

Form 3

Submission by the Royal Forest and Bird Protection Society of New Zealand (Inc)
On the Proposed National Policy Statement for Renewable Electricity Generation
Notified 6 September 2008
In accordance with Section 49 of the Resource Management Act (1991)

TO: Board of Inquiry

Background & Overview

The Royal Forest and Bird Protection Society Incorporated (“Forest and Bird”) has campaigned for 85 years for the protection of New Zealand's native species and the habitats on which they depend. Around 38,000 New Zealanders in 55 branches nation wide belong to Forest and Bird, supporting the Society's objectives of secure protection for native species, ecosystems, and landforms.

The constitutional purpose of Forest and Bird is:

“To take all reasonable steps within the power of the Society for the preservation and protection of the indigenous flora and fauna and natural features of New Zealand, for the benefit of the public including future generations.”

Over the years Forest and Bird has often been involved in decision-making processes for electricity generation projects. In the case of our field staff and lawyers, a significant amount of our workload has been involved in consultations and consents. Our aim throughout has been to contribute rational argument and balance to the ongoing decline and degradation in our indigenous flora, fauna and natural features.

Our biodiversity is fundamentally important, and has suffered serious degradation over the years of human inhabitation. The following information is taken directly from the New Zealand Government's biodiversity website¹:

New Zealand has a unique native biodiversity, but it is in serious decline. Left alone, these bird-dominated islands would have continued to depart from the evolutionary mainstream, but of course, this was not to be. Instead, the arrival of humans had a major impact.

New Zealand has experienced two major influxes of humans – first the Maori, then Europeans. Between 750 and 1000 years ago, Polynesian mariners – the ancestors of Maori – arrived and introduced rats (kiore) and dogs (kuri). The second human influx came from Europe, led by Captain James Cook in 1769 (who at the time released rats, pigs and goats).

¹ <http://www.biodiversity.govt.nz/picture/biodiversity/state/index.html>

Although New Zealand was one of the last places on earth to be settled by humans, it has one of the worst records of native biodiversity loss. Fire, land clearance, overexploitation of resources, and introduced plants and animals have had a cumulative effect on native biodiversity. As a result dozens of species have become extinct and an increasing number are now threatened with extinction.

Extinctions include:

- 32 per cent of endemic land and freshwater birds, including the magnificent *Harpogornis moorei*, Haast's eagle
- three of 64 reptile species
- possibly 11 of the 2300 known **vascular** plants

About 800 of New Zealand's known animal, plant and fungi species and 200 subspecies are considered threatened. It is likely that many still unknown species are also threatened.

The pressures on biodiversity have taken three forms:

- **Hunting** – hunting, fishing and gathering.
- **Habitat destruction** – removing forests, draining wetlands, fragmenting and degrading ecosystems.
- **Pests and weeds** – introduced organisms that prey on, or compete with, native species, or degrade their habitat.

Forest and Bird was established in 1923 to provide an important advocate for the natural environment that has a diminutive voice in comparison to the expansive and expanding human population. Our members include scientists, who, through their close contact with the effects of this massive biodiversity loss, make personal commitments to preservation, protection and conservation.

This background information is fundamentally important to our submission on this proposed National Policy Statement "NPS". Against this backdrop of near unprecedented biodiversity decline, our natural environment is facing increased pressures from demands for growth.

Forest and Bird was a key advocate in the establishment of legislation to protect the biodiversity and natural features of Aotearoa/New Zealand. The Resource Management Act (1991) was one such piece of legislation. Despite the enactment of this legislation – and other such legislation on protecting the environment – our biodiversity remains in decline as is evidenced by government's own research. One of the reasons for this is ongoing habitat destruction, and the continued advance of pests and weeds into otherwise intact ecosystems.

The proposed NPS, in our view, rightly expresses the concern that the environmentally 'easy' projects have already been completed. We might also add that many of these projects were not environmentally benign, and some have had ongoing and lasting debilitating effects on the natural environment, e.g. Waitaki Scheme. Efforts to mitigate only go a partial way to providing some restoration and enhancement.

It is our concern that many of the areas that are now being targeted for renewable electricity generation are either sited on important natural features, have high biodiversity values, or are within the conservation estate. It would be very wrong, in our view, for the purpose and principles of the RMA to be undermined to permit any reduction in the status of matters of national importance, and, in our submission, specifically those relating to the important biodiversity and natural feature values of Aotearoa/New Zealand.

Against this ‘biodiversity backdrop’, the proposed NPS makes a number of statements and unquestioned assumptions of concern:

1. The most fundamental limitation of the NPS is its failure to address physical limits to the growth in renewable electricity generation.
2. Coupling energy demand and growth with economic demand/growth (again without realising limitations).
3. Inflating the importance of ‘renewable energy’ in a way that is not comparative with a consequential inflation of the importance of other matters within the RMA.
4. Failure to consider the effects of economic recession on generation requirements.
5. Assumptions that the current methods of promulgating generation projects are the most effective in terms of community consultation.
6. Failure for an NPS to be developed for biodiversity, which, as a consequence, will undermine these values in comparison to the national importance of renewable electricity generation.
7. An assumption that where resource consent cases either decline a consent or are appealed, that the reasons for this are – for some reason – inconsequential.
8. Failure to provide a more integrated electricity generation approach and instead leaving it to the vagaries of the market.
9. Failure to provide government investment in renewable electricity generation research and development.
10. An aggressive approach (see page 2) that potentially undermines the integrity of other matters of importance.
11. Dismissal of the current use and development of important case law.
12. Failure to adequately address the implications of ongoing loss to biodiversity and the inconsistency with the New Zealand Biodiversity Strategy.
13. Fails to promote the sustainable management of natural and physical resources because it undermines the core values of avoidance, remediation and mitigation within the purpose and principles of the Act.
14. Failure to internalise the costs of renewable generation by attempting to diminish the RMA.
15. Does not recognise that a failure to gain consent may provide important indicators to shift technology and research into more appropriate forms of generation.
16. Inappropriate weighting given towards generators’ concerns in the section on “Situation under the status quo” (section 2.2); including:
 - a. Making decisions on ‘anecdotal accounts’ (p11)
 - b. Assumption that sound legislation enacted to ensure that matters of national importance and other matters are recognised; is somehow a

- ‘deterrent’, rather than an effective tool of weeding out the ‘good’ from the ‘bad’.
- c. Failure to recognise that the electricity generation industry have frequently been guilty of inappropriate and inflexible consultation with our organisation and the wider community (e.g. predetermination of site and size without any consultation nor intention to alter the scheme to meet the concerns of the community).
 - d. Viewing appropriate mitigation measures as a hindrance, rather than as an environmental benefit.
 - e. An attempt to undermine mitigation measures put in place to ensure important environmental outcomes are upheld (esp p15).

Within the problem statement, reasons are started for this emergence. Some of these arise from the failure to adequately recognise the issues we have outlined above. Some of them provide opportunities for a better approach.

Areas of Agreement – General Comments

Forest and Bird fully supports the objective to move 90% of electricity generation to renewables by 2025 (within the context of limitations we have outlined above). Forest and Bird accepts the international advice on climate change and advocates that the effects of climate change on biodiversity may exacerbate current losses and possible extinctions. (See more under Objective)

We support the initiative to provide some direction in terms of renewable electricity generation. An integrated approach to management of the electricity generation sector is very important. The ongoing ad hoc approach for proposals to generate electricity is a major issue for our Society. (See more under Other Suggestions)

We support the concept that not all ‘renewable generation’ is created equal in terms of its effects upon the natural environment. (See more under Policy 3)

We support opportunities for Councils to engage with their community in initiating plan changes to address community ideas for potential generation sites. (See more under Policy 4)

We support strong initiatives for distributed generation, particularly with relation to the appropriateness within a region. (See more under Policy 5)

We generally support the capacity for schemes to be able to continue to exercise consents, but do not wish to see a reduced potential for the following issues to be addressed:

- Ability to seek and vary the conditions to improve habitat (e.g. ramping rates, fish passage, periods of operation); and
- Ensure the efficient use of the resource.

We note that this issue does not appear to be adequately covered in the objective and policies.

Analysis of Objective and Policies

Objective:

Forest and Bird supports this objective. However, the information on which growth in demand is based needs to be questioned on a number of counts:

1. Predictions for growth given current global economic recession
2. Limitations to growth in the physical environment, i.e. ensuring no decline in biodiversity
3. Ensuring consistency with energy conservation directives as the first choice
4. Consistency with other national policy directions, strategies, and plans
5. Better integration of electricity generation
6. Decoupling of electricity growth from economic growth
7. Greater responsibility on primary industry to look at using waste/methane, etc streams as opportunities for generation.

Policy 1:

Whilst we agree that the provision of renewable electricity generation holds as nationally significant, it should not override other important nationally significant issues. It is also questionable whether all renewable electricity generation is nationally significant. It must still prove its value in terms of appropriate provision.

The statement, “These benefits may include, but are not limited to:” is too vague and is open to misinterpretation. It is inappropriate for an NPS.

The NPS must be careful not to override the purpose and principles of the RMA in its direction.

Policy 2:

Forest and Bird is fundamentally opposed to the direction of this policy and believes it undermines the purpose of the RMA. These considerations are currently able to be considered within the RMA. Failure to avoid, remedy or mitigate will result in further losses to our biodiversity. It is wrong to assume that there can be no constraints to growth of electricity generation, whilst enabling legislation that would downgrade the value of an already declining biodiversity.

Policy 3:

Forest and Bird supports this policy. It has been our experience that proposals for renewable electricity generation are not all created equal. Significant permanent environmental damage can be done from some projects, especially hydro dams, which cannot be rehabilitated.

Forest and Bird believes this proposal will give effect to a direction to ensure that any consented activities are the most consistent with reducing the effects on the environment. We do not believe this policy provides an inappropriate weighting against hydro. It is a simple fact that these projects have greater environmental damage potential. This fact should not be avoided.

Policy 4:

Forest and Bird accepts the premise of this policy with caution. Communities must receive adequate support to enable them to effectively take part in the processes of discussion that will arise from the identification of sites. It would be appropriate to include guidance on best practice principles for Councils to engage in this process. In planning issues we have been involved in, we find that financial interests inevitably can override wider community interests because of lack of funding and legal support/understanding. Councils must commit to a community based consensus approach.

As New Zealand's electricity supply is networked through transmission lines, some regions may be less able to provide renewable electricity than others. Councils should not be pressured into believing that they must become self-sufficient in electricity generation. This 'thinking' is already prevailing in some parts of the country, e.g. West Coast.

Policy 5:

As outlined above, we support community initiatives and distributed generation. This should not, however, undermine the environmental integrity of the decision-making, but should principally relate to costs incurred through the process. One way of reducing costs is to waive fees, and provide council support for community consultation processes. Forest and Bird supports the retention of 4MW. We have been involved in a number of hearings recently regarding schemes slightly under 10MW and have been given evidence of the potential for significant negative environmental effects.

Other Suggestions

- Effective Consultation and Planning Management

In the discussion of the problem, (which appeared to be skewed from a generation perspective), the RMA and other impediments were frequently cited as the barriers to renewable energy proceeding. Without going through each of the issues, it is worthwhile noting that in the opinion of Forest and Bird, the generation sector fails to engage appropriately with the community and stakeholder groups, frequently ignoring or overriding appropriate concerns. Most of these generation companies appear to be the larger ones, whose size and absence from the community (including any absence of social responsibility), seem to create this problem.

We frequently deal with these inappropriate consultation and ill-conceived proposals that are both costly and time-wasting for our Society. It is important to note that in many

cases our concerns have been validly heard through the resource consent process, and either consents/variations have been declined, or appropriate mitigation measures are put in place.

On a positive note, we frequently have been involved in round the table discussions with locally owned generation companies to consider the potential parameters of schemes and what biodiversity or community interests are at stake.

A good process will ensure that the resource consent passes through smoothly and efficiently.

- **Best Practice Agreements**

One of the ways forward could be to develop some ‘best practice’ agreements on the following issues, e.g.:

- Consultation
- Biodiversity and natural features
- Community involvement
- Siting
- Benefits accruing to a local community that may bear the brunt of the cost

- **Integrated Management**

Central government has shown a lack of action in proactively providing for national networking in the establishment and management of renewable generation, leaving it to the vagaries of a competing market. Much more work could be done in this regard, which could be reflected through the NPS.

Conclusions

Forest and Bird, overall, supports the intention of an NPS on renewable electricity generation, but believes, that any undermining of the purpose and principles of the Act to protect other matters of importance, is unsustainable.

Biodiversity in New Zealand is still undergoing decline. We cannot afford to put in place an NPS that would exacerbate this issue. It is in conflict with the Biodiversity Strategy that clearly states an aim is to “halt the decline in biodiversity”. It must also account for natural limits that inevitably constrain growth. As has recently been pointed out in an international report, New Zealand is the 6th highest country in the world for the pressures we are placing on our natural environment. It is not an enviable position.

Forest and Bird wishes to be heard in support of our submission.

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