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The Business of  
**Marine Energy**

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Oceania Room | Te Papa Tongarewa | Wellington

# NZ Coastal Policy Statement and NPS for Renewable Energy Generation – Opportunities for the Industry

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# Scope of presentation

- Recognition of marine energy and its benefits in National Policy Statements under the RMA
- What do the NZCPS/NPS say about wave and tidal energy?
- What is the role and status of these documents?
- What does the recognition of marine energy really mean in practice?
- How can the industry capitalise on this recognition?
- Questions

# NZ Coastal Policy Statement

- The only mandatory NPS under the RMA
- Reviewed and (finally) came into force in December 2010
- Much more directive, wider coverage than 1994 version (even covers nationally significant surf breaks!)
- Because of breadth of issues, and sometimes competing goals, it does not provide unqualified recognition of many issues – balance between enabling and protection
- Regarding marine energy it does contain specific provisions

# NZCPS objectives

## Objective 6

*To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- the coastal environment contains renewable energy resources of significant value;**

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# NZCPS policies

## **Policy 6(1)(g) – in relation to the coastal environment:**

*take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations*

## **Policy 6(2)(a) – in the coastal marine area:**

*recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations*

# NPS on Renewable Energy

- A non-mandatory NPS (one of three)
- Applies to all forms of renewable energy, but more specific and targeted than NZCPS
- Matters of national importance under RMA recognised:
  - the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and
  - the benefits of renewable electricity generation

# Renewable energy objective

## Objective

*To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.*



# General renewable energy policies

- A range of general and over-arching policies
- Policy A – recognising benefits of renewable energy generation activities
- Policy B – acknowledging practical implications of achieving NZ’s renewable energy generation targets
- Policy C – acknowledging practical constraints associated with renewable energy generation activities
- Policy D – managing reverse sensitivity effects on existing and consented renewable energy generation activities

# Specific renewable energy policies

## Policy E1

*Regional policy statements and regional and district plans shall include objectives, policies and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities using solar, biomass, tidal, wave and ocean current energy resources to the extent applicable to the region or district.*

## Policy F

*As part of giving effect to Policies E1 to E4\*, regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance and upgrading of small and community-scale distributed renewable electricity generation from any renewable energy source to the extent applicable to the region or district.*

\* note that Policies E2 – E4 relate to other forms of renewable energy generation, namely hydro-electricity, wind, and geothermal

# Specific renewable energy policies (continued)

## Policy G

*Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators.*

## Monitoring

Minister for the Environment has monitoring/review and reporting role as to effectiveness of NPS

# Hierarchy under the RMA

- NZCPS and other national policy statements are at top of hierarchy of planning documents
- Regional policy statements, regional plans and district plans must “give effect” to a NZCPS/NPS
- Issue is how to “give effect” to the requirements of a NPS, and by when

# So what does it all mean?

- In practice, not that much unless and until you try to apply and give effect to the NZCPS/NPS requirements
- Relevant to resource consents under section 104(1)
- Still discretion for councils as to how they give effect to the NZCPS/NPS
- Also issues of when councils might do anything
- Pattern so far has been of reluctance to do anything quickly, preference to incorporate with scheduled reviews of planning documents – litigation risk, resourcing, no sanctions for failure to give effect to NPS

# Timing/implementation issues

- NPS can in some circumstances direct changes to planning documents be made within a specified period – NZCPS doesn't, changes to be “as soon as practicable”
- Unless already provided for, regional councils to amend their RPS to give effect to renewable energy NPS within 24 months (Policy H1)
- Unless already provided for, regional/district plans to give effect to regional policy statements' renewable energy provisions within 12 months of those RPS provisions becoming operative (Policy H2)

# Challenges for the industry

- Your job isn't done – the NPS/NZCPS are simply a foundation
- Identify where and how provision should be made for marine energy projects
- What sort of projects should be provided for – pilot projects or actual development?
- How can this be achieved – lobbying, model policies/plan provisions?
- An “all of industry” approach?

# Issues, risks, and pitfalls

- Opportunities are significant to obtain more site-specific and issue-specific recognition in planning documents
- Councils unlikely to do much without encouragement
- Delay in pursuing specific changes – need to get organised and start engaging with regional councils
- Have a clear idea of what you want, and why – and be able to build a case in support
- Consider obtaining advice to put your proposals into “RMA-speak”





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