1
- Policy 18.1.1
- Policy 18.1.2
- Policy 18.1.3
- Policy 18.1.4
- Additional policies sought
- Methods

Objective 18.1 - Submissions and Assessment

Objective 18.1 reads:

Optimise the use of Marlborough’s energy resources.

Trustpower (1201.108) in its submissions is concerned that Objective 18.1 does not sufficiently reflect the requirements of the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG). They seek that additional words be added at the end of the objective: *by recognising and providing for development, operation, maintenance and upgrading of new and existing renewable electricity generation activities.*

The further submission of Te Atiawa opposes this submission, concerned about reduction in iwi’s recognition and consultation rights under the Treaty of Waitangi and recent settlements, the exclusion of iwi from resource management processes, and ‘down-grading’ consideration of cultural issues and values.

² 1198.34 - Transpower

The words that the submission seeks to add more or less follow the exact wording in the single objective in the NPSREG.

The MEP is required to 'give effect to' any national policy statement³. 'Give effect to' is a strong directive replacing the earlier 'not be inconsistent with' wording in the RMA in 2003. How directive the 'give effect to' provision is, is affected by what it relates to – i.e. what must be given effect to. In the *King Salmon* case the Supreme Court noted that '*A requirement to give effect to the a policy which is framed in a specific and unqualified way may, in a practical sense, be more prescriptive than a requirement to give effect to a policy which is worded at a higher level of abstraction*'⁴.

However, I do not think that the MEP objective needs to so closely mirror the NPSREG in order to give effect to it. The present wording of Objective 18.1 relates to optimising the use of all of Marlborough's energy resources, not just renewable that generate electricity. For example, passive solar heating of houses and solar water heating use renewable energy, but not for electricity generation. Water can directly drive a Pelton wheel to pump water or drive machinery, while wood waste can fuel boilers. The EECA Renewable Energy Assessment for Marlborough District identified the considerable potential that exists in renewable energy sources not just those for electricity generation, with one of the biggest being wood waste. I also note that the objective is required to give effect to the issue, and that the amendment Trustpower is seeking would restrict both the objective and it fully addressing the issue.

I do not favour adding the words proposed by Trustpower as including it in the objective would restrict its scope – not covering renewable energy that was not used to generate electricity, or non-renewable energy.

In my view the present wording of the objective is sufficiently broad to address the requirements of the NPSREG, and the policies below it can give more particular focus to the NPSREG and its needs. This is discussed further in the sections that follow.

Recommendation

I recommend that Objective 18.1 is retained as notified⁵.

Policy 18.1.1 - Submissions and Assessment

Policy 18.1.1 reads:

Promote and encourage the use and development of renewable energy resources.

Trustpower (1201.109) considers that this policy needs to be strengthened in order to appropriately reflect section 7(j) of the RMA, give effect to the objectives and policies of the NPSREG and support the Government's target for electricity generated from renewable sources. They propose the words 'Promote and encourage..' should be changed to 'Provide for..'. Te Atiawa oppose the submission for reasons similar to in Objective 18.1.

I do not think the change is appropriate. Again, the policy applies to all renewable energy resources, not just those used to generate electricity. 'Providing for' the use of renewable energy resources, if included in the policy, would suggest use is appropriate in all cases, for all renewable resources. That will not always be appropriate. Section 7 of the RMA does not require renewable energy to be provided for – rather that particular regard be had to the 'benefits' derived from use and development of renewable resources. As regards electricity generation from renewable energy resources, the NPSREG recognises that the benefits of renewable electricity generation can compete with matters of national importance as set out in section 6 of the RMA, and section 7 matters. For example, areas of outstanding or significant natural character or landscape, or significant habitats. While recognising the important directions being given in the NPSREG, to I do not think the policy fails to give effect to the NPSREG, particularly when other policies are considered as well.

³ S62(3) for RPSs, s67(3) for regional plans, and s75(3) for district plans

⁴ *Environmental Defence Soc Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38 (2014) 1 NZLR at [80].

⁵ 1201.108 – Trustpower.

Transpower (1198.35) supports the policy in part, and seeks a minor amendment to the second last sentence on paragraph 1 of the explanation to the policy, so that the correct use of the term National Grid is used (as opposed to “..National Electricity Grid.” I support that change.

Recommendation

I recommend that Policy 18.1.1 is retained as notified⁶.

I recommend that the second last sentence of the paragraph 1 in the explanation to Policy 18.1.1 is amended as follows:

..improving security of supply and reducing stress on the National ~~Electricity~~ Grid⁷.

Policy 18.1.2 - Submissions and Assessment

Policy 18.1.1 reads:

Promote and encourage the wide utilisation of solar thermal energy.

The policy was supported by Marlborough Chamber of Commerce (961.94), Trustpower (1201.110), and Save the Wairau River (1142.2). No decision was requested by the Chamber, Trustpower sought retention of the policy as notified, while a decision was inferred from the Save the Wairau submission that the policy should give more emphasis to photovoltaic generation and ‘sell back’ to the grid opportunities.

The inferred changes from Save the Wairau are quite particular, and in my view are best addressed at the method of implementation level. The same submission request by Save the Wairau is also made under method 18.M.2 (142.3). I believe that is the appropriate place to address it.

Recommendation

I recommend that Policy 18.1.2 is retained as notified⁸.

Policy 18.1.3 - Submissions and Assessment

Policy 18.1.3 reads:

When considering the environmental effects of proposals to use and develop renewable energy resources, to have regard to:

(a) the benefits to be obtained from the proposal at local, regional or national levels, including:

(i) maintaining or increasing security of renewable electricity supply by diversifying the type and/or location of electricity generation;

(ii) maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;

(iii) for economic, social or cultural wellbeing; and

(b) effects on the immediate and surrounding environment, including effects on air quality, water quality, water quantity, ecosystems, natural character, outstanding landscapes, visual amenities and from noise;

(c) the degree of effect (extent, magnitude) and the degree to which unavoidable adverse effects can be remedied or mitigated, including the relative degree of reversibility of the adverse effects associated with the proposed generation technologies;

⁶ 1201.109 – Trustpower.

⁷ 1198.35 - Transpower

⁸ 961.94 – Chamber of Commerce; 1142.2 – Save the Wairau River; 1201.110 – Trustpower.

(d) where the adverse effects are significant, alternatives to the development in terms of either means, location or scale; and

(e) the environmental values affected or enhanced and whether these are of local, regional or national significance.

Save the Wairau (1142.1) supports in part the policy, expressing concern about the potential environmental effects of large hydroelectric proposals, but the submission does not include a clear decision requested.

Te Atiawa (1186.98) supports the policy in part, seeking addition of 'cultural values in the matters to be considered'. Clause (b) of the policy includes a number of natural resources and values to which regard must be had when considering the environmental effects of the use and development of renewable energy resource. This is an inclusive list, but the list in my view suggests a focus on the biophysical which could lead to a lack of consideration of cultural values. I support expanding the list as requested.

Trustpower (1201.111) also gives support in part to the policy. It seeks an additional clause 'to give effect to Policy C1 of the NPSREG' as follows - 'the *logistical or technical practicalities associated with locating renewable electricity generation infrastructure*'. Trustpower's submission is that some renewable electricity generation options are constrained by function requirements, such as where the resource is located, and proximity to the National Grid or supply network. Te Atiawa lodged a further submission in opposition, with reasons as in its earlier further submissions. In my view it is not appropriate to make the addition sought to the policy. The policy sets out the environmental effects to be considered in the use and development of renewable energy proposals. Clause (a) and the subclause within it consider the benefits to be obtained from such proposals – drawing on Policy A of the NESREG and the social and economic aspects of section 5 of the Act, while clauses (b) to (e) require consideration of effects on the environment, including mitigation and the consideration of alternatives. The proposed new clause, in my view, would disrupt the inherent balance within the policy, adding a provision from the NESREG that is very specific, and particular only to renewable electricity generation whereas the policy as drafted deals with all renewable energy.

If Policy C1(b) needs to be included in the MEP to give effect to the NES, as the submission suggests, then it is not clear why the other NESREG provisions can be excluded yet still give effect to the NESREG. However, to include all provisions of the NES in the MEP would add nothing to the direction provided by the NES. Decision-makers have to have regard to Policies A to D of the NES in any case, over and above the MEP.

In my view the MEP has appropriately given effect to the NES and I do not recommend the addition sought by Trustpower.

Recommendation

I recommend that clause (b) of Policy 18.1.3 is amended as follows:

effects on the immediate and surrounding environment, including effects on air quality, water quality, water quantity, ecosystems, natural character, outstanding landscapes, visual amenities, cultural values⁹ and from noise;

Policy 18.1.4 - Submissions and Assessment

Policy 18.1.4 reads:

When considering resource consent applications and plan changes, the extent to which any likely increase in energy consumption will be reduced through the use of local sources of renewable energy can be taken into account.

Warwick Lissaman (225.8) opposes the policy. While he considers the policy is good sense, he is concerned about its application to resource consent applications, with it being problematic and unnecessary with no environmental benefit. He sees local energy as being no different to non-local energy in terms of

⁹ 1186.98 – Te Atiawa

effects in reducing energy consumption. He seeks that the words 'resource consent application' and 'local' be removed, or that it is made clear that the policy does not apply to controlled and discretionary activities, as well as permitted activities. In my view, it is correct that there is no difference in terms of energy consumption between substituting with local or non-local renewable energy. However, the policy is supporting an objective aimed at optimising the use of Marlborough's energy resource. Therefore the word 'local' is appropriate and I do not recommend it be deleted.

As regards removing reference to resource consent applications, in my view doing so would significantly limit the effect of the policy. It would then only apply to plan changes, which are rare compared to resource consent applications. I consider that the policy to have effect ought to continue to apply to resource consents. Some applicants may consider it to be problematic or unnecessary to have this policy applying to consent applications, but I do not accept that it will have no discernible environmental effect. If implemented, the policy will reduce energy consumption and, through use of renewable energy, will have environmental benefits. The policy will not apply to all resource consent applications: only those likely to increase energy use. As with all policies, applicants preparing consent applications and decision-makers deciding them will consider the policy, along with many others, and give it the weight considered to be appropriate. I understand that the policy came from the Energy focus group during development of the MEP, and the group's aim was to identify a positive effect that could be taken into account in decision making processes. The intention was not to punish applicants, as suggested in the submission, but potentially to reward them if they were using local sources of renewable energy. As such the policy could be beneficial if a consent application were finely balanced or marginal. I do not consider that to be onerous or problematic. I recommend that the policy continue to apply to resource consent applications.

Recommendation

I recommend that Policy 18.1.4 is retained as notified¹⁰.

Method 18.M.2 - Submissions and Assessment

Method 18.M.2 reads:

Provide incentives for the preferential uptake of renewable solar thermal technologies, including a payback scheme for the installation of solar water heating through a targeted property rate.

The Chamber of Commerce (961.95) supports this method and want it retained as notified.

Save the Wairau River (1142.3) support the method in part, wanting more emphasis on photovoltaic generation (PV) and selling back to the grid. I generally agree with this submitter. The method as written relates just to solar thermal technologies such as solar water heating units, or passive solar housing, where the sun creates the warmth directly. Without detracting from support for those technologies, use of PV to heat hot water is becoming more prevalent, particularly as the hot water cylinder is an important 'sink' to capture PV energy generated during the day. It would be equitable for Council to support indirect use of solar energy for PV generation, as well as direct thermal use. I recommend the method be amended to widen its scope. I appreciate this recommendation has financial implications for the Council that go beyond RMA considerations, and that the Hearing Panel may want to consider wider matters in reaching its decision.

The issue of selling surplus PV electricity to the grid, and its price, is a key factor in the economics of PV and its uptake. Method 18.M.2 relates to 'Incentives' and in my view is not the place to address sale to the grid, but I recommend an amendment be made to Method 18.M.7 to give effect to this.

Recommendation

I recommend that Method 18.M.2 is amended as follows:

Provide incentives for the preferential uptake of renewable solar thermal and photovoltaic (PV) technologies, including a payback scheme for the installation of solar water heating or PV through a targeted property rate.¹¹

¹⁰ 225.8 – Warren Lissaman.

I recommend that Method 18.M.7 is amended as follows:

Advocate to Central Government that, along with the private sector, it support innovation and research into renewable energy technologies. This could include the provision of a fair sell-back pricing policy for surplus electricity from micro generation and photovoltaic generation¹².

Method 18.M.3 - Submissions and Assessment

Method 18.M.3 is the 'drafting instruction' for the district rules that give effect to the objectives and policies. It includes a sentence that wind generation installations are not considered appropriate in residential environments because of noise effects. The single submission on the provision, from the Nelson Marlborough District Health Board (280.83), supports the provision and seeks its retention (although their submission does provide for consequential change as a result of decisions on other parts of the plan). Te Atiawa further submission supported the Health Board 'in as far as the submission supports the inclusion of cultural values'. Since the Health Board is supporting retention of the method, is not proposing changes to it, the Te Atiawa further submission's scope is limited to supporting the provision and no change to it is possible (save consequential changes that may arise). Therefore there is no scope to change the provision.

Recommendation

That Method 18.M.3 is retained as notified¹³.

Method 18.M.4 - Submissions and Assessment

Method 18.M.4 is the 'drafting instruction' for the regional rules that give effect to the objectives and policies. The single submission on the provision, from the Save the Wairau River (1142.6), supports the provision and seeks its retention. Therefore there is no scope to change the provision.

Recommendation

That Method 18.M.4 is retained as notified¹⁴.

Method 18.M.6 - Submissions and Assessment

Method 18.M.6 is headed 'Liaison' and states the Council will:

Work with central government agencies, particularly EECA, to ensure central government-led initiatives, particularly those around solar energy, are maximised in Marlborough.

Work will work with Tasman District Council and Nelson City Council to explore opportunities for collaboratively advancing the uptake of solar energy.

Te Atiawa (1186.99) has support this in part, seeking the method be amended to include liaison with iwi. The Elkington /Ngati Koata landowners' further submission supports this. The exact scope of that liaison and the nature of the obligation on Council is not clear from the submission. Statutory acknowledgement, statutory provisions and kaitiaki status over 'the relevant environs' are mentioned in the submission. I think there would be merit in seeking further details on the nature and objectives of the intended liaison through the hearing process.

Recommendation

No recommendation – await more information through the hearing process.

¹¹ 1142.3 – Save the Wairau River.

¹² 1142.3 – Save the Wairau River.

¹³ 280.83 - Marlborough District Health Board

¹⁴ 1142.5 – Save the Wairua River

Method 18.M.7 - Submissions and Assessment

Method 18.M.7 relates to 'Advocacy'. Save the Wairau River (1142.4) support the provision and seek its retention.

An amendment recommended under Method 18.M.2 in response to Save the Wairau's submission point 3 (1142.3), proposes a minor amendment to include PV in the sell-back advocacy, in addition to electricity from micro generation.

Recommendation

See recommendation under Method 18.M.2.

Matter 3 - Increasing the efficiency in the use of energy

Overview of Provisions

This section relates to Objective 18.2, Policy 18.2.1, 18.1.2 and Methods 18.M.3 to 18.M.6.

The assessment of submissions on these provisions has been undertaken as follows:

- Objective 18.2
- Policy 18.2.1
- Methods 18.M.3, 18.M.3 and 18.M.4

Policy 18.2.1 - Submissions and Assessment

Policy 18.2.1 reads:

Promote and encourage the efficient use of energy, having particular regard to:

- (a) energy requirements of subdivision location and patterns and land use activities;*
- (b) the orientation, design and operation of buildings;*
- (c) transport modes and patterns; and*
- (d) the proximity of subdivision and development to existing towns and small settlements.*

Save the Wairau River (1142.5) supports the policy and seek its retention.

The Nelson Marlborough District Health Board (280.36) supports the policy in part, seeking that the explanation to the policy is amended to recognise the importance of retrofitting insulation in existing houses to increase energy efficiency (alongside behavioural change). In addition NMDHB seeks an additional non-regulatory method, where the Council considers supporting programmes that retrofit insulation in houses, and/or other initiatives to improve thermal efficiency and home heating. Te Atiawa's further submission supports this 'in as far as the submission supports inclusion of cultural values'. I agree with the NMDHB submission in relation to retrofitting insulation in existing houses. I note the Council already operates a home insulation scheme and I support an amendment being made to the explanation as sought.

I also agree with NMDHB that a new method should be considered relating to supporting programmes to retrofit insulation in houses. This could be as simple as providing information (on its website and through its other communication channels with its residents) about existing programmes or subsidies for insulation such as from EECA, including for landlords, and would have little or no cost to Council. Or it could include financial support for such programme. The latter would clearly have financial and policy implications for Council, and would also need to be addressed through the Long Term Plan and Annual Plan process. The Health Board submission proposes the method be that the Council 'consider' supporting such programmes, which would not be binding.

As regards the NMDHB submission for the Council to promote other efficiency and home heating initiatives, I note that Method 18.M.1 relates to Council participating in central government initiatives in implementing the NZ Energy Strategy, including providing information to promote energy conservation and efficiency. That partly meets what the DHB was seeking, but is tied just to supporting Government initiatives. In my view the DHB was seeking a more proactive approach from the Council, and I support consideration of that. Therefore Method 18.M.2 could be added to, to the effect that Council not only secures information from EECA on energy conservation, but as appropriate shares that information with its residents and businesses.

I recommend a new method be included, and that Method 18.M.2 be amended, as outlined below. I also include an option (amending 18.M.1) for the Hearing Panel to consider that includes a greater involvement in supporting programmes, but I recognise that has financial and policy implications for the Council.

Recommendation

I recommend that the explanation to Policy 18.2.1 is amended by adding at the end a new paragraph as follows:

*There is also considerable potential to save energy through retrofitting existing houses that lack or have inadequate insulation, as without an adequate thermal barrier to heat loss, behaviour change can only achieve so much*¹⁵.

I recommend that Method 18.M.2 is amended as follows:

*Liaise with and work in conjunction with central government, particularly the Energy Efficiency and Conservation Authority, to secure current information, direction and guidance about energy efficiency and conservation and to promote that information through the Council's website and other communication channels as appropriate*¹⁶.

I recommend that a new Method 18.M.3 be added as follows (and that the existing 18.M.3 and 18.M.4 be renumbered accordingly:

Promote the energy benefits of retrofitting insulation to existing homes where insulation is lacking or inadequate, including promoting existing central government or other subsidies or programmes that are available.

*Promote energy efficiency measures and initiative available to existing houses, including in relation to heating and ventilation, double glazing and window coverings, appliances and other measures*¹⁷.

I recommend, as an option, that an addition is made to Method 18.M.1 as follows:

*Participate as appropriate in central government initiatives in the formulation and implementation of the New Zealand Energy Strategy. This may include supporting the provision of information to landowners, resource users and the public to promote the conservation and efficient use of energy, and the Council support and/or partner in initiatives to retrofit insulation in existing houses or other programmes to improve energy efficiency*¹⁸.

Method 18.M.2 - Submissions and Assessment

Method 18.M.2 (under Policy 18.2.1) relates to the liaison the Council will do with central government, particularly EECA. [It should be noted that the Methods under Objective 18.2 are wrongly numbered in the MEP as notified. The methods repeat the numbering of methods under Objective 18.1, and therefore do not have unique identifiers. This method 18.M.2 should be 18.M.8, and 18.M.3 should be 18.M.9 etc. It is recommended the numbering be corrected when the MEP is amended to included decisions on submissions.]

¹⁵ 280.36 - NMDHB

¹⁶ 280.36 - NMDHB

¹⁷ 280.36 - NMDHB

¹⁸ 280.36 - NMDHB

The Chamber of Commerce (961.95) supports the method, with the inferred decision being to retain it as notified.

Save the Wairau (1142.3) supports the method in part, and the inferred decision sought is that there is more emphasis on PV generation and selling back to the grid. I do not support that change as this method relates to energy efficiency and conservation. The changes Save the Wairau River seek relate more to optimising the use of Marlborough's resource – Objective 18.1 – and changes to the methods implementing that objective and its policies are recommended above under that topic.

Recommendation

I recommend that Method 18.M.2 is retained as notified (noting the addition recommended under Policy 18.2.1).

Method 18.M.3 - Submissions and Assessment

Method 18.M.3 relates to the advocacy and information sharing. The Nelson Marlborough District Health (280.83) Board supports the method and its retention. Te Atiawa as a further submitter support in part the Health Board submission.

There is no scope in the submission for the provision to change, except as a consequential amendment. A change to this method is recommended earlier in response to the Health Board's submission on Policy 18.2.1.

Recommendation

That Method 18.M.4 is retained as notified¹⁹ (noting the addition recommended above under Policy 18.2.1).

Method 18.M.4 - Submissions and Assessment

Method 18.M.4 relates to actions the Council will do with its own buildings, infrastructure and operations. Save the Wairau River (1142.6) support the method and its retention.

Recommendation

I recommend that Method 18.M.4 is retained.

Matter 4 – General Submission

Submissions and Assessment

The Chamber of Commerce (961.93) submission supports the energy chapter. No decision is requested. I infer that the Chamber seeks the chapter to remain as notified, noting that their other submission points on particular provisions seek retention of the notified provisions. No change is needed in response to this submission (noting however that there will likely be changes to provisions within the Chapter arising from decisions sought by other submitters).

Recommendation

No change is sought [and owing to the recommended amendments to provisions within the Chapter the submission point is recommended to be accepted in part].

¹⁹ 280.83 - NMDHB

Appendix 1: Recommended decisions on decisions requested

Submission Number	Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
961	93	Marlborough Chamber of Commerce	Volume 1	18 Energy	18.	Accept in part
1198	34	Transpower New Zealand Limited	Volume 1	18 Energy	Issue 18A	Accept
1201	108	Trustpower Limited	Volume 1	18 Energy	Objective 18.1	Reject
1201	112	Trustpower Limited	Volume 1	18 Energy	Objective 18.1	Reject
1201	113	Trustpower Limited	Volume 1	18 Energy	Objective 18.1	Reject
1198	35	Transpower New Zealand Limited	Volume 1	18 Energy	Policy 18.1.1	Accept
1201	109	Trustpower Limited	Volume 1	18 Energy	Policy 18.1.1	Reject
961	94	Marlborough Chamber of Commerce	Volume 1	18 Energy	Policy 18.1.2	Accept
1142	2	Save the Wairau River Incorporated	Volume 1	18 Energy	Policy 18.1.2	Reject
1201	110	Trustpower Limited	Volume 1	18 Energy	Policy 18.1.2	Accept
1142	1	Save the Wairau River Incorporated	Volume 1	18 Energy	Policy 18.1.3	Accept in part
1186	98	Te Atiawa o Te Waka-a-Maui	Volume 1	18 Energy	Policy 18.1.3	Accept
1201	111	Trustpower Limited	Volume 1	18 Energy	Policy 18.1.3	Reject
255	8	Warwick Lissaman	Volume 1	18 Energy	Policy 18.1.4	Reject
961	95	Marlborough Chamber of Commerce	Volume 1	18 Energy	18.M.2	Accept in part
1142	3	Save the Wairau River Incorporated	Volume 1	18 Energy	18.M.2	Accept
280	83	Nelson Marlborough District Health Board	Volume 1	18 Energy	18.M.3	Accept
1142	6	Save the Wairau River Incorporated	Volume 1	18 Energy	18.M.4	Accept
1186	99	Te Atiawa o Te Waka-a-Maui	Volume 1	18 Energy	18.M.6	[Awaiting hearing process]
1142	4	Save the Wairau River Incorporated	Volume 1	18 Energy	18.M.7	Accept
280	36	Nelson Marlborough District Health Board	Volume 1	18 Energy	Policy 18.2.1	Accept
1142	5	Save the Wairau River Incorporated	Volume 1	18 Energy	Policy 18.2.1	Accept in part
961	95	Marlborough Chamber of Commerce	Volume 1	18 Energy	18.M. 28	Accept in part
1142	3	Save the Wairau River Incorporated	Volume 1	18 Energy	18.M. 28	Reject
280	83	Nelson Marlborough District Health Board	Volume 1	18 Energy	18.M. 39	Accept in part
1142	6	Save the Wairau River Incorporated	Volume 1	18 Energy	18.M. 410	Accept

1186	99	Te Atiawa o Te Waka a Maui	Volume 1	18 Energy	18.M.6	Accept/Accept in part/Reject ²⁰
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²⁰ This is a wrongly coded repeat of early submission 1186.99 on 18.M.6. The Methods under Objective 18.2 are wrongly numbered in the MEP as notified. The numbering should follow on from the Methods under Objective 18.1, rather than starting anew. Consequently there are two 18.M.6s, and this method 6 does not fit with the subject matter of the submission – but the earlier method 6 does.