From: fin bar
Sent: Wednesday, 29 October 2008 6:09 p.m.
To: Renewable Electricity
Subject: Submission to the Board of Inquiry – NPS for Renewable Electricity Generation

To the Chairperson
Board of Inquiry

This is a submission on the proposed national policy statement for renewable electricity generation that was publicly notified on 6 September 2008.

The comment I am making relates to the reality of the Resource Management process for local people because the flavour of the draft policy statement appears to favour the applicants for renewable energy projects.

As I understand it equality, fairness and justice underpin the rule of law. Respect for the law is fundamental for a civilised society. Unfortunately, of recent, laws such as the Resource Management Act as applied to wind farm developments are casting doubt on the fundamental principles of equality, justice and fairness. In my opinion this is a topic that is worthy of consideration by the Law Commission, i.e. how the RMA is applied in terms of wind farm applications. My concerns are set out below.

- When large power companies apply for wind farm consents under the RMA, opposing local parties are severely disadvantaged. In reality there is no equality and fairness because opposing locals lack the time, expertise and financial resources of wind farm developers.

- Opposing locals have to prove loss of amenity and other values to limit proposals and this is extremely difficult on what amounts to value judgements. Some form of cost-benefit analysis should occur.

- Wind farm applicants pay experts to cast evidence in favour of wind farms. Such experts are affected parties in that they are paid to provide evidence in the applicant's favour, which is often a value judgement. In most cases these experts are not residents in the local community. Such experts can be considered as affected parties in that they have a financial interest in the process and this invalidates value judgements. A survey done by an opposing submitter would not be accepted on the basis of being an opposing party, why should it be otherwise for a paid supporting party?

- If experts make claims that do not hold up in reality the mechanisms to gain enforcement of conditions are weak. These experts and the applicant are not held responsible.

- No dollar value can be put on loss of amenity in the weighing up of decisions, nor is there a prescribed way to handle section 5(2) in the RMA.

- It appears that opposing parties have to provide concrete evidence to prove loss of amenity. Wind farm applicants do not have to prove that there will not be loss of amenity when concerns, are raised by opposing parties. Philosophically this is the opposite of the fundamental principle in law of being innocent until proven guilty.

- Measurement of noise levels under NZ 6808 is no guarantee that noise disturbance will be mitigated. Noise levels are not the issue. The imposition of a man made noise into an environment of natural noises is the issue and can be considered by some people as "the dripping tap effect". The equipment used in noise monitoring cannot duplicate the human ear.

- Black box noise modelling is used, i.e. the software used for the modelling allows the so-called noise experts to massage the data collected. Details and an audit trail of the massaging are never placed on the table for close scrutiny. Crude monitoring equipment and simplistic software is used for the modelling, i.e. it does not separate out the different components of the noise such as bird song and vegetation rustling in the wind, from the swishing and thumping of wind turbines. More sophisticated software provides standard modelling in that it does not allow massaging and re-runs to achieve favourable results.

- Simplistic assumptions are made, e.g. as the wind speed increases, background noise increases, which masks wind turbine noise. This only occurs when the noises are of a similar type.

- The local communities are the landscape experts because they gain a spiritual integration with the landscape as a result of the physical and financial commitment that they make in their properties. It is bizarre that some apparent landscape expert who does not reside in the area can gain credibility by being paid to make claims that oppose those of local residents who view the landscape every day.

- It is impossible to prove at the time of consent applications that the social, economic and cultural well being of communities will be preserved.
    1. In reality divisions occur in communities between those who receive wind turbine royalties and other more adversely affected neighbours who do not receive royalties.
    2. Anecdotal evidence suggests high turnover of people living close to turbines. No studies to follow up this matter have been done.
    3. Values and saleability of property is becoming an issue for houses close to wind turbines. Once again no independent research has been done.

- Although saleability and devaluation of property is not an issue considered under

the RMA it does form an essential component of social and economic well being of communities. Those affected in this way do not view the associated laws as being fair and equitable.

- To maintain equality, justice and fairness it is essential property rights are considered and in the event of national interest, some mechanism must be made to compensate for loss of these rights.

- Wind farm developers regularly claim wind farms do not affect land values. Thus, applicants have nothing to lose by providing a buy-out option at valuation for properties within 3-4km of a wind farm. Such an option would prove that applicants for wind farms have full confidence in the noise modelling and other claims made.

- Wind farm applicants claim that wind turbines are essential because of the Greenhouse effect and x tonnes of carbon dioxide are mitigated by their project. The Greenhouse effect described solely only the basis of carbon dioxide emissions is an ongoing and evolving debate and is not proven science. The thermal back up required, especially over this present period with low hydro lakes, is never factored into the calculations provided.
- Wind farm applicants claim that their projects can supply x houses and this figure is not modified to say, "When the wind is blowing". The figure provided amounts to misinformation unless full details are provided.

- The Government has set a target of 90% renewable energy in the generation mix by 2020. This is not moderated by the requirement for this generation to be sensible development within the national framework, e.g. avoiding too many wind farms being concentrated in one area. Because of the intermittency of the wind, wind farms need to be geographically spread to improve reliability. Wind farms developers in their quest for carbon credits, or other funny money, see this target as, "grab what you can," regardless of sensible development in the national interest. For example, in the Taranaki Daily News, 11 June 2008, Transpower system operations manager Kieran Devine is quoted:

Manawatu wind farms have been generating at less than 1% of their capacity during winter evening peaks for the last three years. We have real concerns about the large amount of wind generation planned in the lower North Island, because the preliminary information is that they will have very similar characteristics to the Manawatu farms and that won't help with winter peaks. We'd prefer they were spread around so that when one's up other swill be down and it would balance itself out.

Local bodies often overlook their obligations in the Local Government Act 2002, i.e. accountability to their communities. They embrace wind development and are reluctant to address cumulative and other effects in their plans and designations. The hard value

judgements are left to commissioners who have not been provided with the tools to readily oppose and address cumulative effects.

I do not wish to be heard in support of my submission.

Stephen Frost

Please omit my contact details from the public document