

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 following 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. Lack of consultation with Maori during the preparation of the Proposed NPS; and
2. The Proposed NPS in its entirety.

My submission is:

[include –

- *whether you support or oppose the specific provisions or wish to have them amended; and*
- *the reasons for your views].*

1. Environs Holdings Ltd supports the general concept of the NPS, that is we support renewable energy.

Lack of Iwi Consultation

2. Section 46 of the Resource Management Act 1991 (“the Act”) states that ;- “if the Minister considers it desirable to issue a national policy statement, the Minister must –

(a) seek and consider comments from the relevant *iwi authorities* and the persons and organisations that the Minister considers appropriate;
(b) then prepare a proposed national policy statement.
3. No consultation with Te Uri o Hau (or Environs Holdings Limited) has occurred in relation to the preparation of this NPS. This is despite the fact that the requirement for consultation is particularly relevant for Te Uri o Hau and other iwi as the NPS will promote development that could adversely affect Maori and have detrimental implications in terms of the Treaty of Waitangi. Examples include the effects that tidal generation may have on iwi foreshore and seabed customary rights and interests or the effects that wind generation on crown land could have on customary rights and interests.

Nationwide Consistency

4. Our second concern is based on the fact that it is claimed that this proposal has been developed to ensure a consistent approach across the country. It is our opinion that if this is what is sought, the policies will need to include a lot more detail.
5. In fact, we believe that the vague nature of this policy statement may encourage ad hoc development of energy generation across the country and in areas where it may be inappropriate to do so.

Iwi Customary Rights and Interests

6. In our experience with the decision made by the Northland Regional Council in relation to Crest Energy Ltd's application to construct a tidal power station in the Kaipara Harbour, the argument for balancing national benefit against local costs is already clearly entrenched in the minds of the decision makers.
7. This decision was based primarily on the perceived national benefit and security of supply issues, while section 6, 7 and 8 Resource Management Act issues (in particular adverse effects on tangata whenua and their customary rights) were virtually ignored.
8. As this NPS is focussed on enabling renewable energy generation (including tidal energy), the government must work with Maori and stakeholders to ensure that there is sufficient policy in place for circumstances where iwi customary rights and interests exist.

Policy 2

9. This policy is worded in a way that is extremely confusing. It appears to suggest that when it comes to renewable generation activities, councils and other decision making authorities can effectively bend the rules that have been developed to avoid, remedy or mitigate adverse environmental effects.

Policy 3

10. The reference in this policy to a "relative degree" of reversibility of adverse environmental effects is not sufficiently defined, leaving it open to interpretation and enabling the relevant authority or even the Courts to determine what is a "relative degree" of reversibility.

I seek the following changes to the proposal:

[give precise details].

1. We request immediate consultation be undertaken with iwi and hapu in order for the Minister to fulfil the obligations contained in section 46 of the Act.

2. The NPS should contain an express requirement for Maori customary rights and interests to be given effect to in the area of renewable electricity generation and more specifically within each of the five policies contained within the NPS.
3. There is a need to include more detail in the NPS to ensure a consistent approach is adopted nationwide.
4. We request amendments to the proposal to ensure that renewable energy projects are not prioritised to the point that they are progressed at a cost to Maori and /or the environment.
5. We propose that Policy 2 be amended to make it easier to understand while at the same time ensuring that the requirement to avoid, remedy or mitigate the adverse environmental effects of renewable electricity generation activities is not compromised solely because of the fact that the project involves renewable electricity generation.
6. There is a need to clearly define the term “a relative degree of reversibility” or alternatively use another term in its place.
7. The NPS should be developed to ensure energy efficiency and conservation is promoted alongside the development of renewable electricity generation.

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

Juliane Chetham
31 October 2008

Address for service of submitter:	Environs Holdings Ltd
Telephone:	09 438 9316
Fax/email:	ehlmanager@uriohau.co.nz
Contact person: <i>[name and designation, if applicable]</i>	Juliane Chetham (Manager)

Environs Holdings Limited is the subsidiary of the Te Uri o Hau (“TUOH”) Settlement Trust which is responsible for the implementation of activities that advance the wellbeing of people and their environment within the TUOH rohe.