

Form 3 - Submission on proposal for national policy statement for renewable electricity generation

In accordance with section 49 of the Resource Management Act 1991

To the Chairperson
Board of Inquiry

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

The specific provisions of the proposal that my submission relates to are:

1. The relevance/efficacy of the proposed NPS as the *preferred tool* to achieve the stated objective
2. The meaning of the stated OBJECTIVE
3. That the nature, language and lack of specificity in an NPS limits its ability to "assist decision-makers"
4. Policy 3 and the matter of "reversibility"
5. The issue of the cost to local authorities of Implementing the NPS

My submission is:

1. Fundamentally, Part II of the RMA already provides the framework for what the NPS sets out to achieve. The NPS is an unnecessary addition to the RMA-related fabric. Most councils are still working towards proposing second generation RPSs and plans. That is the reason why the s.32 analysis has reached a conclusion that s.7 provisions have not yet been expressed in those instruments, not a lack of action on the part of councils but simply the timing of processes.

The packaging around the NPS asserts that its *raison d'être* is that: "It seeks to assist decision makers." It doesn't do this; it only puts the matters on the table, without sufficient explanation to provide the required clarity for decision makers. What would be considerably more effective and appropriate would be comprehensive guidelines that would provide a platform of current information to support the review of the relevant statutory instruments. The guidelines would also contribute to the general body of local knowledge around the issue in question.

2. The NPS and its philosophical/interpretative platform hang from its objective:

To recognise the national significance of renewable electricity generation by promoting the development, upgrading, maintenance and operation of new and existing renewable electricity generation activities, such that 90 per cent of New Zealand's electricity will be generated from renewable sources by 2025 (based on delivered electricity in an average hydrological year).

Albeit, the genesis of the NPS resides in the implementation of Part II the RMA, which emphasises *sustainable outcomes* in the context of managing natural and physical resources, the objective fails to express this. As the policies and their explanations confirm, some renewable electricity generation activities are not sustainable, whether they be prospective or existing. Surely the fulcrum of the objective is about SUSTAINABLE renewable electricity generation?

3. Objectives and policies aren't guidelines. Guidelines are what are needed to signal explicit and informed nationally-relevant direction, as *a tool to assist decision-makers* at the regional/territorial level to facilitate the creation of informed and robust planning instruments. Those processes need to be evenly informed from a national perspective. Then the local democratic outcomes can translate the national perspective into local management tools. An NPS can't service this fundamental step in the process, it just bypasses it. The NPS is just what it says it is, it just puts a national policy statement in place, with non-explicit language but with a seemingly alternative ambition, "to assist decision-makers". It doesn't achieve that, as it does not provide the quantum of information or clarity that is necessary to assist decision-makers, as intended.

4. Policy 3 is somewhat of a case study for the preceding arguments. However there is a singular point to be made as well.

Policy 3:

Having regard to the relative reversibility of adverse effects associated with particular generation types

Policy 3 explanation:

When considering proposals to develop new renewable electricity generation activities, decision-makers must have particular regard to the relative degree of reversibility of the adverse environmental effects associated with proposed generation technologies.

Whatever the scale, renewable electricity generation activity installations involve an industrial site. The bigger the generation activity, it follows that there is usually a larger industrial site, with potentially more adverse effects. Additionally, this does not involve state-run activities, so reversibility responsibilities are much more sensitive. The matter of reversibility is potentially a significant issue because of that. What does the proposed NPS policy envisage? It doesn't cover the ground.

In the absolute sense, reversibility entails complete decommissioning, removal of the hardware and site remediation to the extent that on-going habitat restoration occurs. This could even extend to long-term reinstatement of migratory bird species populations affected by a significant wind farm installation that has run its operational course. Aside from understanding how easily reversible a generation activity might be, the telling question involves who will be responsible for that process, particularly if the generation company becomes insolvent.

Responsibility for reversing an installation's on-going impacts, in the event that this is required, needs to be anchored clearly in the planning instruments and then case-specifically translated into the consent outcomes, so that those responsible can address possible (however unlikely) future responsibilities. What does the Policy 3 have in mind? This sort of critique can be assembled about each of the NPS's policies and their current explanations.

5. Policies 4 & 5 place a statutory responsibility and an associated financial burden on local authorities to take definitive steps in their plans. This is indicative of a perennial circumstance – read on:

It never seems to occur to the those who are part of the mechanism that impose statutory requirements on local authorities, that requirements of this nature have a distinctly uneven impact on local authorities, directly proportional to the relationship between rate-take (funding) and pervading territorial resource management issues/responsibilities.

Many of the smaller local are not sufficiently resources to deliver on their basic resource management responsibilities in this context, while other local authorities, that are well funded and have proportionately less responsibilities, don't notice the impact. These circumstances lead to an uneven management of New Zealand's natural and physical resources. This is illogical and there needs to be an inter-governmental mechanism (central/local) in place to redress this unacceptable anomaly in local authority capacity.

I seek the following changes to the proposal:

1. Withdraw the proposed NPS and replace it with non-statutory guidelines for local government. The informal status of such guidelines will enable their progressive revision, in an absence of statutory constraints, and so maintain issue currency. The guidelines should be compiled and managed by a team comprised of technical experts and local government energy implementation practitioners.

2. Amend the NPS's objective to read:

*To recognise the national significance of **sustainable** renewable electricity generation by promoting the development, upgrading, maintenance and operation of new and existing renewable electricity generation activities, such that 90 per cent of New Zealand's electricity will be generated from renewable sources by 2025 (based on delivered electricity in an average hydrological year).*

3. If the NPS is to be adopted and implemented, it needs to have its policy explanations further fleshed out, so they, in a proxy sense, become a form of more specifically-interpretable guidelines, that can explicitly assist/inform decision-makers, both at the statutory instrument formulation level, and also in the resource consents' process, as well as providing a compulsory nationally-even policy framework – maybe the best of both worlds?
4. Provide a clear and helpful explanation of what is envisaged by the term “relative reversibility” in Policy 3.
5. This is a wider issue than the issues around the proposed NPS. Please accept the reality of these distorted circumstances and refer the issue on to the appropriate minister, likely, *Local Government* – thanks.

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

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[Submitter - person authorised to sign on behalf of submitter]

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