

From: [Nicola Foran](#)
To: [RPS](#)
Subject: Proposed Regional Policy Statement 2021 - Submission from Trustpower Limited
Date: Friday, 3 September 2021 11:26:40 a.m.
Attachments: [Trustpower - ORC RPS Submission Sept 2021.pdf](#)

Tēnā koe,

Trustpower is pleased to provide the attached submission on the proposed Otago Regional Policy Statement 2021.

As always Trustpower would welcome further discussion and engagement as this progresses.

Ngā mihi maioha,
Nicola

Nicola Foran

Lead Environmental Advisor – Regulatory Services

Trustpower

M +64 21 908 951

T +64 7 572 9888 ext 4575

E nicola.foran@trustpower.co.nz

Trustpower Limited, Private Bag 12023, Tauranga 3143, New Zealand

trustpower.co.nz

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Proposed Otago Regional Policy Statement June 2021

*A submission to the Otago Regional Council
by Trustpower Ltd*

3 September 2021

Trustpower Limited (“Trustpower”) welcomes the opportunity to provide a submission to the Otago Regional Council (“ORC”) on its *Proposed Otago Regional Policy Statement* (“the pRPS”).

This submission has been prepared in general accordance with Form 5 in Schedule 1 of the Resource Management (Forms, Fees and Procedure) Regulations 2003.

The first section of this submission provides context for the submission points. Trustpower’s submission on the individual provisions (specific provisions; submission reasons; decision sought) is set out in **Appendix A** of this submission.

For any questions relating to the material in this submission, please contact:

Nicola Foran

Lead Environmental Advisor - Regulatory
Trustpower Limited

108 Durham Street
Private Bag 12023
Tauranga 3143

Email: nicola.foran@trustpower.co.nz

Phone: 021 908 951

**SUBMISSIONS ON THE PROPOSED OTAGO REGIONAL POLICY STATEMENT 2021 UNDER
CLAUSE 6 OF THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

To: Otago Regional Council

Email: policy@orc.govt.nz

Name of submitter: Trustpower Limited

Trustpower Limited ('**Trustpower**') makes the following submission to the Otago Regional Council on the Proposed Otago Regional Policy Statement 2021.

Trustpower **could not** gain an advantage in trade competition through this submission.

Trustpower is **not directly affected** by an effect of the subject matter of the submission that:

- adversely affects the environment; and
- does not relate to trade competition or the effects of trade competition.

Trustpower **does wish** to be heard in support of this submission.

If others make a similar submission, Trustpower **will consider** presenting a joint case with them at a hearing.

Address for service: Trustpower Limited
Private Bag 12023
TAURANGA 3143
Attention: Nicola Foran

Phone: 021 908 951

Email: nicola.foran@trustpower.co.nz

Signature:



Nicola Foran
For, and on behalf of, Trustpower Limited

Dated: 3rd September 2021

Executive Summary

Trustpower is a leading hydro-electricity generator and retailer in New Zealand. The company owns and operates 25 hydro-electricity schemes across New Zealand and generates approximately 8% of New Zealand's total hydro-electricity supply on an annual basis. In the Otago Region Trustpower has the Paerau/Patearoa, Deep Stream and Waipori hydro-electric power schemes.

Trustpower's existing hydro-electric power schemes are lifeline utilities under the Resource Management Act 1991 ('RMA') and Civil Defence Emergency Management Act 2002. Electricity generated by Trustpower's hydro-electric power schemes is conveyed to industrial and residential consumers via the National Grid and local distribution networks. The supply of electricity via both networks is critically important to security of electricity supply, and the social and economic wellbeing of a range of different communities throughout New Zealand.

The provision of existing and new renewable electricity generation infrastructure is identified as a matter of national significance under the RMA (as identified in the National Policy Statement for Renewable Electricity Generation ('NPS-REG')). Despite this recognition, the development of plan provisions at regional and local scales does not always recognise or provide for existing or future renewable electricity generation. There is a need to ensure a coordinated policy response to these issues and that includes all regions making provision for this to occur in a way that contributes to the national outcomes.

Trustpower recognises the need for a clear and directive Regional Policy Statement that addresses all matters of Regional Significance and clearly sets out anticipated outcomes for regional and district plans. Trustpower supports the intent to give effect to the NPS-REG and to recognise that recognition of and provision for renewable electricity generation is a matter of national importance.

In essence Trustpower's submission:

- supports the intent of the pRPS to provide clarity in decision making but notes that the current approach to priorities, hierarchy and integrated management appears flawed and as currently formed is likely to result in confusion and misinterpretation.
- supports the intent of the pRPS to recognise and provide for renewable electricity generation, but provides recommended changes to better give effect to the NPS-REG.

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1.0 Introduction and Context to Trustpower's Submission

- 1.1 Trustpower is a leading hydro-electricity generator and retailer in New Zealand. In relation to its generation portfolio, Trustpower currently owns and operates 25 hydro-electricity generation schemes across New Zealand. Cumulatively Trustpower stations generate 487 MW of renewable electricity and represents approximately 8% of New Zealand's installed hydro-electricity generation capacity.
- 1.2 The provision of existing and new renewable electricity generation infrastructure is identified as a matter of national significance under the RMA (as identified in the NPS-REG). Despite this recognition, the development of provisions at regional and local scales does not always recognise or provide for existing or future renewable energy generation. This means that the operation, upgrade and development of renewable electricity generation infrastructure is increasingly at risk of further constraints.
- 1.3 The Government has committed to New Zealand transitioning to 100% renewable electricity generation by 2035 and is developing policy packages which aim to accelerate the deployment of renewable electricity generation and reduce carbon emissions.
- 1.4 Alongside that sits New Zealand's commitment to the Paris Climate Change Agreement – to reduce greenhouse gas emissions to 30% below the 2005 levels, and a domestic 'net zero' commitment of all greenhouse gas emissions (except methane) by 2050.
- 1.5 For these commitments to be achieved, rapid electrification of the economy will be required, and this will require a significant increase in the installed capacity of emissions free renewable electricity generation.
- 1.6 Given that climate change is one of the most significant issues facing New Zealand, there is a need to ensure a coordinated policy response to these issues and that includes all regions making provision for this to occur in a way that contributes to the national outcomes.
- 1.7 It is against that background, that Trustpower is seeking a stronger, more supportive, and enabling regulatory framework for renewable electricity generation, including the protection of existing renewable electricity generation activities.

2.0 Trustpower's Unique Portfolio

- 2.1 While some of Trustpower's larger schemes are connected to the national grid, a number of Trustpower's electricity generation schemes are embedded into the local electricity supply network and form a vital element in sustainable electricity supply within New Zealand. The location and scale of Trustpower schemes, along with a commitment to local supply (so as to ensure that electricity is consumed as close as possible to where it is generated) is a key and somewhat unique feature of Trustpower's generation philosophy and portfolio.
- 2.2 Trustpower differs from other electricity generators in the following ways:
 - its assets are typically moderate in scale and output;
 - the schemes are relatively numerous and complex;
 - the capital investment in individual schemes is modest in comparison to other large generators; and

- the schemes are spread throughout a number of districts and regions in New Zealand often serving provincial areas where other large generators are not represented.
- 2.3 The value of Trustpower's generation assets resides within its resource consents and, in particular, within its water permits, which are required for every dam, diversion, abstraction, use and discharge of water associated with each facility.
 - 2.4 In the Otago Region Trustpower has the Waipori, Deep Stream and Paerau/Patearoa hydro-electric power schemes ('**HEPS**') which are either connected to the National Grid or embedded into the local distribution network and are therefore considered both nationally and regionally significant infrastructure. These three schemes are also within the Taieri Freshwater Management Unit ('**FMU**').
 - 2.5 Trustpower acquired Waipori Power Generation Limited from Dunedin City Council in 1998. Waipori Power Generation Limited owned and operated the Waipori Hydro Electric Power Scheme ('**Waipori Scheme**') and as part of the authorisations associated with the Waipori Scheme a large number of deemed permits were held and exercised by Waipori Power Generation Limited. Those deemed permits were recognised and protected in perpetuity in the Dunedin City Corporation Empowering Act 1924.
 - 2.6 The Waipori Scheme was commissioned in 1907 and generates electricity from the Waipori River. The system begins near the headwaters of the Waipori River, high in the Lammerlaw Range. A web of water races, open channels, diversion tunnels and pipelines convey water into the storage reservoir, Lake Mahinerangi. The Waipori Scheme includes four hydro power stations located downstream of the Lake within the Lower Waipori River gorge, with a combined installed generation capacity of 86 MW.
 - 2.7 The Deep Stream HEPS was commissioned in 2008 to utilise water discharged from the north side of Lake Mahinerangi. The Scheme channels water flowing from an existing Deep Stream Diversion, impounds that water in a storage reservoir, and then allows the water to be released through canals containing 6 MW of installed generation capacity. From there water flows into Lake Mahinerangi. The Deep Stream HEPS also provides an emergency water supply for Dunedin City in the event of prolonged drought.
 - 2.8 The Waipori Scheme has an annual output of 190 GWh, and the Deep Stream HEPS annual output is 20 GWh. Together, these two schemes produce enough electricity to supply 26,250 typical New Zealand households.
 - 2.9 The Patearoa/Paerau Gorge HEPS is a joint hydroelectric/irrigation scheme located within the Maniototo sub-region of the Taieri Catchment, utilising water diverted from storage reservoirs along the Taieri River. It is made up of the Paerau Power Station which has an annual output of 56 GWh and the Patearoa Power Station which has an annual output of 8.3 GWh. Both stations were commissioned in 1984 and between them produce an annual average output of 64.3 GWh, sufficient to supply electricity to approximately 8,037 typical New Zealand households.

3.0 Summary of Key Submission Points

3.1 The key aspects of Trustpower's submission on the proposed Otago Regional Policy Statement ('pRPS'), which are discussed in more detail in the sections below, focus on:

- **Priorities and hierarchy;** the structure of the pRPS as a whole fails to clearly state priorities between competing resources and does not give effect to the NPS-REG. The approach in the pRPS is likely to result in confusion and misinterpretation as well as undermining the ability to operate and develop renewable electricity generation to support the health and wellbeing of the community.
- **The Energy chapter;** the pRPS chapter on Energy as currently drafted fails to provide clear direction on the approach to renewable electricity generation activities.

3.2 The specific issues and relief sought by Trustpower are set out in **Appendix A** attached to this submission.

4.0 Trustpower's General Submission Points

4.1 Trustpower's interests in the Otago Region are primarily with ensuring the continued provision for operation and development of renewable electricity generation, and ensuring that effect is given to the NPS-REG and this submission is made on this basis.

4.2 Overall, Trustpower considers that the structure of the pRPS lacks the clarity needed for informed decision making to be undertaken, or for it to fulfil its role in protecting and enhancing its renewable electricity assets and addressing New Zealand's climate change commitments.

Priorities and hierarchy

4.3 The structure of the pRPS does not deal well with the hierarchy of policy provisions or the relative weight that should be afforded to these. The implications of this for users of the pRPS could be significant given overlapping requirements between chapters and sub chapters, which potentially undermines the clarity of the document and is likely to lead to confusion and misinterpretation.

4.4 The pRPS is structured such that it contains an Integrated Management (IM) chapter (containing policies relating to integrated approach, decision priorities and contravening environmental bottom lines for climate change mitigation) and various domains and topics. Renewable electricity is primarily dealt with in the Energy (EN) chapter of the Topic 'Energy infrastructure and transport' (EIT), but is also addressed under many other chapters including the Integrated management chapter, the Infrastructure chapter, the Ecosystems and indigenous biodiversity chapter, and aspects of the Land and freshwater chapter.

4.5 A primary concern to Trustpower is that the stated decision priorities for the document, as outlined in Policy IM – P2 Decision Priorities, states:

'Unless expressly stated otherwise, all decision making under this RPS shall:

- (1) firstly, secure the long-term life-supporting capacity and mauri of the natural environment,*
- (2) secondly, promote the health needs of people, and*

(3) thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future’.

This statement reflects the priorities outlined in the National Policy Statement for Freshwater Management 2020 (**‘NPS-FM’**). Trustpower considers that these priorities should be balanced against the stated priorities of other national level legislation, such as the RMA and national policy documents (such as the NPS-REG or the National Policy Statement for Urban Development 2020 (**‘NPS-UD’**)) to provide a comprehensive framework for the sustainable management of natural and physical resources within the Region. The Otago Region is not solely rural in nature and while freshwater resources are important to the region, they are not the sole priority for the region in the way that the current approach in the pRPS would imply. The way the pRPS is worded implies that in the Otago region matters relating to freshwater have priority over all other national direction.

- 4.6 In relation to renewable electricity generation, the Energy (**‘EN’**) chapter of the EIT topic contains a number of provisions which are generally supported by Trustpower (details of which are contained in the body of this submission). The EN chapter of the pRPS appears to be the primary chapter in which ORC appears to give effect to the NPS-REG. However, a number of these policy provisions are considered to be diminished in status by the applicability (through cross referencing or otherwise) of policy provisions in other chapters / topics of the pRPS. For example (emphasis added in bold):

‘EIT-EN-P6: Managing effects

Manage the adverse effects of renewable electricity generation activities by:

*(1) **applying EIT-INF-P13,***

(2) having regard to: (a) the functional need to locate renewable electricity generation activities where resources are available, (b) the operational need to locate where it is possible to connect to the National Grid or electricity sub-transmission infrastructure, and (c) the extent and magnitude of adverse effects on the environment and the degree to which unavoidable adverse effects can be remedied or mitigated, or residual adverse effects are offset or compensated for; and

(3) requiring consideration of alternative sites, methods and designs, and offsetting or compensation measures (in accordance with any specific requirements for their use in this RPS), where adverse effects are potentially significant or irreversible’.

- 4.7 Policy EIT-INF-P13 (Locating and managing effects of infrastructure) then further cross refers to a number of other policy provisions as detailed below (emphasis added in bold):

‘When providing for new infrastructure outside the coastal environment:

(1) avoid, as the first priority, locating infrastructure in all of the following: (a) significant natural areas, (b) outstanding natural features and landscapes, (c) natural wetlands, (d) outstanding water bodies, (e) areas of high or outstanding natural character, (f) areas or places of significant or outstanding historic heritage, (g) wāhi tapu, wāhi taoka, and areas with protected customary rights, and (h) areas of high recreational and high amenity value, and

*(2) if it is not possible to avoid locating in the areas listed in (1) above because of the functional or operational needs of the infrastructure manage adverse effects as follows: (a) for nationally or regionally significant infrastructure: (i) in significant natural areas, in accordance with **ECO-P4**, (ii) in natural wetlands, in accordance with the relevant provisions in the **NESF**, (iii) in outstanding water bodies, in accordance with **LF-P12**, (iv) in other areas listed in **EIT-INF-P13 (1)** above, minimise the adverse effects of the infrastructure on the values that contribute to the area’s importance’.*

- 4.8 The circular nature of the provisions and the cross referencing between chapters means that when dealing with the activity of renewable electricity generation in the pRPS, it is necessary to look at multiple chapters including:
- The Energy chapter to consider, for example, functional and operational need, the effects hierarchy (including enabling offsets or compensation) and alternatives; and
 - The Infrastructure chapter which requires avoidance of listed areas and if not possible due to functional or operational reasons, “manage” adverse effects and “minimise” adverse effects; and
 - The Ecosystems and indigenous biodiversity chapter to follow sequential steps in the effects management hierarchy set out for indigenous biodiversity despite there being a functional or operational need; and
 - The Integrated management chapter which seeks to enable activities that provide enduring regionally or nationally significant mitigation of climate change impacts, with commensurate benefits for the well-being of people and communities and the wider environment, to contravene an environmental bottom line; and
 - The Land and freshwater chapter which requires prioritisation in the management of freshwater to according to the NES-FM priorities.
- 4.9 This collective consideration then means that there is little direction on what is to be considered and a high risk of different interpretation being applied by different parties. The direction from the NPS-REG to enable renewable electricity generation, and indeed the direction of the pRPS itself (EN policy 2 seeks to increase renewable electricity generation activities and EN policy seeks to provide for upgrading of existing activities) appear to be significantly diminished by this confusing approach. It is considered vital that the pRPS is clear and directive, and that it give effect to national direction including in enabling renewable electricity generation to give effect to the NPS-REG.
- 4.10 For these reasons Trustpower have made a number of general submission points on the pRPS relating to Plan structure and policy priorities (see **Appendix A**). In particular, Trustpower has sought that the pRPS and the structures of the document is amended to allow the EIT-EN chapter to be self-contained and not subject to any other policy provisions or decision making hierarchy within the document.
- 4.11 If the approach set out above and in Appendix A is not accepted by Council, Trustpower seeks that there be clearer priorities set in the pRPS, explicit direction on hierarchy and that the cross referencing approach be removed such that the NPS-REG is given effect to. In this event, Trustpower reserves the right to submit and comment further on changes required to the pRPS to better recognise the interaction with the NPS-REG. These changes would include, but not be limited to, specific comments on the provisions outlined in **Appendix B**.
- 4.12 It is considered appropriate that the overarching approach should be aligned with the RMA as a whole and not focus on freshwater priorities to the exclusion of other matters of national importance.

The Energy chapter

- 4.13 The EIT-EN (**'Energy'**) chapter deals specifically with renewable electricity generation activities and primarily appears to focus on 'giving effect' to the NPS-REG. It would be clearer and more effective if it is reframed to be self-contained rather than placing reliance on a range of other chapters and issues as discussed above. The specific relief sought (see **Appendix A**) sets out changes to the chapter to achieve this.
- 4.14 The pRPS focusses on existing renewable electricity generation assets and has limited provision for the entire 'development, operation, maintenance and upgrading' ambit of activities regime as expected by the NPS-REG. Aspects of this holistic consideration are mentioned separately but not within a logical structure, for example 'operation and maintenance' is dealt with separately, while 'upgrading' and 'development' are linked together. The structure of this chapter could be better approached to clearly show the focus for both existing and new activities
- 4.15 Conflicting verb actions and effects based terminology is also used within the applicable policies – ranging from '*manage*' (Policy EIT-EN-P6) to '*avoid*' (Policy EIT-INF-P13). There is also a lack of clarity in the wording used to consider effects, varying from '*the degree to which unavoidable adverse effects can be remedied or mitigated, or residual adverse effects are offset or compensated for*' (Policy EIT-EN-P6 (2)) to '*minimise the adverse effects of the infrastructure on the values that contribute to the area's importance*' (Policy EIT-INF-P13 (2)). Again the lack of clarity and precision in the wording used undermines the direction given in this chapter and risks misinterpretation and confusion.
- 4.16 Having provided a series of amendments to the various sections of the chapter (in **Appendix A**) a 'clean' version of the chapter is attached as **Appendix C** for convenience.

Appendix A: Trustpower's Detailed Submission

Chapter and provision	Support / Oppose	Trustpower's reasons for submission	Relief sought (deleted text shown in strike through , new text shown in bold underlined)
Entire Document			
Reference to 'renewable energy generation'	Support in part	Trustpower considers that replacement of the word 'energy' with the word 'electricity' is necessary to ensure consistency with the wording of the NPS – REG 2011.	Replace the word 'energy' with the word ' electricity ' wherever there are references to renewables.
Definitions			
Definition of 'Nationally Significant Infrastructure'	Support	Trustpower support the recognition of renewable electricity generation facilities, and the significance of these within a national context, in this definition.	Retain this definition and ensure that clause (c) of the definition is retained.
Definition of 'Regionally Significant Infrastructure'	Support in part	Trustpower support the recognition of renewable electricity generation facilities, and the significance of these within a regional context, in this definition. It is noted that the term 'Regionally Significant Infrastructure' is important due to its use as a point of reference in the National Policy Statement for Freshwater Management (as determining what is specified infrastructure. The pRPS currently lists Nationally Significant Infrastructure separately from Regionally Significant Infrastructure, and this results in Nationally Significant Infrastructure not being specified infrastructure which is an inappropriate outcome.	Retain this definition and ensure that clause (3) of the definition is retained. Specify that Regionally Significant Infrastructure also includes Nationally Significant Infrastructure.
Definition of 'Specified Infrastructure'	Support	Trustpower support the recognition of renewable electricity generation facilities, and the significance of these in a regional context and as a lifeline utility (defined in the Civil Defence Emergency Management Act 2002), in this definition.	Retain this definition and ensure that clauses (a) and (b) of the definition are retained.
SRMR – Significant Resource Management Issues for the Region			
Issue SRMR-I2 – Climate change is likely to impact	Support	Trustpower supports the recognition of climate change as a significant resource management issue within the Otago	Add the following paragraph under the heading of

our economy and infrastructure	in part	region, however it considers that discussion of this issue should go further and outline national commitments to climate change and the role of renewable electricity generation activities in this.	‘Regional Industry’. <u>A number of hydroelectric power schemes are located within the Otago Region. The current Government has set a target for increasing renewable electricity to 100% by 2030. Alongside that sits New Zealand’s commitment to the Paris Climate Change Agreement – to reduce greenhouse gas emissions to 30% below the 2005 levels, and a domestic ‘net zero’ commitment of all greenhouse gas emissions (except methane) by 2050. For these commitments to be achieved, rapid electrification of the economy will be required, and this will require a significant increase in the installed capacity of emissions free renewable electricity generation.</u>
IM – Integrated management			
Objective IM-01 – Long term vision	Support in part	Trustpower supports the recognition of climate change as a significant issue within the region, however to ensure consistency with the NPS – REG Trustpower considers that specific recognition of the necessity of both the importance of resilience of infrastructure (in the context of Objective 1) and strategic action is required (in the context of Objective 4).	Amend Objective IM – 01 as follows: The management of natural and physical resources in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves healthy, resilient, and safeguarded natural <u>and physical</u> systems, and the ecosystem services they offer, and supports the well-being of present and future generations, mō tātou, ā, mō kā uri ā muri ake nei.
Objective IM-04 – Climate Change	Support in part	See above.	Amend Objective IM – 04 as follows: Otago’s communities, including Kāi Tahu, understand what climate change means for their future, and climate change responses in the region, including <u>strategic</u> , adaptation and mitigation actions, are aligned with national level climate change responses and are recognised as integral to achieving the outcomes sought by this RPS.
Policy IM-P1 – Integrated Management	Support in part	Trustpower seeks that the pRPS and the structures of the document is amended to allow the EIT-EN chapter to be self-contained and not subject to any other policy provisions or decision making hierarchy within the	Amend Policy IM – P1 as follows: The objectives and policies in this RPS form an integrated package, in which:

		document. This avoids confusion and misinterpretation of priorities and ensures that the NPS-REG is given effect to.	<p>(1) all activities are carried out within the environmental constraints of this RPS,</p> <p>(2) all provisions relevant to an issue or decision must be considered,</p> <p>(3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and</p> <p>(4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-O1 to IM-O4</p> <p><u>except that</u></p> <p><u>(5) 'clauses (3) - (4) of this policy, and all provisions of the RPS other than those contained in EIT – EN, do not apply to renewable electricity generation activities.</u></p>
Policy IM-P2 – Decision Priorities	Oppose	Trustpower has significant concerns that despite the balanced description of the Significant Resource Management Issues for the Region, the key policy stating decision priorities under the pRPS is framed with direct reference to the policy approach to freshwater management. While Trustpower agrees with the overarching priorities stated at a general level, the bluntness of the approach in this policy allows no recognition of situations where balance between priorities is necessary to achieve appropriate outcomes. This blunt approach needs to be reconsidered to better recognise all the issues within the Region and the need to make considered decision.	Delete policy IM-P2 and replace it with a more considered approach to prioritisation.
Policy IM-P10 – Climate change adaptation and mitigation	Support in part	Trustpower again supports the recognition of climate change as a significant resource management issue within the Region, however there is no recognition of the role that renewable electricity generation plays in reducing carbon reliance nor on working towards climate change reductions and goals.	<p>Add a new clause (4) as follows:</p> <p><u>(4) recognise and provide for renewable electricity generation activities as part of achieving national climate change obligations.</u></p>
Policy IM-P12 – Contravening environmental bottom lines	Support in part	Trustpower considers that the wording of this policy is vague, subjective and open to differences in interpretation, and does not reflect terminology that is used in national	<p>Amend the policy as follows:</p> <p>...</p>

		<p>planning documents.</p> <p>Clause 3 deals with offsets and compensation. Trustpower requests that the sub clauses in this clause be deleted as they do not reflect a wholistic approach to the issue of 'effects offset' nor may they be appropriate in every circumstance.</p> <p>Further it is inappropriate to condition a policy on 'the achievement of objectives of regional policy statements in neighbouring regions' where these may not be relevant to the proposal in question, could change without the ability to consider their impact on the Otago region and where it would be more appropriate for ORC to determine 'compliance' or otherwise with these objectives.</p>	<p>(1) the activity is designed and carried out to avoid, remedy or mitigate environmental effects have the smallest possible environmental impact consistent with its purpose and functional needs</p> <p>(2) the activity is consistent and coordinated with other regional and national climate change mitigation activities</p> <p>(3) adverse <i>effects</i> on the <i>environment</i> that cannot be avoided, remedied, or mitigated are offset, or compensated for if an offset is not possible, in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is:</p> <p>(a) undertaken where it will result in the best ecological outcome,</p> <p>(b) close to the location of the activity, and</p> <p>(c) within the same ecological district or coastal marine biogeographic region,</p> <p>(4) the activity will not impede either the achievement of the objectives of this RPS or the objectives of regional policy statements in neighbouring regions, and</p>
Policy IM-P15 – Precautionary Approach	Oppose	<p>Trustpower considers that the wording of this policy is vague, subjective and open to differences in interpretation.</p> <p>It also considers that it is inappropriate to condition a policy approach upon actions that are required to be undertaken in the future (i.e. the identification of 'areas and values within Otago have not been identified in plans as required by the RPS') particularly by third parties.</p>	Delete Policy IM P15.
Land and Freshwater			
Policy LF-WAI-P1 – Prioritisation	Support in part	<p>The priorities in this policy appear to be based on those outlined in Objective 2.1 of the NPS-FM – with the addition of a reference to mana whenua and interacting with water through ingestion and immersive activities. Trustpower consider it important that recognition is made of the role of lifeline utilities (including hydroelectricity generation) in meeting the health and wellbeing needs of people and communities and that this necessitates the use of</p>	<p>Amend Clause (2) as follows:</p> <p>(2) second, the health and wellbeing needs of people, te hauroa o te tangata; interacting with water through ingestion (such as drinking water and consuming harvested resources), <u>the provisioning of lifeline utilities</u>, and immersive activities...</p>

		freshwater resources in a non-consumptive manner.	
LF – VM (Visions and Management)			
Policy LF–VM–O4 – Taieri FMU vision	Support in part	Trustpower’s primary assets in the Otago region are the Waipori and Paerau/Patearoa hydroelectric power schemes – both of which are located within the Taieri FMU. It is considered appropriate that the significance of these assets is specifically referred in the vision for the Taieri FMU.	Add the following sub clause to LF – VM – O4 Taieri FMU vision <u>(9) the national and regional significance of the Waipori, Deep Stream and Paerau / Patearoa hydro-electric power schemes are recognised</u>
Policy LF–FW–P7 – Fresh water	Support in part	The NPS – FM addresses fish passage in Section 3.26 and acknowledges that there may be circumstances where the provision of fish passage may not be required. Trustpower request that the policy is amended to reflect this as it is directly relevant to some situations where Trustpower assets benefit endangered species but blocking the passage of predator species. No specific recognition of the value of hydroelectricity within the region, or nationally, is made in relation to this freshwater policy. Trustpower considers it fundamental that explicit recognition of renewable electricity generation and its strategic role in achieving national climate change objectives is taken into account when setting environmental outcomes limits and attribute states; and to ensure consistency with the provisions of the NPS – REG.	Add the words ‘ <u>where appropriate</u> ’ to the end of Clause (2). Add a new Clause (7) as follows: <u>(7) the existing and future generation output of hydroelectric power schemes is recognised, maintained and protected.</u>
Policy LF–FW–P9 – Protecting natural wetlands	Support in part	The terminology used in the policy is inconsistent with that used in the remainder of the pRPS as it relates to ‘specified’ infrastructure. Trustpower requests that this is amended to ensure clarity and consistency within the document.	Replace the word ‘specific’ with the word ‘ <u>specified</u> ’ in Clause (vi).
Policy LF–FW–P10 – Restoring natural wetlands	Support in part.	Trustpower acknowledged the direction of the NPS – FM and NES – F in relation to wetlands however Trustpower considers that recognition is required that in some cases that restoration of the ‘original’ processes may not be feasible and may result in unforeseen effects.	Replace the word ‘possible’ with the word ‘ <u>practicable</u> ’.
Policy LF–FW–P14 – Restoring natural character	Support in part	The NPS – FM addresses fish passage in Section 3.26 and acknowledges that there may be circumstances where the provision of fish passage may not be required. Trustpower request that the policy is amended to reflect this as it is	Add the words ‘ <u>where practicable</u> ’ at the end of Clause (3).

		directly relevant to some situations where Trustpower assets benefit endangered species by blocking the passage of predator species.	
Method LF-FW-M6 – Regional plans	Support in part	Trustpower supports the recognition of role of water in the provision of essential needs, however, considers that this recognition should be extended to specifically refer to the recognition of water utilised for the provision of lifeline utilities. Further it is considered that amendments should be made to the method to ensure consistency with other relief sought in this submission.	Add a new clause (4)(g): <u>(g) the generation of hydro-electricity and.</u> Amend 5(a) as follow: (a) differentiate between types of uses, including drinking water, <u>water utilised for the provision of lifeline utilities</u> , and social, cultural and economic uses... Amend 5(c) as follows: (c) control the effects of <u>enable</u> existing and potential future development <u>where the effects of this</u> on the ability of the water body to meet or continue to meet environmental outcomes <u>are managed in accordance with the effects management hierarchy</u>
Policy LF-FW-P11 Identifying outstanding water bodies Method LF-FW-M5 – Outstanding water bodies Appendix APP1 – Criteria for identifying outstanding water bodies	Support in part	Trustpower supports the need for the RPS to clearly articulate the criteria to be used for identifying outstanding water bodies within the Region. However the wording used in this appendix as proposed is expansive, ambiguous and open to interpretation. The criteria are not up to date with best practice and do not clearly articulate how they should be applied. As currently written almost any water body could be deemed outstanding any that is inappropriate.	Amend this appendix to align with current best practice. It is recommended that the appendix be aligned with the use of screening criteria developed by MfE/Hawkes Bay Regional Council/Auckland Council in the report “Water Conservation Order Review: Outstanding Values: Key Features” and as adopted within the decision version of Hawkes Bay Regional Council’s plan change 7 on Outstanding Water Bodies. Attached as Appendix D of this submission.
Soil and Water			
Policy LF-LS-P22 – Public access	Support	Trustpower support the recognition of public health and safety in the provision of public access.	Retain this policy and ensure that clause 3 (a) of the policy is retained.
ECO – Ecosystems and Indigenous Biodiversity			
Policy ECO-P4 – Provision for new activities	Support in part	Trustpower supports the recognition of the development and upgrading of nationally and regionally significant infrastructure. To ensure consistency with the provisions of NPS – REG, and to appropriately recognise the need for	Amend ECO P4 by adding the words ‘ <u>operation, maintenance</u> ’ following ‘development’ in Clause (1).

		such infrastructure to continue to operate effectively, it is requested that provision is also made for the operation and maintenance of these assets.	
Policy ECO-P5 – Existing activities in significant natural areas	Support in part	Trustpower supports the intent of this policy to recognise and provide for existing activities that are established within SNAs. However the limitations set within this policy, in both clauses (1) and (2), are too restrictive. The way the current policy is worded means existing activities are unable to change or adapt but are fixed in time. Any alterations would be deemed a new activity, and this is inappropriate as it does not recognise or provide for the continuation of the existing activities sufficiently.	Amend ECO-P5 as follows: Except as provided for by ECO-P4, provide for existing activities within significant natural areas and that may adversely affect indigenous species and ecosystems that are taoka, if: (1) the continuation and minor upgrading of an existing activity will not lead to the loss (including through cumulative loss) of extent or degradation of the ecological integrity of any significant natural area or indigenous species or ecosystems that are taoka, and (2) the adverse effects of an existing activity and any minor upgrades are no greater the same or similar in character, spatial extent, intensity or scale than they were before this RPS became operative.
Policy ECO-P6 – Maintaining indigenous biodiversity	Support in part	Trustpower supports the intent of this policy to clearly set out the effects management hierarchy. The current wording however assumes that all adverse effects need to be managed and that a nil adverse effect outcome is sought. That is not the requirement of the Resource Management Act with significant adverse effects the key outcome directed to be controlled.	Amend ECO-P6 to refer to significant adverse effects rather than all adverse effects.
Method ECO-M4 – Regional plans	Support in part	Trustpower supports the recognition of both existing structures and infrastructure that has a functional or operational need to be sited or operated in a particular location. Clause 2 refers to a consent authority declining consents if the sequential steps in the effects management hierarchy in ECO P6 are not followed. Trustpower considers it inappropriate for a RPS to state circumstances in which a consent application may be declined. Any decision on a resource consent application should be determined through the appropriate process specified in the Resource Management Act 1991 or any subsequent legislation.	Retain Clause (1)(c). Delete the word 'and' from the end of Clause (2)(a) and delete Clause (2)(b) as follows: 'that consents are not granted if the sequential steps in the effects management hierarchy in ECO-P6 have not been followed'

Method ECO–M5 – District plans	Support in part	Trustpower supports the recognition of both existing structures and infrastructure that has a functional or operational need to be sited or operated in a particular location. Clause 2 refers to a consent authority declining consents if the sequential steps in the effects management hierarchy in ECO P6 are not followed. Trustpower considers it inappropriate for a RPS to state circumstances in which a consent application may be declined. Any decision on a resource consent application should be determined through the appropriate process specified in the Resource Management Act 1991 or any subsequent legislation.	Retain Clause (1)(c). Delete the word ‘and’ from the end of Clause (4)(a) and delete Clause (4)(b) as follows: ‘ that consents are not granted if the sequential steps in the effects management hierarchy in ECO P6 have not been followed ’
Appendices APP2 – Significance criteria for indigenous biodiversity APP3 – Criteria for biodiversity offsetting APP4 – Criteria for biodiversity compensation	Support in part	Trustpower supports the need for the RPS to incorporate appendices to cover these matters. Trustpower does not agree with the current wording used in these appendices and considers that they are not consistent with best practice.	Amend these appendices to align with current best practice.
EIT – Energy, infrastructure and transport topic EIT–EN – Energy chapter			
EIT-EN Energy chapter generally	Support in part	[as per above]	That the general thrust of the EIT – EN Energy chapter be retained.
EIT-EN Energy chapter generally		Trustpower seeks that the pRPS and the structures of the document is amended to allow the EIT-EN chapter to be self-contained and not subject to any other policy provisions or decision making hierarchy within the document. This avoids confusion and misinterpretation of priorities and ensures that the NPS-REG is given effect to.	Add a new introduction statement prior to the EIT – EN - Energy heading as follows: <u>Note: The provisions of the RPS, other than those contained in EIT – EN, do not apply to renewable electricity generation activities.</u>
Objective EIT–EN–O1 – Energy and social and economic well-being <i>‘Otago’s communities and economy are supported by renewable energy generation within the region that is safe, secure, and resilient’.</i>	Support in part	This overarching objective can be enhanced to be more clear and directive, in referencing the essential benefits that renewable energy provides to health and wellbeing.	Amend as follows: <u>The health and wellbeing of</u> Otago’s communities and economy are supported by renewable energy generation within the region that is safe, secure, and resilient.
Objective EIT–EN–O2 – Renewable electricity	Support	The wording of this objective does not currently give effect to the NPS-REG as it does not protect generation capacity,	Amend as follows:

<p>generation</p> <p><i>'The generation capacity of renewable electricity generation activities in Otago: (1) is maintained and, if practicable maximised, within environmental limits, and (2) contributes to meeting New Zealand's national target for renewable electricity generation'.</i></p>	<p>in part</p>	<p>enable increased generation or refer to climate change. These aspects need to be incorporated into the objective.</p> <p>Further the reference to 'environmental limits' within the objective is confusing and open to interpretation as this is not a term used throughout the pRPS nor is it defined. The pRPS does not appear to include any environmental limits and there is no need to allude to such at this level of the hierarchy.</p>	<p>The generation capacity of renewable electricity generation activities in Otago:</p> <p>(1) is protected and maintained and, if practicable, increased, maximised within environmental limits and</p> <p>(2) contributes to meeting New Zealand's national target for renewable electricity generation and climate change commitments.</p>
<p>EIT-EN Policy Structure generally</p>		<p>The policies in the EIT – EN Energy chapter as a whole are muddled and do not deal well with all aspects of renewable electricity generation. In particular consideration of the development, operation, maintenance and upgrading of these resources as separate activities or groups of activities.</p> <p>Recognition of the necessity for renewable electricity generation needs to come first before details around specific activities.</p>	<ol style="list-style-type: none"> 1. Renumber Policy EIT – EN P1 as 'Policy EIT – EN P2' 2. Renumber Policy EIT – EN P2 as 'Policy EIT – EN P1'.
<p>Policy EIT–EN–P1 – Operation and maintenance</p> <p><i>'The operation and maintenance of existing renewable electricity generation activities is provided for while minimising its adverse effects.'</i></p>	<p>Support in part</p>	<p>Policy B of the NPS-REG requires decision makers to have particular regard to:</p> <p><i>Maintenance of the generation output of existing renewable electricity generation activities can require protect of the assets; operational capacity and continued availability of the renewable energy resource...'</i></p> <p>Policy EIT – EN - P1 as currently worded has the potential to limit the ability to operate and maintenance activities, particularly through lack of reference to generation output and operational capacity. It is recommended that reference to these aspects of the activities is added to the policy.</p> <p>Further it is unclear what is anticipated by minimising adverse effects – to what extent is minimisation to occur and how is this anticipated to be achieved when existing assets are already in existence. This implies that operation of existing activities may also be expected to reduce existing effects that are now part of the existing environment e.g. consenting only where existing use and</p>	<p>Reword name of policy to 'Operation, maintenance and upgrading'.</p> <p>Amend policy as follows:</p> <p>Protect The operation and maintenance of existing renewable electricity generation activities, and provide for their operation, maintenance and upgrading, including maintenance of generation output and protection of operational capacity is provided for while minimising its adverse effects.</p>

		capacity is reconsidered. This would have a detrimental impact on the ability to maintain generation output and operational capacity and thus would contradict the NPS-REG.	
<p>Policy EIT–EN–P2 – Recognising renewable electricity generation activities in decision making</p> <p><i>‘Decisions on the allocation and use of natural and physical resources, including the use of fresh water and development of land: (1) recognise the national, regional and local benefits of existing renewable electricity generation activities, (2) take into account the need to at least maintain current renewable electricity generation capacity, and (3) recognise that the attainment of increases in renewable electricity generation capacity will require significant development of renewable electricity generation activities’.</i></p>	Support in part	<p>This appears to be the primary policy provision dealing with recognition of renewable electricity generation as a whole (as reflected in the policy title), but the wording of the policy (in places) deals only with existing renewable electricity generation. It is recommended that the scope of the policy is widened to provide for all REG activities – as opposed to the current focus on existing activities.</p> <p>In terms of the structure of the policy section, it would seem logical to include this (widened) policy as the first policy in this section of the Plan.</p> <p>Further it is necessary that this policy be strengthened and more directive to show that it is intended to give effect to the NPS-REG.</p> <p>Policy A in NPS – REG refers to decision makers recognising and providing for the national significance of REG activities. It is recommended that wording is reflected in the policy title and through the policy itself.</p>	<p>Reword policy name:</p> <p>Recognising and providing for renewable electricity generation activities in decision making.</p> <p>Reword the policy:</p> <p><u>Recognise and provide for renewable electricity generation, by ensuring that d</u>Decisions on the allocation and use of natural and physical resources, including the use of fresh water and development of land:</p> <p>(1) recognise the national, regional and local benefits of existing renewable electricity generation activities,</p> <p>(2) <u>protect the generation output and operational capacity of existing renewable electricity generation activities,</u></p> <p>(3) <u>provide for</u> take into account the need <u>the ability</u> to, at least, maintain current renewable electricity generation capacity <u>and maintain the availability of the resource for this purpose,</u> and</p> <p>(4) <u>recognise the need to increase the installed capacity of renewable electricity generation assets and</u> that the attainment of increases in renewable electricity generation capacity will <u>may</u> require significant development of renewable electricity generation activities.</p>
<p>Policy EIT–EN–P3 – Development and upgrade of renewable electricity generation activities</p> <p><i>‘The security of renewable electricity supply is maintained or improved in Otago through appropriate provision for the development or upgrading of renewable electricity generation activities and diversification of the type or location</i></p>	Support in part	<p>Security of supply can in part be dealt with through transmission and this policy as currently worded does not recognise the need to protect and maintain installed capacity.</p> <p>It is also recommended that the policy is widened in scope to ensure greater consistency with Policy A(b) of NPS - REG i.e. delete ‘maintained or improved’ and replace with ‘is</p>	<p>Amend wording as follows:</p> <p>The security and installed capacity of renewable electricity supply is protected, maintained or improved increased in Otago through appropriate provision for <u>the upgrade of existing renewable electricity generation activities and</u> the development or upgrading of renewable electricity generation activities, and <u>including</u></p>

<p>of electricity generation activities’.</p>		<p><i>maintained, protected and increased’; replace the word ‘supply’ with ‘capacity’.</i></p> <p>It also needs to be recognised that this policy cannot be achieved without some additional adverse effects, even if such effects are minimal. If improved development and diversification is truly intended, as required to give effect to the NPS-REG, then it needs to be accepted that there will be some environmental effects and the policy amended to accept this without the qualifier ‘appropriate’ (which is a subjective term).</p>	<p>diversification of the type or location of electricity generation activities.</p>
<p>Policy EIT-EN-P4 – Identifying new sites or resources</p> <p><i>‘Provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation and, when selecting a site for new renewable electricity generation, prioritise those where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised’.</i></p>	<p>Support in part</p>	<p>In general it is recommended that the policy is supported subject to the following:</p> <ul style="list-style-type: none"> - replacing the term ‘assessment’ with ‘development’ as this provides more scope for future activities to actually occur rather than just be considered. The term ‘assessment’ could be considered in effect to be covered by ‘identification’ and ‘investigation’. - the RPS does not have a role in selecting development sites, but sets the parameters for consideration when others undertake such processes or the expected approach for such processes within district and regional plans. - adding a reference to ‘<u>significant</u>’ adverse effects; and the avoidance etc of effects ‘where practicable’. This is necessary to recognise that it is not possible to achieve an increase in renewable electricity generation with no adverse effects and the avoidance of significant adverse effects is a more appropriate goal. Further the NPS-REG does not require consideration of alternatives and Schedule 4 of the RMA specifies consideration of alternatives where an activity is likely to have any significant adverse effects on the environment. - the requirement to ‘avoid’ or ‘at the very least’ minimise the effect on these values does not reflect 	<p>Amend wording as follows:</p> <p>Provide for activities associated with the investigation, identification and assessment development of potential sites and energy sources for renewable electricity generation and, when selecting a site for new renewable electricity generation, prioritise those where significant adverse effects on: highly valued natural and physical resources</p> <ul style="list-style-type: none"> a) areas of outstanding natural character, b) natural wetlands and outstanding water bodies, c) outstanding natural features and landscapes, d) areas of significant indigenous vegetation and significant habitats of indigenous fauna, e) areas of historic heritage and f) mana whenua values <p>can be, <u>where practicable</u>, avoided or, at the very least, <u>remedied, mitigated, offset or where environmental compensation can be considered.</u></p>

		<p>the effects hierarchy – avoid, remedy, mitigate, offset, compensate; nor the wording of Policy C2 of the NPS – REG ‘ When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected’. Nor the interpretation of effects hierarchy in EIT-EN-P6. Adding a reference to the effects management hierarchy within this policy as opposed to use of ‘avoided, or at the very least minimised’ is necessary as this provides scope for the offsetting of effects and environmental compensation (as enabled through policy 6).</p> <ul style="list-style-type: none"> - it is unclear why particular mention is made of ‘highly valued and physical resources and mana whenua values’ rather than specifically highly productive soils, significant habitat of indigenous fauna, outstanding natural features and landscapes etc (matters of national importance). The term ‘highly valued natural and physical resources’ is not defined in the RMA and is highly subjective. The pRPS defines ‘highly valued natural features and landscapes’ as ‘highly valued natural features, landscape and seascape are areas which contain attributes and values of significance under Section 7 (c) and 7 (f) of the RMA 1991, which have been identified in accordance with APP9’. This does not however appear to encompass areas with RMA section 6 values and so seems to be protecting areas with lesser values than those that should be factored into the policy. 	
<p>Policy EIT-EN-P6 – Managing effects <i>‘Manage the adverse effects of renewable electricity</i></p>	<p>Support in part</p>	<p>The inclusion of Clause (1) of this policy ‘applying EIT – INF – P13’ effectively places <u>new</u> electricity generation</p>	<p>Amend wording as follows: Manage the adverse effects of <u>new or upgraded</u></p>

<p>generation activities by: (1) applying EIT-INF-P13, (2) having regard to: (a) the functional need to locate renewable electricity generation activities where resources are available, (b) the operational need to locate where it is possible to connect to the National Grid or electricity sub-transmission infrastructure, and (c) the extent and magnitude of adverse effects on the environment and the degree to which unavoidable adverse effects can be remedied or mitigated, or residual adverse effects are offset or compensated for; and (3) requiring consideration of alternative sites, methods and designs, and offsetting or compensation measures (in accordance with any specific requirements for their use in this RPS), where adverse effects are potentially significant or irreversible’.</p>	<p>activities (based on the current wording of the policy) on the current platform as all other persons proposing to establish infrastructure of any type. It reduces the recognition and benefits afforded to renewable electricity generation activities through the NPS-REG. For example – it ignores the NPS-REG recognition of geographic / logistical and technical constraints associated with renewable electricity generation activities, such as:</p> <p>NPS-REG Policy C1 ‘Decision-makers shall have particular regard to the following matters: a) the need to locate the renewable electricity generation activity where the renewable energy resource is available; b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity’.</p> <p>Further, consideration of alternative sites, methods and designs is not referred to in the NPS-REG and Schedule 4 of the RMA only requires consideration of alternatives if the activity is likely to result in a significant adverse effect.</p> <p>Likewise, Policy C2 of the NPS-REG does not refer to the <i>scale</i> of effects. It is considered that it is more appropriate to include reference to offsetting and compensation where any residual effects of these activities cannot be avoided, remedied or mitigated (as consistent with the approach in policy 6).</p> <p>Clauses 2(c) and (3) effectively deal with similar issues and it is more appropriate to incorporate these into one provision.</p> <p>Further, it is unclear exactly what ‘any specific requirements for their use [offset or compensation measures] in this RPS’ refers to. It is recommended that this wording is deleted to avoid confusion and misinterpretation.</p> <p>In making the Energy chapter self-contained, some of the concepts included in the infrastructure policies have been incorporated into the relief sought to ensure a consistent</p>	<p>renewable electricity generation activities by: (1) applying EIT-INF-P13, (2) having regard to:</p> <p>(a) the functional, <u>technical and geographic</u> need to locate renewable electricity generation activities where resources are available, <u>and</u></p> <p>(b) the operational need to locate where it is possible to connect to the National Grid or electricity sub-transmission infrastructure, and</p> <p>(c) the extent and magnitude of adverse effects on the environment and the degree to which unavoidable adverse effects can be remedied or mitigated, or residual adverse effects are offset or compensated for; and</p> <p>(3) requiring consideration of alternative sites, methods and designs, and;</p> <p><u>(a) avoiding, remedying or mitigating significant adverse effects on any identified values that contribute to the area’s importance, and</u></p> <p><u>(b) offsetting or compensation measures (in accordance with any specific requirements for their use in this RPS), where adverse effects are potentially significant or irreversible cannot be avoided, remedied or mitigated.</u></p>
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		approach.	
<p>Policy EIT–EN–P7 – Reverse sensitivity</p> <p><i>‘Activities that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities are, as the first priority, prevented from establishing and only if that is not reasonably practicable, managed so that reverse sensitivity effects are minimised’.</i></p>	Support in part	<p>Trustpower supports the inclusion of a policy ensuring consideration of reverse sensitivity issues but it is noted that the wording used in the policy is unclear and lacks direction. The intent should be to avoid reverse sensitivity occurring and avoid conflicts between users that could lead to impacts on the ability to maintain generation capacity and energy outputs.</p> <p>Policy D of the NPS – REG states : <i>‘Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities’.</i> Given the use of the word ‘avoid’ in Policy D it is considered this policy would be strengthened if this wording was used in the pRPS rather than prevention, or any consideration of practicality of managing these so that reverse sensitivity effects are minimised.</p>	<p>Reword policy as follows:</p> <p><u>Avoid the establishment or operation of activities, including the abstraction of water,</u> that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities are, as the first priority, prevented from establishing and only if that is not reasonably practicable, managed so that reverse sensitivity effects are minimised.</p>
EIT–EN New policy		<p>In order to ensure that the Energy chapter is appropriately self-contained, it is appropriate to provide reference to the contribution of renewable electricity generation to climate change mitigation.</p> <p>To provide consistency with the approach within the Integrated Management chapter, the wording of policy IM-P12 has been adapted to frame this proposed additional policy.</p> <p>In terms of the wording of the policy as sought it is recommended that:</p> <ul style="list-style-type: none"> - The wording used is ‘avoid remedy or mitigate’ (consistent with the wording of the RMA) - The approach to offsets and compensation follows the approach anticipated in the NPS-REG Policy C2: ‘when considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision makers shall have regard to offsetting measures or environmental 	<p>Insert a new policy as follows:</p> <p><u>EIT – EN – P10 Climate Change Mitigation</u> <u>Where a proposed renewable electricity generation activity provides, or will provide, enduring regionally or nationally significant mitigation of climate change impacts, with commensurate benefits for the well-being of people and communities and the wider environment, decision makers may, at their discretion, allow non-compliance with an environmental bottom line set in any policy or method of this RPS or in a Land and Water Plan, only if they are satisfied that:</u></p> <p><u>(1) the activity is designed and carried out to avoid, remedy or mitigate adverse effects as far as is consistent with its purpose and functional needs,</u></p> <p><u>(2) the activity is consistent with other regional and national climate change mitigation activities, and</u></p> <p><u>(3) where adverse effects on the environment cannot be avoided, remedied, or mitigated, decision makers shall have regard to offsetting measures or environmental compensation including measures or</u></p>

		compensation including measures or compensation which benefit the local environment and community affected’.	<u>compensation which benefit the local environment and community affected.</u>
<p>Methods EIT–EN–M1 – Regional plans</p> <p><i>‘Otago Regional Council must prepare or amend and maintain its regional plans to: (1) provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, (2) require the prioritisation of sites for new renewable electricity generation activities where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised, (3) manage the adverse effects of developing or upgrading renewable electricity generation activities that: (a) are within the beds of lakes and rivers and the coastal marine area, or (b) involve the taking, use, damming or diversion of water and discharge of water or contaminants, (4) provide for the operation and maintenance of existing renewable electricity generation activities, including their natural and physical resource requirements, within the environmental limits, and (5) restrict the establishment of activities that may adversely affect the efficient functioning of renewable electricity generation infrastructure (including impacts on generation capacity)’.</i></p>	Support in part	It is recommended that the method statement is reworded to ensure consistency with other requested changes and to make specific reference to upgrading.	<p>Amend Method EIT – EN – M1 as follows:</p> <p>Otago Regional Council must prepare or amend and maintain its regional plans to:</p> <p><u>(1) provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity,</u></p> <p><u>(2) provide for activities associated with the investigation, identification and assessment development of potential sites and energy sources for renewable electricity generation,</u></p> <p><u>(3) require the prioritisation of sites for new renewable electricity generation activities where <u>significant</u> adverse effects on <u>those areas set out in EN-P4</u> highly valued natural features and landscapes and mana whenua values can be, <u>where practicable</u>, avoided, or, at the very least, remedied, mitigated, offset or environmentally compensation considered highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised,</u></p> <p><u>(4) provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of renewable electricity generation activities,</u></p> <p><u>(5) manage the adverse effects of <u>new or upgraded</u> developing or upgrading renewable electricity generation activities <u>in accordance with EN-P6</u> that:</u></p> <p>(a) are within the beds of lakes and rivers and the coastal marine area, or</p> <p>(b) involve the taking, use, damming or diversion of water and discharge of water or contaminants,</p>

			<p>(4) provide for the operation, maintenance of existing renewable electricity generation activities, including their natural and physical resource requirements, within the environmental limits, and</p> <p>(65) restrict <u>avoid</u> the establishment <u>or operation</u> of activities that may <u>result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities or</u> adversely affect the efficient functioning of renewable electricity generation infrastructure (including impacts on generation capacity).</p>
<p>Methods EIT–EN–M2 – District plans</p> <p><i>Territorial authorities must prepare or amend and maintain their district plans to: (1) provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, (2) require the prioritisation of sites for new renewable electricity generation activities where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised, (3) manage the adverse effects of developing or upgrading renewable electricity generation activities that: (a) are on the surface of rivers and lakes and on land outside the coastal marine area, or (b) the beds of lakes and rivers, (4) provide for the continued operation and maintenance of renewable electricity generation activities on the surface of rivers and lakes and on land outside the coastal marine area and the beds of lakes and rivers, (5) restrict the establishment or occurrence of activities that may adversely affect the efficient functioning of renewable electricity generation infrastructure, (6) require the design of subdivision development to optimise solar gain, including through roading, lot size, dimensions, layout and orientation, and (7) require design of transport infrastructure that</i></p>	<p>Support in part</p>	<p>It is recommended that the method statement is reworded to ensure consistency with other requested changes and to make specific reference to upgrading.</p>	<p>Amend Method EIT – EN – M2 as follows:</p> <p>Territorial authorities must prepare or amend and maintain their regional plans to:</p> <p>(1) <u>provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity,</u></p> <p>(2) provide for activities associated with the investigation, identification and assessment <u>development</u> of potential sites and energy sources for renewable electricity generation,</p> <p>(3) require the prioritisation of sites for new renewable electricity generation activities where <u>significant</u> adverse effects on <u>those areas set out in EN-P4</u> highly valued natural features and landscapes and mana whenua values can be, <u>where practicable,</u> avoided, or, at the very least, <u>remedied, mitigated, offset or environmentally compensation considered</u> highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised,</p> <p>(4) <u>provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of renewable electricity generation activities,</u></p> <p>(5) manage the adverse effects of <u>new or upgraded</u></p>

<p>provides for multi-modal transport options in urban and rural residential locations’.</p>			<p>developing or upgrading renewable electricity generation activities in accordance with EN-P6 that: (a) are on the surface of rivers and lakes and on land outside the coastal marine area, or (b) the beds of lakes and rivers,</p> <p>(4) provide for the continued operation, and maintenance of renewable electricity generation activities, on the surface of rivers and lakes and on land outside the coastal marine area and the beds of lakes and rivers,</p> <p>(65) restrict avoid the establishment or operation of activities that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities or adversely affect the efficient functioning of renewable electricity generation infrastructure (including impacts on generation capacity)’,</p> <p>(6) require the design of subdivision development to optimise solar gain, including through roading, lot size, dimensions, layout and orientation, and</p> <p>(7) require design of transport infrastructure that provides for multi-modal transport options in urban and rural residential locations.</p>
<p>Explanation EIT–EN–E1 – Explanation</p> <p><i>‘The policies in this section are designed to set a clear preference for renewable electricity generation activities contributing to meeting New Zealand’s national target for renewable electricity generation. Renewable electricity generation activities are promoted by providing for the investigation, operation and maintenance of these sites and ensuring that decisions on allocating natural resources and the use of land, for example, recognise the benefits of renewable electricity generation activities arising from maintaining or increasing generation capacity. It is noted that renewable electricity generation activities will</i></p>	<p>Support in part</p>	<p>It is recommended that the explanation is reworded to ensure consistency with other requested changes.</p> <p>It is considered inappropriate for the explanation to refer to the ‘potential magnitude of adverse effects associated with renewable electricity generation activities’. This is a value laden statement and should be deleted as whatever effects arise can be dealt with appropriately through a clear policy and rule framework. This is a negative statement to apply at a RPS level to a matter of national importance.</p> <p>The explanation also needs to more explicitly reference the importance of renewable electricity generation activities in terms of the response to climate change, and the national</p>	<p>Amend Explanation EIT – EN - E1 as follows:</p> <p>The policies in this section are designed to set a clear preference for renewable electricity generation activities contributing to meeting New Zealand’s national target for renewable electricity generation. <u>Renewable electricity generation is a matter of national importance and a key component in responding to climate change and energy demands. Increasing energy security will assist with ensuring that communities have options for clean heat and electricity for health and wellbeing services.</u></p> <p>Renewable electricity generation activities are promoted by providing for the <u>development</u>, investigation,</p>

<p><i>come within the definition of infrastructure, and that provisions relating to infrastructure also apply.</i> <i>The potential magnitude of adverse effects and functional and operational needs associated with renewable electricity generation activities is recognised by requiring consideration of those needs, and the extent to which unavoidable effects can be remedied or mitigated. Where residual adverse effects remain, consideration is given to proposals to offset these, or compensate for them. Increasing energy security will assist with ensuring that communities have options for clean heat. To ensure the on-going functionality of assets and to maximise their benefits, reverse sensitivity effects or activities that may compromise the operation or maintenance of renewable electricity generation activities are to be avoided or their impacts minimised. The policies also seek that energy use is efficient and energy waste is reduced, which will have consequential effects on minimising Otago’s contribution to the nation’s greenhouse gas emissions.</i></p>		<p>demand, and be very clear that it is a national priority.</p>	<p>operation, and <u>maintenance and upgrading of existing and new assets</u>, these sites and ensuring that decisions on allocating natural resources and the use of land, for example, recognise the benefits of renewable electricity generation activities arising from maintaining or increasing generation capacity. It is noted that renewable electricity generation activities will come within the definition of infrastructure, and that provisions relating to infrastructure also apply. <u>The upgrading of existing assets and the development of new generation capacity is provided for to recognise the importance of renewable electricity and the benefits it provides nationally, regionally and locally.</u></p> <p>The potential magnitude of adverse effects and functional and operational needs associated with renewable electricity generation activities is recognised by requiring consideration of those needs, and <u>The extent to which unavoidable effects associated with upgrading or developing new renewable electricity generation activities can be remedied or mitigated is also a key consideration.</u> Where residual adverse effects remain, consideration is <u>to be</u> given to proposals to offset these, or compensate for them.</p> <p>Increasing energy security will assist with ensuring that communities have options for clean heat. To ensure the on-going functionality of assets and to maximise their benefits, reverse sensitivity effects or activities that may compromise the operation or maintenance of renewable electricity generation activities are to be avoided or their impacts minimised.</p> <p>The policies also seek that energy use is efficient and energy waste is reduced, which will have consequential effects on minimising Otago’s contribution to the nation’s greenhouse gas emissions.</p>
<p>Principal reasons EIT-EN-PR1 – Principal reasons <i>‘Energy is a basic requirement of life in Otago. It enables communities to provide for their well-being,</i></p>	<p>Support in part</p>	<p>It is recommended that the method statement is reworded to ensure consistency with other requested changes. Again, it is considered inappropriate and incorrect for the</p>	<p>Amend Principal reasons EIT-EN-PR1 – Principal reasons as follows: Energy is a basic requirement of life in Otago. It enables</p>

<p><i>and health and safety, and is essential to the regional economy. Everyday life is significantly affected when energy supply is disrupted. Therefore, ensuring the security of energy supplies that meet demand is crucial. The ability of existing energy generation activities to continue operating is dependent on access to resources such as water in hydro lakes and the operator’s ability to maintain existing infrastructure. Otago is fortunate to have several existing renewable electricity generation sites and potential to increase renewable electricity generation. The benefits of renewable electricity generation include reducing greenhouse gas emissions, dependence on imported energy and greater supply security. These benefits are afforded to Otago communities and nationally as exported energy is significant for other regions. Because of this, providing for new renewable electricity generation opportunities to meet increasing energy demand is necessary. Additionally, addressing inefficiencies in energy use can ensure that existing infrastructure is better utilised to reduce the need for new generation sites. Renewable electricity generation facilities can cause significant adverse effects on the environment because of their functional need to locate in particular areas. These areas are where resources are available, for example water for hydro-electricity generation, but they may also contain other significant values such as outstanding natural features or landscapes, significant indigenous vegetation or sites of significance to mana whenua values. In some situations, it may not be possible to avoid adverse effects on these significant values after considering alternative sites or design options. In these circumstances the effects should be remedied or mitigated, and consideration should be given to whether those effects that cannot be avoided are offset or compensated. The provisions in this chapter assist in giving effect to the NPSREG and NPSFM and</i></p>	<p>principal reasons to state that renewable electricity generation facilities ‘<i>can cause significant adverse effects on the environment</i>’. This is a blunt unqualified and unnecessary statement and should be deleted. This is a negative statement to apply at a RPS level to a matter of national importance. It is not the role of the RPS to make arbitrary judgements but for effects to be considered through a strong policy and rule framework.</p>	<p>communities to provide for their well-being, and health and safety, and is essential to the regional economy. Everyday life is significantly affected when energy supply is disrupted. Therefore, ensuring the security of energy supplies that meet demand is crucial. The ability of existing energy renewable electricity generation activities to continue operating is dependent on access to resources such as water in hydro lakes and the operator’s ability to maintain existing infrastructure.</p> <p>Otago is fortunate to have several existing renewable electricity generation sites and potential to increase renewable electricity generation. The benefits of renewable electricity generation include reducing greenhouse gas emissions, dependence on imported energy and greater supply security. These benefits are afforded to Otago communities and nationally as exported energy is significant for other regions. Because of this, providing for new renewable electricity generation opportunities to meet increasing energy demand is necessary. Additionally, addressing inefficiencies in energy use can ensure that existing infrastructure is better utilised to reduce the need for new generation sites.</p> <p>Renewable electricity generation facilities can may cause significant adverse effects on the environment because of their functional need to locate in particular areas. These areas are where resources are available, for example water for hydro-electricity generation, but they may also contain other significant values such as outstanding natural features or landscapes, significant indigenous vegetation or sites of significance to mana whenua values. In some situations, it may not be possible to avoid, remedy or mitigate significant adverse effects on these significant values after considering alternative sites or design options. In these circumstances the effects should be remedied or mitigated, and consideration should be given to whether those residual effects that cannot be avoided are offset</p>
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<p><i>implementing section 7(j) of the RMA 1991. Implementation of the provisions will occur primarily through regional and district plan provisions but regional, city and district councils also have a role in providing education and information to the community.</i></p>			<p>or compensated.</p> <p>The provisions in this chapter assist in giving effect to the NPSREG and NPSFM and implementing section 7(j) of the RMA 1991. Implementation of the provisions will occur primarily through regional and district plan provisions but regional, city and district councils also have a role in providing education and information to the community.</p>
<p>Anticipated environmental results</p> <p><i>EIT–EN–AER1 The proportion of electricity generated by renewable energy generation activities (including small and community scale electricity generation) in Otago increases over time.</i></p> <p><i>EIT–EN–AER2 Energy use in Otago becomes more efficient over time and security of supply is maintained.</i></p> <p><i>EIT–EN–AER3 The adverse effects associated with renewable energy generation activities are minimised.</i></p> <p><i>EIT–EN–AER4 The proportion of greenhouse gas emissions per capita from energy generation reduces over time</i></p>	<p>Support in part</p>	<p>It is recommended that the method statement is reworded to ensure consistency with other requested changes.</p>	<p>Amend EIT–EN–AER3 as follows:</p> <p>The adverse effects associated with renewable energy generation activities are minimised <u>avoided, remedied or mitigated, or where appropriate, offset or compensated for.</u></p>
<p>EIT – Energy, Infrastructure and transport topic</p> <p>EIT–INF – Infrastructure chapter</p>			
<p>Policy EIT–INF–P10 – Recognising resource requirements</p>	<p>Support</p>	<p>Trustpower supports the recognition of the significance of renewable energy transmission infrastructure.</p>	<p>Retain policy.</p>
<p>Policy EIT–INF–P13 – Locating and managing effects of infrastructure</p>	<p>Oppose</p>	<p>Trustpower understands the need to ensure that effects of infrastructure generally are appropriately managed. However, the complicated nature of this policy and the inappropriate wording undermines the intent of the policy.</p> <p>Trustpower has sought, above, that renewable electricity generation is not covered by this infrastructure chapter and is only covered by the energy rules. It is reiterated that this policy should not apply to renewable electricity generation. The reframed chapter on energy covers the</p>	<p>Clarify that EIT-INF-P13 does not apply to renewable electricity generation.</p> <p>Amend EIT-INF-P13 as follows:</p> <p>When providing for new infrastructure outside the coastal environment:</p> <p>(1) avoid, as the first priority, locating infrastructure in all of the following:</p>

		<p>management of effects.</p> <p>If the separated energy chapter approach cannot be achieved, then this policy needs to be either deleted or substantially revisited to ensure that it does not inappropriately undermine nationally important infrastructural activities.</p> <p>Further it is noted that infrastructure can utilise and preserve historic heritage and thus it is inappropriate to have an avoid directive within the policy.</p> <p>Also while this policy focusses on section 6 matters of national importance, ‘areas of high recreational and high amenity value’ have been included and this inappropriately raises their importance.</p>	<p>(a) significant natural areas,</p> <p>(b) outstanding natural features and landscapes,</p> <p>(c) natural wetlands,</p> <p>(d) outstanding water bodies,</p> <p>(e) areas of high or outstanding natural character,</p> <p>(f) areas or places of significant or outstanding historic heritage,</p> <p>(g) wāhi tapu, wāhi taoka, and areas with protected customary rights, and</p> <p>(h) areas of high recreational and high amenity value, and ...</p>
Policy EIT-INF-P15 – Protecting nationally or regionally significant infrastructure	Support	Trustpower supports the recognition of the significance of renewable energy transmission infrastructure and the potential for reverse sensitivity effects on these resources.	Retain policy.
Methods EIT-INF-M4 – Regional plans	Support in part	Trustpower supports the recognition of infrastructure activities in regional plans however requests that in undertaking this activity recognition is given to the role of renewable electricity generation within the region and the significance of this as outlined in the NPS – REG. These matters have been addressed in Trustpower’s submission on Methods EIT-EN-M1, therefore it is considered appropriate that an exemption is specified for renewable electricity generation activities in this method.	Amend Clause (2) as follows: require the prioritisation of sites for infrastructure, other than renewable electricity generation activities , where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised.
Methods EIT-INF-M5 – District plans	Support in part	Trustpower supports the recognition of infrastructure activities in regional plans however requests that in undertaking this activity recognition is given to the role of renewable electricity generation within the region and the significance of this as outlined in the NPS – REG. These matters have been addressed in Trustpower submissions on Methods EIT EN M2, therefore it is considered appropriate that an exemption is specified for renewable electricity generation activities in this method.	Amend Clause (7) as follows: require the prioritisation of sites, other than for renewable electricity generation activities , where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised.
Method EIT-INF-M6 – Advocacy	Oppose in part	Trustpower supports the intention for local authorities to work proactively with infrastructure providers and would	Delete Clause (1).

		<p>welcome the opportunity to discuss renewable electricity activities within the Otago Region.</p> <p>However, Trustpower strongly oppose the inclusion of Clause (1) in this method. It is not considered appropriate for ORC to require local authorities to take on an advocacy role, to 'advocate for the upgrading or replacement of existing nationally or regionally significant infrastructure if the operation of infrastructure result in significant adverse effects'. This fails to acknowledge the processes associated with the establishment, operation, upgrading, maintenance or development of renewable electricity generation activities; the importance placed on these assets by national legislation or the requirements of the NPS – REG in this respect.</p>	
Explanation EIT–INF–E2 – Explanation	Support in part	To ensure consistency with other submission points Trustpower requests that in the context of renewable electricity generation activities, a cross reference is made to the provision of EIT- EN.	<p>Amend a new first sentence of the explanation as follows:</p> <p>The policies in this section <u>apply to infrastructure other than renewable electricity generation activities (which are subject to the provisions of EIT - EN), and</u> recognise the critical importance</p>
Natural Hazards			
Policy HAZ–NH–P4 – Existing activities	Support	Trustpower support the recognition of the functional/operational need to locate lifeline utilities in areas of natural hazard risk in some circumstances.	Retain Clause (6).
Policy HAZ–NH–P8 – Lifeline utilities and facilities for essential or emergency services	Support in part	Trustpower support the recognition of the functional/operational need to locate lifeline utilities in areas of natural hazard risk in some circumstances and consider that this recognition needs to be integrated into this policy.	<p>Amend the policy by adding an additional clause (3) as follows:</p> <p><u>(3) recognise that there can be a functional and operational need for lifeline utilities and facilities for essential or emergency services to locate in areas of natural hazard risk in some circumstances.</u></p>
HCV Historic Heritage			
Policy HCV–HH–P5 – Managing historic heritage	Support in part	To ensure consistency with other points of Trustpower’s submission, add a new clause to cross refer to the applicability of EIT – EN chapter for renewable electricity generation activities.	<p>Add a new Clause (7) as follows:</p> <p><u>(7) recognising that this policy does not apply to renewable electricity generation activities (which are</u></p>

			<u>subject the provisions of EIT – EN).</u>
Policy HCV–HH–P6 – Enhancing historic heritage	Support in part	Trustpower considers that the policy should provide some recognition that enhancing places and areas of historic heritage may not always be possible due to factors such as their locational context, and their condition and use.	Amend the policy as follows: Enhance places and areas of historic heritage wherever possible <u>and practicable</u> through the implementation of plan provisions, decisions on applications for resource consent and notices of requirement and non-regulatory methods.
Policy HCV–HH–P7 – Integration of historic heritage	Support in part	Trustpower considers that the policy should provide some recognition that the integration of historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas may not always be possible due to factors such as their locational context, the condition of the heritage asset, the use of the asset, and health and safety considerations.	Amend the policy as follows: <u>Where practicable</u> maintain historic heritage values through the integration of historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas.
Principal Reasons HCV–HH–PR2 – Principal reasons	Support in part	Trustpower request that consequential changes are made to the reasons in accordance with changes requested to policies HH-P6 and 7.	Add the words ‘where practicable’ at the beginning of the third bullet point to read: <u>where practicable</u> , the enhancement of historic heritage through the integration of historic heritage values into new activities and enabling the adaptive reuse or upgrade of historic heritage places and areas in certain circumstances.
NFL Natural Features and Landscapes			
Objective NFL–O1 – Outstanding and highly valued natural features and landscapes	Support in part	The terminology used in NFL – O1 is inconsistent with that used in Section 6(b) of the RMA. Trustpower considers that the wording of the objective should be amended to reflect this.	Amend Clause (1) as follows: ...the protection of outstanding natural features and landscapes <u>from inappropriate subdivision, use and development</u> , and
Policy NFL–P2 – Protection of outstanding natural features and landscapes	Support in part	The terminology used in NFL – P2 is inconsistent with that used in Section 6(b) of the RMA. Trustpower considers that the wording of the objective should be amended to reflect this.	Amend Clause (1) as follows: Protect outstanding natural features and landscapes <u>from inappropriate subdivision, use and development</u> by...
Policy NFL–P1 – Identification Appendix APP9 – Identification criteria for outstanding and highly valued natural features,	Support in part	Trustpower supports the need for the RPS to incorporate an appendix to cover this matter. Trustpower does not agree with the current wording used and considers that they are not consistent with best practice.	Amend this appendix to align with current best practice.

landscapes and seascapes			
Part 5 Appendices			
Appendix APP1 – Criteria for identifying outstanding water bodies	Support in part	Trustpower supports the need for the RPS to clearly articulate the criteria to be used for identifying outstanding water bodies within the Region. However the wording used in this appendix as proposed is expansive, ambiguous and open to interpretation. The criteria are not up to date with best practice and do not clearly articulate how they should be applied. As currently written almost any water body could be deemed outstanding any that is inappropriate.	Amend this appendix to align with current best practice. It is recommended that the appendix be aligned with the use of screening criteria developed by MfE/Hawkes Bay Regional Council/Auckland Council in the report “Water Conservation Order Review: Outstanding Values: Key Features” and as applied within the decision version of Hawkes Bay Regional Council’s plan change 7 on Outstanding Water Bodies. Attached as Appendix D of this submission.
Appendix APP2 – Significance criteria for indigenous biodiversity Appendix APP3 – Criteria for biodiversity offsetting Appendix APP4 – Criteria for biodiversity compensation	Support in part	Trustpower supports the need for the RPS to incorporate appendices to cover these matters. Trustpower does not agree with the current wording used in these appendices and considers that they are not consistent with best practice.	Amend these appendices to align with current best practice.
Appendix APP9 – Identification criteria for outstanding and highly valued natural features, landscapes and seascapes	Support in part	Trustpower supports the need for the RPS to incorporate an appendix to cover this matter. Trustpower does not agree with the current wording used and considers that they are not consistent with best practice.	Amend this appendix to align with current best practice.

Appendix B: Provisions over Which Trustpower Reserve the Right to Submit, plus any consequential changes required

Domain/Topic	Provision Reference Number	Provision Title
Integrated Management	P1	Integrated approach
	P2	Decision priorities
	P12	Contravening environmental bottom lines for climate change mitigation
LF - FW	P7	Fresh water
	P9	Protecting natural wetlands
	P11	Identifying outstanding natural water bodies
	P12	Protecting outstanding water bodies
	P13	Preserving natural character
	P14	Restoring natural character
	Method – M7	District Plans
ECO Ecosystems and Indigenous Biodiversity	P3	Protecting significant natural areas and taoka
	P4	Provision for new activities
	P5	Existing activities in significant natural areas
	P6	Maintaining indigenous biodiversity
	M4	Regional plans
	M5	District plans
	EIT – INF Infrastructure	O5
P11		Operation and maintenance
P12		Upgrades and development
P13		Locating and managing effects of infrastructure
P14		Decision making considerations
M4		Regional plans
M5		District plans
E2		Explanation
AER 8		Anticipated environmental results

Appendix C: 'Clean' version of EIT–EN – Energy Chapter

EIT – Energy, infrastructure and transport

EIT–EN – Energy

Note: The provisions of the RPS, other than those contained in EIT – EN, do not apply to renewable electricity generation activities.

Objectives

EIT–EN–O1 – Energy and social and economic well-being

The health and wellbeing of Otago's communities and economy are supported by renewable electricity generation within the region that is safe, secure, and resilient.

EIT–EN–O2 – Renewable electricity generation

The generation capacity of renewable electricity generation activities in Otago:

- (1) is protected and maintained and, if practicable increased, and
- (2) contributes to meeting New Zealand's national target for renewable electricity generation and climate change commitments.

EIT–EN–O3 – Energy use

Development is located and designed to facilitate the efficient use of energy and to reduce demand if possible, minimising the contribution that Otago makes to total greenhouse gas emissions.

Policies

EIT–EN–P1 – Recognising and providing for renewable electricity generation activities

Recognise and provide for renewable electricity generation, by ensuring that decisions on the allocation and use of natural and physical resources, including the use of fresh water and development of land:

- (1) recognise the national, regional and local benefits of renewable electricity generation activities,
- (2) protect the generation output and operational capacity of existing renewable electricity generation activities,
- (3) provide for the ability to, at least, maintain current renewable electricity generation capacity and maintain the availability of the resource for this purpose, and
- (4) recognise the need to increase the installed capacity of renewable electricity generation assets and that the attainment of increases in renewable electricity generation capacity may require significant development of renewable electricity generation activities.

EIT-EN-P2 – Operation and maintenance and upgrading

Protect existing renewable electricity generation activities, and provide for their operation, maintenance and upgrading, including maintenance of generation output and protection of operational capacity.

EIT-EN-P3 – Development and upgrade of renewable electricity generation activities

The security and installed capacity of renewable electricity supply is protected, maintained or increased in Otago through provision for the upgrade of existing renewable electricity generation activities and the development of renewable electricity generation activities, and including diversification of the type or location of electricity generation activities.

EIT-EN-P4 – Identifying new sites or resources

Provide for activities associated with the investigation, identification and development of potential sites and energy sources for renewable electricity generation and, prioritise those where significant adverse effects on:

- (a) areas of outstanding natural character,
- (b) natural wetlands and outstanding water bodies,
- (c) outstanding natural features and landscapes,
- (d) areas of significant indigenous vegetation and significant habitats of indigenous fauna,
- (e) areas of historic heritage and
- (f) mana whenua values,

can be, where practicable, avoided, remedied, mitigated, offset or where environmental compensation can be considered.

EIT-EN-P5 – Non-renewable energy generation

Avoid the development of non-renewable energy generation activities in Otago and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in energy generation.

EIT-EN-P6 – Managing effects

Manage the adverse effects of new or upgraded renewable electricity generation activities by:

- (1) having regard to:
 - (a) the functional, technical and geographic need to locate renewable electricity generation activities where resources are available, and
 - (b) the operational need to locate where it is possible to connect to the National Grid or electricity sub-transmission infrastructure, and

- (2) requiring consideration of:
- (a) avoiding, remedying or mitigating significant adverse effects on any identified values that contribute to the area's importance, and
 - (b) offsetting or compensation measures (in accordance with any specific requirements for their use in this RPS), where adverse effects cannot be avoided, remedied or mitigated.

EIT-EN-P7 – Reverse sensitivity

Avoid the establishment or operation of activities, including the abstraction of water, that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities.

EIT-EN-P8 – Small and community scale distributed electricity generation

Provide for small and community scale distributed electricity generation activities that increase the local community's resilience and security of energy supply.

EIT-EN-P9 – Energy conservation and efficiency

Development is designed, including through roading, lot size, dimensions, layout, and orientation so that energy use is efficient, energy waste is minimised, and solar gain is optimised.

EIT-EN-P10 – Climate Change Mitigation

Where a proposed renewable electricity generation activity provides, or will provide, enduring regionally or nationally significant mitigation of climate change impacts, with commensurate benefits for the well-being of people and communities and the wider environment, decision makers may, at their discretion, allow non-compliance with an environmental bottom line set in any policy or method of this RPS or in a Land and Water Plan, only if they are satisfied that:

- (1) the activity is designed and carried out to avoid, remedy or mitigate adverse effects as far as is consistent with its purpose and functional needs,
- (2) the activity is consistent with other regional and national climate change mitigation activities, and
- (3) where adverse effects on the environment cannot be avoided, remedied, or mitigated, decision makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.

Methods

EIT-EN-M1 – Regional plans

Otago Regional Council must prepare or amend and maintain its regional plans to:

- (1) provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity,
- (2) provide for activities associated with the investigation, identification and development of potential sites and energy sources for renewable electricity generation,
- (3) require the prioritisation of sites for new renewable electricity generation activities where significant adverse effects on those areas set out in EN-P4 can be, where practicable, avoided, remedied, mitigated, offset or environmentally compensation considered,
- (4) provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of renewable electricity generation activities,
- (5) manage the adverse effects of new or upgraded renewable electricity generation activities in accordance with EN-P6 that:
 - (a) are within the beds of lakes and rivers and the coastal marine area, or
 - (b) involve the taking, use, damming or diversion of water and discharge of water or contaminants,
- (6) avoid the establishment or operation of activities that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities or adversely affect the efficient functioning of renewable electricity generation infrastructure (including impacts on generation capacity).

EIT-EN-M2 – District plans

Territorial authorities must prepare or amend and maintain their district plans to:

- (1) provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity,
- (2) provide for activities associated with the investigation, identification and development of potential sites and energy sources for renewable electricity generation,
- (3) require the prioritisation of sites for new renewable electricity generation activities where significant adverse effects on those areas set out in EN-P4 can be, where practicable, avoided, remedied, mitigated, offset or environmentally compensation considered,
- (4) provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of renewable electricity generation activities,
- (5) manage the adverse effects of new or upgraded renewable electricity generation activities in accordance with EN-P6 that:
 - (a) are on the surface of rivers and lakes and on land outside the coastal marine area, or
 - (b) the beds of lakes and rivers,
- (6) avoid the establishment or operation of activities that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities or adversely affect the efficient functioning of renewable electricity generation infrastructure,
- (7) require the design of subdivision development to optimise solar gain, including through roading, lot size, dimensions, layout and orientation, and
- (8) require design of transport infrastructure that provides for multi-modal transport options in urban and rural residential locations.

EIT-EN-M3 – Education and information

- (1) Local authorities must provide education and information to improve energy efficiency and provide for the adoption of renewable energy sources, including:
 - (a) measures for increased energy efficiency and energy conservation, and
 - (b) opportunities for small and community scale distributed electricity generation.
- (2) Territorial authorities must provide information on design techniques to optimise solar gain, including through roading, lot size, dimensions, layout, and orientation.

Explanation

EIT-EN-E1 – Explanation

The policies in this section are designed to set a clear preference for renewable electricity generation activities contributing to meeting New Zealand’s national target for renewable electricity generation. Renewable electricity generation is a matter of national importance and a key component in responding to climate change and energy demands. Increasing energy security will assist with ensuring that communities have options for clean heat and electricity for health and wellbeing services.

Renewable electricity generation activities are promoted by providing for the development, operation, maintenance and upgrading of existing and new assets, and ensuring that decisions on allocating natural resources and the use of land, for example, recognise the benefits of renewable electricity generation activities arising from maintaining or increasing generation capacity. The upgrading of existing assets and the development of new generation capacity is provided for to recognise the importance of renewable electricity and the benefits it provides nationally, regionally and locally.

The functional and operational needs associated with renewable electricity generation activities is recognised by requiring consideration of those needs. The extent to which unavoidable effects associated with upgrading or developing new renewable electricity generation activities can be remedied or mitigated is also a key consideration. Where residual adverse effects remain, consideration is to be given to proposals to offset these, or compensate for them.

To ensure the on-going functionality of assets and to maximise their benefits, reverse sensitivity effects or activities that may compromise the operation or maintenance of renewable electricity generation activities are to be avoided.

The policies also seek that energy use is efficient and energy waste is reduced, which will have consequential effects on minimising Otago’s contribution to the nation’s greenhouse gas emissions.

Principal reasons

EIT-EN-PR1 – Principal reasons

Energy is a basic requirement of life in Otago. It enables communities to provide for their well-being, and health and safety, and is essential to the regional economy. Everyday life is significantly affected when energy supply is disrupted. Therefore, ensuring the security of energy supplies that meet demand is crucial. The ability of existing renewable electricity activities to continue operating is

dependent on access to resources such as water in hydro lakes and the operator's ability to maintain existing infrastructure.

Otago is fortunate to have several existing renewable electricity generation sites and potential to increase renewable electricity generation. The benefits of renewable electricity generation include reducing greenhouse gas emissions, dependence on imported energy and greater supply security. These benefits are afforded to Otago communities and nationally as exported energy is significant for other regions. Because of this, providing for new renewable electricity generation opportunities to meet increasing energy demand is necessary. Additionally, addressing inefficiencies in energy use can ensure that existing infrastructure is better utilised to reduce the need for new generation sites.

Renewable electricity generation facilities may cause adverse effects on the environment because of their functional need to locate in particular areas. These areas are where resources are available, for example water for hydro-electricity generation, but they may also contain other significant values. In some situations, it may not be possible to avoid, remedy or mitigate significant adverse effects, and consideration should be given to whether those residual effects are offset or compensated.

The provisions in this chapter assist in giving effect to the NPSREG and NPSFM and implementing section 7(j) of the RMA 1991. Implementation of the provisions will occur primarily through regional and district plan provisions but regional, city and district councils also have a role in providing education and information to the community.

Anticipated environmental results

- EIT-EN-AER1** The proportion of electricity generated by renewable energy generation activities (including small and community scale electricity generation) in Otago increases over time.
- EIT-EN-AER2** Energy use in Otago becomes more efficient over time and security of supply is maintained.
- EIT-EN-AER3** The adverse effects associated with renewable energy generation activities are avoided, remedied or mitigated, or where appropriate, offset or compensated for.
- EIT-EN-AER4** The proportion of greenhouse gas emissions per capita from energy generation reduces over time.

Appendix D: Screening Criteria for identifying Outstanding Water Bodies

Extract from the report:

*“Water Conservation Order Review Outstanding Values: Key Features
For: Community Environment Fund - Outstanding Freshwater Body Project”
September 2020*

Ministry for the Environment, Hawke’s Bay Regional Council, and Auckland Council

Report Number: SD 19-23

Publication Number: 5409

Table 14: Outstanding water body identification screening framework (regional)

Value	Sub values / Outstanding indicators	Evidential sources can include but not limited to the following ¹⁹	
Ecology	Habitat for aquatic birds (native and migratory)	International Union for Conservation of Nature (IUCN) criteria. RAMSAR site criteria reports. New Zealand threat classification system. IUCN red list. Expert evidence.	
	<p>Water body should be further investigated as providing an outstanding habitat for aquatic birds where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ul style="list-style-type: none"> a) One of the highest regional populations of a native aquatic bird species which is endangered, threatened or distinctive²⁰. b) One of the highest natural diversity of aquatic birds (native and migratory) in the region, which includes endangered or threatened species. <p>List B</p> <ul style="list-style-type: none"> a) Evidence is provided in support of outstanding features. 		
	Native fish habitat		Waters of National Importance. Expert evidence.
	<p>Water body should be further investigated as providing an outstanding habitat for native fish where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ul style="list-style-type: none"> a) A unique species or distinctive assemblage of native fish not found anywhere else in the region. b) Native fish that are landlocked and not affected by presence of introduced species. c) One of the highest diversity of native fish species in the region, which includes a threatened, endangered or distinctive species. d) An outstanding customary fishery. <p>List B</p> <ul style="list-style-type: none"> a) Evidence is provided in support of outstanding native fish habitat value. 		
	Habitat for indigenous plant communities	New Zealand Geopreservation Inventory. Protected Natural Area (PNA) surveys. Expert evidence.	
	<p>Water body should be further investigated as providing an outstanding habitat for an indigenous plant community where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ul style="list-style-type: none"> a) The indigenous plant community has a high diversity of habitats, or rare and threatened plant species in the region. b) The indigenous plant community contains special features not found anywhere else in the region. <p>List B</p> <ul style="list-style-type: none"> a) The indigenous plant community is reliant on the river flows, other aquatic characteristics, or is an integral part of the water body. b) Evidence is provided in support of outstanding features. 		
	Habitat for trout and salmon	Waters of National Importance. Headwater trout fisheries (NIWA). Expert evidence.	
<p>Water body should be further investigated as providing an outstanding habitat for trout and salmon where it meets all matters in List A.</p> <p>List A</p> <ul style="list-style-type: none"> a) Has an outstanding angling amenity, or is critical to maintaining an outstanding angling amenity elsewhere in the catchment. b) Supports a self-sustaining population of wild trout or salmon (i.e. fish population not periodically restocked from hatcheries). c) Evidence is provided in support of outstanding features. 			

¹⁹ Evidence sources include, but are not limited to those listed.

²⁰ For WCO purposes, at least 3% of the national population (Rangitata River 2004).

Tikanga Māori	<p>Significance in accordance with Tikanga Māori</p> <p>Water body should be further investigated as being of outstanding significance in accordance with Tikanga Māori where it meets all matters in List A.</p> <p>List A</p> <ul style="list-style-type: none"> a) The features are of significance to Māori on a region wide basis. b) The features are acknowledged as outstanding, by the descendant groups most closely associated with the water body. c) The mauri of the water body is intact. d) Evidence is provided in support of outstanding features. 	<p>Waitangi Tribunal Reports. Statutory acknowledgements. Statements provided from Iwi members. Expert evidence. Deeds of settlements, Statutory acknowledgements, Customary uses reports. Court cases.</p>
Cultural and spiritual (tāngata whenua)	<p>Cultural and spiritual (tāngata whenua)</p> <p>Water body should be further investigated as being outstanding for cultural and spiritual values where it meets all matters in List A.</p> <p>List A</p> <ul style="list-style-type: none"> a) The features are of significance to Māori on a region wide basis b) The features are acknowledged as outstanding, by the descendant groups most closely associated with the water body. c) Evidence is provided in support of outstanding features. 	<p>Waitangi Tribunal Reports. Statutory acknowledgements. Statements provided from Iwi members. Expert evidence. Deeds of settlements, Statutory acknowledgements, Customary uses reports. Court cases.</p>
Recreation	<p>Angling amenity (trout and salmon)</p> <p>Water body should be further investigated as providing an outstanding recreational fishing experience (angling amenity) where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • at least one matter in List B and • all matters in List C. <p>List A</p> <ul style="list-style-type: none"> a) Trophy trout (over 4 kg in size). b) High numbers of large trout (water body supports the highest number of large trout in the region). c) High numbers of trout (water body supports the highest trout numbers in the region or the highest trout biomass in the region). <p>List B</p> <ul style="list-style-type: none"> a) Variety of high quality angling experiences. b) Specialised high quality angling experience (scenic, solitude, challenging, high catch rate, ability to spot and fish to a particular trout). <p>List C</p> <ul style="list-style-type: none"> a) Wild trout fishery (self-sustaining trout population through natural replacement). b) Water body is accessible and suitable to fish (high water quality and suitable flows). c) A regional, national or international reputation as an exceptional trout fishery or high non-local usage (high numbers of anglers come from outside of the area). d) Evidence is provided in support of outstanding recreational experience. 	<p>National Angling Survey. Headwater trout fisheries (NIWA). Testimonies from anglers. National Inventory of Wild and Scenic River. Expert evidence.</p>
	<p>Rafting</p> <p>Water body should be further investigated as providing an outstanding rafting experience (amenity) where it meets:</p> <ul style="list-style-type: none"> • at least one matter in List A and • all matters in List B. <p>List A</p> <ul style="list-style-type: none"> a) Variety of high quality rafting experiences found in few other water bodies in the region. b) A specialised high quality rafting experience found in few other water bodies in the region. <p>List B</p> <ul style="list-style-type: none"> a) The water body provides an outstanding rafting experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows). b) Regional, national or international significance as an exceptional rafting experience. c) High non-local usage (high numbers of participants come from outside of the area). d) Evidence is provided in support of an outstanding rafting experience. 	<p>1991 River Use Survey. New Zealand Recreational River Survey. Testimonies from rafters and their local or national associations. Expert evidence.</p>

	<p>Kayaking (includes canoeing)</p> <p>Water body should be further investigated as providing an outstanding kayaking experience (amenity) where it meets:</p> <ul style="list-style-type: none"> at least one matter in List A and all matters in List B. <p>List A</p> <ol style="list-style-type: none"> Variety of high quality kayaking experiences found in few other water bodies in the region. A specialised high quality kayaking experience found in few other water bodies in the region. <p>List B</p> <ol style="list-style-type: none"> The water body provides an outstanding kayaking experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on dam release water or high flows, or subject to low flows). Regional, national or international significance as an exceptional kayaking experience. High non-local usage (high numbers of participants come from outside of the area). Evidence is provided in support of an outstanding kayaking experience. 	<p>1991 River Use Survey. New Zealand Recreational River Survey. New Zealand Whitewater: 120 Great Kayaking Runs. Testimonies from kayakers and their local or national associations. Expert evidence.</p>
	<p>Jet boating</p> <p>Water body should be further investigated as providing an outstanding jet boating experience (amenity) where it meets:</p> <ul style="list-style-type: none"> at least one matter in List A and all matters in List B. <p>List A</p> <ol style="list-style-type: none"> Variety of high quality jet boating experiences found in few other water bodies in the region. A specialised high quality jet boating experience found in few other water bodies in the region. <p>List B</p> <ol style="list-style-type: none"> The water body provides an outstanding jet boating experience which is reliable and predictable for most of the year under normal flows (i.e. the experience is not reliant on high flows or subject to low flows). Regional, national or international significance as an exceptional jet boating experience. High non-local usage (high numbers of participants come from outside of the area). Evidence is provided in support of an outstanding jet boating experience. 	<p>New Zealand Recreational River Survey. Testimonies from jet boaters and their local or national associations. Expert evidence.</p>
Landscape	<p>Wild and scenic</p> <p>Water body should be further investigated as having outstanding wild and or scenic values where it meets:</p> <ul style="list-style-type: none"> all matters in List A. <p>List A</p> <ol style="list-style-type: none"> Waters are an essential component of the landscape. Waters have wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region. Evidence is provided in support of outstanding wild or scenic values by way of an expert assessment or independent evidence sources. 	<p>A National Inventory of Wild and Scenic Rivers. A list of rivers and lakes deserving protection in a schedule of protected waters. 64 New Zealand Rivers: a scenic evaluation. New Zealand Recreational Survey and the National Inventory of Wild and Scenic Rivers. Expert evidence.</p>
Karst system / subterranean waters	<p>Karst system / subterranean waters</p> <p>A karst system and/or subterranean waters should be further investigated as having outstanding values where the following is met:</p> <ul style="list-style-type: none"> at least one matter in List A and all matters in List B. <p>List A</p> <ol style="list-style-type: none"> A specialised high quality experience present in few other water bodies in the region. Wild and or scenic values that contain distinctive qualities which 'stand out' and are present in few other water bodies in the region. Unique or unusual scientific or ecological values present in few other water bodies in the region. <p>List B</p>	<p>New Zealand Geopreservation Inventory. Expert evidence.</p>
	<ol style="list-style-type: none"> International or national reputation and or high non-local usage. Evidence is provided in support of outstanding values. 	