

# 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

Emailed to: [renewable.electricity@mfe.govt.nz](mailto:renewable.electricity@mfe.govt.nz)

Submissions close 5pm 31<sup>st</sup> October 2008

The following submission is regarding the proposed national policy statement for renewable electricity generation (the proposal) that was publicly notified on 6 September 2008 pursuant to section 49 of the Resource Management Act 1991.

The submitter does wish to be heard in respect of this submission and may consider a joint submission with a party with similar views (for example the New Zealand Recreational Canoe Association).

The submitter opposes the proposed NPS for Renewable Electricity Generation for the reasons given in the following submission.

### 1. Preamble

I have previously been a member of the New Zealand Freestyle Kayaking Committee. I have also represented New Zealand at Pre Worlds Freestyle kayaking Championships (1998) and Worlds (1999) in New Zealand, Worlds in Spain (2001) and Pre Worlds (2002) in Austria.

I have worked as a consents planner and corporate planner for nearly 10 years. My qualifications include a Masters in Planning Practice. I am a full member of the New Zealand Planning Institute (NZPI) and an associate member of Society Of Local Government Managers (SOLGM).

This submission has been formed on the basis of my own opinions and that of a recreational kayaker. These views have not been put forward in association or on behalf of the council that I work for. The submitter is a former member of the New Zealand Freestyle Kayaking Committee (NZFKC). NZFKC is an incorporated society. This submission has been presented to the committee for consideration. Therefore, in the future, the submission may also be presented in association with this committee.

### 1.2 Summary

- This submission respectfully requests a re-think. The MFE needs to go back to the drawing board in terms of the problem statement, objectives and options. The NPS in its present form will fail to reduce NZ's greenhouse gas emissions or to guarantee electricity security. The use of a NPS is not necessarily the best tool. If a NPS is to be used however, it needs to provide a range of conservation options rather than funnelling decision makers into narrow minded renewable developments that serve to increase confusion and litigation with regard to proposals on rivers that are priceless in terms of their recreation, cultural and ecological values. New Zealand's white water resources are internationally significant and therefore express protection of the remaining white water resources must also be a priority before further hydro-dam projects are brought forward. Such white water resources are detailed in Graham Charles (2006) "New Zealand White Water".

- The NPS fails to acknowledge the importance of New Zealand's water resources in terms of recreational opportunities and values associated with the ecology including the values of these resources in terms of fishing, kayaking and pristine wilderness.
- There are many other opportunities that need to be the priority for meeting the New Zealand Environmental Standard (NZES) target of 90% renewable electricity generation by 2025. Targeted National Environmental Standards, use of industry targets (and government assistance with achieving these targets), including NZ Energy Efficiency and Conservation Strategy actions and further delivery of NZ Energy Strategy related actions.
- A NPS is subservient to the RMA. However, the policies of the Draft NPS can only serve to confuse decision makers as to what the priorities are and what the NPS would be achieving. If this matter was to be elevated to a section 6 matter, I would certainly object to such an amendment to the RMA .
- Please note previous comments from Local Government New Zealand which state a preference for non statutory guidance (page 6, comments from Local Government, 9<sup>th</sup> November 2007). Furthermore:

*"A National Policy Statement on renewable energy has the potential to conflict with other National Policy Statements and with other matters of national importance in Section 6 and 7 of the Resource Management Act 1991. It is not appropriate for renewable energy to take precedence over other matters of national importance".*

- The proposed NPS doesn't define the problem and the 'matter of national significance' doesn't correlate to a problem. The objectives are too narrowly defined.
- What happens with situations of competing / conflicting user groups for water resources in the case of a hydro-electricity proposal? Who has the priority to access to water between renewable energy generation, irrigation, industrial, domestic water and recreation user groups? Does the use of a NPS provide more certainty for applicants that renewable electricity proposals will have a higher priority where there are competing interests over water resources? What happens where water is already allocated? What happens when water is already used for recreational purposes?
- Who will be making decisions with regard to these policies? Policies 4 & 5 provide further example of cost burden of legislation to local government (known as 'Cost Shifting').
- If such a NPS is introduced, sufficient resourcing of local councils will need to be carried out to ensure that they can also carry out appraisals of other values for example recreational values of rivers and fishing resources.
- If such an NPS is introduced, the national benefit associated with any renewable project would need to be detailed. This would require government to provide a detailed financial analysis of the electricity market and to evaluate the impact of additional electricity generation (especially where additional generation was not cost effective and would be subsidised). This idea was taken from 'comments from Local Government' 9 November 2007.

## **2. The Use of a National Policy Statement**

- The NPS fails to provide a conservation approach to energy. There are no policies which really challenge the industry to achieve real reductions in electricity demand. The NPS supports 'business as usual' increases in electricity demand and with the priority focused on providing security of electricity generation. The focus should be on the reduction of demand rather than increasing supply.

- The overall impact of the National Policy Statement is flawed as it assumes that green house gas emissions will be reduced by increasing renewable electricity generation to 90% of NZ's electricity by 2025. The objective of the NPS is also to provide security of electricity supply.

- With regard to reducing green house gas emissions:

NZs Greenhouse gas emissions account for 0.2 – 0.3% of global emissions. Approximately 49% of NZs greenhouse gas emissions result from agriculture. New Zealand's energy sector contributes 43% of total emissions, of which 45% of that comes from transport. Presently, approximately 69% of electricity is generated from renewable resources. The NZES provides a target of providing 90% of electricity by renewable means by 2025. Source: September 2007, MFE, The Framework for A New Zealand Emissions Trading Scheme.

The focus of the Proposed NPS on supplying for demand (and not promoting conservation) will only serve to further complicate decision making with regard to matters of national importance. Green house gas emissions will continue to increase with population increase and recreational opportunities will be severely reduced and eliminated.

- With regard to ensuring security of electricity supply:

The NPS could be seen as an enabling mechanism to provide higher priority for eg hydro-electricity than other competing user groups that want to use water resources (eg agriculture, irrigation, industrial, water supply or recreational user groups including fishing and kayaking groups). This fails to acknowledge the existing values that these water resources provide.

### **3. The Scope of the Proposed National Policy Statement**

The scope of the proposed NPS is too limited. It is important to look at all the options for providing energy, including forms other than electricity. Examples include biomass to liquid fuels, solar use and design.

### **4. Greater Confusion**

The matter of national significance is "the need to develop, upgrade, maintain and operate renewable electricity activities throughout New Zealand". The objective is not consistent with the matter of national significance.

The preamble includes: "adopting a nationally consistent approach to balancing the competing values associated with the development of New Zealand's renewable energy resources will provide greater certainty to decision makers, applicants, and the wider community."

The proposed NPS (a matter of National Significance) will in fact make it harder for decision makers to balance competing values with regard to Part II S6 Matters of National Importance and Part II S7 Other Matters. Therefore 'greater certainty' will not be provided.

### **5. The Case for Conservation from a Recreational Point of View**

In the 1950s New Zealand had some of the most significant white water resources in the world. A number of hydro generation projects have provided 69% NZ's electricity generation by hydro. This has already take a large toll on the recreational opportunities remaining in New Zealand.

Aerial photography of the Waikato River taken prior to installation of the dams shows white water akin to the Grand Canyon in the United States. The Waikato River is 425Km long.

There are now eight power stations between Taupo and Karapiro the former white water lost forever under a cascade of hydro lakes which now create 'flat water'. Thousands of sights of cultural significance and scenic beauty have also been lost under water including Rainbow Falls at Orakei Korako. The only remaining white water on the Waikato River is at 'Reids Farm', 'Huka Hole', 'Huka Falls', 'Aratiatia Rapids' and below Aratiatia Power Station to Full James known as Ngaawapurua Rapids. These white water features are located within the first 6 km of the Waikato River from Lake Taupo. The remaining 414Km is now a series of hydro lakes with little or no 'white water' value.

No one is suggesting the dams on the Waikato that provide the main source of electricity to the North Island be de-commissioned. However, it is critical that decision makers note the severity of the loss of cultural, ecological and recreational values that occur in association with such projects. It is important that additional loss of natural, wild and scenic rivers is prevented.

If electricity demand is to keep growing at 1.3 – 2% or an additional 150-200 megawatts every year, this extra demand is equivalent to the generation produced by damming two rivers the size of the Hurunui and the Mohaka every year (NZRCA 2008).

Therefore the target provided in the NZES and 'Sustainability Pathway' (The provision of 29,458 GWh of projected hydro generation by 2025 from an installed capacity in 2007 of 24,692 GWh) will not sustain the recreational / fishing / cultural / ecological values of river users.

Please examine the New Zealand Recreational Canoeing Association (NZRCA) web site on the following link:

<http://rivers.org.nz/news>

The following articles are contained within:

- NZRCA submission to protect Nevis River
- Special Tribunal for Hurunui Water Conservation Order Appointed
- NZ Energy applies for Matiri Hydro Consent
- Network Tasman Proposes 30MW Hydro Scheme on Matakītaki
- NZRCA Submission Opposes Mokihinui Dam
- NZRCA Submission on Climate Change Bill
- Waitaha River Threatened by Westpower Hydro

Therefore, even without the proposed NPS, New Zealand's rivers are under significant threat from dam proposals. The 'permissive' tone and lack of clarity of the proposed NPS would only significantly worsen the situation for recreational users.

In 1977 Graham Edgar commenced a survey of all New Zealand's rivers to identify those rivers in the country considered to be of significant value for river running, recreation and to put a case for their protection. An amendment to the Soil and Water Conservation and Waters Control Act was amended to enable rivers to be better protected which happened in 1981. In 1982 the Moki was the first nationally protected river. The process was very costly and time consuming. The RMA has afforded no particular protection of recreational resources. Water Conservation Orders under the RMA (S199) can be applied to rivers to protect the amenity or intrinsic values of waters including wild, scenic, other natural characteristics and for recreational purposes. Unfortunately this process is also very costly and time consuming also, with the burden of proof lying heavily on the applicant – who is often the NZRCA. (Source: Grahame Edgar, 1998, White Water River Running in New Zealand).

The following paragraph is in reference to pages 322-324 of Nolan D, 2005, Third Edition, "Environmental and Resource Management Law", Lexis Nexis. Paragraph 5.48, 5.49 & 5.50 refer to S6 (b) of the RMA and the protection of outstanding natural features and landscapes.

*"In An Application for a Water Conservation for the Buller River Order the Environment Court noted that the test as to what is outstanding is a reasonably rigorous one. In Whakatipu Court also dealt with question of whether or not an outstanding landscape has to be assessed on a district, regional or national basis. In the earlier case of Draft Water Conservation (Mohaka River) Order the Court has accepted the submission that before a characteristic or feature could qualify as outstanding it would need to be quite out of the ordinary on a national basis. However in Wakatipu Environmental Society V Queenstown Lakes District Council the Environment Court accepted the argument that the use of the word outstanding in s6(b) depends on the regulatory authority that is considering the landscape. It is noted that in Mohaka the Court has been dealing with water conservation orders which were a national matter, however, this case concerned a district plan review and it was appropriate that what was considered to be an outstanding landscape to be assessed on a district-wide basis rather than on a nation-wide basis."*

Therefore, the existing sections of the RMA and the use of Water Conservation Orders may not protect white water river sections of New Zealand's remaining white water resources. At best, well known 'tourist attractions' such as as Huka Falls and Aratiatia Rapids will be kept in their natural state (clearly meeting the rigorous s6(b) tests) whilst the permissive nature of the NPS will promote the wholesale damming of the remaining sections of white water in New Zealand which are not considered to be 'outstanding'.

If much of the limited reminding white water sections are dammed, how will S3 effects be dealt with? Will precedent and cumulative effects be considered as more and more white water is lost to hydro electricity projects? Will hydro schemes be non complying activities – with tests of adverse effects of the activity on the environment will only be minor? Or will consent authorities use consent conditions to deal with adverse effects at a later state?

Skills, equipment and popularity of river running as a sport has come along way since the 1970s and hydro schemes such as those on the Waikato River. To appreciate the world class 'white water' resources of New Zealand the board of enquiry will need to view NZ's 'bible' of white water kayaking:

Graham Charles, 2006, 4<sup>th</sup> Edition "New Zealand White Water", Craig Potten Publishing.

This book details the grade (difficulty) and logistics involved in the key river sections with white water values in New Zealand. Each and every one of these sections are of great importance to the river running community and their protection is paramount.

It is important that the board of inquiry are aware of the consequences of pursuing the existing permissive nature of the Proposed NPS with regard to the survival of these recreational resources beyond 2025.

This submission respectfully requests a re-think. The MFE needs to go back to the drawing board in terms of the problem statement, objectives and options. The NPS in its present form will fail to reduce NZ's greenhouse gas emissions, guarantee security. The use of a NPS is not necessarily the best tool. If a NPS is to be used however, it needs to provide a range of conservation options rather than forcing plan changes for renewable developments.

The proposed NPS serves to increase confusion and litigation with regard to proposals on rivers that have priceless recreation values. Furthermore, express protection of the remaining white water resources must also be a priority before further more hydro-dam projects are lodged.

## **6. Comments on Each Policy**

### **6.1 Policy 1**

This policy is the key reason behind S7 (j) (climate change) in the RMA and the target in the NZES.

This policy fails to guide us with regard to competing matters of national importance (S6 and S7). Are there any circumstances where a hydro dam would be declined? If so where would this be the case?

#### Requested Changes

If the policy is about 'national benefits' it should also consider national and regional and local benefits or not carrying out a certain proposal for example the recreational and landscape values associated with the resource.

### **6.2 Policy 2**

The recreational user group, in principle does not support the destruction of rivers by additional hydro-electricity dam proposals. Such competing values (electricity vs ecological / cultural / recreational values) are not addressed, neither is discussion regarding how to avoid, remedy or mitigate adverse effects.

As stated above, recreational user groups will not support the adverse effects - such as loss of white water sections of rivers. However, in cases where decision was to approve such applications constraints must be placed on all applications that require mitigation of the following:

-Where water is reduced or diverted, a regular number recreational releases at natural flow level must be provided for recreational users. The preference will always be to keep the river in its natural state, rather than to flood the river, creating a 'hydro lake'.

-Where the design of the hydro project involves the flooding of the river and loss of recreational resources it is critical that in such cases that significant funding is set aside to provide mitigation in the form of artificial courses and provision made for water to flow through such courses. Such courses cost millions to design and construct. Notable examples of concrete courses include Penrith (Sydney, Australia), Holme Perripont (Nottingham, UK), Bratislava (Slovakia), Eiskanal (Germany).

#### Requested Changes:

This policy fails to discuss how to avoid, remedying or mitigating adverse effects or to overcome the constraints noted within the policy. Although the recreational user group does not support further loss of white water, where a decision was to dam any river sections, mitigation as detailed above must be mandatory.

It is important to note that whilst generating electricity is renewable, the number of sites or opportunities for generation are finite. Policy 2 appears to be making it easy for generators to access these finite sites. The permissive nature of the proposed NPS fails to accord with the principle of sustainable management and therefore the scope of this policy needs to be reviewed.

### **6.3 Policy 3**

The intent of this policy is not clear and therefore it needs re-wording or deletion.

I would support policies that clearly gave preference to proposals that are more reversible for example wind farms.

However if the proposal involved the building of a hydro-power station, it must be pointed out that damage is irreversible. When water is dammed or diverted (resulting in a 'dry' or reduced flow river bed) it must be pointed out that such projects are not reversible. Damage can be done to geology and river morphology when power stations hydro lakes are built. Permanent damage is done to ecology such as fishing and wildlife as a result of such proposals. Decreasing flows of rivers can greatly reduce the recreational value of the river to river users.

Some hydro schemes divert the water which leaves the natural bed of the river undisturbed. Where hydraulic control gates exist, recreational flows on the river can be required as consent condition. Such flows can be used to ensure minimum flows for fishing and kayaking. Alternatively, they can provide regular recreational releases such as those provided on the Wairoa River at McLaren Falls, Tauranga. Therefore, recreational value is flow dependant and reduction (or increase eg flooding valleys) can result in loss of recreational values.

#### Requested Changes:

Deletion or re-wording to make it clear that wind farms are preferable to eg hydro dams as the adverse effects are reversible.

#### **6.4 Policy 4, 5**

Local government does not have resources to carry out the requirements outlined in these policies by 2012. This requirement is inconsistent with the section 32 approach and the need to analyse all the options for achieving the desired outcomes.

The use of the word "enable" is of concern in this context, especially when the nature and effects of activities are unknown (for example new technologies). Further, there is not clear how councils will balance the requirement to be enabling with other community values such as amenity landscapes.

#### Requested Changes:

It is recommended that both policies are deleted.

If the policies were not deleted, they should be changed to provide for consideration at the time of next review ie delete the date (13<sup>th</sup> March 2012).

Furthermore, if such plan changes were to be carried out, subsequent protection of wild and scenic rivers would need to be carried out in tandem with a 'prospecting' exercise, in order to ensure part 6 matters were clarified in favour of protection of these resources.

#### **Conclusions**

'Future effects' and issues of inter generational equity have not been considered with regard to the Proposed NPS. Our children not also have the right to the recreational opportunities that we have enjoyed during our generation. The NPS is extremely pro-active towards enabling hydro-generation. This fails to balance the need for protection of cultural, recreation, ecological and landscape values of New Zealand white water resources.

Whilst I understand the issues surrounding climate change and the need to move away from the use of fossil fuels, this document fails to recognise what New Zealand is actually famed for - its wild and scenic places.

It could be argued that NZ's clean green image is enhanced by the relatively high proportion of renewable electricity generation. However, NZ's image will not be maintained with more and more of its wild and scenic rivers (and fisheries) destroyed through hydro damming and diversion.

The provision of 29,458 GWh of projected hydro generation by 2025 (from the Electricity Commission's Sustainability Path') from an installed capacity in 2007 of 24,692 GWh will result in significant destruction of New Zealand's fishing and recreational kayaking resources.

Requested Changes:

New Zealand needs a realistic, conservation based approach to management of NZs water resources which also protect the internationally renowned white water recreational resources. The Proposed NPS fails to provide any such approach or protection of recreation resources. The Proposed NPS needs to be significantly altered before it will accord with the principles of sustainable management and sustainable development.

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**Key Resources** (references are stated within the body of the submission):

Graham Charles, 2006, 4<sup>th</sup> Edition "New Zealand White Water", Craig Potten Publishing.

Mackay John 1978, Wild Rivers, Canoeing and Rafting Adventures on NZ Rivers, Hoder and Stoughton, Auckland.

NZRCA August 2008, In Forest and Bird Magazine #329 "Our Rivers are not Renewable". See <http://rivers.org.nz/article/our-rivers-are-not-reneable>

Pearl R, 2007, 2<sup>nd</sup> Edition, The Community Guide to the RMA 1991, Environmental Defence Society.

Young, D and Foster, B 1986, Faces of the River, TVNZ Publishing, Auckland, The Story of a Number of NZ Rivers Including Information on Recreation.