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The Chairperson
The Board of Inquiry National Policy Statement Renewable Electricity Generation
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Dear Sir

Submission on Proposed National Policy Statement for Renewable Electricity Generation

Introduction

1. This is a submission on the Proposed National Policy Statement for Renewable Electricity Generation that was publicly notified on 5 September 2008. The Council's Policy and Planning Committee considered a draft submission at its 16 October meeting and following discussion instructed officers to make amendments.
2. The Taranaki Regional Council (the Council) thanks the Board of Inquiry for the opportunity to make a submission on the Proposed National Policy Statement.
3. The Council makes this submission in recognition of its:
 - Statutory responsibilities under the Resource Management Act 1991; and
 - Regional advocacy responsibilities whereby the Council represents over 100,000 people with the Taranaki region on matters of regional interest and concern.

The Submission

4. The Council's submission relates to the Proposed National Policy Statement in its entirety.
5. The Council supports in principle the development of national policy statements where they are able to provide clear, meaningful, useful and constructive guidance to local authorities on matters of national significance. National policy statements that apply blanket provisions to all regions irrespective of the need for such provisions are not supported and there needs to be an acknowledgement that existing tools are being successfully used.
6. Recognising the importance of renewable electricity generation is generally supported, and this has been recognised through the recent amendment to section 7

of the Resource Management Act. However, the need for this national policy statement is questioned. The Council has had considerable experience in processing consents for renewable energy activities (such as renewing consents for hydro schemes) and has found that through using existing tools and practices, those consents have been processed effectively and efficiently. For example, two hydro schemes were re-consented without the need for even a council hearing using the provisions of the pre-hearing process. The longstanding use of comprehensive compliance monitoring programmes and appropriate enforcement actions, for non-compliance, build trust in the Council and pre-hearing process. Also the regional council consent requirements for a wind farm were recently processed as non-notified under the *Regional Fresh Water Plan (2001)*.

7. The Council has already recognised the importance of renewable energy through the *Proposed Regional Policy Statement for Taranaki (as amended following pre-hearing consultation)(PRPS)*. For example, the PRPS contains the following objective, policy and methods:
 - OBJ 2: To promote the use and development of renewable sources of energy in a manner that avoids, remedies or mitigates adverse effects on the environment;
 - POLICY 3: The use and development of renewable energy resources will be promoted whilst avoiding, remedying or mitigating adverse effect on the environment as far as practicable;
 - METH 3: Support the development of industry code of practices for renewable energy production;
 - METH 4: Have regard to opportunities and provide appropriate encouragement for the use and development of renewable energy in the preparation and review of regional plans;
 - METH 11: Territorial authorities may wish to consider the inclusion of provisions in district plans that encourage the development of renewable energy resources.
8. The Council agrees that there are national benefits of renewable electricity generation activities but firmly believes that decision making on applications must weigh up national benefits against the effects (environmental, cultural, economic, social) at a regional or local level, and that the national policy statement should not unrealistically fetter local decision making. Councillors were particularly concerned that this may occur under the proposed NPS.
9. The Council is concerned that the National Policy Statement may be used to override local decision making. For example, the *Proposed Regional Policy Statement for Taranaki (as amended following pre-hearing consultation)*, includes a policy to assist the Council in decision making where there is competition for water resources. Policy 1 of the NPS could mean that consents could be granted for a hydro-power use of water, overriding the community water requirements. For run of the river schemes this may not be an issue as water is returned to the catchment, but for renewable energy activities that involve diversion of water to another catchment, this will be a problem. Is this really the desired policy outcome? If not then the Policy needs to be qualified.

10. Furthermore, a potential unintended policy implication of the NPS is that the renewable electricity generation use of resources will over-ride all other aspects, even those that may be nationally important for other values such as for recreation, water supply and natural values.
11. Policy 2 could be used by generators to argue that they need not put in measures to avoid, remedy or mitigate adverse environmental effects because of logistical constraints. Such an outcome is strongly opposed. It would be of concern if for example a hydro-power generator could argue that they logistically couldn't install and operate an adequate fish pass structure or provide for a necessary residual flow. Clarifying that the policy is subject to Part II of the Act may help.
12. This council has successfully negotiated mitigation packages with generators and submitters through the pre-hearing process, and it is submitted that to balance Policy 2, an additional policy is required that looks at the opportunities (compared with the constraints) of measures to avoid, remedy or mitigate adverse effects. Creatively designed mitigation packages for hydrogenation schemes, for example, could consist of a package of off-set mitigation, financial donations/contributions, residual flow, fish passage, and flushing flows to ensure that environmental effects are adequately avoided, remedied or mitigated. It may be that renewable energy consents are not progressing through the RMA planning process as quickly as desired because of a lack of willingness on the part of applicants or decision makers to think of creative 'win:win' outcomes and to innovatively use the provisions of the pre-hearing process.
13. An additional policy could be worded something along the lines of:

Recognising means to avoid, remedy or mitigate adverse effects of developing, upgrading, maintenance and operation of new and existing renewable electricity generation activities.

Policy 2a

When considering measures to avoid, remedy or mitigate the adverse environmental effects of renewable electricity generation activities, consent authorities should have regard to exploring means of mitigating those affects by, but not limited to:

- i. off-set mitigation measures through financial contributions to benefit the environment or community affected; and
- ii. designing operational matters to co-incide with mitigation opportunities.

An example of the later is flushing flows to flush sediment for operational purposes could be timed to avoid sensitive ecological times or to maximise recreational opportunities.

14. In addition, a comprehensive monitoring programme should be included in the package to evaluate predicted effects against measurable objectives along with provisions of consent reviews.

15. In relation to policy 4 and 5, the Council is concerned that there is no clear definition of 'enabled'. The section 32 report correctly notes that the word 'enable' is not clearly defined and litigation to define its meaning could complicate and increase the costs (and uncertainty) associated with implementation of this policy. The Act is generally permissive, and so unless plans 'prohibit' such activities (which is highly unlikely, unless in highly sensitive environments in which case it may be appropriate), activities described in these policies are already 'enabled' – applicants just need to apply for consents, where the activities are not already permitted.
16. The Council supports the fact that Policy 4 does not direct local authorities to identify potential sites for renewable energy generation, but merely seeks to facilitate generators to identify and assess potential sites or energy sources. This is a far preferable approach to that in the Proposed New Zealand Coastal Policy Statement which has an expectation that local authorities will be able to effectively zone areas suitable for development.
17. Having noted that, it is unclear just what sort of activities Policy 4 is designed to facilitate. If such activities are small scale with no more than minor effects then it is entirely appropriate for them to be permitted, and it may be that they already are. The Section 32 report does not provide any information on the type of activities or barriers that this policy seeks to remove. It will therefore be difficult to implement.
18. There is potential for Policy 4 and 5 to conflict with the recently proposed National Environmental Standard for Ecological Flows. Policy 5 of this NPS seeks that small scale electricity generation projects, such as small hydro schemes, be facilitated. Meanwhile, the NES for ecological flows proposes that more in depth assessments be made for water abstractions above a certain volume in certain rivers and streams. The potential impact of hydropower generation in small rivers or streams on environmental flows needs to be adequately assessed and mitigated (in accordance with the NES for ecological flows). This enabling policy may conflict with greater assessment needs of the ecological flows NES.
19. This is of particular concern for this council given the large number of small streams and rivers on the ring plain in the region.
20. While the Council supports the inclusion of a common date in these policies with the Electricity Transmission NPS to reduce plan process costs, it is also submitted that Policies 4 and 5 should be qualified to apply only to plans and policy statements that do not already enable such activities to save councils the high cost of notifying plan changes unnecessarily. However, the combined work arising from all the central government policy initiatives is potentially a considerable burden on local government. The NPSs and NESs being promulgated by the Ministry for the Environment, and the NZCPS review by the Department of Conservation, all add to existing Council workloads and add costs to the Taranaki community.
21. Councils will require support to assist with the interpretation and implementation of the National Policy Statement. This may require that the Ministry for the Environment to fund guidance notes and dissemination of best practice examples.

22. The Taranaki Regional Council again thanks the Board of Inquiry for the opportunity to make a submission on the Proposed National Policy Statement for renewable electricity generation.

Yours faithfully
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Chief Executive



per: ~~AD McLay~~

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