

Section 42A Hearing Report

Proposed Otago Regional Policy Statement 2021

Chapter 11:

Energy, Infrastructure and Transport

Peter Stafford



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(Para/Heading numbers rectified 18 May)

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11. EIT – Energy, infrastructure, and transport

11.1. Introduction

1. The Otago region includes nationally and regionally significant renewable energy resources, infrastructure, and transport networks, as well as other infrastructure that is important at a local level. There are overlapping responsibilities between regional and district councils for managing the effects from energy, infrastructure, and transport networks in accordance with their functions under the RMA. In addition, there is a suite of regulations under several other statutes which interface with RMA functions. Many of the energy, transport and infrastructure matters also traverse the coastal environment, both within the coastal marine area and adjacent to it and interact with urban form and development. This complexity means that it is important that the region has a clearly articulated approach to managing these activities and their environmental effects, as well as effects on their operation.
2. The approach taken in the chapter is to provide for a slightly more flexible approach for nationally and regionally significant infrastructure in a manner that recognises the need to balance the importance of that infrastructure to the region, while at the same time meeting the statutory requirements under the RMA and associated higher order documents.
3. This section of the report addresses submissions on the pORPS with respect to the following three topics.
 - Energy,
 - Infrastructure, and
 - Transport.
4. These three topics are contained in one chapter of the pORPS.

11.2. Author

5. My full name is Peter Stafford and I am a Senior Policy Analyst employed by the Otago Regional Council. I hold a Bachelor of Science (Forestry) from the Australian National University.
6. I have over thirty years' experience in policy and natural resource management within both the public sector and private sectors. This has been principally at national level in the Australia Government in relation to energy, transport, forestry, agriculture, mineral and petroleum resources. I also have experience working in private practice supporting regional natural resource management organisations in their establishment, development of strategies and delivery.
7. I have been involved in the development of the pORPS 2021 since July 2020. This has included consultations, policy statement and section 32 evaluation report drafting, submissions, and the section 42A report with respect to the energy, infrastructure, and transport chapters.

11.3. Approach to EIT Section 42A

8. Submissions range from those that seek to correct minor errors and improve clarity which have been largely accepted, to modifications of the policy approach. This includes amendments to improve alignment with higher order planning documents and provisions (e.g. NZCPS).
9. New provisions have also been proposed which seek to address matters ranging from addressing gaps in the pORPS, to add matters, or seek to add priority considerations to application of certain provisions and/or to create priority application for a land use or particular industry sector. Suggestions for additional provisions that do not contribute to clarity, do not give effect to higher order documents (e.g. National Policy Statements, National Environmental Standards), are contrary to case law, or are redundant (e.g. by being already addressed through definitions or by other provisions) are generally not recommended to be accepted except for clarification purposes.
10. Matters that materially change the intended strength of provisions or are considered to compromise the necessary consideration of the facts of individual circumstances and weighing of evidence, are generally not recommended to be accepted unless there is a reason for amendment based on giving effect to higher order documents for example the RMA or a national policy statement.
11. Submissions that may have logical merit when considered in isolation and/or for a unique circumstance, but are considered to have a risk of adversely affecting “inter-operability” within or outside of the pORPS (e.g. across the general regulatory framework) are generally not recommended to be accepted.

11.4. Definitions

12. There are a range of submissions relating to defined terms used in this section, some of which are addressed in other parts of this report. In summary:
 - Defined terms used throughout the pORPS, including in this section, are addressed in the Part one s.42 report.
 - Defined terms used only in the EIT chapter or the meaning is driven from this chapter, but across two or more of the sections within the EIT chapter, are addressed below in this section of this report.
 - Defined terms used only in one section (i.e. EIT-INF, EIT-EN or EIT-TRANS) are addressed in those sections of the report.

11.4.1. General Submissions on Definitions

11.4.1.1. Introduction

13. As notified, the definition of Additional infrastructure reads:

Additional infrastructure

has the same meaning as in clause 1.3 of the National Policy Statement on Urban Development 2020 (as set out in the box below)

means:

- (a) public open space
- (b) community infrastructure as defined in section 197 of the Local Government Act 2002
- (c) land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities
- (d) social infrastructure, such as schools and healthcare facilities
- (e) a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)
- (f) a network operated for the purpose of transmitting or distributing electricity or gas

14. As notified, the definition for Distribution network reads:

Distribution network

has the same meaning as in regulation 3 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (as set out in the box below)

- (a) means lines and associated equipment that are used for conveying electricity and are operated by a business engaged in the distribution of electricity; but
- (b) does not include lines and associated equipment that are part of the national grid

15. As notified, the definition for Electricity sub-transmission infrastructure reads:

Electricity sub-transmission infrastructure

means electricity infrastructure which conveys electricity between energy generation sources, the National Grid and zone substations and between zone substations.

16. As notified, the definition for Other infrastructure reads:

Other infrastructure

has the same meaning as in regulation 3 of the National Environmental Standard for Freshwater 2020 (as set out in the box below)

means infrastructure, other than specified infrastructure, that was lawfully established before, and in place at, the close of 2 September 2020

11.4.1.2. Submissions

17. Network Waitaki and PowerNet¹ seek to rationalise the definitions that relate to electricity infrastructure and make consequential changes to the wording in the relevant provisions for the following definitions:

¹ 00320.002 Network Waitaki, 00511.002 PowerNet

- Additional infrastructure
- Distribution network
- Electricity sub – transmission infrastructure
- Specified infrastructure
- Other infrastructure

18. Network Waitaki, Aurora Energy and PowerNet² also seek to replace all instances of the term “*electricity transmission network*” with “*electricity distribution network*”.
19. Te Waihanga³ seeks specific reference to “economic infrastructure” without which the economy of Otago cannot function, including, for example, those highlighted in the submission as being unique to the Otago region and unable to locate outside of the areas listed in EIT–INF–P13, such as ski field infrastructure.
20. Aurora Energy, PowerNet, Network Waitaki, Te Waihanga and Waka Kotahi⁴ seek to retain the definition of “*Operational need*” as notified.
21. Aurora Energy⁵ and Department of Corrections⁶ seek to retain the definition of ‘Additional infrastructure’ as notified.

11.4.1.3. Analysis

22. I do not agree with the Network Waitaki and PowerNet submissions seeking to rationalise definitions and consider the relief sought is unclear with the exception of *Specified Infrastructure* which I have not considered as this definition is considered in the LF Chapter .. I also consider in a number of cases these submissions would have the effect of decoupling definitions from associated legislation and national policy statements. I recommend rejecting these submissions.
23. I also do not agree with the Network Waitaki, Aurora Energy and PowerNet submissions to replace all instances of the term “electricity transmission network” with “electricity distribution network”. I consider this inappropriately widens the scope and intent of what should be included as regionally or nationally significant infrastructure, and note, for example, all roads are not regionally significant.
24. I do not agree with the Te Waihanga request for specific reference to “economic infrastructure”. I consider the term to be extremely broad and could for instance cover, facilities, activities and services. Whilst appropriate for discussion in general terms, definitions are used for a particular purpose and the request goes well beyond the considerations that are appropriate for the pORPS. I recommend rejecting this submission.

² 00320.010 Network Waitaki, 00315.012 Aurora Energy and 00511.010 PowerNet

³ 00321.106 Te Waihanga

⁴ 00315.008 Aurora Energy, 00511.007 PowerNet, 00320.004 Network Waitaki, 00321.006 Te Waihanga and 00305.004 Waka Kotahi

⁵ 00315.001 Aurora Energy

⁶ 00102.002 Department of Corrections

25. I agree with the submissions of Aurora Energy, PowerNet and Network Waitaki which seek to retain the definition of “Operational need” and recommend accepting these submissions.

11.4.1.4. Recommendation

26. I do not recommend accepting these submissions to amend or rationalise notified definitions.

11.4.2. Distribution Network

11.4.2.1. Introduction

27. As notified, the definition for Distribution network reads:

Distribution network

has the same meaning as in regulation 3 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (as set out in the box below)

- | |
|--|
| <p>(a) means lines and associated equipment that are used for conveying electricity and are operated by a business engaged in the distribution of electricity; but</p> <p>(b) does not include lines and associated equipment that are part of the national grid</p> |
|--|

11.4.2.2. Submission

28. Aurora Energy⁷ seeks to amend the definition as follows:

~~“has the same meaning as in regulation 3 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (as set out in the box below)~~

Means

(a) means lines, cables and associated equipment that are used for conveying electricity and are operated by a business engaged in the distribution of electricity; but

(b) does not include lines and associated equipment that are part of the national grid”

29. They also seek to add the following text as a note below the definition to assist pORPS readers:

“Note: Includes electricity sub – transmission infrastructure and significant electricity distribution infrastructure.”

11.4.2.3. Analysis

30. Infrastructure as defined in the pORPS has the same meaning as in regulation 3 of the Resource Management (National Environmental Standards for Freshwater) Regulations

⁷ 00315.002 Aurora Energy

2020 and as such it has been reflected in full, and I do not consider it appropriate to amend the definition. I further consider use of consistent definitions within the New Zealand regulatory framework is critical to the interoperability of the pORPS with related regulatory and policy frameworks within Otago and nationally.

31. I consider the part of the submission to delete reference to regulation 3 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 is inappropriate for the reason provided in the previous paragraph.
32. In relation to submission to add the word “cables”, I consider the current definition incorporates the intent of the amendment sought so this is redundant.
33. In relation to the submission to add “Includes electricity sub-transmission infrastructure.....” I consider the current definition is clear and that the addition is redundant.
34. Accordingly I do not recommend accepting the submission in relation to this definition.

11.4.2.4. Recommendation

35. I do not recommend any amendments to the definition.

11.4.3. Upgrade

11.4.3.1. Submissions

36. Meridian⁸ seeks inclusion of a new definition – “Upgrade” as follows:

“Upgrade means activities to bring existing structures up to current standards or to improve the functional characteristics of structures, provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity.”

“Within the footprint of authorised renewable electricity generation activities, upgrade also means increasing the generation or transmission capacity, or the efficiency or security of regionally significant infrastructure; and replacing ancillary structures.”

11.4.3.2. Analysis

37. I do not agree with Meridian submission seeking to add a new definition “Upgrade”. I consider the term upgrade can rely on its natural meaning, and if it requires definition this can be done at a district or regional plan level, dependent on the circumstances to which the upgrade applies. I recommend rejecting this submission.

11.4.3.3. Recommendation

38. I recommend not accepting this submission point.

⁸ 00306.012 Meridian

11.5. EIT-EN-Energy

11.5.1. Introduction

39. The Otago region contributes significantly to New Zealand’s renewable electricity generation through hydro dams on the Clutha and the Waipori rivers and the Mahinerangi wind farm. The Otago region also has potential for additional renewable electricity generation from a variety of sources, including solar, wind, hydro and biomass. There are no known geothermal resources, however at a smaller scale it is possible to utilise ground-based heat pump systems for heating, using stored heat in the earth.
40. The purpose of this section of the pORPS 2021 is to respond to the issues associated with energy in Otago. This is limited to the generation and use of energy and does not address issues associated with electricity transmission activities which are addressed under the infrastructure section.
41. The relevant provisions for this section are:
- EIT-EN-O1 – Energy and social and economic wellbeing
 - EIT-EN-O2 – Renewable energy electricity generation
 - EIT-EN-O3 – Energy use
 - EIT-EN-P1 – Operation and maintenance
 - EIT-EN-P2 – Recognising renewable electricity generation activities in decision making
 - EIT-EN-P3 – Development and upgrade of renewable electricity generation activities
 - EIT-EN-P4 – Identifying new sites or resources
 - EIT-EN-P5 – Non-renewable energy generation
 - EIT-EN-P6 – Managing effects
 - EIT-EN-P7 – Reverse sensitivity
 - EIT-EN-P8 – Small and community scale distributed electricity generation
 - EIT-EN-P9 – Energy conservation and efficiency
 - EIT-EN-M1 – Regional plans
 - EIT-EN-M2 – District plans
 - EIT-EN-M3 – Education and information
42. Energy is critical to enabling the community to provide for its wellbeing, health and safety, and it is essential to the regional economy. However, its generation and use can result in adverse effects, some potentially significant and/or irreversible. The benefits of renewable electricity generation to New Zealand and the need to operate, maintain, develop and upgrade these assets are matters of national significance, provided for through the NPSREG.
43. Renewable electricity generation will play a part in New Zealand’s action plan to address climate change, with the Government setting a target for 100% of New Zealand’s electricity to be generated from renewable sources by 2035 (New Zealand Government, 2019). In 2019, 82.4% of New Zealand’s electricity came from renewable energy sources (Ministry of Business, Innovation & Employment, 2020). This indicates that there will need to be an increase in renewable electricity generation in the coming decades, whether that is through development of existing schemes or establishment of new activities. Given Otago’s natural resources and proximity to National Grid infrastructure,

it is likely that some of the opportunities for increased renewable generation will be found in Otago.

44. Otago’s planning framework must recognise the benefits of renewable electricity generation, including nationally, while also managing the adverse effects of those activities and complying with other national direction. Hydroelectricity is already a significant renewable electricity source in Otago with potential for this to increase, however the NPSFM may make it more difficult to develop freshwater resources for this purpose as the specific provisions for hydro schemes only apply to listed schemes already existing as at 1 August 2019. Wind farms are another renewable electricity source already in operation in Otago, however their development can be difficult depending on the landscapes they are proposed to locate within. Otago is home to large areas of land considered to be an outstanding natural feature or landscape.
45. It is relevant to note that renewable electricity generation is defined as infrastructure (and is included in the definition of regionally significant infrastructure) and that as such, the provisions of the EIT-INF sub-chapter also apply. This sub-chapter addresses those remaining matters that are relevant to renewable electricity generation that need to be addressed in order to give effect to the NPSREG.
46. The pORPS 2021 contains specific policy direction to address the current gaps and limitations in the PORPS 2019, while retaining the overarching direction. The key differences proposed include:
 - a. ensuring the provisions give effect to the relevant higher order documents, including using the structure and definitions in the National Planning Standards,
 - b. requiring recognition of the resource needs of renewable electricity generation activities when making decisions on the allocation of natural and physical resources,
 - c. avoiding the development of non-renewable energy generation activities, and
 - d. including policy direction on energy conservation and efficiency.

11.5.2. EIT-EN-General Submissions

11.5.2.1. Submissions

47. Trustpower^{9 10} has provided general submissions that supports (a) the intent of the pORPS to recognise and provide for renewable electricity generation and (b) the thrust of the EIT – EN Energy chapter which should be retained. They also seek to have the pORPS amended throughout to replace the word ‘energy’ with the word ‘electricity’ wherever there are references to renewables.

⁹ 00311.070 Trustpower

¹⁰ 00311.028 Trustpower

48. Trustpower Limited¹¹ has provided a general submission for a need to ensure a coordinated policy response to insure there is recognition and development of plan provisions at regional and local scales that provide for existing or future renewable electricity generation.
49. DOC¹² has provided a general submission as follows: Retain EIT – EN 0 O1 to EIT-EN-03 as notified, except to either amend Objective EIT-EN-02, or add a new objective, to specifically recognise the benefits of new renewable energy generation.
50. Trustpower¹³ has provided a general submission as follows:
Add a new introduction statement prior to the EIT-EN-Energy heading as follows:
“Note: The provisions of the RPS, other than those contained in EIT – EN, do not apply to renewable electricity generation activities”
51. Trustpower Limited has provided a general submission as follows:
- Renumber Policy EIT – EN P1 as ‘Policy EIT – EN P2’, and
 - Renumber Policy EIT – EN P2 as ‘Policy EIT – EN P1’.
52. Aurora Energy¹⁴ has provided a general submission seeking consequential amendment with respect to amended provisions of the INF-EN subchapter.

11.5.2.2. Analysis

53. In agree in part with the Trustpower submission in support (a) the intent of the pORPS to recognise and provide for renewable electricity generation and (b) the thrust of the EIT – EN Energy chapter which should be retained. I recommend that this submission be accepted in part, subject to those modifications arising from other submissions.
54. Trustpower seeks the pORPS be amended throughout to replace the word ‘energy’ with the word ‘electricity’ wherever there are references to renewables. I consider the amendment is too narrow as there are other forms of renewable energy, for example biofuels, solar thermal, geological both active (heating production processes) and passive (heating and cooling).
55. I agree in part with the Trustpower submission for the need ensure a coordinated policy response concerning existing or future renewable electricity generation. I consider that this has been addressed throughout the pORPS through the provisions of the IM (Integrated Management Chapter). I recommend this submission be accepted on the basis that further amendments are not required.
56. I do not agree with the DOC submission to specifically recognise the benefits of new renewable energy generation in the EIT-EN . I consider that the current objectives

¹¹ 00311.067 Trustpower

¹² 00137.097 DOC

¹³ 00311.029 Trustpower

¹⁴ 00315.060 Aurora Energy

appropriate address renewable energy generation. I recommend rejecting the submission.

57. I do not agree with the Trustpower submission to add a new introduction statement prior to the EIT-EN-Energy heading to the effect :“Note: The provisions of the RPS, other than those contained in EIT – EN, do not apply to renewable electricity generation activities” I consider this to be incorrect, for example the EIT-INF chapter applies to EIT-EN, and in particular EIT-INF-P13 links the EIT-EN chapter to other parts of the pORPS - namely the ECO, LF and Coastal Chapters. I recommend this submission be rejected
58. I do not agree with the Trustpower request to reorder Policy EIT – EN P1 and Policy EIT – EN P2. I consider the submission is not material. I recommend this submission be rejected.
59. I agree in part with the Aurora Energy general submission seeking consequential amendments with respect to amended provisions of the INF-EN subchapter. I consider to the extent that recommended amendments achieve the relief sought by the submitter then these submissions are recommended to be accepted, and in all other respects they are recommended to be rejected.

11.5.3. EIT-EN-Definitions

11.5.3.1. Electricity Sub-transmission Infrastructure

Introduction

60. As notified, the definition for Electricity sub-transmission infrastructure reads:

Electricity sub-transmission infrastructure

means electricity infrastructure which conveys electricity between energy generation sources, the National Grid and zone substations and between zone substations.

Submissions

61. Meridian¹⁵ and Aurora Energy¹⁶ seek to retain the definition as notified.
62. Transpower¹⁷ seeks to amend the definition as follows:
- “means electricity infrastructure that is not the National Grid and that ~~which~~ conveys electricity between:*
- (a) energy generation sources and zone substations;*
- (b) the National Grid and zone substations; or ~~and~~*
- (c) between zone substations.”*

¹⁵ 00306.002 Meridian

¹⁶ 00315.003 Aurora Energy

¹⁷ 00314.003 Transpower

Analysis

63. In relation to the Meridian and Aurora Energy submissions seeking retention as notified, I recommend that these should be accepted in part, subject to those modifications arising from other submissions.
64. I agree with the Transpower submission. I consider the amendments provide clarity in terms of the separation of *Electricity Sub-transmission Infrastructure* from the *National Grid*. I recommend accepting this submission.

Recommendation

65. I recommend amending the definition of “electricity sub-transmission infrastructure” as follows:
- means electricity infrastructure that is not the National Grid and that which conveys electricity between:¹⁸
- (a) energy generation sources and zone substations, ¹⁹
- (b) the National Grid and zone substations; or and²⁰
- (c) between zone substations.²¹

11.5.3.2. Renewable electricity generation activities

Introduction

66. As notified, the definition for Renewable electricity generation activities reads:

Renewable electricity generation activities

has the same meaning as in the Interpretation section of the National Policy Statement for Renewable Electricity Generation 2011 (as set out in the box below)

means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity

Submission

67. Meridian²² seeks to amend the *Renewable electricity generation activities* definition as follows:

¹⁸ 00314.003 Transpower

¹⁹ 00314.003 Transpower

²⁰ 00314.003 Transpower

²¹ 00314.003 Transpower

²² 00306.006 Meridian

“means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. This also includes the construction, operation and maintenance of ancillary structures to renewable electricity generation, including (amongst others) internal access tracks and roads, and substations.”

Analysis

68. *Renewable electricity generation* as defined in the pORPS has the same meaning as in the Interpretation section of the National Policy Statement for Renewable Electricity Generation 2011. As such it has been reflected in full from the NPSREG, and I do not consider it appropriate to amend it. I further consider use of consistent definitions within the New Zealand regulatory framework are critical to the interoperability of the pORPS with related regulatory and policy frameworks within Otago. Accordingly, I do not recommend accepting the Meridian submission.

Recommendation

69. I do not recommend any amendments to the definition of *Renewable electricity generation activities*.

11.5.3.3. National Grid

Introduction

70. As notified, the definition for National grid reads:

National grid

has the same meaning as in the Interpretation section of the National Policy Statement for Renewable Electricity Generation 2011 (as set out in the box below)

means the lines and associated equipment used or owned by Transpower to convey electricity
--

Submissions

71. Transpower²³ seek to amend the definition “*National Grid*” as follows:

“has the same meaning as in the Interpretation section of the National Policy Statement on Electricity Transmission 2008 for Renewable Electricity Generation 2011 as follows

.....

²³ 00314.004 Transpower

“means the ~~assets lines and associated equipment~~ used or owned by Transpower New Zealand Limited to convey electricity”.

Analysis

72. I agree with the Transpower submission to amend the definition of “National Grid”. I consider that this improves the definition and recommend accepting this submission.

Recommendation

73. I recommend the following amendments the definition of the “National Grid” has the same meaning as in the Interpretation section of the National Policy Statement on Electricity Transmission 2008 for Renewable Electricity Generation 2011²⁴(as set out in the box below)

means the assets lines and associated equipment used or owned by Transpower New Zealand Limited to convey electricity
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11.5.3.4. Significant electricity distribution infrastructure

Submissions

74. Aurora Energy, Network Waitaki and PowerNet²⁶ seek a new definition – “Significant electricity distribution infrastructure” as follows:

“Significant Electricity Distribution Infrastructure means electricity distribution infrastructure which supplies:

- a. Essential and emergency services (such as hospitals and lifeline facilities);*
- b. Other regionally significant infrastructure or individual consumers requiring supply of 1MW or more;*
- c. 700 or more consumers; or*
- d. Communities that are isolated and which do not have an alternative supply in the event the line or cable is compromised and where the assets are difficult to replace in the event of failure.”*

Analysis

75. I do not agree with the Aurora Energy, Network Waitaki and PowerNet submission seeking a new definition – “Significant electricity distribution infrastructure.” In particular, I consider that sub-clause (d) as proposed by the submitter is too subjective to be applied in a consistent manner, as it includes a degree of assessment and does not clearly identify which assets which would be included in the term (noting that such assets would have

²⁴ 00314.004 Transpower

²⁵ 00314.004 Transpower

²⁶ 00315.013 Aurora Energy, 00320.011 Network Waitaki and 00511.011 PowerNet

consequential recognition as sought by the submitter as regionally significant infrastructure).

Recommendation

76. I recommend not accepting these submission points.

11.5.3.5. Telecommunication and Radiocommunication facilities

Submission

77. The Telecommunication Companies²⁷ seek a new definition – “Telecommunication and Radiocommunication Facilities” that encompasses all lines and wireless networks.

78. Alternatively they seek to amend the definition of “Regionally significant infrastructure” by changing the listed term “Telecommunication and Radiocommunication Facilities” to “Telecommunication and Radiocommunication Networks”.

Analysis

79. I do not agree with the Telecommunication Companies submission seeking to add a new definition – “Telecommunication and Radiocommunication Facilities” I consider the amendment requested by Forest and Bird to the definition of regionally significant infrastructure as encompassing those matters as defined in section 5 of the Telecommunications Act 2001 and in section 2 of the Radiocommunications Act 1989 to address the concerns of the submitter.

Recommendation

80. I recommend not accepting this submission point.

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

11.5.4.1. Introduction

81. As notified, EIT-EN-O1 reads:

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

Otago’s communities and economy are supported by *renewable energy generation* within the region that is safe, secure, and *resilient*.

11.5.4.2. Submissions

82. Federated Farmers and the Te Waihangā²⁸ seek to retain the provision as notified (one subject to consequential amendments to provisions).

²⁷ 00310.002 The Telecommunication Companies

²⁸ 00239.114 Federated Farmers of New Zealand, 00321.039 Te Waihangā

83. DCC²⁹ seeks amendments as follows
- “Otago’s communities and economy are supported by an electricity generation and distribution network renewable energy generation within the region that: is safe, secure, and resilient; (a) reduces its reliance on non – renewable energy sources, and (b) contributes to meeting New Zealand’s national target for renewable electricity generation.”*
84. Meridian³⁰ seeks to delete the notified version of the provision and replace it with the following
- “Renewable electricity generation activities in Otago: (1) provide for the energy needs of Otago’s communities and economy; (2) reduce overall greenhouse gas emissions; and (3) contribute to the achievement of New Zealand’s national target for renewable electricity generation.”*
85. Ngāi Tahu ki Murihiku³¹ seeks the combining of EIT-EN-O1 and EIT-EN-O2.
86. Trustpower and Wise Response Inc³² seek amendments to include references to “health and wellbeing” and “supporting the realisation of the four wellbeing’s”.
87. Contact³³ support the provision, but comment “it could be strengthened” in order to be consistent with directive language used in other sections of the pORPS 2021.
- 11.5.4.3. Analysis
88. In relation to the submissions seeking retention of the provision as notified, I consider that these should be accepted.
89. I do not agree with the Contact submission. In relation to the submission seeking, it to be strengthened. I consider the provision as notified is clear and is correctly expressed as seeking a high level outcome, which is appropriate at an objective level in the pORPS. Further it is unclear what relief the submitter is seeking. I recommend this submission be rejected.
90. I do not agree with the DCC submission. Matters raised in relation to electricity distribution are addressed in the infrastructure chapter. In addition, the amendments seek to broaden the provision to electricity distribution, whereas this objective is focused on renewable energy generation. I recommend this submission be rejected.
91. I do not agree with the Meridian submission to delete the notified version of the objective and replace it with the requested text. I consider this does not address the purpose of the objective with respect to safe, secure and resilient renewable energy, and note that

²⁹ 00139.142 Dunedin City Council

³⁰ 00306.051 Meridian

³¹ 00223.102 Ngāi Tahu ki Murihiku

³² 00311.030 Trustpower, 00509.094 Wise Response Society Inc

³³ 00318.023 Contact

the request by Meridian duplicates aspects of EIT-EN-O2. I recommend this submission be rejected.

92. I do not agree with the Ngāi Tahu ki Murihiku submission to combine EIT-EN-O1 and EIT-EN-O2. I consider the individual provisions provide clarity, noting that Objective EIT-EN-O1 focuses on renewable *energy*, that is not necessarily tied to renewable *electricity generation*. I recommend this submission should be rejected.

93. When considering this provision, I noted that the objective uses " *renewable energy generation* " which suggests reference to a definition (being in italics) whereas a definition does not exist. In my opinion, " *renewable energy generation* " should be replaced with " renewable energy generation " as a minor correction in accordance with clause 16(2) of Schedule 1 of the RMA.

11.5.4.4. Recommendation

94. I recommend amending EIT-EN-O1 as follows:

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

Otago’s communities and economy are supported by ~~renewable energy generation~~ renewable energy generation³⁴ within the region that is safe, secure, and *resilient*.

11.5.5. EIT-EN-O2 – Renewable Electricity Generation.

11.5.5.1. Introduction

95. As notified, EIT-EN-O2 reads:

EIT-EN-O2 – *Renewable electricity generation*

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.

11.5.5.2. Submissions

96. DCC and Ngāi Tahu ki Murihiku³⁵ seek the combination of provisions EIT-EN-O1 and EIT-EN-O2.

97. Meridian³⁶ seeks to replace the provision with “Existing renewable electricity generation activities in Otago are enabled, and new renewable electricity generation activities are provided for.”

³⁴ Clause 16(2), Schedule 1, RMA.

³⁵ 00139.143 DCC, 00223.103 Ngāi Tahu ki Murihiku

³⁶ 00306.052 Meridian

98. Wise Response³⁷ seeks to amend the provision to include following: “Provides a significant contribution to the four wellbeing’s and manages climate and natural environment related risk for the community, through community – owned REG assets.”
99. Beef & Lamb and DINZ³⁸ seek to amend objectives and policies to “provide for Otago’s agricultural and urban land uses when relying on water for renewable electricity generation and avoid water reliant renewable energy where water has been overallocated or is under pressure”.
100. Contact³⁹ seeks to amend the provision as follows:
“(1) is protected and maintained and, if practicable, where appropriate increased, maximised within environmental limits, and
(2) contributes in full to meeting New Zealand’s national target for renewable electricity generation and climate change commitments.”
101. Te Waihanga⁴⁰ seeks to emphasize climate change commitments and targets under sub-point (2) by adding “.....and the 2050 Target”.
102. Fish and Game⁴¹ seeks to amend to clause (1) as follows: “is maintained across the region and, if practicable ~~maximised~~ increased, but only where it is consistent with environmental limits.”
103. Similarly, the Wayfare Group⁴² and Trojan⁴³ seek to amend to clause (1) by amendment as follows: replacing “~~maximised~~” with “increased”
104. Forest and Bird⁴⁴ seeks to amend sub-point (1) by replacing “if practical maximized” with “where appropriate increased, while maintaining and restoring ecological health”, together with removing reference to “within ~~environmental limits~~”.
105. Trustpower seeks to amend the provision as follows:
“The generation capacity of renewable electricity generation activities in Otago:
(1) is protected and maintained and, if practicable, increased, maximised within
environmental limits and
(2) contributes to meeting New Zealand’s national target for renewable electricity generation and climate change commitments.”
106. Federated Farmers⁴⁵ seeks a change to clause (1) by replacing “if practical” to with “where appropriate”.

³⁷ 00509.095 Wise Response

³⁸ 00237.050 Beef & Lamb NZ and Deer Industry NZ. This submission is repeated for EIT-EN-P2 submission point as 00237.052

³⁹ 00318.024 Contact

⁴⁰ 00321.040 Te Waihanga

⁴¹ 00231.084 Fish and Game

⁴² 00231.084 00230.120 Wayfare Group

⁴³ 00206.047 Trojan

⁴⁴ 00230.120 Forest and Bird.

⁴⁵ 00239.115 Federated Farmers.

107. Kāi Tahu ki Otago / Aukaha⁴⁶ seeks to clarify the reference to “environmental limits” in the objectives and policies.

108. Wise Response⁴⁷ seeks amendments to include references to “health and wellbeing” and “supporting the realisation of the four wellbeing’s”.

11.5.5.3. Analysis

109. I do not agree with the DCC and Ngāi Tahu ki Murihiku who seek to combine EIT-EN-O1 and EIT-EN-O2. I consider the individual provisions provide clarity noting that Objective EIT-EN-O1 focuses on renewable *energy*, that is not necessarily tied to renewable *electricity generation* which is the subject of EIT-EN-O2. I recommend rejection of these submissions.

110. I do not agree with the request of Meridian to replace the provision with “Existing renewable electricity generation activities in Otago are enabled, and new renewable electricity generation activities are provided for.” The as-notified objective incorporates the concept of maintaining and where practicable maximizing renewable electricity generation within environmental limits, which is also important for preservation and protection of matters of national importance under s6, as well as implementing the outcomes for NPSFW. The proposition of “enabling” is not ideal at an objective level, and in addition could result in requests to permit all consenting, which compromises the objective’s purpose. The NPSREG does not provide a framework for “enabling” renewable energy generation but seeks to enable sustainable management of renewable energy generation. This includes consenting pathways. I recommend this submission be rejected.

111. I do not agree with the Wise Response request to include: “Provides a significant contribution to the four wellbeing’s and manages climate and natural environment related risk for the community, through community – owned REG assets.” I consider the recommendation to be inconsistent with the NPSREG. I recommend the submission be rejected.

112. I do not agree with the Beef & Lamb and DINZ submission to amend objectives and policies to “provide for Otago's agricultural and urban land uses when relying on water for renewable electricity generation and avoid water reliant renewable energy where water has been overallocated or is under pressure”. This matter would be better addressed in relation to water allocation, noting that even in that situation, provision of renewable electricity generation is a matter of national important under the NPSREG. I recommend the submission be rejected.

113. I agree in part with Kāi Tahu ki Otago / Aukaha to clarify the reference to “environmental limits” in the objectives and policies. The subject of “environment limits” has been addressed in some detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of “environmental limit” and retaining the reference this objective on that basis. I recommend the submission be accepted.

⁴⁶ 00226.235 Kāi Tahu ki Otago / Aukaha

⁴⁷ 00509.095 Wise Response

114. I do not agree with the Fish and Game submission to amend sub-point (1). I consider the amendment potentially weakens the strength of the existing wording by requiring activities to be only consistent with environmental limits rather than being within them. I recommend this submission be rejected.
115. I do not agree with the Wayfare Group and Trojan who are seeking to amend sub-clause (1) as follows: replacing “maximised” with “increased”. I consider the reference to “maximized” to provide a clearer outcome relative to the reference to “increased”. I recommend this submission be rejected.
116. I do not agree with the Forest and Bird submission to amend to sub-point (1) by replacing “if practical maximized” with “where appropriate increased, while maintaining and restoring ecological health”, together with removing reference to “environmental limits”. I consider the amendment goes beyond the intended scope of the provision in relation to renewable energy generation. I also consider the reference to environmental limits is appropriate and balances the national importance of renewable electricity generation with the use and protection of physical resources and can apply to protection of significant natural areas and minimum flows in waterbodies, for example. I recommend rejecting this submission.
117. I do not agree with Federated Farmers proposed amendment to sub-point (1) by replacing “if practical” to with “where appropriate”. I consider the objective purposefully focusses on matters relating to NPSREG. While the submitter is concerned that the objective to maximize generation might have implications on other users, this is not material with respect to the purpose of this provision, and it is noted that this still has to take place within environmental limits. I recommend this submission be rejected.
118. I agree in part with the Contact submission as follows.
- a. I consider the addition of the reference in clause (1) to “is protected and maintained...” reflects Policy B (a) of the NPSREG and recommend this part of the submission be accepted.
 - b. I consider the amendments in clause (1) “~~if practicable~~, where appropriate increased”, is less clear and recommend rejecting this part of the submission.
 - c. I do not agree with the amendments in clause (1) to remove the reference “~~maximised within environmental limits~~”. I consider the reference to maximise is necessary to give effect to New Zealand’s national target for renewable electricity generation. I note the matter of “environment limits” has been addressed in some detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of “environmental limit” and retaining the reference this objective on that basis. I recommend this part of the submission be rejected.
 - d. I consider the amendment in clause (2) to add reference to “in full” is unrealistic and recommend this part of the submission be rejected.

- e. The remaining part of the Contact submission concerning amendment to sub-point (2) through the addition of “.....and climate change commitments” is considered separately below.

119. I do not agree in part with the Trustpower submission. In relation to the proposed amendment to clause (1) is “protected and maintained and, if practicable, increased”. I consider the current wording “maximised” purposefully accommodates: the NPSFM and climate fluctuations which might impose constraints on hydrogeneration capacity; wind availability which will pose constraints on wind generation; and solar generation, which is controlled significantly by the local climatic conditions. Increased is therefore not a word that would work in this circumstance. I recommend rejecting this part of the submission.

120. I do not agree with the proposed deletion, from Trustpower, of the reference in clause (1) of “within environmental limits”. I note the matter of “environment limits” has been addressed in some detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of “environmental limit” and retaining the reference this objective on that basis. Further, in the context of this objective the proposed amendment would remove the bottom-line issues such as biodiversity and water quantity, which could lead to conflicting objectives being traded off, and loosening of environmental bottom lines. This would be inconsistent with the objectives of the NPSFM and matters of national significance under s6 RMA and would potentially mean the purpose of the RMA is not achieved. I recommend rejecting this part of the submission. The remaining part of the Trustpower submission concerning amendment to sub-point (2) through the addition of “.....and climate change commitments” is considered below.

121. Several submissions (Contact, Trustpower and Te Waihangā⁴⁸) proposed amendments to EIT-INF-O2 to incorporate climate change amendments or reference to 2050 targets. I consider this matter requires its own objective given the significance of climate change response within the pORPS and to address and to ensure consistency with NPSREG Policy B (c). Accordingly, I recommend insertion of a new objective addressing “Greenhouse gas emissions and renewable energy targets” as follows: Otago’s renewable energy generation supports the overall reduction in New Zealand greenhouse gas emissions and achieving the national target for emissions reduction.” This objective also relates to IM-O4 (Climate Change)

11.5.5.4. Recommendation

122. I recommend amending EIT-EN-O2 as follows:

EIT-EN-O2 – Renewable electricity generation

The generation capacity of *renewable electricity generation activities* in Otago:

⁴⁸ 00318.024 Contact, 00311.031 Trustpower, 00321.040 Te Waihangā

(1) is protected and⁴⁹ maintained, and if practicable maximised, within *environmental limits* and

(2) contributes to meeting New Zealand’s national target for *renewable electricity generation*.

123. I also recommend adding a new objective as follows:

EIT-EN-O2A – Greenhouse gas emissions and renewable energy targets

Otago’s renewable energy generation supports the overall reduction in New Zealand greenhouse gas emissions and achieving the national target for emissions reduction.⁵⁰

11.5.6. EIT-EN-O3 – Energy Use

11.5.6.1. Introduction

124. As notified, EIT-EN-O3 reads:

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.

11.5.6.2. Submissions

125. Cosy Homes, Te Waihanga, Ravensdown and Waka Kotahi⁵¹ seek to retain the provision as notified (one subject to consequential amendments to provisions).

126. DCC⁵² seeks the provision be amended to: “Subdivision and 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.”

127. Wise Response⁵³ seeks the provision to be amended to: “Development is located, and designed and managed to facilitate and incentivise minimum demand and the efficient use of energy by giving individual consumers the option to manage their demand, to generate their own electricity and potentially rebate it to the grid, so that and to reduce per capita demand if possible is reduced, and minimising along with the full cycle contribution that Otago makes to total greenhouse gas emissions”.

⁴⁹ 00318.024 Contact

⁵⁰ 00318.024 Contact, 00311.031 Trustpower, 00311.039 Trustpower, 00321.040 NZIC

⁵¹ 00242.006 Cosy Homes, 00321.041 Te Waihanga, 00121.071 Ravensdown, and 00305.032 Waka Kotahi

⁵² 00139.144 DCC

⁵³ 00509.096 Wise Response

11.5.6.3. Analysis

128. In relation to the submissions seeking retention as notified, I recommend that these be accepted.

129. I do not agree with the DCC submission. I consider the addition of the reference to “Subdivision” to be redundant. I also consider the proposed deletion of the words “minimising the contribution that Otago makes to total greenhouse gas emissions” is not appropriate as it is necessary to support the related objectives of the IM chapter of the pORPS 21. I recommend this submission be rejected.

130. I do not agree with Wise Response submission. I consider the submission is framed as a method rather than as an objective. In addition, I consider the submission is outside the remit of the RMA. I recommend this submission be rejected.

11.5.6.4. Recommendations

131. I do not recommend any amendments.

11.5.7. New Objectives

11.5.7.1. Submissions

132. Meridian⁵⁴ also seeks a new objective as follows:

“Renewable electricity generation activities in Otago:

a) provide for the energy needs of Otago’s communities and economy;

b) reduce overall greenhouse gas emissions; and

c) contribute to the achievement of New Zealand’s national target for renewable electricity generation”.

11.5.7.2. Analysis

133. I do not agree with the Meridian request for a new objective regarding renewable electricity generation activities in Otago. I consider this has been adequately covered through amendments I have recommended to the provisions of this chapter in response to other submissions. I recommend rejecting the submission.

11.5.7.3. Recommendations

134. I do not recommend any amendments.

⁵⁴ 00306.092 Meridian

11.5.8. EIT-EN-P1 – Operation and maintenance

11.5.8.1. Introduction

135. As notified, EIT-EN-P1 reads:

EIT-EN-P1 – Operation and maintenance

The operation and maintenance of existing *renewable electricity generation activities* is provided for while minimising its adverse *effects*.

11.5.8.2. Submissions

136. Meridian⁵⁵, seeks to amend the provision to “The operation and maintenance of existing renewable electricity generation activities is ~~provided for~~ enabled while minimising adverse effects”.

137. Te Waihanga⁵⁶ seeks to amend the provision to remove requirement to “minimise” adverse effects.

138. Fish and Game⁵⁷ seeks a modification as follows: “....provided for where it occurs within environmental limits~~while minimising its adverse effect~~.”

139. Forest and Bird⁵⁸ seeks amendments to include a hierarchy of consideration to deal with adverse effects of activities as follows: “The operation and maintenance of existing renewable electricity generation activities is provided for while, avoiding adverse effects as far as practicable, then minimising its adverse effects and restoring freshwater where it is degraded or degradation is occurring.”

140. Contact and Trustpower⁵⁹ seek amendment to add “protecting” activities under the provision, adding “upgrading” to the scope of activities, and removing reference to minimising adverse effects.

141. Another two submissions also seek to expand the scope of the provision to include upgrading. DCC⁶⁰ seeks amendments to: expand the provision to include the development and expansion of these activities, and consider, combining these policies with policies P3 (Development and upgrade of REG activities) and P4 (Identifying new sites or resources), use the active tense, and move management of effects of renewable energy generation into EIT-EN-P6. Trustpower⁶¹ seeks to amend the policy title to “Operation, maintenance and upgrading”.

⁵⁵ 00306.053 Meridian

⁵⁶ 00321.042 Te Waihanga

⁵⁷ 00231.085 Fish and Game

⁵⁸ 00230.121 Forest and Bird

⁵⁹ 00318.025 Contact and 00311.033 Trustpower

⁶⁰ 00139.146 DCC

⁶¹ 0311.033 Trustpower

11.5.8.3. Analysis

142. I do not agree with the Meridian submission to replace the reference to “provided for” with- “enabled while minimising adverse effects”. The use of the word “enabled” would suggest the use of permitted status for operation and maintenance of existing generation activities, whereas it may be appropriate to consider re-consenting of renewable electricity generation as a controlled activity (or other more restrictive consent status). I recommend this submission be rejected.
143. I do not agree with the Te Waihanga submission. I consider the requirement to “minimize” adverse effects is essential to give effect to the RMA, and ensure that that changes could be required through consent reviews or re-consenting, for example to change flow regimes for waterbodies. I recommend this submission be rejected.
144. I do not agree with Fish and Game⁶² who seek to amend as follows: “...provided for where it occurs within environmental limits while minimising its adverse effect.” As noted above the purpose of this provision is recognise the importance of the ongoing operation of these existing activities consistent with the NPSREG alongside the need to reduce environmental impacts. I recommend rejecting these submissions. I note The subject of “environment limits” has been addressed in some detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of “environmental limit” which will assist with interpretation. I recommend rejecting this submission.
145. Forest and Bird seeks amendments to include a hierarchy of consideration to deal with adverse effects of activities as follows: In relation to the addition of “avoiding adverse effects as far as practicable, then minimising its adverse effects”. I note that this policy applies to existing renewable electricity generation activities, not new renewable electricity generation. New generation is covered by EIT-INF-P13. Similarly in relation to the addition of “and restoring freshwater where it is degraded, or degradation is occurring”, this is best addressed in the LF Section. I recommend rejecting these submissions.
146. I do not agree with the Contact and Trustpower submissions to introduce “protecting and providing” for activities under the provision, adding upgrading to the scope of activities, and removing reference to minimising adverse effects. As above, I note that in relation to development of new renewable electricity generation activities, that the EIT-INF sub-chapter is relevant. I consider these matters are appropriately addressed by EIT-INF-P11 and EIT-INF-P13. I recommend rejecting this submission.
147. I do not agree with the DCC request expand the provision to include the development and expansion of these activities, and consider, combining these policies with policies P3 (Development and upgrade of REG activities) and P4 (Identifying new sites or resources), use the active tense, and move management of effects of renewable energy generation into EIT-EN-P6. As above, I consider these matters have been appropriately addressed by EIT-INF-P11 and EIT-INF-P13. I recommend rejecting this submission.

⁶² 00231.085 Fish and Game

148. Trustpower requests rewording of the policy title to “Operation, maintenance and upgrading”. EIT-EN-P3 addresses development and upgrading of renewable electricity generation, however I note that in relation to management of effects, that EIT-INF-P13 remains the relevant consideration as to the effect for new or upgraded infrastructure. I recommend rejecting this submission.

11.5.8.4. Recommendation.

149. I do not recommend any amendments.

11.5.9. EIT-EN-P2 – Recognising *renewable electricity generation activities* in decision making

11.5.9.1. Introduction

150. As notified, EIT-EN-P2 reads:

EIT-EN-P2 – Recognising *renewable electricity generation activities* in decision making

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*.

11.5.9.2. Submissions

151. DCC⁶³ seeks to retain the provision as notified.

152. Federated Farmers⁶⁴ seek to delete the provision in its entirety.

153. Beef & Lamb and DINZ⁶⁵ seek to amend objectives and policies generally to “provide for Otago's agricultural and urban land uses when relying on water for renewable electricity generation and avoid water reliant renewable energy where water has been overallocated or is under pressure”.

154. Trustpower⁶⁶ seeks to amend the policy title to “Recognising and providing for renewable electricity generation activitiesin ~~decision making~~.” and to amend the chapeau to

⁶³ 00139.147 DCC

⁶⁴ 00239.116 Federated Farmers

⁶⁵ 00237.052 Beef & Lamb and DINZ.

⁶⁶ 00311.034 Trustpower

“Recognise and provide for renewable electricity generation, by ensuring that dDecisions on the allocation.....”.

155. Contact and Trustpower Limited⁶⁷ seek the inclusion of the following new sub-clause (after sub-clause (1)): “Protect the generation output and operational capacity of existing renewable electricity generation activities”.
156. Clause (1) attracted the following submissions.
157. Contact⁶⁸ seeks amendment to “recognise the national, regional and local benefits of existing and potential new renewable electricity generation activities”.
158. DOC⁶⁹ requests removal of the word “existing”.
159. “Meridian and Trustpower⁷⁰ seek amendment to “...recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to ~~of existing~~”
160. Clause (2) attracted the following submissions.
161. Contact⁷¹: “.....~~take into account~~ provide for the need to at least maintain renewable electricity generation capacity and enhance this where there are resources and opportunities to do so, and....”.
162. DOC⁷²: “.....take into account the needs to at least maintain current renewable electricity generation capacity and to provide for increased capacity to enable a shift from non – renewable energy, and....”.
163. Meridian⁷³ : “.....~~take into account~~ have particular regard to the need to at least maintain current renewable electricity generation capacity and that this may require protection of the assets, operational capacity and continued availability of the renewable energy resource....”.
164. Fish and Game⁷⁴: “.....take into account the benefits of ~~need to~~ at least maintaining current renewable electricity generation capacity....”.
165. Trustpower⁷⁵: “.... protect the generation output and operational capacity of existing renewable electricity generation activities....”.
166. Te Waihanga⁷⁶ also requests strengthening the policy support for increasing renewable electricity generation capacity.
167. Clause (3) attracted the following submissions.

⁶⁷ 00318.026 Contact and 00311.034 Trustpower

⁶⁸ 00318.026 Contact

⁶⁹ 00137.100 DOC

⁷⁰ 00306.054 Meridian, 00311.034 Trustpower

⁷¹ 00318.026 Contact

⁷² 00137.100 DOC

⁷³ 00306.054 Meridian

⁷⁴ 00231.086 Fish and Game

⁷⁵ 00311.034 Trustpower

⁷⁶ 00321.043 Te Waihanga

168. Fish and Game⁷⁷ seeks the removal of clause (3).
169. Contact⁷⁸ requests the following amendment: recognise the need to increase the installed capacity of renewable electricity generation assets in Otago.~~that the attainment of increases in renewable electricity generation capacity will require significant development of renewable electricity generation activities.~~
170. Trustpower⁷⁹ requests the following amendments: recognise the need to increase the installed capacity of renewable electricity generation assets and that the “attainment of increases in renewable electricity generation capacity ~~will~~ may require significant development of renewable electricity generation activities”.
171. Meridian⁸⁰ requests the following amendment: “recognise that the attainment of increases in renewable electricity generation capacity will require significant development of renewable electricity generation activities and that such development will need to be located where the renewable energy source is available.”
172. Forest and Bird⁸¹ seeks to insert the word “include” at the end of the chapeau.

11.5.9.3. Analysis

173. In relation to the DCC submission seeking to be retained as notified, I recommend that the submission should be accepted in part, subject to those modifications arising from other submissions.
174. I do not agree with the Federated Farmers⁸² submission opposing the provision in its entirety. I consider the provision is necessary to ensure that decision-makers take account of relevant considerations that stem from the NPSREG. I recommend rejecting the submission.
175. I do not agree with the Beef & Lamb and DINZ submissions to amend objectives and policies generally to “provide for Otago's agricultural and urban land uses when relying on water for renewable electricity generation and avoid water reliant renewable energy where water has been overallocated or is under pressure”. The changes sought by the submitter are relevant to the allocation of water, which is addressed by the LW-FM chapter of the pORPS. I recommend rejecting this submission.
176. I do not agree with the Trustpower submission.
177. I do not agree with the amendment to include reference “and provide for” in the title or the chapeau of the provision, nor adding “provide for” in Clause (1). The reasons for not agreeing to these amendments are
- it in the introductory sentence is that the policy gives effect to a number of different parts of the NPSREG, not all of which have a direction to “recognise and

⁷⁷ 00231.086 Fish and Game

⁷⁸ 00318.026 Contact

⁷⁹ 00311.034 Trustpower

⁸⁰ 00306.054 Meridian

⁸¹ 00230.122 Forest and Bird

⁸² 00239.116 Federated Farmers

provide” for particular matters (see (2) which requires that “regard” is to be had to maintaining capacity, which reflects Policy B(a).

- I do not agree with the addition of “provide for” to Clause (1). I consider inclusion of this phrase could imply provision of water resource allocations without consideration of environment limits in relation to water use and it conflicts with the NPSFM hierarchy of obligations for water use.
- I do not agree with the deletion of “~~in decision-making.~~” in the title. I consider the current wording correctly focuses on relevant factors in decision-making (both on plans, and for consents). I recommend this part of the submission be rejected.

178. I recommend this submission be rejected.

179. I do not agree with the Contact and Trustpower requests to include the following new clause after clause (1): “Protect the generation output and operational capacity of existing renewable electricity generation activities”, noting that renewable electricity activities must also give effect to the NPSFM. I consider submission is inconsistent with Policy B(a) of the NPSREG. I recommend this submission be rejected.

Clause 1

180. The following submission relate to Clause (1).

181. I accept in principle the Contact submission to amend Clause (1) to add “...and potential new “, however consider this is better provided for by deleting the word “existing” and just generally referring to renewable electricity generation activities. This better reflects the wording in Policy A. I recommend this part of the Contact submission on Clause (1) be accepted.

182. Similarly, I agree with the DOC request to remove reference to “existing” only from Clause (1). I recommend this part of the DOC submission on Clause (1) be accepted.

183. I agree in part with the Meridian submission Clause (1). I do not agree with the addition of “provide for” to Clause (1). I consider inclusion of this phrase could imply provision of water resource allocations without consideration of environment limits in relation to water use abstraction and will likely conflict with the direction set out in proposed LF-FW-P7, which gives effect to the NPSFM. I agree with addition of “...significance of renewable electricity generation activities, including the national, regional”. I do not agree with the amendment to delete “~~of existing~~” as this would change the intent of the clause, although I do agree to the deletion of “existing” as set out above in relation to the submission by DOC. This approach is also supports my recommendation in relation to the Contact submission above. . I recommend accepting the Meridian submission on clause (1) in part.

Clause 2

184. I agree in part with the Contact submission on clause (2).

185. I consider the amendment “~~.....take into account~~ provide for the” is already addressed by amendments arising from the Trustpower submission and recommend it be rejected.

186. I consider the amendment “~~need to at least~~ maintenance of current” provides clarity and recommend this part be accepted and better reflects NPSREG Policy B(a).
187. I consider the amendment “and enhance this where there are resources and opportunities to do so, and...” is unclear as to whether the reference relates to financial resources of the submitter or to freshwater resources. I recommend this part of the submission be rejected.
188. I do not agree with the DOC submission to add the following words to clause (2): “...take into account the needs to at least maintain current renewable electricity generation capacity and to provide for increased capacity to enable a shift from non – renewable energy ...” as I consider this goes beyond the purpose of the provision, noting that non – renewable energy is addressed separately by EIT-EN-P5. I recommend this part of the DOC submission on clause (2) be rejected.
189. I agree in part with the Meridian submission as follows:
- I agree with the request to amend Clause (2) to “~~....take into account~~ have particular regard to the need to at least maintain current renewable electricity generation capacity”. I consider that this supports amended aligns with Policy B(a) of the NPSREG. I recommend the submission be accepted in part in combination with the accepted part of Transpower submission on Clause (2) deleting “~~need to at least~~”
 - I do not agree with the requests to add “and that this may require protection of the assets, operational capacity and continued availability of the renewable energy resource”. I consider inclusion of this phrase could imply provision of water resource allocations without consideration of environment limits in relation to water use and it conflicts with the NPSFM hierarchy of obligations for water use.
190. I do not agree with the Fish and Game submission requesting Clause (2) be amended to: “~~....take into account the~~ benefits of need to at least maintaining current renewable electricity generation capacity...”. I consider this amendment to be inconsistent with Policy B of the NPSREG, and would change the focus of the clause to only the benefits, rather than maintenance of capacity generally. I recommend rejecting this part of the Fish and Game submission on Clause (2).
191. I do not agree with the Trustpower submission re Clause (2) to amend as: “~~....~~ protect the generation output and operational capacity of existing renewable electricity generation activities....”. This has been addressed in the consideration of the Meridian submission on this clause above.
192. I do not agree with the Te Waihanga⁸³ submission on clause (2) requesting strengthening of the policy support for increasing renewable electricity generation capacity. I consider this has been addressed in the consideration of the Meridian submission on this clause.

Clause 3

⁸³ 00321.043 Te Waihanga

193. I do not agree with Fish and Game who seek that clause (3) be removed. I consider the provision is necessary to facilitate planning and to meet the requirements of the NPSREG Policy B(c). I recommend this submission on Clause (3) be rejected.
194. I do not agree with the Contact request for an amendment to Clause (3) to “recognise the need to increase the installed capacity of renewable electricity generation assets in Otago. ~~that the attainment of increases in renewable electricity generation capacity will require significant development of renewable electricity generation activities.~~” I consider this amendment does not enhance the purpose of the provision, noting also the NPSREG does not refer to installed capacity, and the existing provision would cover the request by the submitter. I recommend this submission on Clause (3) be rejected.
195. I do not agree with the Trustpower request to “recognise the need to increase the installed capacity of renewable electricity generation assets and that the attainment of increases in renewable electricity generation capacity will ~~will~~ may require significant development of renewable electricity generation activities” for the same reasons provided in response to the Contact request. I recommend this submission on clause (3) be rejected.
196. I do not agree with the Meridian request for an addition to clause (3) “... and that such development will need to be located where the renewable energy source is available.” This addition is redundant, as it could not be located where the source was not available. I recommend this submission on Clause (3) be rejected.
197. I do not agree with the Forest and Bird request to add “include” at the end of the chapeau. I consider the amendment is not necessary and is intended to provide for particular considerations that are mandatory for decision-makers. I recommend this submission on Clause (3) be rejected.

11.5.9.4. Recommendations

198. I recommend amending EIT-EN-P2 as follows:

EIT-EN-P2 – Recognising *renewable electricity generation activities* in decision making

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 significance of *renewable electricity generation activities*, including the⁸⁴ national, regional and local benefits of ~~existing~~⁸⁵ *renewable electricity generation activities*,

⁸⁴ 00306.054 Meridian

⁸⁵ 00137.100 DCC

(2) ~~take into account have particular regard to~~⁸⁶ ~~the need to at least~~⁸⁷ maintain maintenance of⁸⁸ current *renewable electricity generation* capacity,⁸⁹ and

(3) recognise that the attainment of increases in *renewable electricity generation* capacity will require significant development of *renewable electricity generation activities*.

11.5.10. EIT-EN-P3 – Identifying new sites and resources

11.5.10.1. Introduction

199. As notified, EIT-EN-P3 reads:

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

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 of *electricity generation activities*.

11.5.10.2. Submissions

200. DCC⁹⁰ seeks to amalgamate the provision with EIT-EN-P1.

201. DOC⁹¹ seeks to amend the provision to “The ~~security benefits~~ of renewable electricity generation supply ~~is~~ are maintained or improved...”

202. Ngāi Tahu ki Murihiku⁹² seeks to delete the word ‘~~appropriate~~’.

203. Contact⁹³ seeks the following amendment: “The security and installed capacity of renewable electricity supply is protected, maintained or ~~improved~~ increased in Otago ~~through appropriate provision~~ by providing for the upgrade of existing renewable electricity generation activities and the development or upgrading of renewable electricity generation activities, and including diversification of the type or location of electricity generation activities.”

204. Meridian⁹⁴ also seeks a similar amendment: “The security of renewable electricity supply is maintained or improved in Otago ~~through appropriate provision~~ by enabling existing renewable electricity generation activities and providing for the development, operation, maintenance, and or upgrading of new renewable electricity generation activities and for the diversification of the type or location of electricity generation activities”.

⁸⁶ 00306.054 Meridian

⁸⁷ 00318.026 Contact

⁸⁸ 00318.026 Contact

⁸⁹ 00306.054 Meridian, 00311.034 Trustpower, 00321.043 NZIC

⁹⁰ 00139.148 DCC

⁹¹ 00137.101 DOC

⁹² 00223.104 Ngāi Tahu ki Murihiku

⁹³ 00318.027 Contact

⁹⁴ 00306.055 Meridian

205. Te Waihanga⁹⁵ seeks to broaden the provision to apply to the capacity (rather than just security) of renewable electricity supply, and/or combined the policy with Policy EIT-EN-P2 to provide strong support for increasing both security and capacity.
206. Trustpower⁹⁶ seeks to amend the provision to “The security and installed capacity of renewable electricity supply is protected, maintained or ~~improved~~ increased in Otago through ~~appropriate~~ provision for the upgrade of existing renewable electricity generation activities and the development ~~or upgrading~~ of renewable electricity generation activities, and including diversification of the type or location of electricity generation activities.”
207. Fish and Game⁹⁷ submission on EIT-EN-P4 actually relates to EIT-EN-P3 and has been considered as such. This amendment seeks the following:
- “The overall security of renewable electricity supply is maintained or improved in Otago through:*
- (1) appropriate provision for the development or upgrading of renewable electricity generation activities and diversification of the type or location of electricity generation activities, where it is consistent with environmental limits, and*
- (2) allowing for the possibility of reductions in renewable electricity supply at a specific location”.*

11.5.10.3. Analysis

208. I do not agree with the DCC submission to combine the provision into EIT-EN-P1. I consider greater clarity is provided by them remaining separated. Regardless of the format, the provisions need to be read together as required by IM-P1. I recommend this submission be rejected.
209. I do not agree with the DOC requested amendment to “The ~~security~~ benefits of renewable electricity generation supply ~~is~~ are maintained or improved...”. I consider that the amendment would substantially change the purpose of the provision, which is a focus on security and diversification. I recommend this submission is rejected.
210. I do not agree with the Ngāi Tahu ki Murihiku submission to delete the word “~~appropriate~~”. I consider the use of “appropriate” needs to be considered in the context of NPSREG Policies B and C, that recognition is required that provision must be appropriate through implementation of the other policies of the pORPS, and as such should be retained in this to give clear direction for implementation through district and regional plans. I recommend this submission is rejected.
211. I do not agree with the Contact submission. I consider the reference to “installed capacity” is overly specific and not the focus of the policy, which is on security and diversification, and is not consistent with the NPSREG. I consider the other requested

⁹⁵ 00321.044 Te Waihanga

⁹⁶ 00311.035 Trustpower

⁹⁷ 00231.087 Fish and Game

amendment which seeks that renewable electricity supply is protected, maintained or ~~improved~~ increased in Otago through appropriate provision ~~by providing for the upgrade of existing renewable electricity generation activities and the development or upgrading...~~” conflates the subject of the policy with other matters, which is not the focus of the policy which is about security of supply and diversification. I recommend this submission is rejected.

212. I do not agree with the Meridian submission. For the reasons provided in relation to the Ngāi Tahu ki Murihiku I consider the words “through appropriate provision” should be retained, as it is necessary that development is appropriate and meets the balance of the policy directions set out in the pORPS. As such, the consequent replacement text is not required. In addition, aspects sought by the submitter in relation to operation and maintenance are addressed through EIT-EN-P1. I recommend this submission is rejected.
213. Te Waihanga seek to either broaden the provision to apply to the capacity (rather than just security) of renewable electricity supply, and/or combine it with Policy EIT-EN-P2 to provide strong support for increasing both security and capacity. I consider the separate policies of EIT-EN-P2 and EIT-EN-P3 provide greater clarity than a combined policy would achieve. I also do not agree that “capacity” is the appropriate measure. I recommend this submission is rejected.
214. I do not agree with the Trustpower request to amend the provision to “...for the upgrade of existing renewable electricity generation activities and the development ~~or upgrading~~ of renewable electricity generation activities, and including diversification of” I consider the current provision currently captures the amendments proposed and the rewording adds nothing to the clarity or understandability of the policy. I recommend this submission is rejected.
215. I do not agree with the Fish and Game submission. In relation to insertion of the underlined reference “The overall security ...” in the chapeau. I consider this not necessary and recommend this part of the submission be rejected.
216. In relation to Fish and Games requested amendment to create a clause (1) as follows adding the following “appropriate provision for the development or upgrading of renewable electricity generation activities and diversification of the type or location of electricity generation activities, where it is consistent with environmental limits, and..”. I consider this concept is already included through EIT-EN-P6, EIT-INF-O4 and EIT-INF-P13. I recommend this part of the submission be rejected. In relation to their request for amendment to create a clause (2) as follows “allowing for the possibility of reductions in renewable electricity supply at a specific location” I consider the this would be inconsistent with the NPSREG which focuses on capacity. I recommend this part of the submission be rejected.

11.5.10.4. Recommendation

217. I recommend amending EIT-EN-P3 as follows:

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

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 of renewable⁹⁸ *electricity generation activities*.

11.5.11. EIT-EN-P4 – Identifying new sites or resources

11.5.11.1. Introduction

218. As notified, EIT-EN-P4 reads:

EIT-EN-P4 – Identifying new sites or resources

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.

219. The intent of this policy, together with EIT-EN-P3 is to ensure that any future generation activities are beneficial in terms of their contribution to increasing New Zealand’s renewable electricity generation and minimise their adverse effects on the environment.

11.5.11.2. Submissions

220. Kāi Tahu ki Otago / Aukaha⁹⁹ supports the provision as notified.

221. Contact¹⁰⁰ seeks amendment as follows: “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 adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised.~~”

222. Meridian¹⁰¹ seeks amendment to: “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.~~”

223. Te Waihanga¹⁰² seeks amendments as follows:

- a. recognise that the suitability of the site/resource for electricity generation must also be a central consideration in site selection.

⁹⁸ Clause 16(2), Schedule 1, RMA

⁹⁹ 00226.236 Kāi Tahu ki Otago / Aukaha

¹⁰⁰ 00318.028 Contact

¹⁰¹ 00306.056 Meridian

¹⁰² 00321.045 Te Waihanga

- b. remove the requirement to avoid or minimize adverse effects, or in the alternative provide greater clarity as to the kinds of values to be managed. For example, any such direction should be limited to irreversible effects on ecological values rather than (say) reversible effects on landscape values.
 - c. apply a threshold such that it is only outstanding or significant values that the policy direction applies to.
224. Forest and Bird¹⁰³ seeks to amend the provision as follows: “... can be avoided ~~or, at the very least, minimised.~~”
225. DCC¹⁰⁴ seeks to combine this policy with EIT-EN-P1 and requests that the language used not be subjective.
226. Federated Farmers¹⁰⁵ seek amendment to clarify: “... natural and physical resources (including highly productive land) and mana whenua values can be avoided or, at the very least, minimised.
227. Trustpower¹⁰⁶ seeks to amend the provision to the following:
- “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~~*
- (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 or, at the very least, remedied, mitigated, offset or where environmental compensation can be considered”.*
228. Ngāi Tahu ki Murihiku¹⁰⁷ requests consideration of how an effects management hierarchy could assist to understand and implement EIT-EN-P4. No specific changes are suggested.

11.5.11.3. Analysis

229. In relation to the Kāi Tahu ki Otago / Aukaha submission seeking the policy be retained as notified, I recommend that these should be accepted.

¹⁰³ 00230.123 Forest and Bird

¹⁰⁴ 00139.149 DCC

¹⁰⁵ 00239.117 Federated Farmers

¹⁰⁶ 00311.036 Trustpower

¹⁰⁷ 00223.105 Ngāi Tahu ki Murihiku

230. I do not agree with the Contact request. I consider the amendment to replace “assessment” with “development” is contrary to NPSREG Policy G. In addition, the amendment sought by the submitter would extend the policy from one focussed on the investigation of sites, to the development of sites, which is not the intent of the policy. I consider the requested deletion is necessary to link the investigation of sites and weighing of alternatives under this provision to EIT-INF-P13. I recommend this submission be rejected.
231. I do not agree with the Meridian submission to delete the latter part of the provision “~~and, when selecting a site for new renewable electricity generation, prioritise~~” for the same reasons outlined in relation to the Contact submission. It is necessary to consider the appropriateness of sites in their assessment phase, noting that this also links to policy EIT-INF-P13. I recommend this submission be rejected.
232. I do not agree with the Te Waihangā submission. The amendment sought to recognise that the suitability of the site/resource for electricity generation must also be a central consideration in site selection is a matter for renewable electricity provider to assess as part of their own assessment and is not relevant to the policy. I recommend this part of the submission be rejected.
233. In relation to the Te Waihangā request to remove the requirement to avoid or minimise adverse effects, or in the alternative provide greater clarity as to the kinds of values to be managed, I consider that the proposed policy approach is consistent with the balance of the pORPS, and in particular will assist with site selection when new renewable electricity generation activities are consented, in particular with reference to Policy EIT-INF-P13, which sets out the highly valued natural and physical values to be managed. I recommend this part of the submission be rejected.
234. I consider the Te Waihangā request seeking to apply a threshold such that it is only outstanding or significant values that the policy direction applies to is addressed as part of EIT-INF-P13, while also noting that this policy applies to site selection only. I recommend this part of the submission be rejected.
235. I do not agree with the Trustpower requested amendments. The amendments seek to limit consideration only to *significant* adverse effects. I consider the amendments proposed are already adequately covered in EIT-EN-P6 and EIT-INF-P13. I recommend the submission be rejected.
236. I do not agree with the Forest and Bird submission. I consider the deletion of the words “or, at the very least, minimised” would be inconsistent with the approach taken in EIT-INF-P13, noting that the provisions of ECO-P4 remain relevant to all infrastructure projects including renewable energy generation. I recommend the submission be rejected.
237. I do not agree with the DCC submission. I consider separate provisions on these matters provide clarity of intent and understanding. I recommend the submission be rejected.
238. I do not agree with the Federated Farmers submission to include specific additional reference “(including highly productive land)”. I consider the current reference to

“significant natural and physical resource and *mana whenua* values” is appropriate in relation to the RMA and NPSREG. I recommend the submission be rejected.

239. I do not agree with the Ngāi Tahu ki Murihiku submission. I consider the general relief being sought is substantially addressed through EIT-INF-P13. I recommend the submission be rejected.

11.5.11.4. Recommendations

240. I do not recommend any amendments.

11.5.12. EIT-EN-P5 – Non-renewable energy generation

11.5.12.1. Introduction

241. As notified, EIT-EN-P5 reads:

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.

11.5.12.2. Submissions

242. Federated Farmers, Te Waihanga, and Ravensdown¹⁰⁸ seek to remove the use of ‘Avoid’ or amend its application.

243. In addition, Federated Farmers¹⁰⁹ seek to add to the words “...This does not include the use of portable and temporary generators considered under EIT-EN-P8”.

244. Ravensdown¹¹⁰ ” also seeks to amend the provision to “..... replacement, where practicable, of non – renewable energy sources....”

245. Trojan¹¹¹ seeks to replace the provision with the following:

“Where use of renewable energy is a practical alternative to the use of non – renewable energy, 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.

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

¹⁰⁸ 00239.118 Federated Farmers, 00321.046 Te Waihanga,00121.072 Ravensdown

¹⁰⁹ 00239.118 Federated Farmers

¹¹⁰ 00121.072 Ravensdown

¹¹¹ 00206.048 Trojan

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.
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).

246. Wayfare Group¹¹² also seeks amendment to: “Where use of renewable energy is a practical alternative to the use of non – renewable energy, aAvoid the development ... energy generation”.
247. Forest and Bird¹¹³ seeks to amendment to: “Avoid the development or replacement of non – renewable energy generation activities in Otago and facilitate change fromthe replacement of non – renewable energy sources, including the use of fossil fuels, in energy generation.”
248. DCC¹¹⁴ seek to amend the provision to be more specific in language used, e.g. specify if it is electricity or heat that is generated or both, and in relation to scale only apply the provision to large scale generation activities.
249. QLDC¹¹⁵ also seek to clarify the language used by being more specific regarding the use of fossil fuels, such as avoiding burning fossil fuels for energy generation, and to provide greater certainty regarding the policy direction for the operation and maintenance of existing non – renewable energy generation activities, and if necessary, amend the associated methods.

11.5.12.3. Analysis

250. I do not agree with the Federated Farmers, Te Waihangā, and Ravensdown¹¹⁶ submissions seeking to remove the word ‘Avoid’. A strong direction is required to assist with the achievement of a move towards net zero carbon emissions by 2050, which is set out in the objectives. To this extent, new non-renewable energy generation is undesirable and needs to be avoided. I recommend those parts of the above submissions seeking to remove the use of the word “avoid” be rejected.
251. I do not agree with the Federated Farmers request to add “...This does not include the use of portable and temporary generators considered under EIT-EN-P8”. This policy is

¹¹² 00411.061 Wayfare Group

¹¹³ 00230.124 Forest and Bird

¹¹⁴ 00139.150 DCC

¹¹⁵ 00138.107 QLDC

¹¹⁶ 00239.118 Federated Farmers, 00321.046 Te Waihangā, 00121.072 Ravensdown

targeted at the *development* of new non-renewable energy generation activities. I recommend rejecting this part of the submission.

252. I do not agree with the Ravensdown request to add “where practicable” to the provision. The policy does not require the mandatory removal on non-renewable energy sources, but that such moves are facilitated. Further there is a question to whom “practicable” is applied; is it the decision maker or the infrastructure provider? I recommend rejecting this part of the submission.
253. I do not agree with the text suggested in the Trojan requested replacement policy. I consider this is not required as the matters covered are more appropriately addressed in the EIT-INF sub-chapter, including by EIT-INF-P13. I recommend rejecting this part of this submission.
254. I do not agree with the Wayfare Group submission. I consider the addition of: “Where use of renewable energy is a practical alternative to the use of non – renewable energy..” to be unclear, as it does not provide any boundaries as to what might constitute a “practical alternative”. I recommend this submission be rejected.
255. I do not agree with the Forest and Bird request to include the words “or replacement”, and the addition of “change from” in place of “the replacement of”. I consider the requested text does not materially add to the provision. I recommend the submission be rejected.
256. I do not agree with the DCC submission seeking to amend the provision to be more specific in language used and add “new large scale”. The context of the provision is in relation to *development* of non-renewable energy generation activities in Otago, and will not capture use of portable power sources, for example. I recommend the submission be rejected.
257. Similarly, I do not agree with the QLDC that there is a need to clarify the language used. I recommend this submission be rejected.

11.5.12.4. Recommendations

258. I do not recommend any amendments.

11.5.13. EIT-EN-P6 – Managing *effects*

11.5.13.1. Introduction

259. As notified, EIT-EN-P6 reads:

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.

11.5.13.2. Submissions

- 260. QLDC¹¹⁷ seeks to retain the provision as notified while CODC¹¹⁸ supports the provision in principle but seeks the inclusion of offsetting of effects.
- 261. Contact¹¹⁹ seeks deletion of clause (1).
- 262. Meridian¹²⁰ seeks for clause (2) to add the work particular as follows: “particular regard to:....”. They also seek to change clause 2 (c) to a new clause (3) with the following underlined amendments “having regard to” and “...significant residual ...”
- 263. Two submissions¹²¹ seek deletion of clause (3).
- 264. Trustpower¹²² requests a significant revision as follows:

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

~~*(1) applying EIT-INF-P13, (2)*~~

~~*(1) having regard to:*~~

~~*(a) the functional, technical and geographic need to locate renewable electricity generation activities wheresources 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*~~

~~*(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*~~

~~*(2) requiring consideration of alternative sites, methods and designs, and:*~~

~~*(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*~~

¹¹⁷ 00138.109 QLDC

¹¹⁸ 00201.026 CODC

¹¹⁹ 00318.029 Contact

¹²⁰ 00306.057 Meridian

¹²¹ 00318.029 Contact, 00306.057 Meridian

¹²² 00311.037 Trustpower

for their use in this RPS), where adverse effects ~~are potentially significant or irreversible cannot be avoided, remedied or mitigated.~~

265. DCC¹²³ seeks that the content be more focused on directing the content of lower order plans, and renewable electricity generation activities be required to: be designed and operated to minimise as far as practicable adverse effects on the environment; and consider 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.
266. Te Waihanga ¹²⁴ seeks that the provision only apply to managing the effects of new renewable electricity generation activities.

11.5.13.3. Analysis

267. I do not agree with the CODC¹²⁵ submission seeking the inclusion of offsetting of effects. I consider this matter is effectively addressed through clause 3(c), as well as EIT-INF-P13 (which is specifically referenced in this policy) and related provisions in the ECO and LW chapters. I recommend this submission be rejected.
268. I do not agree with the Contact¹²⁶ request to delete clause (1) concerning the application of EIT-INF-P13. Provision EIT-INF-P13 applies to all infrastructure, including renewable energy generation, and addresses matters that must be recognised and provided for under the RMA. I recommend this submission be rejected.
269. I agree in part with the Meridian submission. Meridian¹²⁷ seeks amendments to clause (2). I consider the request to insert “particular” assists with emphasis on the matters set out under clause 2(a)-(c) I recommend that this part of the submission be accepted.
270. I consider the submitted amendment to clause 2 (c) to become “...a new clause (3) with the insertion of “having regard to” unnecessary, and adds nothing to the policy. I recommend this part of the submission be rejected.
271. I do not agree with the two submissions¹²⁸ seeking to delete clause (3). I consider this clause is consistent with the requirements under Schedule 4 clause 6(1)(a) RMA and s 104(1)(ab) RMA which requires consideration of these matters. I recommend the submission be rejected.
272. I do not agree with the Trustpower¹²⁹ submission. I consider the reference to EIT-INF-P13, provides an essential connection with relevant matters required under the RMA and should be retained. I recommend rejecting this part of the submission. The addition of “technical and geographic” is already addressed through definitions of functional and operational need and is not required. I recommend rejecting this part of the submission.

¹²³ 00139.151 DCC

¹²⁴ 00321.047 Te Waihanga

¹²⁵ 00201.026 CODC

¹²⁶ 00318.029 Contact

¹²⁷ 00306.057 Meridian

¹²⁸ 00318.029 Contact, 00306.057 Meridian

¹²⁹ 00311.037 Trustpower

273. I consider Trustpower’s requested deletion of clause (c) and amendment to the remainder of the provision will compromise clarity of the provision and the need to reflect Schedule 4 clause 6(1)(a) RMA and s 104(1)(ab) RMA. I recommend rejecting this part of the submission.
274. I do not agree with the DCC¹³⁰ submission. I consider the content of the policy is appropriately focused for the purposes of providing direction on managing effects, including provisions that might be included in lower order plans. I recommend rejecting this part of the submission. The request for additional content is either redundant as the matters are appropriately addressed at the policy level or is too detailed for a policy. I recommend rejecting this part of the submission.
275. I do not agree with the Te Waihanga¹³¹ request for amendment to state that the provision is to only to apply to managing the effects of new renewable electricity generation activities. This would constrain the policy when the intent is to apply the provisions to all renewable electricity generation activities. I recommend rejecting the submission.

11.5.13.4. Recommendations

276. I recommend amending EIT-EN-P6 as follows:

EIT-EN-P6 – Managing *effects*

Manage the adverse *effects* of *renewable electricity generation activities* by:

- (1) applying EIT-INF-P13,
- (2) having particular¹³² 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.

¹³⁰ 00139.151 DCC

¹³¹ 00321.047 Te Waihanga

¹³²00306.057 Meridian

11.5.14. EIT-EN-P7 – Reverse sensitivity

11.5.14.1. Introduction

277. As notified, EIT-EN-P7 reads:

EIT-EN-P7 – Reverse sensitivity

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.

11.5.14.2. Submissions

278. Contact and QLDC¹³³ support the provision as notified.

279. DCC¹³⁴ seeks the provision be combined with EIT-EN-P1.

280. Federated Farmers¹³⁵ seeks amendment to: “... maintenance of consenting and on existing renewable electricity generation activities”.

281. Meridian¹³⁶ seeks the following amendments: “Activities that may result in reverse sensitivity effects on renewable electricity generation activities, 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, are managed so that reverse sensitivity effects are minimised”.

282. Te Waihanga¹³⁷ seeks to amend the provision to add to the provision the following words :“..... managed so that reverse sensitivity effects are minimised”.

283. Trustpower¹³⁸ requests the following amendment: “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 are, ~~as the first priority, prevented from establishing and only if that is not reasonably practicable,~~ managed so that reverse sensitivity effects are minimised.”.

11.5.14.3. Analysis

284. I recommend that the Contact and QLDC submissions seeking retention of the policy as notified be accepted, subject to amendments accepted from other submission.

285. I do not agree with the DCC¹³⁹ request to combine this provision with EIT-EN-P1. I consider the current structure of the provisions provides better clarity through separation of purpose. I recommend rejecting this submission.

¹³³ 00318.030 Contact, 00138.110 QLDC

¹³⁴ 00139.152 DCC

¹³⁵ 00239.119 Federated Farmers

¹³⁶ 00306.058 Meridian

¹³⁷ 00321.048 Te Waihanga

¹³⁸ 00311.038 Trustpower

¹³⁹ 00139.152 DCC

286. I agree with the Federated Farmers¹⁴⁰ requesting amendment to add “consenting and on existing” before “renewable electricity generation. I consider this addition better reflect Policy D of the NPSREG. I recommend accepting this submission.
287. I agree in part with the Meridian¹⁴¹ submission. I consider insertion of a reference to “on renewable electricity generation activities” before “or compromise” is necessary to better reflect Policy D of the NPSREG in combination with the above submission from Federated Farmers . However I recommend the reference be italicised to reflect the definition to become “*renewable electricity generation activities*. I recommend accepting this part of the submission. I consider removal of “the operation or maintenance of” and consequential proposed amendments would inappropriately broaden the intended scope of the provision. I recommend this part of the submission be rejected. Further the removal of “as the first priority” would compromise the clarity of the staged consideration necessary to provide effective direction. I recommend this part of the submission be rejected.
288. I do not agree with the Te Waihanga¹⁴² request to add “and effects on the operation or maintenance of renewable electricity generation are avoided.” I consider this additional text is redundant. I recommend this submission be rejected.
289. I do not agree with the Trustpower¹⁴³ submission. The existing text would not be materially improved by the proposed amendments outlined above. I recommend this submission be rejected.

11.5.14.4. Recommendations

290. I recommend amending EIT-EN-P7 as follows:

EIT-EN-P7 – Reverse sensitivity

Activities that may result in reverse sensitivity *effects on consented or existing renewable electricity generation activities*¹⁴⁴ 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.

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

11.5.15.1. Introduction

291. As notified, EIT-EN-P8 reads:

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

¹⁴⁰ 00239.119 Federated Farmers

¹⁴¹ 00306.058 Meridian

¹⁴² 00321.048 Te Waihanga

¹⁴³ 00311.038 Trustpower

¹⁴⁴ 00239.119 Federated Farmers, 00306.058 Meridian

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

11.5.15.2. Submissions

292. CODC, Cosy Homes, Te Waihangā and QLDC and Federated Farmers¹⁴⁵ support the provision as notified. Federated Farmers¹⁴⁶ also notes the need to ensure consistency with other provisions in the RPS such that the policy is not unduly restricted in practice.
293. Wise Response¹⁴⁷ seeks to incorporate content concerning funding and coverage of mechanisms as follows: "Funding will be budgeted and allocated, in line with the acknowledged urgency of the climate emergency, to enable a better understanding of the potential for small and community scale distributed electricity generation activities that increase the local community's resilience and security of energy supply".
294. DCC¹⁴⁸ seeks to amend P1 to include all scales of Renewable Electricity Generation. [EIT-EN-P1].
295. Aurora Energy¹⁴⁹ seeks to add the following to the provision: "...supply, including by providing for connection to the distribution network."

11.5.15.3. Analysis

296. In relation to the submissions of CODC, Cosy Homes, Te Waihangā, QLDC and Federated Farmers¹⁵⁰ I recommend that these should be accepted.
297. I do not agree with the Wise Response¹⁵¹ request to incorporate content concerning funding and coverage of mechanisms. I consider these are matters beyond the scope of an RPS. I recommend rejecting this submission.
298. I do not agree with the DCC¹⁵² requested amendment to EIT-EN-P1 to include all scales of REG (and by inference the deletion of EIT-EN-P8). I consider the matter of thresholds not relevant to the provision. I recommend rejecting the submission.
299. I disagree with the Aurora Energy¹⁵³ submission to add the following to the provision: "...supply, including by providing for connection to the distribution network." I consider the addition proposed by the submitter is superfluous, as development would not take place if there wasn't a means for connection. I recommend rejecting this submission.

¹⁴⁵ 00201.027 CODC, 00242.009 Cosy Homes, 00321.049 Te Waihangā, 00138.111 QLDC and 00239.120 Federated Farmers

¹⁴⁶ 00239.120 Federated Farmers

¹⁴⁷ 00509.097 Wise Response

¹⁴⁸ 00139.153 DCC

¹⁴⁹ 00315.042 Aurora Energy

¹⁵⁰ 00201.027 CODC, 00242.009 Cosy Homes, 0321.049 Te Waihangā, 00138.111 QLDC and 00239.120 Federated Farmers

¹⁵¹ 00509.097 Wise Response

¹⁵² 00139.153 DCC

¹⁵³ 00315.042 Aurora Energy Energy

11.5.15.4. Recommendations

300. I do not recommend any amendments.

11.5.16. EIT-EN-P9 – Energy conservation and efficiency

301. As notified, EIT-EN-P9 reads:

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.

11.5.16.1. Submissions

302. Cosy Homes, Te Waihanga, QLDC and Waka Kotahi¹⁵⁴ support the provision as notified.

303. DCC¹⁵⁵ seeks to amend the provision to reflect the wording of the Dunedin 2GP policy by incorporating the following:

“Encourage the development of new housing that is durably constructed and energy efficient to operate, and located to minimise, as far as practicable, transportation costs and car dependency by:

- a. managing the design of subdivision to promote connectivity and legibility and maximise accessibility by transportation modes other than private motor cars; and*
- b. managing subdivision and building and site design to maximise solar access and the environmental performance of buildings.”*

304. Federated Farmers¹⁵⁶ seeks to amend as follows: “... solar gain is ~~optimised~~ encouraged where there are demonstrated energy savings.”

11.5.16.2. Analysis

305. Cosy Homes Charitable Trust, Te Waihanga, QLDC and Waka Kotahi¹⁵⁷ supported the provision as notified and I recommend accepting these submissions subject to those modifications arising from other submissions.

306. I agree in part with the Dunedin City Council¹⁵⁸ submission which seeks recognition of a very similar policy in the Dunedin 2nd Generation District Plan (2GP). I consider the proposed amendment improved the clarity as a provision and with respect to its relationship to the DCC’s 2GP. However, in order to ensure the provision is effective I consider some minor amendments:

- a. Insert “supports energy conservation and efficiency by” in the first sentence after “effects on” and correspondingly delete “is designed, including through roading,

¹⁵⁴ 00242.007 Cosy Homes, 00321.050 Te Waihanga,00138.112 QLDC and 00305.038 Waka Kotahi

¹⁵⁵ 00139.154 DCC

¹⁵⁶ 00239.121 Federated Farmers

¹⁵⁷ 00242.007 Cosy Homes, 00321.050 Te Waihanga,00138.112 QLDC and 00305.038 Waka Kotahi

¹⁵⁸ 00139.154 DCC

lot size, dimensions, layout, and orientation so that energy use is efficient, energy waste is minimised, and solar gain is optimised”

- b. The DCC reference to (a) to “manage” should be replaced with “require “
- c. The DCC reference in (b) to “managing” should be replaced with “designing and constructing “
- d. A new clause should be added as follows: “locating development to minimise, as far as practicable, transportation costs, car dependency and greenhouse gas emissions.”

307. Accordingly, I recommend the submission be accepted in part as outlined in the recommendations below.

308. I do not agree with the Federated Farmers¹⁵⁹ submission. I consider the amendment addresses only one of a number of relevant considerations and therefore is not appropriate as a pre-condition for this provision.

11.5.16.3. Recommendations

309. I recommend amending EIT-EN-P9 as follows:

EIT-EN-P9 – Energy conservation and efficiency

~~Development supports energy conservation and efficiency by: 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~~

(1) requiring the development of new housing that is durably constructed and energy efficient,

(2) designing subdivisions to maximise solar access, and

(3) locating development to minimise, as far as practicable, transportation costs, car dependency and greenhouse gas emissions.¹⁶⁰

11.5.17. New policies

11.5.17.1. Submissions

310. DCC¹⁶¹ seeks to add a “new linking policy similar to CE – P1” that would link the EIT chapter with other chapters.

311. Meridian¹⁶² seeks a new policy as follows:

¹⁵⁹ 00239.121 Federated Farmers

¹⁶⁰ 00139.154 DCC

¹⁶¹ 00139.145 DCC

¹⁶² 00306.059 Meridian

“EIT-EN-P# Contravening environmental bottom lines and limits for renewable electricity generation activities

Renewable electricity generation activities are able to not comply with environmental bottom lines or limits set in, or resulting from, any policy or method of this RPS provided the activity complies with IM – P12.”

312. Meridian¹⁶³ also seeks a new policy as follows:

“EIT-EN-P# EIT – EN Objectives and policies preside

Where conflict arises between the implementation of EIT – EN objectives and policies, and the objectives and policies in other sections of this regional policy statement, the EIT – EN objectives and policies preside”

313. Meridian¹⁶⁴ also seeks a new policy in the EIT – EN chapter, and elsewhere in the pORPS21:

“Where conflict arises between the implementation of EIT – EN objectives and policies, and the objectives and policies in other sections of this regional policy statement, the EIT – EN objectives and policies preside.”

314. Trustpower¹⁶⁵ seeks a new policy in the EIT – EN chapter, and elsewhere in the pORPS21:

“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 environmental compensation including measures or compensation which benefit the local environment and community affected”

¹⁶³ 00306.060 Meridian

¹⁶⁴ 00306.094 Meridian

¹⁶⁵ 00311.039 Trustpower

11.5.17.2. Analysis

315. I do not agree with the DCC request to add a new policy similar to CE – P1. I consider this has already been addressed, through EIT-INF chapter and in particular EIT-INF-P13. I do note however, that I have recommended the latter provision be amended to improve the clarity of linkages with the CE chapter. I recommend the submission be rejected.
316. I do not agree with the Meridian request for a new policy on circumstances when environmental bottom lines might be contravened. I consider this matter is already addressed by IM-P12. I recommend rejecting this submission.
317. I do not agree with the Meridian request for a new policy that establishes a priority for EIT provisions. I consider that where there is actual or potential for conflict, this has been specifically referenced and it is not appropriate to include a generic prioritisation as sought by the submitter. I recommend rejecting this submission.
318. I do not agree with the Trustpower submission to insert a new policy provision in the EIT – EN chapter, in relation to Climate Change Mitigation as outlined above. I note that the content of the policy sought by Trustpower is already addressed through IM-P12, except that IM-P12 is open to all activities and contains more stringent criteria to be met before allowing the breaching of environmental limits. That policy is addressed in section 4.22 of *Chapter 4: IM – Integrated management*. I do not consider it is appropriate to provide an alternative, less stringent pathway for renewable electricity generation activities and therefore recommend rejecting this submission point.

11.5.17.3. Recommendations

319. I do not recommend any amendments.

11.5.18. EIT-EN-M1 – Regional plans

11.5.18.1. Introduction

320. As notified, EIT-EN-M1 reads:

EIT–EN–M1 – *Regional plans*

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).

11.5.18.2. Submissions

General matters

321. DCC¹⁶⁶ seeks the provision be reviewed as to reconsider the need for regional plans to limit activities near Renewable Electricity Generation and to not require the identification of specific areas to provide for Renewable Electricity Generation.

322. Trustpower¹⁶⁷ seeks to insert two new clauses as follows:

- a. “ provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity,”
- b. “provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of renewable electricity generation activities”

323. A number of submitters¹⁶⁸ seek clarification or removal of reference in the provision concerning “environmental limits”

Clause (1)

324. Trustpower¹⁶⁹ seek the following amendment to Clause (1) as follows “provide for activities associated with the investigation, identification and ~~assessment~~ development of potential sites and energy sources for renewable electricity generation”

Clause (2)

325. Meridian¹⁷⁰ seeks deletion of Clause (2).

326. Trustpower¹⁷¹ seeks the following amendment to Clause (2)

“require the prioritisation of sites for new renewable electricity generation activities where significant adverse effects on those areas set out in EN-P4 ~~highly valued natural features and landscapes and mana whenua values can be~~, where practicable, avoided, ~~or, at the very least~~, remedied, mitigated, offset or environmentally compensation

¹⁶⁶ 00139.155 DCC

¹⁶⁷ 00311.040 Trustpower

¹⁶⁸ 00226.237 Kāi Tahu ki Otago / Aukaha, 00306.061 Meridian, 00230.125 Forest and Bird

¹⁶⁹ 00311.040 Trustpower

¹⁷⁰ 00306.061 Meridian

¹⁷¹ 00311.040 Trustpower

considered highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised,”

327. Forest and Bird¹⁷² seeks more certainty through the following amendment: “.....where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided ~~or, at the very least, minimised..~~”

Clause (3)

328. Fish and Game¹⁷³ seek deletion of Clause (3).
329. Wayfare Group¹⁷⁴ seeks to amend Clause (3) by deleting clause (3) (a) and (b).
330. Trustpower¹⁷⁵ requests the amendment to clause (3) as follows: “manage the adverse effects of new or upgraded ~~developing or upgrading~~ renewable electricity generation activities in accordance with EN – P6 that:.....”.
331. Kāi Tahu ki Otago / Aukaha¹⁷⁶ seeks clarification and/or editorial amendments with respect to Clause 3(a) and commented that the policies do not provide any guidance on how adverse effects should be managed or whether these areas should be avoided as a priority

Clause (4)

332. Trustpower¹⁷⁷ seek deletion of clause (4).
333. Meridian¹⁷⁸ seeks clause (4) be amended as follows: “...~~provide for~~ enable the operation and maintenance of existing renewable electricity generation activities, ~~including their natural and physical resource requirements, within the environmental limits,~~ and “
334. Ngāi Tahu ki Murihiku¹⁷⁹ seeks removal of the word ‘the’ ahead of the phrase ‘environmental limits’ in sub – clause (4).
335. Forest and Bird¹⁸⁰ seeks that the words “environmental limit” should be replaced as the meaning is uncertain.

Clause (5)

336. Meridian¹⁸¹ seeks the following “restrict the establishment of activities that may result in reverse sensitivity effects on ~~adversely affect the efficient functioning of~~ renewable

¹⁷² 00230.125 Forest and Bird

¹⁷³ 00231.088 Fish and Game

¹⁷⁴ 00411.138 Wayfare Group

¹⁷⁵ 00311.040 Trustpower

¹⁷⁶ 00226.237 Kāi Tahu ki Otago / Aukaha

¹⁷⁷ 00311.040 Trustpower

¹⁷⁸ 00306.061 Meridian

¹⁷⁹ 00223.106 Ngāi Tahu ki Murihiku

¹⁸⁰ 00230.125 Forest and Bird

¹⁸¹ 00306.061 Meridian

electricity generation activities or compromise renewable electricity generation activities infrastructure (including impacts on generation capacity).”

337. Trustpower¹⁸² seek amendment to “~~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).”

11.5.18.3. Analysis

General matters

338. I do not agree with DCC¹⁸³ submission seeking reconsideration of the need for regional plans to limit activities near Renewable Electricity Generation, and not require the identification of specific areas to provide for REG. I consider the current provision appropriately considers matters affecting the Otago region as a whole, for which ORC has a role and responsibility. I recommend rejecting this submission.
339. I do not agree with the Trustpower submission in relation to amend EIT-EN-M1. I consider the provision as drafted as a package gives appropriate effect to the EIT-EN policies to the extent appropriate for a District Council. I recommend rejecting this submission. I have also considered below the individual elements with respect to new clauses proposed and amendment to existing clauses of the provision.
340. I do not agree with Trustpower’s request to add a new clause to “provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity,” whilst deleting the current clause (4) “provide for the operation, maintenance of existing renewable electricity generation activities, including their natural and physical resource requirements, within the environmental limits. I consider the current clause gives effect to EIT-EN-P1 with respect to operation and maintenance. Matters in relation to upgrading are addressed in clause (3) and EIT-EN-P3. I recommend rejecting this part of the submission.
341. In relation to the submission on “environment limits” I consider these have been addressed in some detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of “environmental limit” and retaining the references on that basis. I recommend the submissions be accepted in part on that basis, and no amendments to the provision on this part of the submission be accepted.

Clause (1)

342. I do not agree with the Trustpower submission seeking to amend Clause (1) by deleting reference to “~~assessment~~” in the clause.- I consider the reference to assessment is logical step to give effect to the provision. I recommend rejecting the submission.

¹⁸² 00311.040 Trustpower

¹⁸³ 00139.155 DCC

Clause (2)

343. In relation to Clause (2) I do not agree with the submissions of Meridian, Trustpower, and Forest and Bird to variously delete or amend the existing text. I consider the clause as drafted is necessary to require the regional plan to prioritise and consider sites for new renewable electricity generation and management of their effects, consistent with EIT-EN-P4 in particular. I recommend rejecting these submissions.

Clause (3)

344. I do not agree with the submissions seeking to delete clause (3). I consider this provision as currently worded is consistent with and gives effect to policy EN-P3. I recommend this part of this submission be rejected.

345. I do not agree with Trustpower's request to replace to amend clause (3) to "manage the adverse effects of new or upgraded ~~developing or upgrading~~ renewable electricity generation activities in accordance with EN-P6". I consider this provision as currently worded is consistent with and gives effect to policy EN-P3. I recommend this part of this submission be rejected.

346. I do agree with the part of the Kāi Tahu ki Otago / Aukaha submission concerning clause 3(a) that the policies do not provide any guidance on how adverse effects should be managed or whether these areas should be avoided as a priority. I consider this matter are addressed through the provisions of the EIT-INF section. I recommend rejecting this part of the submission.

Clause (4)

347. I do not agree with the Trustpower request to delete clause (4). I consider this clause is necessary to address support EIT-EN policies, in particular EIT-EN-P1. I recommend rejecting this part of the submission.

348. I do not agree with the Meridian request to amend clause (4) to: "~~...provide for enable~~ the operation and maintenance of existing renewable electricity generation activities; ~~including their natural and physical resource requirements, within the environmental limits,~~ and " I consider the current drafting of this clause is necessary to address support EIT-EN policies, in particular EIT-EN-P1 . I recommend rejecting this part of the submission.

349. I agree with the Ngāi Tahu ki Murihiku submission on clause (4) as I consider it improves the syntax of the clause. I recommend the removal of the word "the" ahead of the phrase "environmental limits" in clause (4).

Clause (5)

350. I do not agree with the Meridian submission concerning clause (5).

351. I do not agree with insertion of "result in reverse sensitivity effects on" in place of "~~adversely affect the efficient functioning of~~". I consider the current wording address the

intent of the INF-EN subchapter broadly, as well as EIT-EN-P7 in particular. I recommend rejecting this part of the submission.

352. Similarly, I do not agree with the Trustpower requested amendment. I consider the amendment broadens the reach of the beyond what was intended, with particular regard to EIT-EN-P7. I recommend rejecting this submission.

11.5.18.4. Recommendations

353. I recommend amending EIT-EN-M1 as follows:

EIT-EN-M1 – Regional plans

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 the¹⁸⁴ *environmental limits* and

(5) restrict the establishment of activities that may adversely affect the efficient functioning of *renewable electricity generation activities infrastructure*¹⁸⁵ (including impacts on generation capacity).

11.5.19. EIT-EN-M2 – District plans

11.5.19.1. Introduction

354. As notified, EIT-EN-M2 reads:

EIT-EN-M2 – District plans

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

¹⁸⁴ 00223.106 Te Ao Marama

¹⁸⁵ 00306.061 Meridian

- (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 provides for multi-modal transport options in urban and rural residential locations.

11.5.19.2. Submissions

355. Waka Kotahi¹⁸⁶ supports the provision as notified.

General submissions

356. DCC¹⁸⁷ seeks the provision be reviewed as to reconsider the need for district plans not to require the identification of specific areas to provide for Renewable Electricity Generation, though it could suggest this option be considered.

357. Forest and Bird¹⁸⁸ seek to add a new clause “(8) Restrict the development or replacement of non – renewable energy generation activities in Otago and facilitate change from non – renewable energy sources, including the use of fossil fuels, in energy generation.”

358. Trustpower seek to add a new clauses as follows:

“(X) provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity,”

¹⁸⁶ 00305.051 Waka Kotahi

¹⁸⁷ 00139.155 DCC

¹⁸⁸ 00230.126 Forest and Bird

“(X) provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of renewable electricity generation activities,”

Clause (1)

359. Trustpower¹⁸⁹ seeks clause (1) be amended as follows:

“...provide for activities associated with the investigation, identification and ~~assessment~~ development of potential sites and energy sources for renewable electricity generation,...”

Clause (2)

360. Meridian¹⁹⁰ seeks deletion of clause (2) .

361. Forest and Bird¹⁹¹ seeks an amendment delete reference to the final words of the provision “~~or, at the very least, minimised,...”~~

362. Trustpower¹⁹² seeks amendments to clause (2) as follows : “...require the prioritisation of sites for new renewable electricity generation activities where significant adverse effects on those areas set out in EN-P4 ~~highly valued natural features and landscapes and mana whenua values~~ can be, where practicable, 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~~

Clause (3)

363. Kāi Tahu ki Otago / Aukaha¹⁹³ seeks Clauses 3(a), (b) and the associated policies, be clarified to provide guidance on how adverse effects should be managed or whether these areas should be avoided as a priority.

364. Trustpower¹⁹⁴ seeks to amend to clause (3) as follows “manage the adverse effects of new or upgraded ~~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,”

Clause (4)

365. Trustpower¹⁹⁵ seeks to delete clause (4).

¹⁸⁹ 00311.041 Trustpower

¹⁹⁰ 00306.062 Meridian

¹⁹¹ 00230.126 Forest and Bird

¹⁹² 00311.041 Trustpower

¹⁹³ 00226.238 Kāi Tahu ki Otago / Aukaha

¹⁹⁴ 00311.041 Trustpower

¹⁹⁵ 00311.041Trustpower

366. Meridian¹⁹⁶ seeks an amendment to clause (4) as follows: “...~~provide for~~ enable the continued operation

Clause (5)

367. Meridian¹⁹⁷ seeks amendments to: “...restrict the establishment ~~or occurrence~~ of activities that may result in reverse sensitivity effects on adversely affect the efficient functioning of renewable electricity generation activities or compromise renewable electricity generation activities,”

368. Trustpower¹⁹⁸ seeks amendments to:“.... ~~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),).”

Clause (6)

369. Federated Farmers 199 seeks to deletion of the clause.

Clause (7)

370. In relation to Clause (7) DCC²⁰⁰ seeks clarification of the term ‘require’ and in particular what is being ‘required’. DCC submission requests amendments to clause (7) to clarify what is anticipated by ‘require’ and what being required?

371. QLDC²⁰¹ seeks amendment to clause (7) so it sits within either the infrastructure or transport sub – sections and so that it is not a requirement in all instances, and rather so that it is required when there is an opportunity to connect with an existing transport infrastructure network.

11.5.19.3. Analysis

372. In relation to the Waka Kotahi submission seeking retention as notified, I recommend that this should be accepted in part, subject to those modification arising from other submissions.

General matters

373. I do not agree with the DCC submission. I consider the amendment seeking the provision be reviewed to reconsider the need for district plans not to require the identification of identification of specific areas to provide for Renewable Electricity Genreation would

¹⁹⁶ 00306.062 Meridian

¹⁹⁷ 00306.062 Meridian

¹⁹⁸ 00311.041 Trustpower

¹⁹⁹ 00239.122 Federated Farmers

²⁰⁰ 00139.156 DCC

²⁰¹ 00138.108 QLDC

mitigate against the implementation of provisions of the policy statement. I recommend rejecting this submission.

374. I agree in part with the Forest and Bird submission seeking to add a new clause in relation to EIT-EN-P5. I consider a new clause is necessary to give effect to this provision within the District plan to EIT-EN-P5, however believe the wording of the new clause need to better align with that policy. I recommend the inclusion of the following new clause in EIT-EN-M2

“(x) require the consideration of measures to avoid the development of non-renewable energy generation activities in Otago and facilitate the replacement of non-renewable energy resources”

375. I do not agree with the Trustpower submission in relation to amend EIT-EN-M2. I consider the provision as drafted as a package gives appropriate effect to the EIT-EN policies to the extent appropriate for a District Council, with the exception of the submission I have accepted from Forest and Bird to include a new provision to address EIT-EN-P5 . I recommend rejecting this submission. I have also considered below the individual elements with respect to new clauses proposed and amendment to existing clauses of the provision.

376. In relation to the request to include a new provision “provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity,” I consider these matters are to the extent appropriate for a District Council address by the method as notified. I recommend this part of the submission be rejected.

377. I do not agree with the Trustpower submission to include a new provision “(X) provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of renewable electricity generation activities” I consider these matters are to the extent appropriate for a District Council addressed by the method as notified. I recommend this part of the submission be rejected.

Clause (1)

378. I do not agree with the Trustpower²⁰² submission seeking amendment to clause (1) to: delete “ assessment” and replace with “development”. I consider in the context of the provision “assessment” follows “identification” as currently stated in the provision. I consider the reference to “development” out of context. I recommend rejecting this submission part.

Clause (2)

379. I do not agree with the submissions of Meridian and Forest and Bird to variously delete or amend Clause (2). I consider the clause is necessary to ensure orderly prioritization

²⁰² 00311.041 Trustpower

and consideration of sites for new renewable electricity generation and management of their effects. I recommend rejecting these submissions.

380. I do not agree with the amendments Trustpower is seeking. I consider the amendments proposed restrict the application and coverage of the provision, and do not fully address EIT-EN policy provision as intended. I recommend rejecting this submission.

Clause (3)

381. I do not agree with the Kāi Tahu ki Otago / Aukaha submission. I consider Clause 3(a), (b) and associated policies are clear in providing the basis for Territorial Authorities to develop plans which will give effect to the policies of this chapter. I recommend this submission be rejected.
382. I do not agree with the Trustpower submission seeking to amend to clause (3) by inserting “new or upgraded” in place of “~~developing or upgrading~~”, and to insert after “renewable electricity generation activities” “in accordance with EN-P6”. I consider the current clause appropriate gives effect to EIT-EN-P6 and the relationship of the EIT-EN sub-chapter and EIT-INF sub-chapter provisions which provide for managing adverse effects of all infrastructure including renewable energy generation being a form of infrastructure. I recommend the submission be rejected.

Clause (4)

383. I do not agree with the Trustpower submission to delete clause (4) nor the Meridian submission to amend clause (4). I consider the current text to be consistent with and gives effect to the policy provisions as notified. I recommend this submission be rejected.

Clause (5)

384. The following submissions relate to Clause (5).
385. I do not agree with the DCC request to amend the language from ‘restrict’ to ‘manage’ activities near REG to support/achieve Policy EIT-EN-P1. I consider this submission is unclear as to what the submitter is seeking with respect to EIT-EN-P1, however this may be incorrect referenced and the submitter may wish to clarify their submission further. I recommend the submission be rejected.
386. I do not agree with the Meridian submission seeking amendments. I consider the amendments do not add material value to the provision. I recommend the submission be rejected.
387. Similarly, I do not agree with the Trustpower submission seeking amendments. I consider the amendments do not add material value to the provision. I recommend the submission be rejected.

Clause (6)

388. I do not agree with the Federated Farmers submission to delete clause (6). I consider this provision is necessary to give effect to EIT-EN-P9.

Clause (7)

389. In relation clause (7) I agree in part with the DCC submission. I consider in relation to clarification concerning the term 'require' is necessary and I recommend the provision be amended to insert the "the" before "design of transport ..." together with consequential syntax amendments as required.
390. I do not agree with the DCC submission in relation to clause (7) DCC ²⁰³ seeking clarification of the term 'require' and in particular what is being 'required'. I consider the subject of what is required is clear – that is design of road transport infrastructure. I recommend this submission be rejected.
391. I do not agree with the QLDC submission seeking amendment move clause (7) so it sits within either the infrastructure or transport sub – sections and so that it is not a requirement in all instances. I consider this clause is required within the EIT-EN sub-chapter to EIT-EN-P9 (Energy Conservation and efficiency), in particular the new clause with that provision recommended with respect to locating development to minimise, as far as practicable, transportation costs, car dependency and greenhouse gas emissions .

11.5.19.4. Recommendations

392. I recommend amending EIT-EN-M2 (in relation to Clause (7)) as follows:

EIT-EN-M2 – District plans

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*,

²⁰³ 00139.156 DCC

- (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 the design of transport *infrastructure* to provides²⁰⁴ for multi-modal transport options in urban and rural residential locations.

11.5.20. EIT-EN-M3 – Education and information

11.5.20.1. Introduction

393. As notified, EIT-EN-M3 reads:

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.

11.5.20.2. Submissions

394. Cosy Homes²⁰⁵ supports the provision as notified.

395. DCC²⁰⁶ requests the provision be either deleted or amended to clarify the following:

- a. What is meant by providing for adoption of renewable energy sources
 - b. What the context of clause (1) (a) is, and what therefore is expected, and what is meant by terms of building design?
 - c. For clause (1) (b) it is not clear what the expectation is so this should be clarified.

11.5.20.3. Analysis

396. In relation to the Cosy Homes submission seeking retention as notified, I recommend that the submission should be accepted in part, subject to those modification arising from other submissions.

²⁰⁴ 00139.156 DCC

²⁰⁵ 00242.008 Cosy Homes

²⁰⁶ 00139.157 DCC

397. I agree in part with the DCC submission. In relation to clause (1) I consider inserting into sub-clause (a) “ways to increase” to replace “measure for increased” will address the query of what is expected and recommend this change to the wording. In relation to other matters raised I consider the meaning of the provision is clear. I recommend rejecting those parts of the submission.

11.5.20.4. Recommendations

398. I recommend amending EIT-EN-M3 as follows:

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) ways to increase ~~measures for increased~~²⁰⁷ 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.

11.5.21. EIT-EN-E1 – Explanation

11.5.21.1. Introduction

399. As notified, EIT-EN-E1 reads:

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 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 come within the definition of *infrastructure*, and that provisions relating to *infrastructure* also apply.

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.

²⁰⁷ 00139.157 DCC

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.

11.5.21.2. Submissions

400. Cosy Homes²⁰⁸ supports the provision as notified.

401. Federated Farmers²⁰⁹ seeks amendment in the third paragraph as follows: "...are to be ~~avoided~~ prevented from establishing and only if that is not practicable, managed so that their reverse sensitivity effects are or their impacts minimised.".

402. Meridian Energy Limited²¹⁰ seeks to amend the third paragraph of EIT-EN-E1 to read as follows:

"To ensure the on – going functionality of renewable electricity generation 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".

403. Trustpower²¹¹ seeks to amend the explanation as follows:

"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, investigation, operation, and maintenance and upgrading of existing and new assets, 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. The upgrading of existing assets and the development of new generation capacity is provided for to

²⁰⁸ 00242.008 Cosy Homes

²⁰⁹ 00239.123 Federated Farmers

²¹⁰ 00306.063 Meridian

²¹¹ 00311.042 Trustpower

recognise the importance of renewable electricity and the benefits it provides nationally, regionally and locally.

~~“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 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 or their impacts minimised.”~~

11.5.21.3. Analysis

404. In relation to the Cosy Homes submission seeking the explanation be retained as notified, I recommend that this submission be accepted in part, subject to those modifications arising from other submissions.
405. I do not agree with the Federated Farmers submission. I consider the references to reverse sensitivity are redundant. I recommend rejecting this submission.
406. I agree in part with the Meridian submission. I consider the amendment proposed in third paragraph of the explanation. to insert “ renewable electricity generation” prior to the word “assets”, clarifies the nature of the assets. I recommend this part of the submission be accepted.
407. With regard to the deletion of the reference “~~the operation or maintenance of~~” I consider this phrase is necessary to be clear about the nature of the activity being discussed. I recommend this part of the submission be rejected.
408. I agree in part with the Trustpower submission. I agree with the addition of the requested text in paragraph 1. I consider this provides clarification on matters addressed in objectives and policies, in particular the recommend new objective EIT-EN-O2A. I recommend accepting this part of this submission. I do not agree with remaining amendment sought by Trustpower. I consider the amendments detract from the clarity of the current text, whilst not materially adding to its content. I recommend rejecting this part of the submission.

11.5.21.4. Recommendations

409. I recommend amending EIT-EN-E1 as follows:

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.*²¹²

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 come within the definition of *infrastructure*, and that provisions relating to *infrastructure* also apply.

The potential magnitude of adverse *effects* and *functional needs*²¹³ 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 *renewable electricity generation*²¹⁴ 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.

11.5.22. EIT-EN-PR1 – Principal reasons

11.5.22.1. Introduction

410. As notified, EIT-EN-PR1 reads:

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 energy generation activities to continue operating is dependent on access to

²¹² 00311.042 Trustpower

²¹³ Clause 16(2), Schedule 1, RMA

²¹⁴ 00306.063 Meridian

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 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.

11.5.22.2. Submissions

411. Trustpower Limited²¹⁵ seeks the following amendments:

- a. Amending the first paragraph by replacing “energy” with “renewable energy”
- b. Amend the third paragraph as follows “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

²¹⁵ 00311.044 Trustpower

~~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 or compensated.~~

11.5.22.3. Analysis

412. I do not agree with the request to replace “energy” with “renewable electricity”. I consider the sentence is addressing energy generally, which is more than electricity generation. I recommend rejecting this part of the submission.

413. I do not agree with the request to replace “can” with “may” and deletion of the word “significant”. I consider the words are appropriate and are factually correct. I recommend rejecting this part of the submission.

414. I do not agree with the remaining requested amendments to the third paragraph. I consider the amendments are either duplicative or not material. I recommend rejecting this part of the submission.

11.5.22.4. Recommendations

415. I do not recommend any amendments.

11.5.23. EIT-EN-AER1

11.5.23.1. Introduction

416. As notified, EIT-EN-AER1 reads:

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.

11.5.23.2. Submissions

417. There are no submissions on this provision.

11.5.24. EIT-EN-AER2

11.5.24.1. Introduction

418. As notified, EIT-EN-AER2 reads:

EIT-EN-AER2

Energy use in Otago becomes more efficient over time and security of supply is maintained.

11.5.24.2. Submissions

419. There are no submissions on this provision.

11.5.25. EIT-EN-AER3.

11.5.25.1. Introduction

420. As notified, EIT-EN-AER3 reads:

EIT-EN-AER3

The adverse *effects* associated with *renewable energy generation activities* are minimised.

11.5.25.2. Submissions

421. DCC²¹⁶ seeks consequential changes to this section to reflect relief sought with respect to other requests the submitter has made on this section.

422. Trustpower Limited²¹⁷ seeks the following amendment:

“.. The adverse effects associated with renewable energy generation activities are minimised avoided, remedied or mitigated, or where appropriate, offset or compensated for”

11.5.25.3. Analysis

423. In relation to the DCC submission, I consider no consequential amendments are required section to reflect relief sought with respect to other requests the submitter has made on this section. I recommend rejecting this submission.

424. I do not agree with the Trustpower request. I consider the amendment sought does not constitute an anticipated environmental result but is more akin to a policy. I recommend rejecting this submission.

11.5.25.4. Recommendations

425. I do not recommend any amendments.

11.5.26. EIT-EN-AER4

11.5.26.1. Introduction

426. As notified, EIT-EN-AER4 reads:

EIT-EN-AER4

The proportion of *greenhouse gas* emissions per capita from energy generation reduces over time.

11.5.26.2. Submissions

427. There were no submissions on this provision.

²¹⁶ 00139.158 DCC

²¹⁷ 00311.045 Trustpower

11.6. EIT-INF Infrastructure

11.6.1. Introduction

428. This purpose of this section of the report is to consider submissions associated with infrastructure, and in particular, nationally and regionally significant infrastructure, in the Otago Region, and make recommendations on them.

EIT-INF-O4 – Provision of infrastructure

EIT-INF-O5 – Integration

EIT-INF-O6 – Long-term planning for electricity transmission infrastructure

EIT-INF-P10 – Recognising resource requirements

EIT-INF-P11 – Operation and maintenance

EIT-INF-P12 – Upgrades and development

EIT-INF-P13 – Locating and managing effects of infrastructure

EIT-INF-P14 – Decision-making considerations

EIT-INF-P15 – Protecting nationally or regionally significant infrastructure

EIT-INF-P16 – Providing for electricity transmissions and the National Grid

EIT-INF-P17 – Urban growth and infrastructure

EIT-INF-M4 – Regional plans

EIT-INF-M5 – District plans

EIT-INF-M6 – Advocacy

EIT-INF-E2 – Explanation

EIT-INF-P2 – Principal Reasons

EIT-INF-Anticipated Result Areas (AER) 5 to 8

429. The provision of effective infrastructure is fundamental to the health and safety of communities, and their social and economic wellbeing. The nature of this infrastructure means there are typically operational and functional constraints which restrict where and how they operate to properly serve local communities. It is also important that infrastructure is well integrated with urban development to enable efficient use of existing infrastructure and fully achieve the benefits of these activities.

430. The scale and type of activities involved in the operation, maintenance, upgrading and development of infrastructure is such that adverse effects on the environment are likely and include, at times, significant adverse effects. Efforts are required to reduce potential impacts, particularly where infrastructure operates to a sub-standard level or where alternatives are available. There will be instances however where adverse effects cannot be avoided, remedied or mitigated, or no alternative locations are available.

431. The provisions of this section seek to support infrastructure that is efficient, effective and minimises the adverse effects of its use and development on the environment. Some of the policies apply specifically to nationally and regionally significant infrastructure (which are defined separately) while others apply to all infrastructure (as defined in the RMA 1991). This recognises that the different types of infrastructure operate at different scales and can have significantly different effects (both positive and negative).

11.6.2. General Submissions

11.6.2.1. Submissions

432. Transpower²¹⁸ seeks amendments to revise and update approaches to nationally significant infrastructure and regionally significant infrastructure to provide greater clarity in respect of the intended approaches and outcomes, including through the use of consistent expression and hyperlinks to definitions.
433. Waitaki Irrigators^{219 220} seek to amend pORPS to recognise irrigation infrastructure as being regionally significant.
434. Aurora Energy²²¹ seeks to replace all instances of the term “electricity transmission network” with “distribution network” consistent with how that term has been defined in pORPS 21 with respect to the following provisions
- EIT-INF-O6 – Long – term planning for electricity transmission infrastructure
 - EIT-INF-P16 – Providing for electricity transmission and the National Grid
 - EIT-INF-M5 – District plans
435. Meridian^{222 223 224} seeks amendments to clarify that the EIT – INF sub – chapter of the pORSP 21 does not apply to renewable electricity generation activities.
436. Ngāi Tahu ki Murihiku²²⁵ seeks amendments to ensure there are no gaps or inconsistencies between the way infrastructure is managed between this chapter and the Coastal Environment chapter.
437. PowerNet²²⁶ seeks amendments to recognise the locational constraints in considering the overall impact of the environmental effects of network utilities and in designating sites for substations. They also seek planning provisions to be flexible enough to allow infrastructure development in certain situations, so as not to preclude this infrastructure, which is critical to the health and wellbeing and prosperity of New Zealanders.
438. PowerNet²²⁷ seeks amendment to ensure that the networks PowerNet manages are adequately recognised in the pORPS, are protected from the potential adverse effects of other activities, and that the future upgrade, maintenance and renewal of the network is not unnecessarily impeded.
439. Queenstown Airport²²⁸ seeks the following amendments

²¹⁸ 00314.001 Transpower

²¹⁹ 00213.001 Waitaki Irrigators

²²⁰ 00213.026 Waitaki Irrigators

²²¹ 00315.012 Aurora Energy

²²² 00306.095 Meridian

²²³ 00213.026 Waitaki Irrigators

²²⁴ 00306.064 Meridian

²²⁵ 00223.108 Ngāi Tahu ki Murihiku

²²⁶ 00511.032 PowerNet

²²⁷ 00511.033 PowerNet

²²⁸ 00313.023A Queenstown Airport

- a. For EIT-INF-M4 – Regional Plans delete the word “minimised” and replace it with “remedied or mitigated”.

AND

- b. For EIT-INF-M5 – District Plans, to delete the word “minimised” and replace it with “remedied or mitigated”

440. CIAL²²⁹ seeks amendments to the objectives and policies of the pORPS to:

- a. Encourage and support the upgrading, maintenance and protection of regionally significant infrastructure.
- b. Encourage and support the development of new infrastructure projects in appropriate locations to provide for the region’s infrastructure needs in the future
- c. Ensure that infrastructure provisions runs alongside community growth; and
- d. Provides for the investments that will be necessary to support the people of Central Otago and beyond as they adjust to the demands imposed by climate change. In particular, to facilitate the adaptations that will be required to relocate, substitute and reinforce key infrastructure assets that will likely become susceptible to the impacts of climate change

11.6.2.2. Analysis

441. I agree in part with the Transpower submission. I agree with the part of the submission that use of hyperlinks to definitions need to be more consistent, noting this is an editorial matter for future publication of the pORPS. I do not recommend any amendment to the definitions referred to.

442. I do not agree with Transpower seeking amendments to revise and update approaches to nationally significant infrastructure and regionally significant infrastructure to provide greater clarity in respect of the intended approaches and outcomes. As noted in the earlier in this chapter chapter *Nationally Significant Infrastructure* as defined in the pORPS has, to the extent applicable to the Otago Region, has the same meaning as in clause 1.4(1) of the National Policy Statement for Urban Development 2020, and as such it has been reflected in full from the NPSUD, and I do not consider it appropriate to amend the definitions. I further consider use of consistent definitions within the New Zealand regulatory framework are critical to the interoperability of the pORPS with related regulatory and policy frameworks with Otago and nationally. For both nationally significant infrastructure and regionally significant infrastructure I consider the application is clear.

443. I do not agree with the Waitaki Irrigators submissions seeking to amend RPS to recognise irrigation infrastructure as being regionally significant. As noted in the introduction of this chapter with respect to the definition of regionally significant infrastructure, whilst many industries are commercially or socially important, in the context of the pORPS I do not consider they qualify as regionally significant infrastructure. For the purposes of the following analysis I consider regionally significant infrastructure supports, at the regional

²²⁹ 00307.043 CIAL

level, economic and societal functions and, most importantly, interconnectivity (with respect to transport, electricity generation and transmission, communications, three waters, hazard management). I recommend rejecting this submission.

444. I do not agree with the Aurora Energy submission which seeks to replace all instances of the term “electricity transmission network” with “distribution network” consistent with how that term has been defined in pORPS 21 with respect to: EIT-INF-06, EIT-INF-P16, and EIT-INF-M5 – District plans. I consider use of the reference electricity transmission network is appropriate and is consistent with the NPSET.
445. I do not agree with the Meridian submissions seeking amendments to clarify that the EIT – INF sub – chapter of the pORPS 21 does not apply to renewable electricity generation activities. I consider renewable electricity generation constitute infrastructure as noted in the definition of Infrastructure in the pORPS which has the same meaning as in Section 2 of the RMA. I recommend rejecting this submission
446. I agree in part with the Ngāi Tahu ki Murihiku submission seeking to ensure there are no gaps or inconsistencies between the way infrastructure is managed between this chapter and the Coastal Environment chapter. I consider policies EIT-INF-P13, together with the proposed policy EIT-INF-P13A linking this subchapter with CE chapter provides for clarity on this matter. I recommend no further amendments are required.
447. I do not agree with the PowerNet submission that seeks amendments to recognise the locational constraints in considering the overall impact of the environmental effects of network utilities and in designating sites for substations, and that planning provisions need to be flexible enough to allow infrastructure development in certain situations, so as not to preclude this infrastructure, which is critical to the health and wellbeing and prosperity of New Zealanders. I consider the current provisions within the infrastructure subchapter, appropriately consider, functional and operational matters, in particular through EIT-INF-P13. I do not consider further amendments are necessary and recommend rejecting the submission.
448. I do not agree with the PowerNet submission which seeks amendment to ensure that the networks PowerNet manages are adequately recognised in the pORPS, are protected from the potential adverse effects of other activities, and that the future upgrade, maintenance and renewal of networks are not unnecessarily impeded. I consider the current provisions within the infrastructure subchapter, are appropriately considered, and that such matters can be addressed at a district level. These are not a regionally significant issue that needs to be addressed in the regional policy statement, and the treatment of distribution networks is not dissimilar to the treatment of local roading networks. I do not consider further amendments are necessary and recommend rejecting the submission.
449. I do not agree with the Queenstown Airport submission.to delete the word “minimised” and replace it with “remedied or mitigated” in EIT-INF-M4 and EIT-INF-M5. The references to “minimize” are consistent with EIT-INF-P13. I recommend rejecting this submission.

450. In do not agree with the CIAL general submission concerning the objectives and policies of the Proposed Otago Regional Policy Statement. I consider objective EIT-INF-04 and Policies EIT-INF-P10, P11, P12,P13, P14, P-15, P-16 and P-17 address the submissions proposed amendments to encourage and support: the upgrading, maintenance and protection of regionally significant infrastructure; and the development of new infrastructure projects in appropriate locations to provide for the region’s infrastructure needs in the future. I recommend rejecting these parts of the submission.

451. In relation to the proposed amendments from CIAL to ensure that infrastructure provisions run alongside community growth it is not the intention of RMA framework to encourage or ensure infrastructure provision – rather it responds/provides a frame to address changes that are proposed e.g. resource consents, plan changes and designations. I recommend rejecting these parts of the submission. Further, in relation to the proposed amendments to provide for the investments that will be necessary to support the people of Central Otago it is not the intention of RMA framework to provide for investment. I recommend rejecting these parts of the submission.

11.6.2.3. Recommendation

452. I do not recommend any amendments.

11.6.3. Recurring Submissions

453. Maryhill Limited²³⁰ and Mt Cardrona Station²³¹ both seek the same amendments to provisions EIT-INF-04, O5, P10, P13, P14, P15, P17, and M5 to ensure the regional importance of development infrastructure is recognised, in particular for urban development and the ability and importance of privately owned and operative infrastructure to support development, through amended provisions or otherwise in new provisions. They seek the following amendments:

- a. ensure provisions do not unnecessarily restrict development where infrastructure matters can adequately be addressed, but which may not be planned for or funded in terms of Council planning documents,
- b. urban growth and infrastructure should be planned for based on “at least” sufficient development capacity being actually realised and developed,
- c. removal of avoidance wording for urban development contingent on infrastructure, recognising that this is contrary to the NPS – UD.

454. DOC²³² has made submissions on a number of provisions seeking to ensure that adverse effects are required to be minimised “in all cases”.

²³⁰ 00118.042, 00118.043, 00118.044, 00118.045, 00118.046, 00118.047, 00118.048, 00118.049, Maryhill Limited

²³¹ 00014.042, 00014.043, 00014.044, 00014.045, 00014.046, 00014.047, 00014.048, 00014.049 Mt Cardrona Station

²³² 00137.102, 00137.103, 00137.104, 00137.105, 00137.106, 00137.107, 00137.108, 00137.109, 00137.110, 00137.110, 00137.106, DOC

11.6.3.1. Analysis

455. In relation to the submissions by Maryhill Limited and Mt Cardrona generally I consider that the matters raised are addressed by EIT-INF-M5 (6) which provides for infrastructure investment. Whilst this provision does not address who funds the infrastructure – the provision allows for it to be undertaken with either public or private funds or as a public-private partnership. Further, EIT-INF-M5 (6) does not preclude consideration of future commitments to the provision of infrastructure. However, in the case of private equity commitments it is possible these would need to be legally binding commitments with committed timeframes for it to meet the requirements of EIT-INF-M5 (6), for example developer agreements. I recommend rejecting the Maryhill Limited and Mt Cardrona submission points on these matters.
456. I note that while these matters have been submitted on in relation to the EIT-INF (Infrastructure) chapter, similar submissions have been made on the UFD (Urban) chapter. This evaluation is restricted to the provision of *infrastructure* generally and should be read in conjunction with the UFD chapter where similar submissions have been made and are considered in the context of the provisions of that chapter.
457. I do not agree with the DOC submission which seeks to ensure that adverse effects are required to be minimised in all cases. I consider that the current provisions provide an effective policy framework for the management of effects in accordance with the principles and purpose of the RMA, and the relevant national policy statements. I recommend rejecting the DOC submission.

11.6.3.2. Recommendation

458. I do not recommend any amendments.

11.6.4. Definitions

459. The following address submissions on definitions which specifically apply to the EIT-INF or their meaning and use is driven from this chapter.

11.6.4.1. Commercial port activity

Introduction

460. As notified, the definition for Commercial port activities reads:

Commercial port activities

means commercial shipping operations associated with the Otago Harbor and the activities carried out at the ports at Port Chalmers and Dunedin, which include:

- (a) Operation of commercial ships in Otago Harbor;
- (b) Loading and unloading of goods and passengers carried by sea;
- (c) Facilities for the storage of goods carried by sea;
- (d) Buildings, installations, other structures or equipment at or adjacent to a port and used in connection with the ports' operation or administration;

- (e) Structures, facilities and pipelines for fuel storage, and refuelling of ships;
- (f) Provision, maintenance and development of shipping channels and swing basins;
- (g) Disposal of dredged materials at AO, Heyward Point, Aramoana and Shelly Beach;
- (h) Installation and maintenance of beacons and markers for navigation safety; and
- (i) Provision and maintenance of the mole at Aramoana.

Submissions

461. Ravensdown²³³ seeks to amend the definition to include Ravensbourne as follows:
- “means commercial shipping operations associated with the Otago Harbour and the activities carried out at the ports at Port Chalmers, Ravensbourne and Dunedin, which include:*
- (a) Operation of commercial ships in Otago Harbour;*
- (b) ...”*
462. DOC²³⁴ seeks to amend the definition to correct the reference from “AO” to “A0” (i.e. a zero) and add a definition of “A0”, either by a description or by reference to MAP2 and/or applicable consents.
463. Ngāi Tahu ki Murihiku²³⁵ seeks to amend the definition to clarify the meaning of “AO” as a location in (g).
464. Forest and Bird²³⁶ seeks to delete the definition.
465. Port Otago²³⁷ seeks to retain the definition as notified.
466. The Fuel Companies²³⁸ seek to amend the definition to: “
- (d) Provision, maintenance and development of buildings, installations, other structures or equipment at or adjacent to a port and used in connection with the port’s operation or maintenance.*
- (e) Provision, maintenance and development of structures, facilities and pipelines for fuel storage, and refuelling of ships;...”*
467. They also seek to clarify that commercial port activities are not included in the undefined term “transport system”.

Analysis

²³³ 00121.004 Ravensdown

²³⁴ 00137.007 DOC

²³⁵ 00223.017 Ngāi Tahu ki Murihiku

²³⁶ 00230.004 Forest and Bird

²³⁷ 00301.002 Port Otago

²³⁸ 00510.007 The Fuel Companies

468. In relation to the Port Otago submission seeking retention as notified, I recommend that this should be accepted in part, subject to those modifications arising from other submissions.
469. I do not agree with the Ravensdown submission. Ravensdown is seeking recognition of its works site at Ravensdown, Dunedin, as a commercial port activity defined by pORPS. Ravensdown has submitted the Dunedin site is principally a manufacturing site for Ravensdown to provide products, namely fertiliser and agrochemicals. Its interests in making a submission are to ensure the pORPS does not unduly constrain its activities, being manufacturing in the case of the works site. As part of its works site the Ravensbourne wharf adjoins and is used by the site for the receipt of raw materials and dispatch of product. The wharf is used solely by Ravensdown, in accordance with a lease arrangement with Port Otago who own the wharf and associated infrastructure eg dolphins. Ravensbourne considers this constitutes a commercial port activity within the Otago Harbour and seeks a reference to Ravensdown to be included with Port Chalmers and Dunedin in the definition.
470. I note Ravensdown appears to be conducting activities referred to in the definitional matters (a), (b), (c), (d) and (f) which relate to ship operations, loading and unloading of goods etc, facilities for storage of good carried by sea, associated buildings and possibly refuelling. However, the remaining activities associated with a commercial port attached to the definition are not undertaken by the submitter (based the information provided).
471. Ravensdown does not provide commercial ports services to others as part of its activities.
472. On balance, I consider Ravensdown works site is primarily a manufacturing facility, with an attached wharf on lease from Port Otgao exclusively as an adjunct, and incidental to its principal commercial manufacturing activity. Accordingly I consider Ravensdown is not conducting commercial port activities in the context of the definition and the pORPS. I recommend rejecting this submission.
473. I agree in part with the DOC and Ngāi Tahu ki Murihiku submssions in relation to clarification of “AO” references. I agree with that part of the DOC submission to replace “AO it with “A0” (ie “0” as the number) as the current reference is correct. I agree with the amendment sought to clarify the meaning meaning of “AO” as a location in (g). I recommend inserting the following words to subpoint (g) “referred to in MAP 2” after reference to “AO”, Heyward Point...”
474. I do not agree with the Forest and Bird submission. I consider the definition is required to provide clarity with respect to a number of provisions throughout the EIT Chapter. I recommend rejecting this submission.
475. I agree with the Fuel Companies submission in part, which seeks clarification that not all port activities are part of the transport system. However, the port itself, and associated port infrastructure that assists with the movement of goods (such as railyards and storage areas) is an integral part of the transport system. I acknowledge that the definition of “Commercial Port Activities” is slightly wider than just its transport components, however I consider no additional amendments are required in response to the submission, which just seeks clarification. I recommend rejecting this submission.

Recommendations

476. I recommend amendments to “*regionally significant infrastructure*” as follows:

Commercial port activities

means commercial shipping operations associated with the Otago Harbour ~~Harbor~~²³⁹; and the activities carried out at the ports at Port Chalmers and Dunedin, which include:

- (a) Operation of commercial ships in Otago Harbour ~~Harbor~~²⁴⁰;
- (b) Loading and unloading of goods and passengers carried by sea;
- (c) Facilities for the storage of goods carried by sea;
- (d) Buildings, installations, other structures or equipment at or adjacent to a port and used in connection with the ports’ operation or administration;
- (e) Structures, facilities and pipelines for fuel storage, and refuelling of ships;
- (f) Provision, maintenance and development of shipping channels and swing basins;
- (g) Disposal of dredged materials at ~~AO~~ AO²⁴¹ Heyward Point, Aramoana and Shelly Beach referred to at MAP2²⁴²;
- (h) Installation and maintenance of beacons and markers for navigation safety; and
- (i) Provision and maintenance of the mole at Aramoana.

11.6.4.2. Infrastructure

Introduction

477. As notified, the definition for Infrastructure reads:

Infrastructure

has the same meaning as in section 2 of the Resource Management Act 1991 (as set out in the box below)

²³⁹ Clause 16(2), Schedule 1, RMA

²⁴⁰ Clause 16(2), Schedule 1, RMA

²⁴¹ 00137.007 DOC, 00223.017 Ngāi Tahu ki Murihiku

²⁴² 00137.007 DOC, 00223.017 Ngāi Tahu ki Murihiku

means—

- (a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:
- (b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:
- (c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:
- (d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—
 - (i) uses them in connection with the generation of electricity for the person’s use; and
 - (ii) does not use them to generate any electricity for supply to any other person:
- (e) a water supply distribution system, including a system for irrigation:
- (f) a drainage or sewerage system:
- (g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:
- (h) facilities for the loading or unloading of cargo or passengers transported on land by any means:
 - (i) an airport as defined in section 2 of the Airport Authorities Act 1966:
 - (j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990:
- (k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:
- (l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166

Submissions

- 478. Aurora Energy²⁴³, PowerNet²⁴⁴ and Network Waitaki²⁴⁵ seek to retain the definition as notified.
- 479. DCC²⁴⁶ seeks to amend the definition to include “(m) landfills”.
- 480. Port Otago²⁴⁷ seeks to amend the definition to add at the beginning:

“Is the same meaning as in Section 2 of the RMA 1991 (as set out in the box below) together with all facilities required for “commercial port activity”.
- 481. NZDF²⁴⁸ seeks to amend the definition to:

²⁴³ 00315.006 Aurora Energy

²⁴⁴ 00511.009 PowerNet

²⁴⁵ 00320.004 Network Waitaki

²⁴⁶ 00139.006 DCC

²⁴⁷ 00301.004 Port Otago

²⁴⁸ 00304.003 NZDF

“has the same meaning as in section 2 of the Resource Management Act 1991 (as set out in the box below), and also includes nationally significant infrastructure and regionally significant infrastructure”.

482. Te Waihanga²⁴⁹ seeks to amend the definition to add defence, corrections, health, and educational facilities. Te Waihanga also seek amendment to rationalise infrastructure definitions for clarity, and/or adding further explanation as to the different contexts in which they are used. For example, some subset definitions are used in the Urban Form and Development policies in terms of regulating when other development can occur, while others are used in relation to providing direction as to how the effects of infrastructure itself are to be managed.

Analysis

483. Infrastructure as defined in the pORPS has the same meaning as in section 2 of the RMA, and as such it has been reflected in full from the legislation, and I do not consider it appropriate to amend the definition. I further consider use of consistent definitions within the New Zealand regulatory framework is critical to the interoperability of the pORPS with related regulatory and policy frameworks within Otago and nationally.
484. I do not consider the request of DCC to add landfill to the definition to be appropriate. Landfill has a separate definition within the pORPS in its own right. Further, HAZ – CL includes provisions which relate to the development of waste facilities and services.
485. I do not agree with the NZDF submission to include “*nationally significant infrastructure and regionally significant infrastructure*”. The respective definitions with different formulation covering infrastructure are intended to be used for specific purposes and applied within the pORPS for specific purposes and for purposes outside the pORPS in that context. To include reference to regionally significant infrastructure and nationally significant infrastructure in the chapeau confounds the hierarchy of infrastructure within the pORPS.
486. Similarly I do not agree with the Te Waihanga submission to amend the definition to include defence facilities and commercial port activities. Equally, the inclusion of the term commercial port activity in the chapeau is inappropriate given “port facilities” is included as a type of *Nationally Significant Infrastructure*. Further, the definition of commercial port activities and associated provisions provide a specific policy approach for those activities included in the definition. A portion of commercial port activities will be considered infrastructure (as defined in the definition of infrastructure), but this does not extend to all commercial port activities included in the pORPS definition which includes all activities carried out at the ports. Further, defence facilities are already covered by *Regionally Significant Infrastructure*.
487. Accordingly I do not recommend accepting any submission points in relation to this definition.

²⁴⁹ 00321.004 Te Waihanga

Recommendation

488. I do not recommend any amendments to the definition.

11.6.4.3. Nationally significant infrastructure

489. As notified, the definition for Nationally significant infrastructure reads:

Nationally significant infrastructure

has, to the extent applicable to the Otago Region, the same meaning as in clause 1.4(1) of the National Policy Statement for Urban Development 2020 (as set out in the box below)

means all of the following:

- (a) State highways
- (b) the national grid electricity transmission network
- (c) renewable electricity generation facilities that connect with the national grid
- (d) the high-pressure gas transmission pipeline network operating in the North Island
- (e) the refinery pipeline between Marsden Point and Wiri
- (f) the New Zealand rail network (including light rail)
- (g) rapid transit services (as defined in this clause)
- (h) any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers
- (j) the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002

Submissions

490. Queenstown Airport²⁵⁰, DIAL²⁵¹ and Contact²⁵² seek to retain the definition as notified.

491. Trustpower²⁵³ seeks to retain the definition as notified (particularly point (c)).

492. Port Otago²⁵⁴ seeks to amend the definition to replace “(j) the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002” with “(j) commercial port activities”.

²⁵⁰ 00313.002 Queenstown Airport

²⁵¹ 00316.001 DIAL

²⁵² 00318.002 Contact

²⁵³ 00311.002 Trustpower

²⁵⁴ 00301.006 Port Otago

493. The NZDF²⁵⁵ submission seeks to amend the definition to include defence facilities. For example, either adopt the definition of “Nationally significant infrastructure” in the Urban Development Act 2020 or amend the proposed definition as follows:
- “has, to the extent applicable to the Otago Region, the same meaning as in clause 1.4(1) of the National Policy Statement for Urban Development 2020 (as set out in the box below), and also includes defence facilities”.*
494. The Telecommunication Companies²⁵⁶ seek to amend the definition to add the following:
- “... (k) International and inter-regional telecommunications links.”*
495. Transpower²⁵⁷ seeks to amend the definition as follows:
- Delete the words “has, to the extent applicable to the Otago Region, the same meaning as in clause 1.4(1) of the National Policy Statement for Urban Development 2020 (as set out in the box below)”
 - Amend the remainder as follows:
- “means all of the following:*
- (a) State highways*
- (b) the ~~N~~ational ~~G~~rid ~~electricity transmission network~~*
- (c) renewable electricity generation facilities that connect with the ~~N~~ational ~~G~~rid*
- (d) the high ~~—~~ pressure gas transmission pipeline network operating in the North Island*
- ~~e. the refinery pipeline between Marsden Point and Wiri~~*
- (d) ~~(f)~~ the New Zealand rail network (including light rail)*
- (e) ~~(g)~~ rapid transit services (as defined in this clause)*
- (f) ~~(h)~~ any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers*
- (g) ~~(i)~~ the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002”*
496. Te Waihanga²⁵⁸ seeks to amend the definition to include telecommunications (or a subset of telecommunications that are nationally significant e.g. key links between regions), and defence and corrections infrastructure. It submits that these sets of services benefit all New Zealanders, regardless of where they are located.

²⁵⁵ 00304.002 NZDF

²⁵⁶ 00310.001 The Telecommunication Companies

²⁵⁷ 00314.005 Transpower

²⁵⁸ 00321.005 Te Waihanga

497. Business South requests clarifications/amendments as follows:
- amend the definition to clarify how new or expanded infrastructure get included in the definition(s) without having to do a plan change²⁵⁹.
 - amend the definition to be relevant to Otago i.e. why list North Island infrastructure? ²⁶⁰
 - amend the definition to clarify new or expanded infrastructure, for example, Lake Onslow, would meet the definition of renewable generation under the nationally significant infrastructure definition²⁶¹
498. The Fuel Companies²⁶² seek to amend the definition to clarify that oil terminals and ancillary pipelines are included and that the definition applies to both Port Chalmers and Dunedin.
499. Te Waihanga²⁶³ seeks provision of guidance in the definition with reference to the Te Waihanga 30 Year Infrastructure Strategy which is due to be published in March 2022.

Analysis

500. *Nationally significant infrastructure* as defined in the pORPS has, to the extent applicable to the Otago Region, the same meaning as in clause 1.4(1) of the National Policy Statement for Urban Development 2020, and as such it has been reflected in full from the NPSUD, and I do not consider it appropriate to amend the definitions. I further consider use of consistent definitions within the New Zealand regulatory framework are critical to the interoperability of the pORPS with related regulatory and policy frameworks with Otago and nationally. The use of the words “to the extent applicable in the Otago Region” in the pre-ambule to the definition recognises that some of the content of the NPSUD definition does not apply to the Otago Region.
501. I do not agree with the amendments Port Otago is seeking. This would alter the definition in the NPSUD which specifically excludes ancillary commercial activities, and I note that as currently drafted, these activities could potentially be included in the definition of commercial port activities.
502. I do not agree with NZDF request to include defence facilities. I note the reason given by NZDF is that while defence facilities are not included in the definition of nationally significant infrastructure in the NPS-UD 2020, NZDA advises defence facilities are included in the definition in the Urban Development Act 2020 (UDA). However, the current version of the UDA²⁶⁴ no longer includes such a reference to defence in the definition. I also note that defence facilities are included in the definition of “*regionally significant infrastructure*”.

²⁵⁹ 00408.005 Business South

²⁶⁰ 00408.006 Business South

²⁶¹ 00408.007 Business South

²⁶² 00510.009 The Fuel Companies

²⁶³ 00321.106 Te Waihanga

503. I do not agree with the addition which the Telecommunication Companies are seeking. These matters are included in the definition of “*regionally significant infrastructure*” .
504. I do not agree with Te Waihanga request to amend the definition to include telecommunications, defence and corrections infrastructure. I consider telecommunications and defence facilities are included as *regionally significant infrastructure* and as such receive broadly equivalent consideration with respect the operation of the pORPS. “Social infrastructure” such as education facilities, hospitals and corrections facilities have not been considered as infrastructure for the purpose of the of consideration within the EIT chapter.
505. I do not agree with the Transpower submission as it alters the definition set out in the NPSUD, and while I accept that the wording may be more succinct than set out in the NPSUD the proposed amendment it has the same effect.
506. I do not agree with the Business South submission in relation to how new or expanded infrastructure gets included in the definition(s) without having to do a plan change. Given the origin of the definition being derived from, and giving effect to, the NPSUD, it is unlikely that there will be any additions to the definition.
507. I do not agree with the Fuel Companies submission as I consider the proposed additions to the definition are not of national significance and are therefore outside the scope of the definition. Notwithstanding this, I consider some of these matters could be incorporated into the definition of “*regionally significant infrastructure*”. I note that the treatment of these assets from a policy perspective would be the same regardless of whether they are defined as regionally significant infrastructure or nationally significant infrastructure, and as such, there is scope to undertake the amendment. I recommend this should include reference to “bulk fuel storage” as well as “oil terminals and ancillary pipelines” referenced in the submission as these would be expected at such a facility.
508. I consider the Te Waihanga submission seeking of guidance on the definition with reference to the yet to be published Te Waihanga 30 Year Infrastructure Strategy is not material at this time to the drafting of the definition as stated.
509. Accordingly I do not recommend accepting any submission in relation to this definition.

Recommendations

510. I do not recommend any amendments to the definition of nationally significant infrastructure.
511. I recommend a consequential amendment to the definition of regionally significant infrastructure (considered below) to include oil terminals, bulk fuel storage and ancillary pipelines at Port Chalmers and Dunedin by insertion of the following point.

“(11A) oil terminals, bulk fuel storage and supply infrastructure, and ancillary pipelines at Port Chalmers and Dunedin,”

11.6.4.4. Regionally significant infrastructure

Introduction

512. As notified, the definition for Regionally significant infrastructure reads:

Regionally significant infrastructure

means:

- (1) roads classified as being of regional importance in accordance with the One Network Road Classification,²⁶⁵
- (2) electricity sub-transmission infrastructure,
- (3) renewable electricity generation facilities that connect with the local distribution network but not including renewable electricity generation facilities designed and operated principally for supplying a single premise or facility,
- (4) telecommunication and radiocommunication facilities,
- (5) facilities for public transport, including terminals and stations,
- (6) the following airports: Dunedin, Queenstown, Wanaka, Alexandra, Balclutha, Cromwell, Oamaru, Taieri.
- (7) navigation infrastructure associated with airports and commercial ports which are nationally or regionally significant,
- (8) defence facilities,
- (9) community drinking water abstraction, supply treatment and distribution infrastructure that provides no fewer than 25 households with drinking water for not less than 90 days each calendar year, and community water supply abstraction, treatment and distribution infrastructure (excluding delivery systems or infrastructure primarily deployed for the delivery of water for irrigation of land or rural agricultural drinking-water supplies)
- (10) community stormwater infrastructure,
- (11) wastewater and sewage collection, treatment and disposal infrastructure serving no fewer than 25 households, and
- (12) Otago Regional Council's hazard mitigation works including flood protection infrastructure and drainage schemes.

Submissions

513. Fish and Game²⁶⁶, NZDF²⁶⁷, Queenstown Airport²⁶⁸, DIAL²⁶⁹ and Contact²⁷⁰ seek to retain the definition as notified.

514. Trustpower²⁷¹ seeks to retain the definition as notified, in particular clause (3), but requests that the definition also specify that regionally significant infrastructure includes nationally significant infrastructure.

515. Meridian²⁷² seeks to retain clauses (2) and (3) as notified.

²⁶⁵ <https://www.nzta.govt.nz/roads-and-rail/road-efficiency-group/projects/onrc> (accessed 26 May 2021)

²⁶⁶ 00231.015 Fish and Game,

²⁶⁷ 00304.001 NZDF

²⁶⁸ 00313.001 Queenstown Airport

²⁶⁹ 00316.002 DIAL

²⁷⁰ 00318.001 Contact

²⁷¹ 00311.003 Trustpower

²⁷² 00306.004 Meridian

516. Ara Poutama Aotearoa the Department of Corrections²⁷³ seeks to amend the definition to include essential social infrastructure. For example, they seek to include Otago Corrections Facility and community corrections activity to the list of activities in the definition as set out below, and they also seeks any consequential amendments required to give effect to this relief:

“...means:

(13). Otago Corrections Facility and community corrections activity...”

517. DOC²⁷⁴ seeks to amend the definition as follows:

Insert the following or words to like effect in clause (10): “community stormwater infrastructure servinq no fewer than 25 households”

And, deletion of clause (12):

“~~Otago Regional Council’s hazard mitigation works including flood protection infrastructure and drainage schemes~~”

518. QLDC²⁷⁵ seeks to amend the definition to add:

“(13) Municipal landfills and associated solid waste sorting and transfer facilities.”

519. DCC²⁷⁶ seeks to amend the definition as follows:

- Clause (1): Replace “One Network Road Classification” with “One Network Framework”.
- Clauses (9) – (11) improve clarity and/or provide additional definitions (e.g. a definition of “community drinking water supply”).
- Clause (13): include “landfills”

520. Trojan and Wayfare²⁷⁷ seek to amend the definition to include ski Area infrastructure as a new clause 13. :

“(13) Ski Area Infrastructure”

521. Waitaki Irrigators²⁷⁸ seek to amend the definition to include irrigation as follows:

“Regionally significant infrastructure means:

Established community – scale irrigation and stockwater infrastructure,”

522. Fonterra²⁷⁹ seeks to amend the definition as follows to add:

²⁷³ 00102.001 Ara Poutama Aotearoa the Department of Corrections

²⁷⁴ 00137.015 DOC

²⁷⁵ 00138.106 QLDC

²⁷⁶ 00139.007 DCC

²⁷⁷ 00206.015 Trojan and 00411.022 Wayfare

²⁷⁸ 00213.002 Waitaki Irrigators

²⁷⁹ 00233.008 Fonterra

“(13) infrastructure necessary to enable the operation of regionally significant industry.”

523. Kāi Tahu ki Otago / Aukaha²⁸⁰ seeks to reword clause (5) to restrict the public transport facilities included in the definition to facilities that serve a regionally significant function and that are not readily relocatable.
524. Forest and Bird²⁸¹ seeks to amend the definition for a number of clauses.
- For clause (2) amend to “electricity sub – transmission infrastructure of the National Grid or local distribution network,”
 - For clause (4) amend to “telecommunication and radiocommunication facilities as respectively defined in section 5 of the Telecommunications Act 2001 and in section 2 of the Radiocommunications Act 1989,” “.....”
 - Add a new clause “(6A) port of Otago Dunedin”
 - For clause (7) amend to “navigation infrastructure associated with airports identified in (6) and commercial ports identified in (6A) which are nationally or regionally significant,”
 - For clause (8) amend to “defence facilities for defence purposes in accordance with the Defence Act 1990,”
 - For clause (9) amend to “community drinking water abstraction, supply treatment and distribution infrastructure that provides no fewer than 25 households with drinking water for not less than 90 days each calendar year, ~~and community water supply abstraction, treatment and distribution infrastructure~~ (excluding delivery systems or infrastructure primarily deployed for the delivery of water for irrigation of land or rural agricultural drinking – water supplies)”
 - For clause (10) amend to “~~community~~ municipal stormwater infrastructure,”
 - For clause (11) amend to “municipal wastewater and sewage collection, treatment and disposal infrastructure serving no fewer than 25 households”, and
 - For clause (12) amend to “Otago Regional Council’s hazard mitigation works including flood protection infrastructure ~~and drainage schemes.~~”
525. Federated Farmers²⁸² seeks to amend a number of the clauses in the definition as follows:
- For clause (5) amend to “~~facilities for~~ public transport hubs, including terminals and stations, ...”
 - For clause (9) amend to “community potable water systems ~~drinking water abstraction, supply treatment and distribution infrastructure that provides no fewer than 25 households with drinking water for not less than 90 days each calendar year, and community water supply abstraction, treatment and distribution infrastructure~~ (excluding delivery systems or infrastructure primarily deployed for the delivery of water for irrigation of land or rural agricultural drinking – water supplies) “

²⁸⁰ 00226.034 Kāi Tahu ki Otago / Aukaha

²⁸¹ 00230.011 Forest and Bird

²⁸² 00239.008 Federated Farmers

- For clause (10) amend to amend to “community stormwater and land drainage infrastructure,”
 - Add new clause “(13) Established community – scale irrigation and stockwater infrastructure.”
526. Port Otago²⁸³ seeks to amend the definition by inserting the following text as a new clause, as a consequential change, assuming other changes to definitions requested in these submissions are adopted, delete clause (7).
- “(1) all infrastructure identified as nationally significant infrastructure,”
527. CIAL²⁸⁴ seeks to amend the definition as follows:
- “Means Includes
- (6) airports and aerodromes and their ancillary infrastructure, including the following airports: Dunedin, Queenstown, Wanaka, Alexandra, Balclutha, Cromwell, Oamaru, Taieri”
528. Transpower²⁸⁵ seeks to amend the definition to include the National Grid as follows:
- (Regionally) “means:*
- (1) roads classified as being of regional importance in accordance with the One Network Road Classification,*
- (x) the National Grid;*
- (2) electricity sub – transmission infrastructure, ...”*
529. As alternate relief Transpower seek to amend the definition of “specified infrastructure” to include reference to the National Grid.
530. Aurora Energy²⁸⁶, Network Waitaki²⁸⁷ and PowerNet²⁸⁸ seeks to amend the definition to amend sub-clause (2) as follows:
- (2) electricity sub – transmission infrastructure and significant electricity distribution infrastructure.”
531. Business South²⁸⁹ seeks to amend the definition to clarify how new or expanded infrastructure get included in the definition(s) without having to do a plan change.
532. The Fuel Companies²⁹⁰ seek to amend the definition to add the following:

²⁸³ 00301.007 Port Otago

²⁸⁴ 00307.001 CIAL

²⁸⁵ 00314.006 Transpower

²⁸⁶ 00315.010 Aurora Energy

²⁸⁷ 00320.001 Network Waitaki

²⁸⁸ 00511.001 PowerNet

²⁸⁹ 00408.016 Business South

²⁹⁰ 00510.010 The Fuel Companies

“Structures, facilities and pipelines for fuel storage, and refuelling of ships.” Or “Commercial Port activities, including bulk fuel supply infrastructure, and storage tanks for bulk liquids, and associated wharflines.”

Analysis

533. There are a number of submitters who seek to include their particular area of concern, or commercial interest into the definition of regionally significant infrastructure. I agree many of these inclusions are commercially or socially important, however in the context of the pORPS I do not consider they qualify as regionally significant infrastructure. For the purposes of the following analysis I consider regionally significant infrastructure supports, at the regional level, economic and societal functions and, most importantly, interconnectivity (with respect to transport, electricity generation and transmission, communications, three waters, hazard management).
534. In that context I do not agree with the following submissions:
- the QLDC request to add “Municipal landfills and associated solid waste sorting and transfer facilities.”
 - the Trojan and Wayfare request to include ski infrastructure
 - The Waitaki Irrigators request to add “Established community – scale irrigation and stockwater infrastructure”
 - Fonterra request to add “infrastructure necessary to enable the operation of regionally significant industry.”
535. In relation to the DCC submission I agree to amend clause (1) by replacing “One Network Road Classification” with “One Network Framework”, given that the One Network Framework supercedes the One Network Road Classification²⁹¹. I recommend accepting this part of the submission.
536. I do not agree with the DCC requests seeking improvement to clauses (9) – (11) by adding clarity and/or providing additional definitions (e.g. a definition of “community drinking water supply”). I recommend rejecting this part of the submission.
537. With respect to the DCC request to include “landfills” in clause (13). I rely on my introductory paragraph to this definition above concerning what I consider constitutes regionally significant infrastructure with respect to the pORPS. In considering this submission against that context I recommend this submission be rejected.
538. I do not agree with Federated Farmers submission. My consideration is as follows.
- In relation to the submission concerning clause (5) seeking to delete “~~facilities for~~ and add “hubs” after “transport” I consider the first amendment not material, and the addition of “hubs” inappropriately narrows the clause. In doing so it does not take into account regional transport is part of a “whole journey” that is interconnected frequently commencing ending at ones place of residence or work. I recommend rejecting this part of the submission.

²⁹¹ <https://www.nzta.govt.nz/roads-and-rail/road-efficiency-group/projects/onrc> (accessed 26 May 2021)

- I consider the requested amendments to clause (9) would significantly detract from the specificity and associated clarity of the definition which as a consequence would create a risk of dispute in its interpretation. I recommend rejecting this part of the submission.
- In relation to the amendment sought to amend clause (10) by adding “and land drainage” I consider land drainage is are localised landuse practice (not regional). I also consider as proposed the amendment could be applied to any scale down to a single landholding and as such does not warrant consideration as regional infrastructure.
- The submitter also seeks a new inclusion: “(13) Established community – scale irrigation and stockwater infrastructure.” Whilst I have considered the adjacent Canterbury Regional Policy Statement, which includes this activity, and inclusion of this point would enable consistency with adjacent local authorities, noting both regional councils have jurisdiction over Waitaki District, I do not consider this part of the submission conforms to what I consider to be regionally significant, as outlined in my introduction to this provision above.

539. I agree in part with the following submissions (and consequential amendments) of Trustpower and Port Otago that seek to specify that *Regionally Significant Infrastructure* also includes *Nationally significant infrastructure*. Infrastructure that is important at a national level will inherently also be important at a regional level. I recommend accepting these submissions by adding a note to the end of the definition recognising this.

540. I agree in part with the Meridian submission seeking recognition of renewable electricity generation facilities. I note that such facilities are also identified as nationally significant infrastructure. I recommend that a cross reference is made to that definition to acknowledge that all nationally significant infrastructure is also regionally significant at the end of the definition as follows:

“For the avoidance of doubt, any infrastructure identified as nationally significant infrastructure is also regionally significant infrastructure.”

541. I do not agree with the Ara Poutama Aotearoa the Department of Corrections request. I rely on my introductory paragraph above on this definition concerning what I consider constitutes regionally significant infrastructure with respect to the pORPS. I recommend this submission be rejected.

542. I do not agree with the amendment requested by DOC. I consider it significantly changes the purpose of the definition and recommend the submission be rejected.

543. I do not agree with the Kāi Tahu ki Otago / Aukaha request to amend clause (5) to restrict the public transport facilities included in the definition to facilities that serve a regionally significant function and that are not readily relocatable. Whilst I agree in part with the intent of the submission, I consider the “whole journey” associated with public transport commences from a traveller’s place of origin which frequently requires local services. I recommend this this submission be rejected.

544. I agree in part with the Forest and Bird submission.

- In relation to the amendment proposed for clause (2) I do not agree with the addition of the reference “of the National Grid or local distribution network”. The definition of electricity sub-transmission infrastructure includes the matters addressed by the submitter. I recommend rejecting this part of the submission.
- In relation to the amendment proposed for clause (4) I agree with the addition of the reference “facilities as respectively defined in section 5 of the Telecommunications Act 2001 and in section 2 of the Radiocommunications Act 1989.” I consider this identifies communications facilities that are of regional significance, and excludes other communications systems, such as amateur radio, from being regionally significant. I recommend accepting this part of the submission.
- I do not agree with the request to insert a new point “(6A) port of Otago Dunedin”. The Port of Otago is already included in the Nationally Significant Infrastructure definition at point (j). I recommend rejecting this part of the submission. The cross reference recommended in response to the Meridian submission above (“For the avoidance of doubt, any infrastructure identified as nationally significant infrastructure is also regionally significant infrastructure.”) to the definition of nationally significant infrastructure, as also being regionally significant, may assist in this regard.
- Consequential to the recommendation to reject the request to include new clause “(6A) port of Otago Dunedin”, I recommend rejection of the related amendment to point (7) of the definition.
- I agree with the request to amend point (8) by adding “for defence purposes in accordance with the Defence Act 1990”. I consider this amendment adds clarity to the definition. I recommend accepting this part of the submission.
- I do not agree with part of the submission to amend clause (9). I consider this the amendment to delete reference to “and community water supply abstraction, treatment and distribution infrastructure” would detract from the specificity and associated clarity of the definition, which as a consequence would create a risk of dispute in its interpretation. I recommend rejecting this part of the submission.
- I do not agree with the request to amend clause (10) because the change sought by the submitter implies that the assets can only be owned by the relevant territorial authority, whereas they may be privately owned. I recommend rejecting this part of the submission.
- I do not agree with the request to amend clause (11) for the same reasons as (g) above. I recommend rejecting this part of the submission.
- I do not agree with the request to amend clause (12) because I consider that the hazard mitigation works that are undertaken by the Regional Council, including drainage schemes, are of regional significance. I recommend rejecting this part of the submission.

545. I do not agree with the CIAL submission. I consider the amendment broadens the scope of coverage for airports to all aviation infrastructure through the inclusion of reference to unspecified “aerodromes”. While I understand the submitters interest in a potential

new airport at Tarras, I note that this is not yet consented and does not exist. In addition, I note that the definition of nationally significant infrastructure includes “any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers”. I consider that the recommended cross reference to the definition of nationally significant infrastructure will resolve the submitter’s concern. I recommend rejecting this submission.

546. I do not agree with the request of Transpower to add reference to “the National Grid” or, as an alternative, to amend the definition of “specified infrastructure” to include reference to the National Grid. I note that the National Grid is already recognised as nationally significant infrastructure. As above, in response to the submissions of Trustpower and Port Otago, the addition of a cross reference to nationally significant infrastructure may assist in this regard, recognising that all nationally significant infrastructure is also regionally significant.
547. I do not agree with the Aurora Energy, Network Waitaki and PowerNet requests to amend clause (2) to add reference to “and significant electricity distribution infrastructure...” This term is not defined, and as such lacks clarity and certainty as to what it would include. As such, I recommend rejecting this part of the submission.
548. I do not agree with the Business South request to amend the definition to clarify how new or expanded infrastructure gets included in the definition(s) without having to do a plan change. For the same reasons set out in relation to the submitter’s request relating to nationally significant infrastructure, I recommend rejecting this submission.
549. In relation to the submission by the Fuel Companies to recognise fuel storage and pipelines as being regionally significant, I accept that presently these facilities are of strategic importance to the Otago Region, in particular to providing a means of transport. In combination with the submission on “nationally significant infrastructure”, I consider that the two requests should be combined and recognised in the definition of regionally significant infrastructure. To this extent, I recommend accepting this part of the submission.

Recommendations

550. I recommend amendments to “*regionally significant infrastructure*” as follows:

Regionally significant infrastructure

means:

- (1) roads classified as being of regional importance in accordance with the ~~One Network Road Classification~~ One Network Framework,^{292 293}
- (2) electricity sub-transmission infrastructure,

²⁹² <https://www.nzta.govt.nz/planning-and-investment/planning/one-network-framework/> (Last accessed 4 May 2022)

²⁹³ 00139.007 DCC

- (3) renewable electricity generation facilities that connect with the local distribution network but not including renewable electricity generation facilities designed and operated principally for supplying a single premise or facility,
- (4) telecommunication and radiocommunication facilities as respectively defined in section 5 of the Telecommunications Act 2001 and in section 2 of the Radiocommunications Act 1989²⁹⁴,
- (5) facilities for public transport, including terminals and stations,
- (6) the following airports: Dunedin, Queenstown, ~~Wanaka~~ Wānaka,²⁹⁵ Alexandra, Balclutha, Cromwell, ~~Ōamaru~~ Ōamaru,²⁹⁶ Taieri.
- (7) navigation infrastructure associated with airports and commercial ports which are nationally or regionally significant,
- (8) defence facilities for defence purposes in accordance with the Defence Act 1990²⁹⁷,
- (9) community drinking water abstraction, supply treatment and distribution infrastructure that provides no fewer than 25 households with drinking water for not less than 90 days each calendar year, and community water supply abstraction, treatment and distribution infrastructure (excluding delivery systems or infrastructure primarily deployed for the delivery of water for irrigation of land or rural agricultural drinking-water supplies)
- (10) community stormwater infrastructure,
- (11) wastewater and sewage collection, treatment and disposal infrastructure serving no fewer than 25 households, ~~and~~
- (11A) oil terminals, bulk fuel storage and supply infrastructure, and ancillary pipelines at Port Chalmers and Dunedin²⁹⁸, and
- (12) Otago Regional Council’s hazard mitigation works including flood protection infrastructure and drainage schemes.

For the avoidance of doubt, any infrastructure identified as nationally significant infrastructure is also regionally significant infrastructure²⁹⁹. For the avoidance of doubt, any infrastructure identified as nationally significant infrastructure is also regionally significant infrastructure

²⁹⁴ 00230.011 Forest and Bird

²⁹⁵ 00226.024 Kāi Tahu ki Otago

²⁹⁶ 00226.024 Kāi Tahu ki Otago

²⁹⁷ 00230.011 Forest and Bird

²⁹⁸ 00510.009 The Fuel Companies

²⁹⁹ 00311.003 Trustpower, 00301.007 Port Otago

11.6.4.5. Ski area infrastructure

551. Trojan and Wayfare³⁰⁰ seek to add a new definition – “Ski Area Infrastructure” as follows:

“Means infrastructure associated with the construction, operation, maintenance, upgrading, or expansion of the following existing ski field areas:

(a) Cardrona Alpine Resort

(b) Coronet Peak

(c) Remarkables

(d) Treble Cone”

Analysis

552. I do not agree with the Trojan and Wayfare submissions seeking to add a new definition – “Ski Area Infrastructure”. I consider ski areas to simply be another landuse, rather than infrastructure itself, except to the extent that certain components, such as roads to ski areas, may fall within the definition of infrastructure as set out in s 2 RMA.

Recommendations

553. I do not recommend any amendments.

11.6.4.6. New infrastructure, Operation and maintenance of infrastructure, Upgrade and development of existing infrastructure

Submission

554. Port Otago seek a suite of additional definitions – “new infrastructure”³⁰¹, “operation and maintenance of infrastructure”³⁰² and “upgrade and development of existing infrastructure”³⁰³ to be able to distinguish between these activities which have differing policy tests in the RPS.

Analysis

555. I do not agree with the Port Otago submission seeking additional definitions for “new infrastructure”, “operation and maintenance of infrastructure” and “upgrade and development of existing infrastructure”. I consider that these terms can stand on their own and rely on their natural meaning for the purpose of the pORPS, and if requiring definition, they can be defined at a district or regional plan level, depending on the circumstance. I recommend rejecting this submission.

³⁰⁰ 00206.013 Trojan and 00411.020 Wayfare

³⁰¹ 00301.037 Port Otago

³⁰² 00301.038 Port Otago

³⁰³ 00301.036 Port Otago

Recommendation

556. I do not recommend any new definitions.

11.6.5. EIT-INF-04 – Provision of infrastructure.

11.6.5.1. Introduction

557. As notified, EIT-INF-04 reads:

EIT-INF-04 – Provision of infrastructure

Effective, efficient and resilient *infrastructure* enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth within the region within environmental limits.

558. This objective recognises the need for efficient use and development of infrastructure (RMA s7(b)), and the finite characteristics of natural and physical resources (RMA s 7(g)), both of which are necessary to enable people and communities to provide for their social, cultural and economic wellbeing, subject to being within environmental limits.

559. This objective ties into the key elements of s5 of the RMA and recognises that provision of infrastructure is one of the key ways that enables people and communities to provide for their wellbeing and health and safety, including by enabling transport of goods and services, provision of municipal infrastructure, and provision of major infrastructure works such as windfarms and hydroelectricity generation facilities.

560. Of key importance is that the development of such infrastructure takes place within environmental limits. There may be situations where significant resources are impacted, however, the approach to be used in these circumstances is provided for in the policies. This approach is consistent with giving meaning to how adverse effects are to be avoided, remedied, or mitigated, which is one of the key aspects of providing for sustainable management and the use of natural and physical resources, taking into account s 5(2)(c).

561. The recognition of environmental limits is important to provide for the matters set out in s 6, which sets out a number of matters of national importance which decision-makers are required to recognise and provide for.

11.6.5.2. Submissions

562. Seven submissions³⁰⁴ seek the provision to be retained as notified.

563. Network Waitaki and PowerNet³⁰⁵ seek the provision to be enabling of infrastructure.

564. The following submissions relate to the reference to “environmental limits”.

³⁰⁴ 00102.003 Ara Poutama Aotearoa the Department of Corrections, 00237.051 Beef & Lamb and DINZ, 00201.028 CODC, 00139.159 DCC, 00304.004 NZDF, 00138.113 QLDC, 00305.033 Waka Kotahi, 00510.035 The Fuel Companies

³⁰⁵ 00320.023 Network Waitaki, 00511.023 PowerNet

565. Aurora Energy, the Telecommunication Companies, Contact Energy, Network Waitaki, Te Waihangā, Port Otago, Queenstown Airport and Transpower³⁰⁶ seek to remove the reference to “environmental limits”, with one of those submissions also seeking the reference be removed elsewhere in pORPS.
566. CIAL³⁰⁷ seeks guidance as to the purpose for setting limits and the state of environment which the limit is aiming to achieve or move towards. The submitter notes it may also be appropriate to set limits differently with respect to regionally significant infrastructure to acknowledge the public benefits which this infrastructure generates, the fact that such infrastructure is often also operated by a lifeline utility, and to reflect the functional and operational constraints that infrastructure has to work within.
567. Kāi Tahu ki Otago / Aukaha³⁰⁸ seeks clarification as to the environmental outcomes for infrastructure not covered by EIT-INF-05.
568. Te Waihangā³⁰⁹ seeks a definition of “environment limits” consistent with that contained in the NBA Exposure Draft, that is, to confirm that such limits:
- a. only apply to ecological integrity or human health (not more amorphous or subjective values such as amenity, character, or landscape)
 - b. must be set by, or in strict accordance with, national direction
 - c. can be met through offsetting and compensation.
569. Business South³¹⁰ seeks to amend the provision to “effective, efficient and resilient infrastructure.....supports sustainable economic development and growth within the region within environmental limits”.
570. CIAL³¹¹ also seeks the provision be amended to refer to “Effective, efficient, safe and resilient infrastructure.....”.
571. Federated Farmers³¹² seeks the provision be editorially amended with the inclusion of commas as follows: “Effective, efficient, and resilient infrastructure enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth within the region, within environmental limits.”
572. Queenstown Airport³¹³ seeks deletion of the current provision to be replaced with the following: “Provide for the ongoing operation and development of nationally or regionally significant infrastructure and protect nationally and regionally significant infrastructure from the establishment of incompatible activities.”

³⁰⁶ 00315.043 Aurora Energy, 00310.004 The Telecommunication Companies, 00318.031 Contact, 00320.023 Network Waitaki, 00321.051 Te Waihangā, 00301.032 Port Otago, 00313.015 Queenstown Airport, 00314.033 Transpower

³⁰⁷ 00307.015 CIAL

³⁰⁸ 00226.239 Kāi Tahu ki Otago / Aukaha

³⁰⁹ 00321.051 Te Waihangā

³¹⁰ 00408.004 Business South

³¹¹ 00307.015 CIAL

³¹² 00239.124 Federated Farmers

³¹³ 00313.015 Queenstown Airport

11.6.5.3. Analysis

573. In relation to the submissions seeking the provision be retained as notified, I consider that these should be accepted in part, subject to modifications arising from other submissions.
574. A number of submitters seek the reference to “environmental limits” be deleted for a range of reasons or seek amendments to clarify the meaning of the term. Te Waihanga seeks a definition of “environmental limits” consistent with that contained in the NBA Exposure Draft.
575. In relation to use of the term “environmental limits” I consider its use as currently drafted is appropriate as it provides clarity with respect to a range of bottom lines that are expressed throughout the pORPS and other regulations made under the RMA (e.g. NESF). As stated in the Natural and Built Environments Bill Parliamentary paper 2021³¹⁴, in the exposure draft, this term can support the RMA in two key ways: “by being much more explicit about having to comply with environmental limits to protect ecological integrity and human health; and through setting up a framework of outcomes for restoring, enhancing or improving the natural environment, as well as promoting specific development and cultural outcomes that support the well-being of present generations, without compromising the well-being of future generations.”
576. Accordingly, I recommend rejecting those submissions seeking removal of the term “environmental limits” (The Telecommunication Companies; Contact; Network Waitaki; Port Otago; Queenstown Airport; Transpower).
577. I recommend accepting in part the submissions of CIAL and Kāi Tahu ki Otago / Aukaha who are broadly seeking to clarify the meaning of the term “environmental limits”. The subject of “environment limits” has been addressed in some detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of “environmental limit” and retaining the references on that basis. I recommend the submission be accepted on that basis.
578. I also consider clarifying the term will support infrastructure providers through a higher degree of certainty with respect to investment, development, and operational decisions. I therefore recommend adding a definition for “environmental limits” to the pORPS 21.
579. I do not accept the Business South³¹⁵ recommendation to amend the provision as stated above as it is unclear what amendment is being sought. I recommend rejection of this submission.
580. In relation to the Network Waitaki and PowerNet³¹⁶ submissions seeking the provision to be enabling of infrastructure it is unclear what further action is expected from the pORPS to give effect to the submission. I recommend rejecting this submission.

³¹⁴ <https://environment.govt.nz/publications/natural-and-built-environments-bill-parliamentary-paper-on-the-exposure-draft/> (January 2021)

³¹⁵ 00408.004 Business South

³¹⁶ 00320.023 Network Waitaki, 00511.023 PowerNet

581. I do not agree with the CIAL³¹⁷ submission. I consider this is already addressed in relation to the existing reference to health and safety in the notified objective. I recommend rejecting this submission.
582. I agree in part with Federated Farmers³¹⁸ submission. I do not agree with editorial amendments by the inclusion of comma after efficient as suggested above as I consider this grammatically unnecessary. I consider the term “within the region” should be amended to “in the region” for clarity. I recommend accepting this submission in part.
583. In relation to the submission by the Queenstown Airport³¹⁹ I consider the existing EIT-INF-P12 and EIT-INF-P15 provisions address the matters raised. The proposed amendment focuses only on nationally and regionally significant infrastructure and is therefore not appropriate as a replacement for EIT-INF-O4. I recommend rejecting this submission.
584. A consequential amendment arises from consideration of the submission of Queenstown Airport’s (00313.020) in relation to EIT-INF-P13. Consideration of that submission highlights a lack of clarity in the EIT-INF-P13 provision as to whether the provision and its parts relate to “*nationally significant infrastructure*” and “*regionally significant infrastructure*” or “*infrastructure*” or all of the preceding infrastructure definitions. In response to that submission, I have recommended for EIT-INF-P13 deleting “Infrastructure” and replacing the reference with “infrastructure, nationally significant infrastructure and regionally significant infrastructure” in parts of that provision. I have also noted consequential amendments will be required for EIT-INF-O4 (Provision of infrastructure), and EIT-INF-05 (Integration) to give effect to EIT-INF-P13. Accordingly, I recommend for EIT-INF-O4 deleting “Infrastructure” and replacing the reference with “*infrastructure, nationally significant infrastructure and regionally significant infrastructure*” in the objective.

11.6.5.4. Recommendations

585. I recommend amending EIT-INF-O4 as follows:

EIT-INF-O4 – Provision of *infrastructure*

Effective, efficient and resilient *infrastructure, nationally significant infrastructure and regionally significant infrastructure*³²⁰ enables the people and communities of Otago to provide for their social and cultural well-being, their health and safety, and supports sustainable economic development and growth ~~in~~ within the region,³²¹ within *environmental limits*.

³¹⁷ 00307.015 CIAL

³¹⁸ 00239.124 Federated Farmers

³¹⁹ 00313.015 Queenstown Airport

³²⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00313.020 Queenstown Airport

³²¹ 00239.124 Federated Farmers

11.6.6. EIT-INF-05 – Integration

11.6.6.1. Introduction

586. As notified, EIT-INF-05 reads:

EIT-INF-05 – Integration

Development of *nationally and regionally significant infrastructure*, as well as *land use change*, occurs in a co-ordinated manner to minimise adverse *effects* on the *environment* and increase efficiency in the delivery, operation and use of the *infrastructure*.

587. It seeks to ensure that development of infrastructure occurs in a co-ordinated manner. This is important for the delivery of growth areas and new urban development. Efficient outcomes for infrastructure are also important for roading and other types of infrastructure. This may include innovative ways to improve efficiency for generating activities, or transport for example.

588. Minimising adverse effects on the environment will assist with ensuring that natural resources are used in a way, or at a rate, that sustains those resources to meet the reasonably foreseeable needs of future generations (i.e. provide for intergenerational equity). It will also assist with the safeguarding the life supporting capacity of air, water, soils and ecosystems.

589. Such approaches are consistent with the purpose of the RMA as set out in s5.

590. In addition to those matters set out in the purpose of the RMA, the objective also recognises the need for efficient use and development of natural and physical resources, which in this situation is the infrastructure assets themselves (s 7(b) and (ba)).

11.6.6.2. Submissions

591. Aurora Energy Energy, the Telecommunication Companies, CIAL, DCC, DIAL, Horticulture NZ, Te Waihangā, Port Otago, QLDC, Waka Kotahi and the Fuel Companies³²² seek to retain the provision as notified.

592. DCC³²³ seeks amendment to the provision to ensure that adverse effects are required to be minimised in all cases.

593. Two submissions seek amendments to broaden the scope of infrastructure

594. Federated Farmers³²⁴ seeks the following amendment “Development of nationally and regionally significant infrastructure, as well as land use change, occurs in a co – ordinated and integrated manner ...”.

³²² 00315.044 Aurora Energy, 00310.005 Telecommunication Companies, 00307.016 CIAL, 00139.160 DCC, 00316.003 DIAL, 00236.077 Horticulture NZ, 00321.052 Te Waihangā, 00301.033 Port Otago, 00138.114 QLDC, 00305.034 Waka Kotahi, 00510.036 The Fuel Companies

³²³ 00137.103 DOC

³²⁴ 00239.125 Federated Farmers

595. Forest and Bird³²⁵ seeks the provision be amended to: “...coordinated manner to avoid or minimise ...”
596. OWRUG³²⁶ seek to amend the provision to refer to infrastructure generally.
597. Queenstown Airport³²⁷ seek the following amendment:
- “Development of nationally and regionally significant infrastructure, as well as land use change, occurs in a co – ordinated manner to: ~~minimize~~
(1) avoid, remedy or mitigate adverse effects on the environment, and
(2) ensure the operational and functional needs of the infrastructure is not compromised and increase efficiency in the delivery, operation and use of the infrastructure.”*
598. Transpower³²⁸ seeks the following amendment:
- “Development of nationally and regionally significant infrastructure is coordinated with,
~~as well as land use change so that the operation and use of the infrastructure is efficient and , occurs in a co – ordinated manner to minimize~~ adverse effects on the environment
~~are managed and increase efficiency in the delivery, operation and use of the infrastructure.~~”*
599. CODC ³²⁹ seek clarity on what is meant by nationally and regionally significant infrastructure.
600. Kāi Tahu ki Otago / Aukaha³³⁰ seeks amendment to clarify the outcome sought by this objective on the basis it is unclear and it reads as a policy. The submitter notes there is also a lack of clarity around what minimising adverse effects means as part of an objective.

11.6.6.3. Analysis

601. I agree with the Federated Farmers submission in part to broaden the scope of the provision by removing reference to “nationally and regionally significant” with respect to infrastructure”. I consider this amendment seeks to correct a narrowing of the scope of the provision which is inconsistent with the broader reference to infrastructure at the end of the provision. In accepting this amendment, for consistency with relation infrastructure provisions it will be necessary to insert the “avoid or” before “minimise”.
602. In view of the recommended amendment arising from the Federated Farmers submission above, I agree with the Forest and Bird submission to amend the provision to: “...coordinated manner to avoid or minimise ...”. Accordingly, I recommend accepting this submission.

³²⁵ 00230.128 Forest and Bird

³²⁶ 00235.114 OWRUG

³²⁷ 00313.016 Queenstown Airport

³²⁸ 00314.034 Transpower

³²⁹ 00201.029 CODC

³³⁰ 00226.240 Kāi Tahu ki Otago / Aukaha

603. Similarly, I also agree with the OWRUG submission to refer to infrastructure generally and recommend accepting both these submissions. I do not agree with the Federated Farmers second reference to include “and integrated” as I consider the existing provision addresses this through the reference to “coordinated manner” and I recommend rejecting this part of the submission.
604. The Queenstown Airport submission seeks to substantially amend the objective to ensure infrastructure needs are not compromised. In my view that would conflate the objective with policy EIT-INF-P13 with respect to reference to avoidance. I consider the amendment concerning “avoids, remedies or mitigates adverse effects” provides little direction as to the outcome of this objective, whereas “minimise” seeks to reduce effects as much as possible, while recognising that there may be residual effects. As stated, the submission substantially alters the intended outcome of the objective and potentially subsequent policy provisions. I consider this would give undue weight to infrastructure provision at the expense of environmental outcomes which would be inconsistent with s 6 RMA. I recommend rejection of this submission.
605. I do not agree with the Transpower submission because the amendments would result in an objective becoming a method not an outcome. I recommend rejection of the submission.
606. I do not agree with the CODC who are seeking to make amendments to the definition of nationally and regionally significant infrastructure. These are defined terms so there are limits to the degree which amendments can be made in the interests of clarity. I therefore recommend rejecting the CODC submission.
607. In relation to Kāi Tahu ki Otago / Aukaha who are seeking amendment to clarify the outcome sought by this objective, it is unclear what relief is being sought and I recommend rejecting this aspect of the submission. In doing so I also note I have recommended accepting amendments submitted by Federated Farmers and OWRUG to clarify the provision.

11.6.6.4. Recommendation

608. I recommend amending EIT-INF-O5 as follows:

EIT-INF-O5 – Integration

Development of ~~nationally and regionally significant~~³³¹ nationally significant infrastructure and regionally significant infrastructure³³² as well as *land use change*, occurs in a co-ordinated manner to avoid or³³³ minimise adverse *effects* on the *environment* and increase efficiency in the delivery, operation and use of the *infrastructure*.

³³¹ 00239.125 Federated Farmers, 00235.114 OWRUG

³³² Clause 16(2), Schedule 1, RMA

³³³ 00239.125 00230.128 Forest and Bird

11.6.7. EIT-INF-06 – Long-term planning for electricity transmission infrastructure

11.6.7.1. Introduction

609. As notified, EIT-INF-06 reads:

EIT-INF-06 – Long-term planning for electricity transmission infrastructure

Long-term investment in, and planning for, electricity transmission *infrastructure* and its integration with *land* use, is sustained.

610. This objective has principally been developed to give effect to the NPSET, and broadly covers the need to be able to plan development of National Grid assets as well as sub-transmission network infrastructure.

11.6.7.2. Submissions

611. DCC³³⁴ seeks to retain the provision as notified.

612. QLDC³³⁵ seeks the provision to be deleted.

613. Five submissions seek to amend the terminology to re-define the scope of the provision as follows.

614. Aurora Energy Energy seeks the following amendment³³⁶:

“Long – term investment in, and planning for the national grid and distribution network, electricity transmission infrastructure, and its integration with land use, is sustained.”

615. Transpower³³⁷ seeks to replace the objective with the following new title and text:

“~~EIT-INF-06 – Long – term planning for electricity transmission infrastructure~~ The National Grid.”

“The operation, maintenance, upgrade and development of the National Grid is facilitated so that the national significance of the National Grid is recognised and the needs of people and communities are met now and in the future, while adverse effects of, and on, the National Grid are managed. ~~Long – term investment in, and planning for, electricity transmission infrastructure, and its integration with land use, is sustained~~”

616. Federated Farmers seeks the following amendment³³⁸: “Long-term investment in, and planning for, electricity transmission infrastructure, and its integration with land use, is sustained.”

617. OWRUG³³⁹ seeks the provision is amended to refer to infrastructure generally.

³³⁴ 00139.161 DCC

³³⁵ 00138.115 QLDC

³³⁶ 00315.045 Aurora Energy

³³⁷ 00314.035 Transpower

³³⁸ 00239.126 Federated Farmers

³³⁹ 00235.115 OWRUG

618. Horticulture NZ³⁴⁰ seeks to narrow the provision’s application to: “EIT-INF-06 Long term planning for electricity sub – transmission infrastructure”.
619. Te Waihanga³⁴¹ seeks amendment for development and upgrading of electricity transmission infrastructure to be provided for over the longer term, not just planned for and invested in.

11.6.7.3. Analysis

620. In relation to the submissions seeking to be retained as notified, I recommend accepting these submissions in part, except as modified by other submissions.
621. I do not agree with QLDC submission for the provision to be deleted as the provision gives effect to NPSET Policy 14. I recommend rejection of this submission.
622. I do not agree with the submission from Aurora Energy to replace the term “electricity transmission” with “distribution network”. I consider the terminology “electricity transmission” is consistent with the terminology of the NPSET. In relation to the suggestion to include the term “national grid” I note this is a subset of “electricity transmission infrastructure” which makes the inclusion unnecessary. I recommend rejecting the submission.
623. I do not agree with the submission by Transpower seeking to replace the provision as set out above as I consider it substantially changes the intent of the provision from being an objective that recognises long term considerations and is focussed on sustained integration with land use, to what is effectively a provision focussing primarily on national grid considerations only. I recommend rejection of the submission.
624. I do not agree with the submissions of Federated Farmers and OWRUG to broaden the provision to infrastructure generally, as its intent is to specifically address electricity transmission infrastructure, including matters covered by the NPSET. I recommend rejecting the submission.
625. I do not agree with Horticulture NZ who seeks to narrow the provision to cover “sub – transmission” infrastructure only, as I consider the provision is intended is to specifically address electricity transmission infrastructure. I recommend rejection of the submission.
626. Te Waihanga³⁴² seeks amendments to the provision to reflect the need to provide for development and upgrading of electricity transmission over the longer term, not just planned for and invested in. However, I consider this matter is appropriately addressed in subsequent policy provisions of this section of the pORPS 21 and these considerations do not materially add value to this provision. I recommend rejection of the submission.

³⁴⁰ 00236.078 Horticulture NZ

³⁴¹ 00321.053 Te Waihanga

³⁴² 00321.053 Te Waihanga

11.6.7.4. Recommendation

627. I do not recommend any amendments.

11.6.8. EIT-INF-P10 – Recognising resource requirements

11.6.8.1. Introduction

628. As notified, EIT-INF-P10 reads:

EIT-INF-P10 – Recognising resource requirements

Decision making on the allocation or use of *natural and physical resources* must take into account the *functional needs and operational*³⁴³ *needs of nationally significant infrastructure*³⁴⁴ and *regionally significant infrastructure*.

629. Policies EIT-EN-P10 (as for P11, P12 and P15 also) apply only to nationally and regionally significant infrastructure.

11.6.8.2. Submissions

630. Ara Poutama Aotearoa the Department of Corrections, CIAL, DCC, New Zealand Defence Force, Te Waihangā, Port Otago, Queenstown Airport, Trustpower, Waka Kotahi, and the Fuel Companies³⁴⁵ seek to retain the provision as notified.

631. Aurora Energy Energy³⁴⁶ seeks the following amendment: “Decision making on the allocation or use of natural and physical resources must take into account the functional and operational needs of nationally and regionally significant infrastructure.”

632. DIAL³⁴⁷ seeks the following amendment: “Decision making on the allocation or use of natural and physical resources must ~~take into account~~ recognise and provide for the needs of nationally and regionally significant infrastructure.”

633. OWRUG³⁴⁸ seeks broadening of the provision to infrastructure generally.

634. QLDC³⁴⁹ seeks amendment to the provision by replacing the word “needs” with a more specific alternative, such as “functional needs” and/or “operational needs” and requests that consideration be given to combining the provision with policy EIT-INF-P15.

³⁴³ 00315.046 Aurora Energy Energy, 00138.116 QLDC

³⁴⁴ 00314.001 Transpower

³⁴⁵ 00102.004 Ara Poutama Aotearoa the Department of Corrections, 00307.017 CIAL, 00139.162 DCC, 00304.005 New Zealand Defence Force, 00321.054 Te Waihangā, 00301.034 Port Otago, 00313.017 Queenstown Airport, 00311.046 Trustpower, 00305.039 Waka Kotahi, 00510.037Z The Fuel Companies

³⁴⁶ 00315.046 Aurora Energy

³⁴⁷ 00316.004 DIAL

³⁴⁸ 00235.116 OWRUG

³⁴⁹ 00138.116 QLDC

11.6.8.3. Analysis

635. In relation to the submissions seeking to be retained as notified, I recommend accepting these submissions in part, except as modified by other submissions.
636. I agree with the submissions of Aurora Energy and QLDC seeking to focus the scope of the provision to functional and operational needs. I consider the amendment provides stronger guidance for decisions and I recommend accepting these submissions.
637. I do not agree with QLDC part of the submission to combine EIT-INF-P10 with EIT-INF-P15 as the latter provision addresses a separate issue of reverse sensitivity effects. I recommend rejecting this aspect of the QLDC submission.
638. I do not agree with the DIAL submission to change “must take into account”-to “must recognise and provide for”. The purpose of this provision is to guide decision making and it creates a strong direction to take into account any needs of infrastructure in relation to allocation of resources. Further I consider the submission would have the effect of increasing the weight of considerations in favour of infrastructure providers. I consider this is not justified in terms of the overall balance of considerations that need to be made consistent with the RMA and the overall provisions of the pORPS 21. I recommend rejecting this submission.
639. I do not agree with the submission of OWRUG who seeks to broaden the scope of the provision to infrastructure generally. This provision is intended to address *nationally significant infrastructure* and *regionally significant infrastructure*. I recommend rejecting the submission.

11.6.8.4. Recommendation

640. I recommend amendment to EIT – EIT – P10 as follows:

EIT-INF-P10 – Recognising resource requirements

Decision making on the allocation or use of *natural and physical resources* must take into account the *functional needs and operational*³⁵⁰ *needs of nationally significant infrastructure*³⁵¹ and *regionally significant infrastructure*.

11.6.9. EIT – INF – P11 – Operation and maintenance

11.6.9.1. Introduction

641. As notified, EIT-INF-P11 reads:

EIT-INF-P11 – Operation and maintenance

Except as provided for by ECO-P4, allow for the operation and maintenance of existing *nationally and regionally significant infrastructure* while:

³⁵⁰ 00315.046 Aurora Energy Energy, 00138.116 QLDC

³⁵¹ 00314.001 Transpower

- (1) avoiding, as the first priority, significant adverse *effects* on the *environment*, and
- (2) if avoidance is not practicable, and for other adverse *effects*, minimising adverse *effects*.

11.6.9.2. Submissions

- 642. The Fuel Companies ³⁵² seek to retain the provision as notified.
- 643. Aurora Energy ³⁵³ seeks to delete the exception relating to “ECO – P4”, or any consequential amendments required to give effect to the NPSIB and otherwise retain the policy.
- 644. CIAL ³⁵⁴ seeks to include the following in the provision: “.....the safe, efficient and effective operation and maintenance.....” of regionally significant infrastructure.
- 645. Contact³⁵⁵ seeks to delete the provision or otherwise develop a new policy that “allows for the operation and maintenance of existing nationally and regionally significant infrastructure”.
- 646. Te Waihanga ³⁵⁶ seeks revision to be more enabling of operation and maintenance of all infrastructure.
- 647. DCC ³⁵⁷ seeks to moderate the provision by the following amendment “minimising adverse effects as far as practicable”.
- 648. Network Waitaki and PowerNet³⁵⁸ seek deletion of the provision, or alternatively seek amendment as follows:

“~~Except as provided for by ECO – P4, a Allow for the operation and maintenance of existing nationally and regionally significant infrastructure. while:~~

~~(1) avoiding, as the first priority, significant adverse effects on the environment, and~~

~~(2) if avoidance is not practicable, and for other adverse effects, minimising adverse effects.”~~
- 649. Three submissions seek to broaden the scope of the provision as follows.
- 650. The Telecommunication Companies ³⁵⁹ seek the following amendment: “Except as provided for by ECO – P4, allow for the operation and maintenance of existing nationally and regionally significant infrastructure while”

³⁵² 00510.038 The Fuel Companies

³⁵³ 00315.047 Aurora Energy

³⁵⁴ 00307.018 CIAL

³⁵⁵ 00318.032 Contact

³⁵⁶ 00321.055 Te Waihanga

³⁵⁷ 00139.163 DCC

³⁵⁸ 00320.024 Network Waitaki, 00511.024 PowerNet

³⁵⁹ 00310.006 The Telecommunication Companies

651. Te Waihanga³⁶⁰ seeks revision of the provision to be more enabling of the operation and maintenance of all infrastructure.
652. OWRUG³⁶¹ seeks broadening of the provision to infrastructure generally.
653. Port Otago³⁶² seeks to clarify how the effects test within this policy should be read in conjunction with other effects policies within other chapters of the pORPS through including cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure.
654. Queenstown Airport³⁶³ seeks the following amendments:
*“~~Except as provided for by ECO – P4, allow for~~ Enable the operation and maintenance of existing nationally and regionally significant infrastructure while:
 (1) avoiding, as the first priority, significant adverse effects on the environment, and
 (2) if avoidance is not practicable, and for other adverse effects, ~~minimising~~ remedying or mitigating adverse effects.*”
655. QLDC³⁶⁴ seeks to amend the provision by replacing the words “allow for” with “provide for”, and redraft (1) and (2) so they are linked with an “or”, as they provide alternatives.
656. Forest and Bird³⁶⁵ seeks the following amendments:
*“~~Except as provided for by ECO – P4, allow for the operation and maintenance of existing nationally and regionally significant infrastructure while:
 (1) avoiding, as the first priority, significant adverse effects on the environment, and
 (2) if avoidance is not demonstrably practicable, and for other adverse effects, minimising remedy any remaining adverse effects on the environment, if remaining adverse effects cannot be demonstrably completely remedied then mitigate remaining adverse effects.~~”*
657. Ngāi Tahu ki Murihiku³⁶⁶ seeks consideration of how an effects management hierarchy could assist to understand and implement EIT-INF-P11.
658. Waka Kotahi³⁶⁷ seeks the inclusion of clearer distinction between the operation, maintenance, upgrade and new infrastructure, and replace “avoid” with “minimise” or similar.

11.6.9.3. Analysis

659. In relation to the submissions seeking retention as notified, I consider that these should be accepted in part, subject to those modifications arising from other submissions.

³⁶⁰ 00321.055 Te Waihanga

³⁶¹ 00235.117 OWRUG

³⁶² 00301.035 Port Otago.

³⁶³ 00313.018 Queenstown Airport

³⁶⁴ 00138.117 QLDC

³⁶⁵ 00230.129 Forest and Bird

³⁶⁶ 00223.107 Ngāi Tahu ki Murihiku

³⁶⁷ 00305.040 Waka Kotahi

660. I do not agree with Aurora Energy, who seek to delete the exception relating to “ECO – P4” and/or any consequential amendments required and note the submitters support to otherwise retain the policy. ECO-P4 has been deliberately drafted and contains a different effects management hierarchy which directs that the effects management hierarchy in ECO-P6 is to be applied instead of ECO-P3 for a specific list of activities, including the development or upgrade of regionally or nationally significant infrastructure and activities. I recommend rejection of the submission.
661. I do not agree with the CIAL submission to include the words “safe, efficient and effective” in the provision. I consider this is addressed as part of operation and maintenance of infrastructure so is redundant. As an objective it is covered within EIT-INF-O4. I recommend this submission be rejected.
662. I do not agree with the requests of Contact, Network Waitaki and PowerNet³⁶⁸ who seek to delete the provision, or substitute the alternative noted above (Paragraphs 88 and 90) I consider the present policy wording provides better direction for the treatment of adverse effects. Removal of the wording as proposed would effectively permit development of infrastructure without consideration of its effects and would not represent sustainable management of natural and physical resources or recognise and provide for the matters set out in s6 RMA. The alternative provided through the amendments requested would have a similar effect. I also refer to my consideration of the Aurora Energy submission in relation to removal of reference of ECO-P4. I recommend rejecting these submissions.
663. Similarly, I do not agree with Te Waihanga who seeks to delete the provision or to be more enabling of operation and maintenance of all infrastructure. I recommend rejecting this submission.
664. I do not agree with the DCC request to moderate the provision by the amendment “minimising adverse effects as far as practicable”. I consider it is unclear what the words “as far as practicable” mean; for example, does it mean it should provide increased flexibility thereby providing a scope of choice contrary to policy intent of the provision? Further there is a question as to whom “practicable” is applied, be it the decision maker or the infrastructure provider? I recommend rejecting this submission.
665. I disagree with the submissions of the Telecommunication Companies and OWRUG who seek to broaden the scope of the provision to infrastructure generally. This provision is intended to address *nationally significant infrastructure* and *regionally significant infrastructure*. I recommend rejecting this part of the submission.
666. I agree in part with Port Otago submission to clarify how the effects test within this policy should be read in conjunction with other effects policies within other chapters of the RPS through including cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure. This has been addressed in connection with recommended new provision EIT-INF-P13A that recognises

³⁶⁸ 00320.024 Network Waitaki, 00511.024 PowerNet

infrastructure matters in coastal areas need to be managed in accordance with the CE chapter. I recommend accepting this submission in part.

667. I do not agree with the Queenstown Airport submission seeking to remove reference to ECO-P4, change “Allow for” to “Enable”, and replace “minimising” with “remedying or mitigating”. My consideration in relation to ECO-P4 applies in this regard. I consider the use of “Enable” may run counter to the control expressed in (1) and (2), as it could be taken to indicate permitted status, when re-consenting infrastructure may require consents. The reference to “minimizing” is intended in order to provide a high level of protection to the environment consistent with the overall approach within the pORPS 21. I recommend rejecting this submission.
668. I do not agree with the QLDC submission to amend the provision by replacing the words “~~allow for~~” with “provide for”, and redraft (1) and (2) so they are linked with an “or”, as they provide alternatives. I consider these amendments would significantly change the intent of the provision to being more directive in favour of infrastructure at the expense of environment considerations. I recommend rejecting this submission.
669. I do not agree with the submission by Forest and Bird seeking to remove reference to “significant” in (1) and to amend (2) by: inserting reference to “demonstrably”; ~~deleting reference to “and for other adverse effects, minimising”~~, inserting reference to “remedy any remaining: and “on the environment, if remaining adverse effects cannot be demonstrably completely remedied then mitigate remaining adverse effects.””. I consider the existing wording to minimise effects is purposeful for this scale of infrastructure, and overall, the proposed wording could be difficult to interpret. I recommend rejecting this submission.
670. I do not agree with Ngāi Tahu ki Murihiku’s submission proposing that a management hierarchy could assist to understand and implement EIT-INF-P11. I consider the use of the word “hierarchy” with respect to the provisions reference to ECO—P4 and ECO-P6 is specific and clear. Currently the reference to “*effects management hierarchy*” is used as a defined term with respect to freshwater matters (as noted by italics). I recommend rejecting this submission
671. I do not agree with the Waka Kotahi submission seeking the inclusion of clearer distinction between the operation, maintenance, upgrade and new infrastructure as these are matters that are addressed by EIT-INF-P13 in relation to new and upgraded infrastructure. I do not agree with the submission to replace “avoid” with “minimise” or similar as this is addressed by clause (2). I recommend rejection of this submission.

11.6.9.4. Recommendation

672. I recommend amendments to EIT-INF-P11 as follows:

EIT-INF-P11 – Operation and maintenance

Except as provided for by ECO – P4, allow for the operation and maintenance of existing *nationally significant infrastructure*³⁶⁹ and *regionally significant infrastructure* while:

- (1) avoiding, as the first priority, significant adverse *effects* on the *environment*, and
- (2) if avoidance is not practicable, and for other adverse *effects*, minimising adverse *effects*.

11.6.10. EIT-INF-P12 – Upgrades and development

11.6.10.1. Introduction

673. As notified, EIT-INF-P12 reads:

EIT-INF-P12 – Upgrades and development

Provide for upgrades to, and development of, *nationally or regionally significant infrastructure* while ensuring that:

- (1) *infrastructure* is designed and located, as far as practicable, to maintain functionality during and after *natural hazard* events,
- (2) it is, as far as practicable, co-ordinated with long-term *land use* planning, and
- (3) increases efficiency in the delivery, operation or use of the *infrastructure*.

11.6.10.2. Submissions

674. Ara Poutama Aotearoa the Department of Corrections, CIAL, the NZDF, Waka Kotahi and the Fuel Companies³⁷⁰ seek to retain the provision as notified.

675. Te Waihanga³⁷¹ also seeks to retain the provision as notified, subject to amendments consequential on other amendments the submitter seeks that provide clarity as to the extent to which it prevails over policies in other topics.

676. Aurora Energy³⁷² seeks amendments as follows “Provide for upgrades to, and development of, ~~nationally or regionally significant~~ infrastructure while ensuring that:

- a. (1) ~~infrastructure is~~ it is designed and located, as far as practicable, to maintain functionality
- b. (2) during and after natural hazard events,

³⁶⁹ 00314.001 Transpower

³⁷⁰ 00102.005, Ara Poutama Aotearoa the Department of Corrections, 00307.019 CIAL, 0304.006 NZDF, 00305.041 Waka Kotahi, 00510.039 The Fuel Companies

³⁷¹ 00321.056 Te Waihanga

³⁷² 00315.048 Aurora Energy

- c. ~~(3) it is,~~ as far as practicable, co – ordinated with long – term land use planning, and
 - d. ~~increases efficiency in the delivery, operation and use of the infrastructure is~~ efficient.”
677. DCC³⁷³ seeks to amend the provision as follows:
- a. replace “development of” with “new”.
 - b. consider separate policies for new (greenfields) infrastructure vs upgrades of existing infrastructure, and
 - c. add additional clause (4) to reflect the role of infrastructure in community well-being.
678. Federated Farmers³⁷⁴ seeks the following amendments or similar:
- a. “(3) as far as practicable, legitimate existing land uses are not adversely impacted; and
 - b. (4) increases efficiency in the delivery, operation or use of the infrastructure.”
679. OWRUG³⁷⁵ seeks to amend the provision to refer to infrastructure generally.
680. Queenstown Airport³⁷⁶ seeks to amend the provision to ensure that regionally significant infrastructure is appropriately provided for.
681. QLDC³⁷⁷ seeks to amend the provision:
- a. so that the policy applies to upgrades and development of other infrastructure, and
 - b. to consider combining it with EIT-INF-P14.
682. Forest and Bird³⁷⁸ seeks to:
- a. add the following clause: “adverse effects on indigenous biodiversity are avoided and managed as set out in the BIO and CE chapters and natural character in the CE chapter” and
 - b. make amendments to additional policies as needed so that provisions which would provide for or enable infrastructure activities, must be in the context of also protecting, maintaining and restoring indigenous biodiversity.
683. Port Otago³⁷⁹ seeks the following amendments:
- a. include cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure, and
 - b. “Fix” drafting for clause (3).

³⁷³ 00139.164 DCC

³⁷⁴ 00239.127 Federated Farmers

³⁷⁵ 00235.118 OWRUG

³⁷⁶ 00313.019 Queenstown Airport

³⁷⁷ 00138.118 QLDC

³⁷⁸ 00230.130 Forest and Bird

³⁷⁹ 00301.039 Port Otago.

11.6.10.3. Analysis

684. In relation to the submissions seeking retention as notified, I consider that these should be accepted in part, subject to those modifications arising from other submissions.
685. I do not agree with Te Waihanga submission seeking clarity as to the extent to which this provision prevails over policies in other topics. I consider the provision is clear in its application. I recommend rejecting this submission.
686. I agree in part with the Aurora Energy submission. I do not agree with the deletion of “nationally or regionally significant infrastructure” from the chapeau as the policy is intended target nationally or regionally significant infrastructure. I recommend rejecting this part of the submission. I agree with the amendment to clause (1) to delete “infrastructure” and replace with “it” to improve clarity/syntax in the context of the chapeau. I recommend accepting this part of the submission. I do not agree with amendment to clause (2) to delete “it is” as this is required for syntax linking the clause to the chapeau. I recommend rejecting this part of the submission. I agree with the amendments requested for clause (3) as I consider these improve clarity. I recommend accepting this part of the submission.
687. I do not agree with the OWRUG and QLDC submissions to amend the provision to refer to infrastructure generally. The policy is designed to target nationally or regionally significant infrastructure. I recommend rejecting this submission.
688. I do not agree with the QLDC submission to combine EIT-INF-P12 with EIT-INF-P14. I consider the two policies have separate purposes. P12 provides direction regarding plan provisions whereas EIT-INF-P14 provides direction regarding specific proposals while also supporting plan provisions but noting that this is not its sole purpose. I recommend rejecting this part of the QLDC submission.
689. I agree with the DCC submission in part. With respect to inclusion of an additional clause to reflect role of infrastructure in community wellbeing I consider this detracts from the focus of the provision and is a matter best decided upon in the development regional and district plans. I recommend rejecting this part of the submission. I do not agree with the submission to replace “development of” with “new” as the current wording has broader coverage. However, I believe the intent of the change can improve the provision through use of the following wording: “upgrades to existing, and development of new...” and recommend accepting these amendments. I do not accept the submission to include the use of the term “greenfields” as I consider it is unnecessary. I recommend rejecting this part of the submission.
690. I do not agree with the Federated Farmers submission to insert text as a new clause (3) as follows “as far as practicable, legitimate existing land uses are not adversely impacted; and”, then renumber the existing clause (3) to become clause “(4)”. I consider the proposed amendment would compromise the purpose of the provision which is to provide for recognition of *nationally significant infrastructure* and *regionally significant infrastructure*. I recommend rejecting the submission.

691. I do not agree with Queenstown Airport submission to amend this provision to ensure that *regionally significant infrastructure* is appropriately provided for, particularly with respect to long term planning and reverse sensitivity effects. This is not a matter for this provision. I recommend rejecting this submission. However, I recommend the matter be considered under EIT-INF-P15.
692. I do not agree with the Forest and Bird³⁸⁰ submission to add a clause concerning “adverse effects on indigenous biodiversity are avoided and managed as set out in the BIO and CE chapters and natural character in the CE chapter”. I believe this is redundant as it is covered by other provisions as indicated. Further the IM chapter provides guidance on integrated management with respect to all provisions of the pORPS 21. I recommend rejecting this submission.
693. I do not agree with the Port Otago³⁸¹ submission to include cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure. I also consider EIT-INF-P13 addresses this matter with respect to Port Otago being subject to complying with the requirements of the NZCPS and related provision of the CE (Coastal) Chapter. I do agree with the need to fix the drafting for clause (3) of EIT-INF-P12 and recommend the following amendment: “~~increases efficiency in the~~ delivery, operation or use of the *infrastructure* is efficient”.

11.6.10.4. Recommendations

694. I recommend amendments to EIT-INF-P12 as follows:

EIT-INF-P12 – Upgrades and development

Provide for upgrades to existing, and development of new³⁸², *nationally significant infrastructure*³⁸³ or *regionally significant infrastructure* while ensuring that:

- (1) ~~infrastructure it~~³⁸⁴ is designed and located, as far as practicable, to maintain functionality during and after *natural hazard* events,
- (2) it is, as far as practicable, co-ordinated with long-term *land* use planning, and
- (3) ~~increases efficiency in~~³⁸⁵ the its³⁸⁶ delivery, operation or use of the *infrastructure* is efficient.³⁸⁷

³⁸⁰ 00230.130 Forest and Bird

³⁸¹ 00301.039 Port Otago.

³⁸² 00139.164 DCC

³⁸³ 00314.001 Transpower

³⁸⁴ 00315.048 Aurora Energy Energy

³⁸⁵ 00315.048 Aurora Energy Energy

³⁸⁶ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00315.048 Aurora Energy Energy (re Clause 1 amendment)

³⁸⁷ 00315.048 Aurora Energy Energy

11.6.11. EIT-INF-P13 – Locating and managing effects of infrastructure

11.6.11.1. Introduction

695. As notified, EIT-INF-P13 reads:

EIT-INF-P13 – Locating and managing *effects of infrastructure*

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, and
 - (b) for all *infrastructure* that is not *nationally* or *regionally significant*, avoid adverse *effects* on the values that contribute to the area's outstanding nature or significance

696. Policy EIT-INF-P13 gives interpretive meaning to avoid, as first priority locating infrastructure in specified areas. If avoidance is not possible because of the functional or operational needs of nationally or regionally significant infrastructure then the approach is to refer to other policies where they set a bottom line for effects, or otherwise minimise adverse effects on the values that contribute to the area's significance. For all other infrastructure, where it has a functional or operation need to locate within the areas specified, the direction is to avoid adverse effects on the values that contribute to the area's significance.

697. In effect, this gives slightly greater flexibility for nationally and regionally significant infrastructure which recognises its national or regional importance to the region's social

and economic wellbeing. The approach to “minimise” effects in relation to some significant natural or physical resources is a policy choice, rather than an approach to avoid, remedy, mitigate, offset or compensate for adverse effects (noting that, however, these approaches can still be used as part of minimising effects). The intent is to draw on the common understanding of the word, which is to reduce something, especially something bad, to the lowest possible level, but acknowledges that there may still be residual adverse effects. In relation to adverse effects, this is always going to be driven by context, and weighed by a decision maker given a number of factors in relation to a particular infrastructure proposal. It is noted that in relation to indigenous biodiversity, an approach to avoid, remedy, mitigate and offset is still provided for in ECO-P4.

11.6.11.2. Submissions

698. CODC and The Fuel Companies³⁸⁸ seek to retain the provision as notified.
699. CIAL, Contact, Network Waitaki and PowerNet³⁸⁹ oppose the provision and seek its deletion.
700. DCC³⁹⁰ seeks to amend or add a new provision to:
- a. clarify whether EIT-INF-P13 is intended to prevail over policies in other sections of the RPS, e.g., NFL – P2 and NFL – P3, in the event of a conflict.
 - b. review the effects test for infrastructure within “areas of high recreational and high amenity value” to ensure that it strikes an appropriate balance between protecting values and recognising the benefits and constraints of infrastructure. Otherwise reconsider whether the policy test is right and do not overuse the requirement to “avoid” or “minimise”.
 - c. reconsider whether amendments to the equivalent policies in the partially operative RPS are necessary, given the time and cost that has gone into settling the operative policies and incorporating these into lower order documents.
 - d. add consideration of whether the infrastructure in that location could significantly impact on adding residential or business land development capacity in an area that has been identified for growth or otherwise meets the criteria for new urban land.
701. Forest and Bird³⁹¹ seeks to amend as follows:
- “(2) (a)(iv) in other areas listed in EIT-INF-P13 (1) above, ~~minimise~~, avoid, remedy, then mitigate, the adverse effects of the infrastructure on the values that contribute to the area’s importance, and ...”*
702. Ngāi Tahu ki Murihiku³⁹² seeks to amend as follows:
- a. “...(1)(g) wāhi tūpuna, wāhi tapu and wāhi taoka, and areas with protected customary rights ...”

³⁸⁸ 00201.03 CODC, 00510.040 The Fuel Companies

³⁸⁹ 00307.020 CIAL, 00318.033 Contact, 00320.025 Network Waitaki, 00511.025 PowerNet

³⁹⁰ 00139.165 DCC

³⁹¹ 00230.131 Forest and Bird

³⁹² 00223.109 Ngāi Tahu ki Murihiku

- b. Establish an effects management hierarchy in EIT-INF-P13 sub – clause (2)
703. Waka Kotahi³⁹³ seeks to include clearer distinction between the operation, maintenance, upgrade and new infrastructure, and to replace “avoid” with “minimise” or similar.
704. Aurora Energy³⁹⁴ seeks to delete the provision, or amend the current clause (2) as follows:
- “(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,*
- (a)-(ii)in natural wetlands, in accordance with the relevant provisions in the NESF, and*
- (b)-for other locations applying the effects management hierarchy (other matters).”*
- (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, and*
- (b) for all infrastructure that is not nationally or regionally significant, avoid adverse effects on the values that contribute to the area’s outstanding nature or significance.”*
705. The Telecommunications Companies³⁹⁵ seeks an amendment so that the effects management regime in clause 2(a) of the policy applies to all infrastructure.
706. Te Waihanganga³⁹⁶ seeks to revise the provision to adopt a threshold of “reasonably practicable” rather than the current threshold of “possible”, at clause (2).
707. Port Otago³⁹⁷ seeks amendments to the provision to
- a. include cross referencing in other chapters to indicate that this policy has precedence for the consideration of infrastructure.
 - b. Remove references to areas or values that are not defined or identified through the RPS.
708. Queenstown Airport³⁹⁸ seeks to amend provision as follows:
- a. Delete and replace with drafting comparable with Policy such as 4.3.4 in the 2019 RPS and clarify that this policy solely applies to nationally or regionally significant infrastructure proposals located in the areas identified in clause (1). Or
 - b. Amend the policy as follows:

³⁹³ 00305.042 Waka Kotahi

³⁹⁴ 00315.049 Aurora Energy

³⁹⁵ 00310.007 Telecommunication Companies

³⁹⁶ 00321.057 Te Waihanganga

³⁹⁷ 00301.040 Port Otago.

³⁹⁸ 00313.020 Queenstown Airport

“When providing for new infrastructure outside the coastal environment:

.....

(f) areas or places of significant or outstanding historic heritage, and

(h) areas of high recreational and high amenity value, and

(2) if it is not ~~possible~~ practicable 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:

...

(iv) in other areas listed in EIT-INF-P13(1) above, minimise remedy or mitigate the adverse effects of the infrastructure on the values that contribute to the area’s importance.” ...

- c. Clarify that this policy solely applies to nationally or regionally significant infrastructure proposals located in the areas identified in clause (1)

709. QLDC³⁹⁹ seeks the following amendments:

- a. provision of guidance in relation to how high recreational and amenity values are to be managed,
- b. amend sub-clause (2)(b) to use a different method to manage adverse effects on values, rather than avoidance as currently drafted.

710. Trustpower⁴⁰⁰ seeks to amend the provision as follows:

- a. Clarify that EIT-INF-P13 does not apply to renewable electricity generation, and
 - b. “When providing for new infrastructure outside the coastal environment:
(1) avoid, as the first priority, locating infrastructure in all of the followinge) areas of ~~high or~~ outstanding natural character, ~~(f) areas or places of significant or outstanding historic heritage~~ (g) (f) (wāhi tapu, wāhi taoka, and areas with protected customary rights, and ~~(h) areas of high recreational and high amenity value, and ...”~~

711. DOC⁴⁰¹ seeks an amendment (as required)

- a. for consistency with relief sought for EIT-INF-O4 and O5 and
- b. amend EIT-INF-P13, or insert a new policy, to address new infrastructure within the coastal environment, in accordance with the relevant provisions of the NZCPS.

712. Kāi Tahu ki Otago / Aukaha⁴⁰² seeks to amend the provision to clarify how new infrastructure in the coastal environment will be managed as follows:

³⁹⁹ 00138.119 QLDC

⁴⁰⁰ 00311.047 Trustpower

⁴⁰¹ 00137.107 DOC

⁴⁰² 00226.241 Kāi Tahu ki Otago / Aukaha

- a. “(g) wāhi tūpuna, wāhi tapu, wāhi taoka, and areas with protected customary rights, and
- b. “Amend clause 2 by adding new subclause iv and v as follows:
 - (iv) in wāhi tūpuna, in accordance with HCV – WT – P2,
 - (v) in outstanding natural features and landscapes, in accordance with NFL – P2”.

713. OWRUG⁴⁰³ seeks amendments to EIT-INF-P13(2) as follows [amendments provided as unmarked]:

*“(2) (a) in significant natural areas in accordance with ~~ECO – P4~~ ECO – P6,
AND*

(2) (c) In other areas listed in EIT-INF-p13(1) above in accordance with the effects management hierarchy (other matters).

The reference in (2) (c) is also supported by a request for a new definition as follows:

“Effects Management Hierarchy (other matters) means an approach to managing the adverse effects (including cumulative effects and loss of potential value) of an activity on the extent or values of a, outstanding natural feature or landscape, outstanding water bodies (excluding natural wetlands), area of high or outstanding natural character, area or place of significant or outstanding historic heritage, wahi tapu, wahi taoka, areas with protected customary rights, and areas of high recreational and high amenity value that requires that:

- (a) Adverse effects are avoided where practicable,*
- (b) Where adverse effects cannot be avoided, they are minimised where practicable,*
- (c) Where adverse effects cannot be minimised, they are remedied where practicable,*
- (d) Where adverse effects cannot be remedied, they are mitigated to the extent practicable,*
- (e) Where more than minor adverse effects cannot be avoided, minimised, remedied or mitigated offsetting and/or environmental compensation must be considered, where appropriate.*

714. Wayfare⁴⁰⁴ seeks to amend the provision as follows:

715. When providing for new *infrastructure* outside the coastal environment:

(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:*~~

~~*(b) (a) in significant natural areas, in accordance with ECO – P4,*~~

⁴⁰³ 00235.120 OWRUG

⁴⁰⁴ 00411.062 Wayfare

~~(e) (b) in natural wetlands, in accordance with the relevant provisions in the NESF,~~

~~(d) (c) in outstanding water bodies, in accordance with LF-P12.,~~

~~(e) 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, and~~

~~(f) for all infrastructure that is not nationally or regionally significant, avoid adverse effects on the values that contribute to the area's outstanding nature or significance.~~

716. Beef & Lamb and DINZ⁴⁰⁵ seek to amend policy to avoid locating infrastructure in areas of productive land use where the activity affects the ability of the land to be used productively and consider the adverse effects on the land's productive capacity and flexibility.
717. Business South⁴⁰⁶ seeks to amend EIT-INF-P13 (1)(a) to provide clarification around the implications of significant natural areas on existing and new activities and businesses, and in particular the ongoing operations of assets that need to grow.

11.6.11.3. Analysis

718. In relation to the submissions seeking to retain the policy as notified, I recommend that these should be accepted in part, subject to those modification arising from other submissions.
719. I do not agree with the submissions of CIAL, Contact Energy, Network Waitaki, PowerNet to delete the provision. I consider the provision as proposed provides essential guidance in relation to obligations under the s6 RMA, NPSET, NZCPS and related provisions elsewhere in the pORPS 21. I recommend rejecting these submissions.
720. I agree in part with the DCC submission:
- a. I do not agree with the part of the submission to clarify whether EIT-INF-P13 is intended to prevail over policies in other sections of the RPS. The provision currently considers specific relationship with other policies where these are to be applied. In addition, IM-P1 provides guidance on how the pORPS is to read as an integrated policy statement. I recommend rejecting this submission.
 - b. However, whilst it is clear EIT-INF-P13 to areas outside the coastal environment, the current text is withing EIT-INF subject is less clear with respect to infrastructure inside the costal envionment. Accordingly, I recommend a policy be added that clarifies the management of effects of infrastructure within the coastal environment are addressed in the CE (Coastal) chapter.
 - c. With respect to other intersecting provisions referenced in the provision I consider the current approach of which provisions prevail is clear and to the extent any conflict should arise this is appropriately dressed through the provisions of the IM chapter. I recommend rejecting this part of the DCC submission.

⁴⁰⁵ 00237.053 Beef & Lamb and DINZ

⁴⁰⁶ 00408.009 Business South

- d. I do not agree with the submission to review the effects test for infrastructure within “areas of high recreational and high amenity value” to ensure that it strikes an appropriate balance between protecting values and recognising the benefits and constraints of infrastructure provision. The provision originates from the NPSET Policy 8 and there is no reason why this should not apply to other types of infrastructure, and as such I recommend that the provisions should be retained. In addition to this, it appropriately sets a threshold for identifying areas of high value to the region which should, in the first instance, be avoided. I recommend rejecting this part of the DCC submission.
- e. I do not agree with the submission point requesting reconsideration of whether amendments to the equivalent policies in the partially operative RPS are necessary. There has been a full review of those policies, together with the need to address the NZCPS which requires and underpins the pORPS 21. The proposed policy is not dissimilar to operative policy 4.3.4, however what it does achieve better than that policy is recognition that there are some bottom lines that need to be achieved, including protection of significant natural areas, effects on natural wetlands, and management of outstanding waterbodies. I recommend rejecting this part of the DCC submission.
- f. I also do not agree with the submission concerning consideration whether the infrastructure in that location could significantly impact on adding residential or business land development capacity in an area that has been identified for growth or otherwise meets the criteria for new urban land. I consider the provision suggested would be too limiting and compromise the purpose of enabling provision of infrastructure, in particular where it is of regional or national importance (such as electricity transmission for example), given that urban growth can be provided in many different locations, in a manner that does not impact on infrastructure. I recommend rejecting this part of the DCC submission.

721. A number of submissions seek to protect or clarify non-infrastructure activities and other matters as follows.

722. Beef & Lamb and DINZ seek to amend the provision to avoid locating infrastructure in areas of productive land use where the activity affects the ability of the land to be used productively and to require consideration of the adverse effects on the land’s productive capacity and flexibility. Federated Farmers similarly seeks to amend the provision by adding a new provision to the list in EIT-INF-P13(1) as follows: “(i) areas of highly productive soils”. I do not agree with either the Beef and Lamb DINZ submission or the Federated Farmers submission. I consider that consideration of effects on highly productive soils can be addressed through other policies in the pORPS, which do not require a strict avoid approach. I recommend rejecting both these submissions.

723. Business South seeks to amend EIT-INF-P13 (1)(a) to provide clarification around the implications of significant natural areas for existing and new activities and businesses, and in particular the ongoing operations of assets that need to grow. Significant natural areas, the protection of which is of national important will be a constraint on new

activities and business where they are present. This is also addressed by ECO-P4. I recommend rejecting this submission.

724. I do not agree with the QLDC submission. With respect to that part seeking guidance as to how “high recreational and amenity values” referred to in (h) are to be measured or determined I consider these matters need to be addressed at the district plan level. With respect to the part of the submission to amend (2)(b) to use a different method to manage adverse effects on values, rather than avoidance as currently drafted, I consider the approach to achieve the objectives. The policy has been crafted recognising that there are some provisions in Section 6 and the NESF, that provide for a need to protect certain resources (such as biodiversity), provide for bottom lines (management of water), or recognise and provide for certain aspects (such as the relationship of Māori with their land, water, sites, wāhi tapu, and other taonga). In addition, other matters addressed by the policy provide a framework where a determination is required as to whether development is “inappropriate” (natural character, outstanding natural features and landscapes, historic heritage). In those situations where a judgement is required to determine appropriateness, the approach is to “minimise” adverse effects, which allows a judgement to be made as to the extent to which residual effects are appropriate. The approach to “minimise” adverse effects is to reduce the effects as much as possible, which is going to be driven by context. I recommend rejecting this submission.
725. I do not agree with the Forest and Bird request to amend sub-clause (2) (a)(iv) by replacing “minimise” with “avoid”. The approach to “minimise” effects in these circumstances recognises that locating nationally and regionally significant infrastructure in these areas is not necessarily inappropriate, as long as their effects are minimised. This recognises that activities such as roads, renewable electricity generation, and other forms of nationally and regionally significant infrastructure often have no option but to locate in such areas. I also consider the addition of “remedy and mitigate” are already addressed more effectively in favour of the environment by the reference to “minimise”. I recommend rejecting this submission.
726. I agree with the Ngāi Tahu ki Murihiku submission in part. I consider inclusion in sub-clause (1)(g) of “wāhi tupuna” is necessary to accord with s6(e) RMA by providing for the relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taoka. I note that both wāhi tapu and wāhi taoka are captured in the definition of wāhi tupuna. I recommend amending the provision to include “wāhi tupuna”. However, I do not agree with the need to establish an effects management hierarchy in EIT-INF-P13 sub – clause (2) as this is already addressed through the reference to ECO-P4, which provides for an effects management hierarchy in relation to biodiversity. I recommend rejecting this part of the submission.
727. I do not agree with the Waka Kotahi submission. With respect to the part of the submission seeking a distinction between operation, maintenance, upgrade and new infrastructure I believe this has been addressed adequately by the separation of the provisions in particular EIT-INF-P11 (operations and maintenance), EIT-INF-P12 (upgrades and development). EIT-INF-P13 addresses new infrastructure. I recommend rejecting this part of the submission. With respect to replacing the word “avoid” with “minimise”,

there are certain aspects of s6 RMA and the NESF where there is a high bar to be met for all activities (such as the *protection* of significant indigenous vegetation and significant habitats of indigenous fauna), and therefore I consider the word “avoid” should be retained. I recommend rejecting this part of the submission.

728. A number of submissions seek further amendment in favour of infrastructure provision.
729. I do not agree with the Aurora Energy request to delete the provision, or or substantially amend clause 2 to apply to all infrastructure, nor the amendment relating to various deletion and insertion amendments. The provision is intentionally targeted at providing an approach to minimise adverse effects in relation to regionally and nationally significant infrastructure only, and that in relation to all other infrastructure, adverse effects on the values that make an area significant or outstanding are avoided. The alternative provision suggested does not sufficient cover all of the matters in P13(1) as it seeks to remove reference to the following:
- a. P13 (2) (a) (i) in significant natural areas in accordance with ECO-P4 P13 (2) (a) (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
 - b. P13 (2) (b) or all infrastructure that is not nationally or regionally significant, avoid adverse effects on the values that contribute to the area’s outstanding nature or significance.

I recommend rejecting this submission.

730. I do not agree with the Telecommunications Companies ⁴⁰⁷ submission seeking amendment so that the effects management regime in clause 2(a) of the policy applies to all infrastructure. The provision is intentionally targeted to *nationally and regionally significant infrastructure* due to its importance, and I consider it inappropriate to broaden its application to all *infrastructure* generally. Reference should also be made to the definition of *regionally significant infrastructure*, which may address the submitter’s concerns. I recommend rejecting this submission.
731. I do not agree with the Te Waihanga submission to adopt a threshold of “reasonably practicable” rather than the current threshold of “possible”, at clause (2). I consider, is unclear what the words “reasonably practicable” mean and they significant loosen the policy. Further there is a question to whom “practicable” is applied, be it the decision-maker or the infrastructure provider. I recommend rejecting this submission.
732. I agree in part with Port Otago submission. I do not agree with that part of the submission seeking amendment seeking that this policy has precedence for the consideration of infrastructure. In relation to the coastal environment, I consider inclusion of a new policy EIT-INF-P13A that recognises infrastructure matters in the coastal environment need to be managed in accordance with the CE chapter is the most appropriate to ensure that the pORPS gives effect to the NZCPS. I recommend rejecting this submission, except to

⁴⁰⁷ 00310.007 Telecommunication Companies

the extent that it clarifies how infrastructure in the coastal environment is to be managed.

733. With respect to that part of the Port Otago submission seeking to remove references to areas or values that are not defined or identified through the pORPS, I note that many of these matters will be addressed by regional and district plans. I recommend rejecting this part of the submission.

734. I agree in part with the Queenstown Airport submission as follows:

- a. I do not agree with the Queenstown Airport part of the submission to “Delete and replace with drafting comparable with Policy such as 4.3.4 in the 2019 RPS...”. I consider the provision provides a similar approach to policy 4.3.4, and also addresses matters arising from National Planning Standards definitions (eg *functional needs* and *operational needs*), related provisions within the ECO, LF-FW, HCV-WT chapters, and the NESF. I recommend rejecting this part of the submission.
- b. In considering the submission by Queenstown Airport (00313.020) to “...clarify that this policy solely applies to nationally or regionally significant infrastructure proposals located in the areas identified in clause (1)”. I note the Queenstown Airport submission highlights a lack of clarity in the full EIT-INF-P13 provision as to whether the provision and its parts relate to “*nationally significant infrastructure*” and “*regionally significant infrastructure*” or “*infrastructure*” or all of the preceding infrastructure definitions. In considering this submission I note the pORPS S32A report states
- c. Policy EIT-INF-P13 provides a framework for all infrastructure and gives interpretive meaning to how the “seek to avoid effects on significant resources” approach is to be managed, by avoiding as the first priority locating in those areas. The approach is similar to that taken in Policy 4.3.4 in the operative ORPS. If avoidance is not possible because of the functional or operational needs of infrastructure (noting that this is now defined under the National Planning Standard definitions), then the approach is to minimise adverse effects as far as practicable for nationally or regionally significant infrastructure, on the areas that contribute to the area’s significance. For all other infrastructure, the direction is to avoid adverse effects on the values that contribute to the area’s significance.
- d. As noted in the EIT-INF-P13 Section 32 report Clause (1) is intended to refer to all infrastructure not just “*nationally significant infrastructure*” and “*regionally significant infrastructure*”. Accordingly, I recommend rejecting the part of the Queenstown Airport submission seeking to have the provision apply only to nationally or regionally significant infrastructure proposals located in the areas identified in clause (1)”.
- e. However, I do agree that the part of the submission seeking clarification of the use of infrastructure definitions. I note the use of the term “*Infrastructure*” is a defined term and as such the definition does not encompass all infrastructure. The Queenstown Airport submission highlights that references solely to *infrastructure*

in the provision's heading, introductory chapeau, and the first sentence of clause (2) may have the unintended consequence of excluding some aspects of *regionally significant infrastructure* and *nationally significant infrastructure* in subordinate references of the same, and in particular clause 2(a). Accordingly, I recommend deleting "Infrastructure" and replacing the reference with "*infrastructure, nationally significant infrastructure and regionally significant infrastructure*" in the provision heading, first sentence chapeau, and first part of clause (2).

- f. Further, I note consequential amendments will be required in the following objective: EIT-INF-O4 (Provision of infrastructure), by deleting "Infrastructure" and replacing the reference with "*infrastructure, nationally significant infrastructure and regionally significant infrastructure*" in the objective. This is considered separately under those provisions.
- g. I also do not agree with the suggested alternative to delete the provision by amending the policy provision by deleting references to areas of high recreational and high amenity value, and replacing the words "not possible" with "practical"; and replacing the word "minimise" with "remedy or mitigate". I note areas of high recreation and high amenity value stem from requirement to give effect to NPSET Policy 8, and is equally applicable to all forms of infrastructure, not just electricity transmission. Further, amendment of "possible" to "practical" does not reflect that only infrastructure that has an operational or functional need to be located in these important areas should be located there. Use of the word "minimise" is appropriate because this is a policy directed at reducing adverse effects to the smallest amount in those circumstances where avoiding locating in a particular area cannot be fully achieved because of functional or operational needs. I recommend rejecting this part of the submission.

735. Trustpower seeks that where the National Grid is located in the coastal environment, that the National Grid is managed in accordance with the relevant provisions in the EIT-INF section of the RPS, and that in the event of conflict, the EIT-INF provisions prevail.

736. I consider the change sought by Trustpower does not give effect to the NZCPS. While the NPSET contains Policy 8, which requires that transmission activities in rural environments should "seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreational value or amenity", the direction contained in the NZCPS is more specific and targeted to a subsection of the rural environment. The "avoid" policies in the NZCPS (Policies 11, 13, 15 and 16) provide targeted approaches for all activities in the coastal environment. Policy 6 of the NZCPS addresses activities in the coastal environment, and specifically recognises that the provision of infrastructure, including the transmission of electricity, is important to the social, economic and cultural well-being of people and communities. However, this does not over-ride the need to give effect to the bottom-line policies (Policies 11, 13, 15 and 16) which apply to all activities. In addition, it is noted that there is not a conflict between NPSET Policy 8, and the NZCPS, which both provide for avoidance of adverse effects (in particular, as they relate to outstanding natural landscapes).

737. Accordingly, the relevant policies of the CE chapter are required to prevail over the provisions in the EIT-INF, where the National Grid is located within the coastal environment. In response to another submission from DOC, a new Policy EIT-INF-P13A is proposed to note that the management of effects for infrastructure in the coastal environment is required to comply with the provisions in the CE chapter. I recommend the Trustpower submission be rejected.
738. I agree with the DOC submission that seeks an amendment to address new infrastructure within the coastal environment, in accordance with the relevant provisions of the NZCPS. I recommend a new Policy EIT-INF-P13A as follows:
- “EIT-INF-P13A Managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment
- When managing the effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure within the coastal environment the provisions of the CE – Coastal environment chapter apply
739. I agree with the Kāi Tahu ki Otago request in part. I agree with the request to clarify how new infrastructure in the coastal environment will be managed. This has been addressed in part by the related submission as noted above with the addition of a new Policy EIT-INF-P13A to the effect that when managing the effects of infrastructure within the coastal environment, the provisions of the coastal chapter (CE) will apply. I agree with adding “wāhi tūpuna” in clause (1) (g) in recognition that this provides for s 6(e) RMA. I recommend this part of the submission be accepted.
740. I agree in part with Kāi Tahu ki Otago with respect to adding to clause 2 a new subclause after (iii) as follows: “(iv) in wāhi tūpuna, in accordance with HCV – WT – P2”, however I do not agree with the need to reference “outstanding natural features and landscapes, in accordance with NFL – P2” in that new clause. This is because there will be situations where nationally and regionally significant infrastructure will need to be located in or on outstanding natural features as there are no alternatives and it is necessary for the functional or operational needs of the infrastructure (for example, transmission lines traversing through an outstanding natural landscape), in which case effects should be minimised. I consider the inclusion of the first part of the sub-clause provides clarity in the relationship between EIT-INF-P13 and HCV-WT-P2. I consider the inclusion of the subsequent references are unnecessary. I recommend accepting the submission in part by including the following:
- “(iiiA) In relation to wāhi tūpuna and areas with protected customary rights, in accordance with HCV – WT – P2.”*
741. I do not agree with the OWRUG submission. I do not agree proposed amendment to EIT-INF-P13(2) (a) to replace ECO-P4 with ECO – P6 as the reference to ECO-P4 subsequently refers to ECO-P6. I recommend rejecting this part of the submission. I also do not agree with the proposed amendment to EIT-INF-P13(2) (c) by replacing the current subclause with “in other areas listed in EIT-INF-p13(1) above in accordance with the effects

management hierarchy (other matters)". This submission has been considered above in relation to proposed new definition proposed by OWRUG for effects management hierarchy (other matters). On the basis of those considerations, I recommend rejecting this part of the submission.

742. I do not agree with Wayfare's submission which seeks to broaden the policy; by removing the following subclauses under clause (2):

~~(a) for nationally or regionally significant infrastructure:~~

~~(e) 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, and~~

~~(f) for all infrastructure that is not nationally or regionally significant, avoid adverse effects on the values that contribute to the area's outstanding nature or significance.~~

The intention of the provision is provide a slightly more flexible framework for nationally or regionally significant infrastructure with functional or operational needs to locate within the areas specified in (1)(a)-(h), while other types of infrastructure are more carefully controlled. I consider the requested amendments would be contrary to this purpose. I recommend rejecting this submission.

11.6.11.4. Recommendations

743. I recommend amendments to EIT-INF-P13 as follows:

EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure⁴⁰⁸ outside the coastal environment⁴⁰⁹

When providing for new infrastructure, nationally significant infrastructure and regionally significant infrastructure⁴¹⁰ 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,

⁴⁰⁸ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00313.020 Queenstown Airport

⁴⁰⁹ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00137.107 DOC, 00301.042 Port of Otago Ltd, 00226.241 Kāi Tahu ki Otago / Aukaha, 00223.108 Te Ao Marama, 00301.040 Port of Otago

⁴¹⁰ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00313.020 Queenstown Airport

(g)⁴¹¹ wāhi tūpuna, wāhi tapu, wāhi taoka,⁴¹² 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 needs*⁴¹³ or *operational needs* of the *infrastructure, nationally significant infrastructure* and *regionally significant infrastructure*⁴¹⁴ manage adverse effects as follows:

(a) for *nationally significant infrastructure*⁴¹⁵ 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-FW-P12⁴¹⁶,

(iiia) in relation to wāhi tūpuna, in accordance with HCV-WT-P2⁴¹⁷

(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,

(b) for all *infrastructure* that is not *nationally significant infrastructure*⁴¹⁸ or *regionally significant infrastructure*,⁴¹⁹ avoid adverse effects on the values that contribute to the area's outstanding nature or significance.

744. I further recommend a new provision EIT-INF-P13A as follows:

EIT-INF-P13A – Managing the effects of *infrastructure, nationally significant infrastructure* and *regionally significant infrastructure* within the coastal environment

When managing the effects of *infrastructure, nationally significant infrastructure* and *regionally significant infrastructure* within the coastal environment the provisions of the CE – Coastal environment chapter apply.⁴²⁰

⁴¹¹ Clause 16(2), Schedule 1, RMA

⁴¹² 00226.241 Kāi Tahu ki Otago

⁴¹³ Clause 16(2), Schedule 1, RMA

⁴¹⁴ Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00313.020 Queenstown Airport

⁴¹⁵ Clause 16(2), Schedule 1, RMA

⁴¹⁶ Clause 16(2), Schedule 1, RMA

⁴¹⁷ 00226.241 Kāi Tahu ki Otago

⁴¹⁸ Clause 16(2), Schedule 1, RMA

⁴¹⁹ Clause 16(2), Schedule 1, RMA

⁴²⁰ 00137.107 DOC, 00301.042 Port of Otago Ltd, 00226.241 Kāi Tahu ki Otago / Aukaha, 00223.108 Te Ao Marama, 00301.040 Port of Otago

11.6.12. EIT-INF-P14 – Decision making considerations

11.6.12.1. Introduction

745. As notified, EIT-INF-P14 reads:

EIT-INF-P14 – Decision making considerations

When considering proposals to develop or upgrade *infrastructure*:

- (1) require consideration of alternative sites, methods and designs if adverse *effects* are potentially significant or irreversible, and
- (2) utilise the opportunity of substantial upgrades of *infrastructure* to reduce adverse *effects* that result from the existing *infrastructure*, including on *sensitive activities*.

11.6.12.2. Submissions

746. CIAL and DIAL⁴²¹ seek to retain the provision as notified.

747. Queenstown Airport⁴²² seeks to delete the entire provision.

748. The Fuel Companies⁴²³ seek the deletion of clause (2).

749. Maryhill Limited and Mt Cardrona Station⁴²⁴ seek that the regional importance of development infrastructure be recognised, in particular for urban development and the ability and importance of privately owned and operated infrastructure to support development, through amended provisions or otherwise in new provisions, and request amendments as follows:

- a. to ensure provisions do not unnecessarily restrict development where infrastructure matters can adequately be addressed, but which may not be planned for or funded in terms of Council planning documents
- b. urban growth and infrastructure should be planned for on the basis of “at least” sufficient development capacity being actually realised and developed.
- c. remove avoidance wording for urban development contingent on infrastructure, recognising that this is contrary to the NPS – UD.

750. DOC⁴²⁵ seeks consequential amendments to ensure consistency with their position (refer EIT-INF-O4 and O5) that adverse effects are required to be minimised in all cases.

751. Harbour Fish⁴²⁶ seeks to delete the “and” from the end of clause (1).

⁴²¹ 00307.021 CIAL and 00316.005 DIAL

⁴²² 00313.021 Queenstown Airport

⁴²³ 00510.041 The Fuel Companies

⁴²⁴ 00118.046 Maryhill Limited and 00014.046 Mt Cardrona Station

⁴²⁵ 00137.108 DOC

⁴²⁶ 00126.040 Harbour Fish

752. Kāi Tahu ki Otago / Aukaha⁴²⁷ seeks to amend the range of sensitive activities and include their suggestions.
753. Te Waihanga⁴²⁸ seeks amendments as follows:
- “When considering proposals to develop or upgrade infrastructure:*
(1) require consideration of alternative sites, methods and/or designs if adverse effects are potentially significant or irreversible, and
(2) utilise the opportunity of substantial upgrades of infrastructure to reduce adverse effects that result from the existing infrastructure, including on sensitive activities where appropriate.”
754. QLDC⁴²⁹ seeks amendments as follows:
- a. clarification of whether or not it applies to nationally and regionally significant infrastructure.
 - b. amendment to the title of the policy so that it refers to upgrades and development of infrastructure.
 - c. Consideration of combining with EIT-INF-P12.
755. Waka Kotahi⁴³⁰ seeks amendments to clarify the interpretation and application of the terms “develop”, “upgrade” and “substantial upgrade”, and also amend the policy to encourage, rather than require, a reduction in adverse effects arising from existing infrastructure at the time that works are undertaken to upgrade that infrastructure.

11.6.12.3. Analysis

756. In relation to the submissions seeking the provision to be retained as notified, I consider that these should be accepted in part, subject to those modification arising from other submissions.
757. I do not agree with submissions by Queenstown Airport and the Fuel Companies to delete or partially delete the provision. In relation to Queenstown Airport submission, I consider the provision as stated is needed to support other provisions and provides clarity for RPS users. I recommend rejecting this submission.
758. In relation to the Fuel Companies submission seeking to delete the second clause of this policy I do not agree with the submitter’s view it has potential to lead to provisions seeking to curtail existing lawful activities with minimal effects. I consider this clause will take effect where substantial upgrades occur, will necessarily form part of the consideration of approval prior to becoming a lawful upgrade and can help to address cumulative effects. Further, for electricity transmission operatives it gives effect to the NPSET. I recommend rejecting this submission.

⁴²⁷ 00226.2421 Kāi Tahu ki Otago / Aukaha

⁴²⁸ 00321.0581 Te Waihanga

⁴²⁹ 00138.120 QLDC

⁴³⁰ 00305.043 Waka Kotahi

759. I do not agree with the submissions of Harbour Fish to delete the “and” from the end of clause (1) as it is intended that the clauses are conjunctive. I recommend rejecting this submission.
760. I do not agree with the Kāi Tahu ki Otago / Aukaha submission to expand the range of sensitive activities in clause (2). Examples provided by the submitter include marae and other cultural buildings, places where cultural activities such as mahika kai are practiced, and a greater range of educational facilities than just schools. I consider the level of detail proposed is sufficiently addressed through the way the provision is currently drafted. Accordingly, I consider no change in the provision as drafted is necessary. I recommend rejecting this submission.
761. I do not agree with Te Waihanga submission in part in relation to clause (1) to amend text from “and designs” to “and/or designs”. Given that clause (1) “requires consideration of alternatives” I consider the amendment will reduce the strength of that consideration and potentially reduce the provisions clarity. I recommend rejecting this part of the submission. I do not agree with the request to add to clause (2) the words “... *sensitive activities, where appropriate*” as this would not give effect to the NPSET, and I consider the use of “where appropriate” lacks clarity as to what appropriate means. Further there is a question as to whom “appropriate” is applied, be it the decision maker or the infrastructure provider? I recommend rejecting this part of the submission.
762. I do not agree with the QLDC submission seeking to clarify whether the provision applies to nationally and regionally significant infrastructure, as this is already provided for by the defined term “infrastructure” in the provision. I also do not agree with the submission to amend the title of the policy so that it refers to upgrades and development of infrastructure and consider combining it with EIT-INF-P12 on the basis that the provision applies to both EIT-INF-P12 and EIT-INF-P13. I recommend rejecting this submission.
763. I do not agree with the Waka Kotahi request to clarify the interpretation and application of the terms “develop”, “upgrade” and “substantial upgrade” and also amend the policy to encourage, rather than require, a reduction in adverse effects arising from existing infrastructure at the time that works are undertaken to upgrade that infrastructure. I do not agree with clause (1) being prefaced with “encouraging” as requested by the submitter, as it is less directive than the term “require consideration”. I recommend rejecting this submission.

11.6.12.4. Recommendation

764. I do not recommend amendments.

11.6.13. EIT-INF-P15 – Protecting nationally or regionally significant infrastructure

11.6.13.1. Introduction

765. As notified, EIT-INF-P15 reads:

EIT-INF-P15 – Protecting nationally or regionally significant infrastructure

Seek to avoid the establishment of activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure, and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure.

766. This policy, similarly to EIT–EN–P7, addresses reverse sensitivity effects that can arise when activities locate near infrastructure, potentially compromising its operation. This policy seeks to avoid activities that may result in reverse sensitivity effects on nationally or regionally infrastructure, or that are incompatible (where they may compromise the functional or operational needs) with the anticipated effects of that nationally or regionally infrastructure. This does not require avoiding the activities entirely (although that may be the outcome in some cases), rather it requires controlling the way they occur.

11.6.13.2. Submissions

767. Ara Poutama Aotearoa the Department of Corrections, Beef & Lamb and DINZ, CIAL DIAL, NZDF, Port Otago, Queenstown Airport, Trustpower and Waka Kotahi⁴³¹ seek to retain the provision as notified.

768. The Fuel Companies⁴³² request deletion of “seek to” but otherwise retention of the policy as notified.

769. Aurora Energy⁴³³ seeks amendments to retain the provision, provided that Significant Electricity Distribution Infrastructure is included in the definition of *Regionally Significant Infrastructure*, or amend the policy to:

“Seek to avoid the establishment of activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure and significant electricity distribution infrastructure, and/or where they may compromise the functional or operational needs of that infrastructure.”

770. DCC⁴³⁴ seeks to amend the provision as follows:

“~~Seek to avoid the establishment of~~ Manage activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure, and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure in a way that avoids or minimises as far as practicable the risk of reverse sensitive effects.”

771. Federated Farmers⁴³⁵ seek to amend the provision as follows:

- a. ~~“Protecting~~ Recognising and providing for...”

⁴³¹ 00102.006 Ara Poutama Aotearoa the Department of Corrections, 00237.054 Beef & Lamb and DINZ, 00307.022 CIAL , 00316.006 DIAL, 00304.007 NZDF, 00301.041 Port Otago, 00313.025 Queenstown Airport , 00311.048 Trustpower and 00305.044 Waka Kotahi.

⁴³² 00510.042 The Fuel Companies

⁴³³ 00315.053 Aurora Energy Energy

⁴³⁴ 00139.167 DCC

⁴³⁵ 00239.129 Federated Farmers

- b. “To the extent reasonably practicable, seek to avoid the establishment of sensitive activities ...”

772. Horticulture NZ⁴³⁶ seeks to amend the provision as follows:

~~“Protecting Recognising and providing for nationally or regionally”~~

“Seek to avoid, to the extent reasonably possible, the establishment of sensitive activities”

773. Queenstown Airport⁴³⁷ seeks to replace the provision with:

“Protect the efficient and effective operation of nationally and regionally significant infrastructure by:

“(1) Avoiding activities that may give rise to an adverse effect on the functional or operational needs of nationally or regionally significant infrastructure,

“(2) Avoiding activities that may result in reverse sensitivity effects on nationally or regionally significant infrastructure,

“(3) Avoiding activities and development that forecloses an opportunity to adapt, upgrade or develop nationally or regionally significant infrastructure to meet future demand.

774. “QLDC⁴³⁸ seeks to amend the provision by replacing the word “Protecting” with an alternative word or rename the policy so it refers to reverse sensitivity (as per EIT-EN-P7).

775. Transpower⁴³⁹ seeks to amend the provision as follows:

~~“Seek to a~~Avoid the establishment of, or expansion of existing, activities that may result in ~~reverse sensitivity~~ adverse effects including reverse sensitivity effects, on nationally or regionally significant infrastructure, ~~and/or where they may compromise the functional or operational needs of nationally or regionally significant infrastructure.”~~

11.6.13.3. Analysis

776. I do not agree with the Aurora Energy submission seeking amendment to include a specific reference to significant electricity distribution infrastructure through either inclusion of this term in the definitions or in the provisions itself. I consider this matter is addressed through the NZ Code of Practice for Safe Electrical Distances. Accordingly, I consider this amendment is at a level of detail that is not warranted in the context of this policy and recommend this submission be rejected.

777. I agree with the Queenstown Airport submission in part to amend the provision by replacing the current provision with text detailed above. I consider NPSET Policy 10 and Policy 11 on reverse sensitivity matters will be more effectively addressed, and that such

⁴³⁶ 00236.079 Horticulture NZ

⁴³⁷ 00313.022 Queenstown Airport

⁴³⁸ 00138.121 QLDC

⁴³⁹ 00314.036 Transpower

considerations can apply equally to other nationally and regionally significant infrastructure. I consider the approach taken achieves on balance a more effective provision than would be provided by other submissions.

778. The submissions of the Fuel Companies, DCC, Federated Farmers, Horticulture NZ, QLDC, Transpower submissions are addressed in part by the amendments recommended as a result of the Queenstown Airport submission.
779. When considering this provision, I noted that the title uses "or" whereas the content of the policy uses "and". In my opinion, "or" should be replaced with "and" as a minor correction in accordance with clause 16(2) of Schedule 1 of the RMA.

11.6.13.4. Recommendation

780. I recommend deleting EIT-INF-P15 and replace with the following: as follows:

EIT-INF-P15 – Protecting *nationally significant infrastructure*⁴⁴⁰ ~~or~~ *and*⁴⁴¹ *regionally significant infrastructure*

“Protect the efficient and effective operation of *nationally significant infrastructure and regionally significant infrastructure* by seeking to:

(1) avoid activities that may give rise to an adverse effect on the *functional or operational needs of nationally significant infrastructure or regionally significant infrastructure,*

(2) avoid activities that may result in *reverse sensitivity effects on nationally significant infrastructure or regionally significant infrastructure,*

(3) avoid activities and development that forecloses an opportunity to adapt, upgrade or develop *nationally significant infrastructure or regionally significant infrastructure to meet future demand.*”

11.6.14. EIT-INF-P16 – Providing for electricity transmission and the National Grid

11.6.14.1. Introduction

781. As notified, EIT-INF-P16 reads:

EIT-INF-P16 – Providing for electricity transmission and the *National Grid*

Maintain a secure and sustainable electricity supply in Otago by:

(1) providing for development of, and upgrades to, the electricity transmission network and requiring, as far as practicable, its integration with *land* use,

(2) considering the requirements of and constraints on the *functional or operational needs* of the electricity transmission network,

⁴⁴⁰ Clause 16(2), Schedule 1, RMA

⁴⁴¹ Clause 16(2), Schedule 1, RMA

- (3) providing for the efficient and effective development, operation, maintenance, and upgrading of the *National Grid*,
- (4) enabling the reasonable operation, maintenance and minor upgrade requirements of established electricity transmission assets, and
- (5) minimising the adverse *effects* of the electricity transmission network on urban amenity, and avoiding adverse *effects* on town centres, areas of high amenity or recreational value and existing *sensitive activities*.

782. Policy EIT–INF–P16 (in combination with EIT–INF–P13) sets out how Otago’s electricity transmission network (and particularly the *National Grid* infrastructure) will be recognised and provided for. In doing so it takes account of the NPSET, which contains provisions managing the effects of the electricity transmission network. The NPSET is supported by the NESETA which contains corresponding rules. The proposed policy is intended to pick up aspects of the NPSET that are not otherwise addressed by the remaining infrastructure policies in the EIT-INF subchapter.

783. The NPSET does not prioritise the *National Grid* above other infrastructure, it simply recognises the *National Grid* as nationally significant.

11.6.14.2. Submissions

784. Aurora Energy⁴⁴² seeks to either delete the provision or amend as follows to split out a separate policy with respect to the distribution network as proposed

“Recognise and provide for the distribution network by:

(1) providing for development and upgrade, and requiring, as far as practicable, its integration with land use;

(2) providing for the functional and operational needs of the distribution network;(3) enabling the operation, maintenance and minor upgrading of existing distribution network;

(4) minimising, as far as practicable, adverse effects of the distribution network on existing land uses, including amenity values.

(5) identifying electricity sub – transmission infrastructure and significant electricity distribution infrastructure and managing effects of potentially incompatible activities.”

785. DCC⁴⁴³ seeks amendments as follows:

- a. add cross-references/footnotes to the RPS provisions to clarify where these are paraphrasing NPSET policies.
- b. clarify that both EIT-INF-P13 and EIT-INF-P16 apply to the *National Grid*.

⁴⁴² 00315.054 Aurora Energy Energy

⁴⁴³ 00139.168 DCC

- c. retain the *National Grid* policies as they are in the previous RPS.
786. Federated Farmers⁴⁴⁴ seeks to amend the provision as follows:
- a. define or clarify the term “electricity transmission infrastructure”.
- b. amend EIT-INF-P16(5) as follows or similar:
- “(5) minimising the adverse effects of the electricity transmission network on existing land uses and urban amenity, ~~and avoiding adverse effects~~ on town centres, areas of high amenity or recreational value, highly productive soils, and existing sensitive activities”*
1. Horticulture NZ⁴⁴⁵ seeks the following amendments:
- c. clarify what “electricity transmission infrastructure” EIT-INF-P16 applies to.
- d. amend EIT-INF-P16 (5) by adding “and highly productive land”
787. Kāi Tahu ki Otago / Aukaha⁴⁴⁶ seeks to amend clause (5) as follows:
- (5) minimising the adverse effects of the electricity transmission network on urban amenity, and avoiding adverse effects on town centres, areas of significance to mana whenua such as wāhi tūpuna, areas of high amenity or recreational value and existing sensitive activities.*
788. The Te Waihanga⁴⁴⁷ seeks amendments as follows to give effect to the NPSET:
- a. clarify clause (2), which appears intended to reflect NPSET Policy 3 (technical and operational requirements of the network) but is somewhat muddled in referring to “constraints on” the operational and technical needs of the transmission network. It would be more sensible to just recognise/consider the constraints associated with the technical and operational requirements of the network (or “operational and functional needs” if that language is preferred),
- b. clause (5) (reflecting NPSET Policy 7) should perhaps be elevated to a standalone policy direction.
- c. as Policy 7 NPSET focusses on the planning and development of the transmission system (in essence, deciding where to put new lines/assets); it should not be read as requiring complete avoidance of all effects on town centres (which is the effect of this wording, taken out of context, in clause (5)).
789. QLDC⁴⁴⁸ seeks to amend the provision by replacing the word “Maintain” with “Provide for” or “Enable”.
790. Transpower⁴⁴⁹ seeks to amend the provision as follows:

⁴⁴⁴ 00239.130 Federated Farmers

⁴⁴⁵ 00236.080 Horticulture NZ

⁴⁴⁶ 00226.243 Kāi Tahu ki Otago / Aukaha

⁴⁴⁷ 00321.060 Te Waihanga

⁴⁴⁸ 00138.122 QLDC

⁴⁴⁹ 00314.037 Transpower

~~“EIT-INF-P16 – Providing for electricity transmission and the National Grid
Recognise the benefits of the National Grid Maintain a secure and sustainable electricity
supply in Otago by:~~

~~providing for development of, and upgrades to, the electricity transmission network and
requiring, as far as practicable, its integration with land use,~~

~~considering the requirements of and constraints on the functional or operational needs of
the electricity transmission network,~~

~~(1). providing for the efficient and effective development, operation, maintenance, and
upgrading of the National Grid,~~

~~(2). enabling the reasonable operation, maintenance and minor upgrade requirements
of the National Grid established electricity transmission assets, and~~

~~minimising the adverse effects of the electricity transmission network on urban amenity,
and avoiding adverse effects on town centres, areas of high amenity or recreational
value and existing sensitive activities.”~~

11.6.14.3. Analysis

791. I do not agree with the Aurora Energy submission to either delete or amend the provision as proposed, particularly with respect to distribution network matters. I consider this policy is specific to the electricity transmission network as defined in the NPSET. The electricity distribution network is generally addressed by other policies that relate to infrastructure noting that electricity sub-transmission infrastructure falls within the definition of *regionally significant infrastructure*. I recommend rejecting this submission.
792. I agree in part with the DCC submitted amendment. In relation to cross-references/footnotes to the RPS policies I consider it is more appropriate for the NPSET to be fully considered given the overlapping nature of many of the provisions with respect to this policy statement. I recommend rejecting this part of the submission.
793. I agree in part with the DCC submission to clarify that both EIT-INF-P13 and EIT-INF-P16 apply to the *National Grid*. I consider has been achieved through the explanations provided within the above report and is covered by the definitions. I agree in part with the submission on that basis and recommend no further amendment is required. However, I disagree with the submission to retain the *National Grid* policies as they are in the previous RPS. I consider provision in conjunction with EIT-INF-P13 provides more effective direction on matters of significance, Wāhi tapuna and areas with protected customary rights. I recommend rejecting this submission.
794. I do not agree with the Federated Farmers and the Horticulture NZ submissions. This provision has been informed by the NPSET, and in particular Policy 7, which does not address highly productive soils nor highly productive land as being proposed. I consider these matters are adequately covered elsewhere in the pORPS 21. I recommend rejecting this submission.

795. I agree with the Kāi Tahu ki Otago / Aukaha submission suggesting recognition “areas of significance to mana whenua such as wāhi tupuna”. I note this has been addressed through amendments to EIT-INF-P13 and consider this amendment should also be incorporated into this provision. I recommend this submission be accepted.
796. I disagree with the Te Waihanga submission. I consider the provision is consistent with NPSET whilst endeavouring to take account of more recent terminology, consistent with the current RMA yet cognisant of emerging resource management developments. I recommend this submission be rejected.
797. I do not agree with the QLDC submission that seeks to amend the provision by replacing the word “Maintain” with “Provide for” or “Enable”. I consider the use of the reference “Maintain” in the chapeau is appropriate when read in conjunction with the clauses and references to “provide for” are incorporated into clauses (1) and (3) in the provision. I recommend rejecting this submission.
798. I agree in part with the Transpower submission. I do not agree with the deletion of the reference to electricity transmission from the provision title. I consider this reference provides clarity and consistency with respect to the NPSET. I recommend rejecting this part of the submission. I do not agree with the amendment the introduction of the provision replacing the word ‘Maintain’ and including a reference to the National Grid. As for the QLDC submission “Maintain” in the chapeau is appropriate when read in conjunction with the clauses and references to “provide for” are incorporated into clauses (1) and (3) in the provision. I recommend rejecting this submission. I do not agree with the other requested amendments to this provision by Transpower. I consider the current provisions address all matters required by the NPSET not covered elsewhere in the chapter. I recommend rejecting the remaining submission points.

11.6.14.4. Recommendation

799. I recommend amending EIT-INF-P16 (in relation to sub-clause (2) and (5) as follows:

EIT-INF-P16 – Providing for electricity transmission and the *National Grid*

Maintain-a secure and sustainable electricity supply in Otago by:

- (1) providing for development of, and upgrades to, the electricity transmission network and requiring, as far as practicable, its integration with *land* use,
- (2) considering the requirements of and constraints on the *functional needs*⁴⁵⁰ or *operational needs* of the electricity transmission network,
- (3) providing for the efficient and effective development, operation, maintenance, and upgrading of the *National Grid*,
- (4) enabling the reasonable operation, maintenance and minor upgrade requirements of established electricity transmission assets, and
- (5) minimising the adverse *effects* of the electricity transmission network on urban amenity, and avoiding adverse *effects* on town centres, areas of significance to

⁴⁵⁰ Clause 16(2), Schedule 1, RMA

mana whenua such as wāhi tūpuna,⁴⁵¹ areas of high amenity or recreational value and existing *sensitive activities*.

11.6.15. EIT-INF-P17 – Urban growth and infrastructure

11.6.15.1. Introduction

800. As notified, EIT-INF-P17 reads:

EIT-INF-P17 – Urban growth and infrastructure

Provide for *development infrastructure* and *additional infrastructure* required to service existing, planned and expected urban growth demands in the short, medium and long term, taking in account UFD–P1 to UFD–P10.

11.6.15.2. Submissions and Analysis

801. Ara Poutama Aotearoa the Department of Corrections, Aurora Energy Energy, Telecommunication Companies, CIAL, DCC, the Ministry of Education, Te Waihanga, QLDC and Waka Kotahi⁴⁵² seek to retain the provision as notified.

802. There are no submissions seeking either amendment or deletion. I recommend the submissions in support be accepted.

11.6.15.3. Recommendation

803. I do not recommend any amendments.

11.6.16. New Policies

11.6.16.1. Submissions

804. Aurora Energy⁴⁵³ seeks to add a new policy:

“EIT-INF-Px

“Encourage and support the development or upgrade of infrastructure necessary to mitigate risks of natural hazards including the adverse effects of climate change.”

805. Transpower⁴⁵⁴ seeks to insert a new Policy in EIT – INF that sets out specific direction in respect of managing effects of the National Grid that, in the event of conflict, prevails over policies in the ECO section of the pORPS, or to amend Policy ECO – P6 as follows:

“Maintain Otago’s indigenous biodiversity (excluding the coastal environment and areas managed under ECO – P3) by applying the following biodiversity effects management

⁴⁵¹ 00226.243 Kāi Tahu ki Otago / Aukaha

⁴⁵² 00102.007 Ara Poutama Aotearoa the Department of Corrections, Aurora Energy Energy 00315.055, 00310.008 The Telecommunication Companies, 00307.023 CIAL , 00139.169 DCC, 00421.004 Ministry of Education, 00321.061 Te Waihanga,00138.123 QLDC, 00305.045 Waka Kotahi

⁴⁵³ 00315.056 Aurora Energy

⁴⁵⁴ 00314.031 Transpower

hierarchy in decision – making on applications for resource consent and notices of requirement:

1. avoid adverse effects as the first priority, or seek to avoid adverse effects in the case of the National Grid,
2. where adverse effects demonstrably cannot be completely avoided, they are remedied,
3. where adverse effects demonstrably cannot be completely avoided or remedied, they are mitigated,
4. where there are residual adverse effects after avoidance, remediation, and mitigation, then an applicant or requiring authority may offer or agree to offset the residual adverse effects are offset in accordance with APP3, and
5. if biodiversity offsetting of residual adverse effects is not possible, then:
 - a. an applicant or requiring authority may offer or agree to compensate for the residual adverse effects are compensated for in accordance with APP4, and
 - b. if the residual adverse effects cannot be compensated for in accordance with APP4, the activity is avoided.”

806. Transpower⁴⁵⁵ seeks to amendments to insert the following

“EIT-INF-Px Managing the effects of the development of the National Grid

Manage the adverse effects of the operation, maintenance, upgrade and development of the National Grid by:

1. enabling the operation, maintenance and minor upgrading of the National Grid;
2. in urban environments, avoiding adverse effects on town centres, areas of high recreation value and existing sensitive activities;
3. managing effects on the values or extent of natural wetlands in accordance with LF – FW – P9 – Protecting natural wetlands;
4. in the coastal environment, recognising that there will be areas where avoidance of adverse effects is required to protect the special values and characteristics of those areas;
5. where (1), (2), (3) or (4) do not apply, seeking to avoid adverse effects on the values or characteristics of the following:
 - a. outstanding water bodies;
 - b. areas of high or outstanding natural character;

⁴⁵⁵ 00314.038 Transpower

c. outstanding natural features, outstanding natural landscapes or outstanding natural seascapes;

d. significant natural areas;

e. areas or places of significant or outstanding historic heritage;

f. wāhi tapu, wāhi taoka and areas with protected customary rights;

6. where adverse effects on the values or characteristics of the areas or places listed in (5) above cannot be avoided, remedying or mitigating adverse effects. having regard to:

a. the operational needs of the National Grid and the extent those requirements constrain measures to avoid, remedy or mitigate adverse effects;

b. the extent significant adverse effects are avoided;

c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection for new infrastructure or major upgrades;

d. the extent to which existing adverse effects have been reduced as part of any substantial upgrade; and

e. the extent to which adverse effects on urban amenity have been minimised; and

f. and where there are residual adverse effects on indigenous biodiversity values following the implementation of (a) to (e) above, to consider the appropriateness of the extent to which any residual adverse effects are offsetting or compensated for;

7. avoiding, remedying, or mitigating other adverse effects, having regard to the matters in 6(a) to (f); and

8. in the event of any conflict between EIT-INF-Px and other policies in this regional policy statement, EIT-INF-Px prevails over those policies.”

807. Transpower⁴⁵⁶ seeks to insert a new Policy in EIT – INF that sets out specific direction in respect of the management of the potential adverse effects of the maintenance, upgrade and development of the National Grid that, in the event of conflict, prevails over policies in the EIT – INF section of the Proposed ORPS.

808. Transpower⁴⁵⁷ seeks to insert a new Policy in EIT – INF that sets out specific direction in respect of the management of the potential adverse effects of the maintenance, upgrade and development of the National Grid that, in the event of conflict, prevails over policies

⁴⁵⁶ 00314.055 Transpower

⁴⁵⁷ 00314.057 Transpower

in the HCV section of the pORPS. They also seek to cross reference this new policy with HCV – WT – P2⁴⁵⁸.

809. Transpower⁴⁵⁹ seeks to insert a new Policy in EIT – INF that sets out specific direction in respect of the management of the potential adverse effects of the maintenance, upgrade and development of the National Grid. They also seek to cross reference this new policy with Policy between HCV – WT – P5⁴⁶⁰.

11.6.16.2. Analysis

810. I do not agree with the Aurora Energy submission seeking a new policy to: “Encourage and support the development or upgrade of infrastructure necessary to mitigate risks of natural hazards including the adverse effects of climate change.”. I consider policy EIT-INF-P12 (as recommended for amendment in response to the DCC and Aurora Energy Energy submissions) addresses this submission. I recommend rejecting the submission.
811. I do not agree with the Transpower submission which seeks to insert a new Policy in EIT – INF that sets out specific direction in respect of managing effects of the National Grid that, in the event of conflict, prevails over policies in the ECO section of the pORPS, or alternatively amend ECO – P6. The submission is contrary to the intent of the policy which is to give interpretive meaning to avoid, as first priority locating infrastructure outside of specified areas. If avoiding locating within those areas is not possible because of the functional or operational needs of nationally or regionally significant infrastructure, then the approach is to refer to other policies where they set a bottom line for effects, or otherwise minimise adverse effects on the values that contribute to the area’s significance. For all other infrastructure, where it has a functional or operation need to locate within the areas specified, the direction is to avoid adverse effects on the values that contribute to the area’s significance. I recommend rejecting this mission.
812. I do not agree with the Transpower submission. It seeks to insert to another policy to manage the effects of the development of the National Grid separately. I consider the new policy addresses matters for the National Grid that are either already more effectively addressed within the existing policy provisions of the Infrastructure subchapter or inconsistent with the intent of the Infrastructure sub-chapter with respect to balancing infrastructure considerations with environmental and social considerations. I recommend rejecting this submission.
813. I disagree with the Transpower submission seeking a new Policy in EIT – INF policies that sets out specific direction in respect of the management of the potential adverse effects of the maintenance, upgrade and development of the National Grid with respect to the HCV chapter such that in the event of conflict the EIT-INF prevails over policies in the HCV chapter of the pORPS. I consider there are a number matters that are considered in the HCV chapter that must be considered individually taking into account Integrated Management Chapter, and in particular IM-P1 (Integrated Approach). In addition, the

⁴⁵⁸ 00314.045 Transpower

⁴⁵⁹ 00314.058 Transpower

⁴⁶⁰ 00314.046 Transpower

management framework for the National Grid, which is identified as nationally significant infrastructure, is appropriately addressed through INF-P13. I recommend rejecting this submission.

11.6.16.3. Recommendation

814. I recommend no new provisions.

11.6.17. EIT-INF-M4 – Regional Plans

11.6.17.1. Introduction

815. As notified, EIT-INF-M4 reads:

EIT-INF-M4 – Regional plans

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

(1) manage the adverse effects of infrastructure activities that:

(a) are in the beds of lakes and rivers, or

(b) are in the coastal marine area, or

(c) involve the taking, use, damming or diversion of water or,

involve the discharge of water or contaminants, and

(2) require the prioritisation of sites for infrastructure where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised.

11.6.17.2. Submissions

816. DIAL⁴⁶¹ seeks to retain the provision as notified.

817. Trojan and Wayfare⁴⁶² seek the deletion of clause 2.

818. Aurora Energy⁴⁶³ seeks amendment as follows:

“(2) require the prioritisation of sites for infrastructure where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, ~~at the very least,~~ minimised.

819. DCC⁴⁶⁴ seeks to amend the provision to take account of consequential amendments sought elsewhere in this section.

⁴⁶¹ 00316.008A DIAL

⁴⁶² 00206.050 Trojan and 00411.063 Wayfare

⁴⁶³ 00315.057 Aurora Energy

⁴⁶⁴ 00139.170 DCC

820. Kāi Tahu ki Otago / Aukaha⁴⁶⁵ seeks amendments to clarify clause (1) which they submit does not provide any guidance on how adverse effects should be managed or whether these areas should be avoided as a priority.
821. OWRUG⁴⁶⁶ seeks to amend the provision to consider the functional and operational needs of infrastructure.
822. Ngāi Tahu ki Murihiku⁴⁶⁷ seeks amendment to clause (2) to reference an effects management hierarchy.
823. Transpower⁴⁶⁸ seeks to insert a new clause to recognise the importance of the National Grid as follows:
- “Otago Regional Council must prepare or amend and maintain its regional plans to:*
- (x) recognise and provide for the operation, maintenance, upgrading and development of the National Grid, including by enabling its operation, maintenance and minor upgrading;*
- (1) manage the adverse effects of infrastructure activities that:*
- ...
- (2). require the prioritisation of sites for infrastructure where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised where practicable to do so.”*
824. Trustpower⁴⁶⁹ seeks to exempt renewable electricity generation activities from Clause (2) as follows:
- “(2) 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.”*
825. Waka Kotahi⁴⁷⁰ seeks the following amendments:
- a. clarification of clause (2) in relation to what constitutes a “highly valued” natural and physical resource,
 - b. further consideration of the implications of the prioritisation detailed in (2) to ensure that a suitable balance between cost and effect are achieved, and
 - c. amendment to replace the term “avoid” with “minimise” or similar.

⁴⁶⁵ 00226.244 Kāi Tahu ki Otago / Aukaha

⁴⁶⁶ 00235.123 OWRUG

⁴⁶⁷ 00223.110 Ngāi Tahu ki Murihiku

⁴⁶⁸ 00314.039 Transpower

⁴⁶⁹ 00311.049 Trustpower

⁴⁷⁰ 00305.052 Waka Kotahi

11.6.17.3. Analysis

826. In relation to the DIAL submission seeking the provision to be retained as notified, I consider that this should be accepted in part, subject to those modification arising from other submissions.
827. I do not agree with the Trojan and Wayfare submissions seeking deletion of clause (2) of the provision. I consider this clause is required to implement NPSET Policy 14, and to guide the prioritisation of sites for infrastructure in order to implement the policies of the chapter. I recommend rejecting this submission.
828. I do not agree with the Aurora Energy submission seeking to add the following to the end of clause (2) “seeks amendment as follows: “...minimised to the extent practicable.” I consider it is unclear what the words “to the extent practicable” mean, for example does it mean it should provide increased flexibility thereby providing a scope of choice contrary to intent of the method, and is not appropriate. Further there is a question as to whom “practicable” is applied, be it the decision-maker or the infrastructure provider. I recommend rejecting this submission.
829. I note the DCC submission to amend the provision to take account of consequential amendments sought elsewhere in this section. To the extent that those changes are made, I accept the need for consequential amendments. I recommend this submission be accepted in part on that basis.
830. I do not agree with the following submissions: Kāi Tahu ki Otago / Aukaha, OWRUG, Ngāi Tahu ki Murihiku, Transpower and Trustpower. I consider the submission matters raised predominantly seek to restate matters already addressed in the policies. I recommend these submissions be rejected.

11.6.17.4. Recommendation

831. I do not recommend any amendments.

11.6.18. EIT-INF-M5 – District Plans

11.6.18.1. Introduction

832. As notified, EIT-INF-M5 reads:

EIT-INF-M5 – District plans

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

- (1) require a strategic approach to the integration of *land* use and *nationally* or *regionally significant infrastructure*,
- (2) enable planning for the electricity transmission network and *National Grid* to achieve efficient distribution of electricity,
- (3) map the electricity transmission network, and in relation to the *National Grid*, identify a buffer corridor within which *sensitive activities* shall generally not be allowed, and

- (4) manage the *subdivision*, use and development of *land* to ensure *nationally or regionally significant infrastructure* can develop to meet increased demand,
- (5) manage the adverse *effects* of developing, operating, maintaining, or upgrading *nationally or regionally significant infrastructure* that are on:
 - (a) the surface of *rivers* and *lakes* and on *land* outside the *coastal marine area*, and
 - (b) the *beds* of *lakes* and *rivers*,
- (6) ensure that development is avoided where:
 - (a) it cannot be adequately served with *infrastructure*,
 - (b) it utilises *infrastructure* capacity for other planned development, or
 - (c) the required upgrading of *infrastructure* is not funded, and
- (7) require the prioritisation of sites where adverse *effects* on highly valued *natural and physical resources* and *mana whenua* values can be avoided or, at the very least, minimised.

11.6.18.2. Submissions

833. DIAL⁴⁷¹ seeks to retain the provision as notified.

834. Aurora Energy⁴⁷² seeks to recognise the importance of the National Grid and Electricity Distribution Network through the following amendments⁴⁷³:

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

- (1) require a strategic approach to the integration of land use and nationally or regionally significant infrastructure,*
- (2) provide for the operation and maintenance of the National Grid and Electricity Distribution Network to achieve a resilient electricity supply,*
- (3) enable planning for the ~~electricity transmission network and development and upgrade of the~~ National Grid development and upgrade of the ~~to achieve efficient distribution of electricity,~~*
- (4) map the ~~electricity transmission network, and in relation to the National Grid,~~ and identify a buffer corridor within which sensitive activities shall generally not be allowed, and*
- (5) Map Electricity Sub – transmission infrastructure and Significant Electricity Distribution Infrastructure and identify a corridor within which incompatible activities shall generally not be allowed, and*

⁴⁷¹ 00316.008B DIAL

⁴⁷² 00315.058 Aurora Energy, 00320.026 Network Waitaki and 00511.026 PowerNet

⁴⁷³ Note: Amendments reflect the submission, however have been manually ‘rectified’ to provide reference using the S42A nomenclature (~~strike through~~ for deletion and underline for addition) in order to provide comparison to the notified provision.

- (6) *manage the subdivision, use and development of land to ensure nationally significant infrastructure ~~or~~ and regionally significant infrastructure can develop to meet increased demand,*
- (7) *manage the adverse effects of developing, operating, maintaining, or upgrading infrastructure that are on:*
 - (a) *the surface of rivers and lakes and on land outside the coastal marine area, and*
 - (b) *the beds of lakes and rivers,*
- (8) *ensure that development is avoided where:*
 - (a) *it cannot be adequately served with infrastructure,*
 - (b) *it utilises infrastructure capacity for other planned development, or*
 - (c) *the required upgrading of infrastructure is not funded, and*
- (9) *require the prioritisation of sites in accordance with the effects management hierarchy (other matters).*

835. Network Waitaki and Powernet⁴⁷⁴ seek similar relief to Aurora Energy except for Aurora Energy points (3) and (4) where they seek the following amendment:

- (3) *“enable planning for the development and upgrade of the electricity transmission network and National Grid and Electricity Distribution Network ~~to achieve efficient distribution of electricity~~”*
- (4) *“map the ~~electricity transmission network, and in relation to the National Grid,~~ Electricity Sub-transmission infrastructure and Significant Electricity Distribution Infrastructure and identify a buffer corridor within which *sensitive activities* shall generally not be allowed, and”*

836. DCC⁴⁷⁵ seeks to amend the provision as follows:

- delete clause (1)
- delete clause (2) or clarify what this means in a practical sense,
- amend clause (3) to sound less like a rule, change to activities “need to be managed”,
- delete sub-clause (6)(c) or amend to recognise that infrastructure upgrades may be funded in a variety of ways, not rely on the definition of infrastructure, and remove the word “avoid” as this is too strong, and
- delete clause (7) or amend so it is clear what is being prioritised and how prioritisation is to be achieved.

837. Hopkins⁴⁷⁶ seeks to amend clause 7 to clarify its intent and the consequences.

⁴⁷⁴ 00315.058 Aurora Energy, 00320.026 Network Waitaki and 00511.026 PowerNet

⁴⁷⁵ 00139.171 DCC

⁴⁷⁶ 00420.019 Hopkins, Jim

838. Horticulture NZ⁴⁷⁷ seeks to amend the provision by deleting clause (3) and replacing with the following: “Map the National Grid and identify a buffer corridor within which sensitive activities shall generally not be allowed.”
839. Kāi Tahu ki Otago / Aukaha⁴⁷⁸ seeks amendments to address the following matters:
- a. clause (5) does not provide any guidance on how adverse effects should be managed or whether these areas should be avoided as a priority,
 - b. for clause (5) there should be management of adverse effects within, and a priority to avoid where possible, infrastructure in the margins of water bodies and the coast, and
 - c. clarification of clause (6) – whether this is intended to avoid all development in areas that cannot be served by infrastructure. If this is the case, Kā Rūnaka oppose this intent given the location of marae and whānau housing in non – reticulated areas.
840. OWRUG⁴⁷⁹ seeks to amend the provision to consider the functional and operational needs of infrastructure.
841. QLDC⁴⁸⁰ seeks to delete clause (1).
842. Ngāi Tahu ki Murihiku⁴⁸¹ seeks amendment of clause (7) to reference an effects management hierarchy.
843. Transpower⁴⁸² seeks amendments to recognise the importance of the National Grid as follows:
- “Territorial authorities must prepare or amend and maintain their district plans to:*
- (x) recognise and provide for the operation, maintenance, upgrading and development of the National Grid, including by enabling its operation, maintenance and minor upgrading;*
- (1) require a strategic approach to the integration of land use and nationally or regionally significant infrastructure,*
- (2) enable planning for the ~~electricity transmission network and National Grid to achieve efficient distribution of electricity,~~*
- map the ~~electricity transmission network,~~ and in relation to the National Grid and, identify a buffer corridor within which sensitive activities shall generally not be allowed, and*

⁴⁷⁷ 00236.081 Horticulture New Zealand

⁴⁷⁸ 00226.245 Kāi Tahu ki Otago / Aukaha

⁴⁷⁹ 00235.124 OWRUG

⁴⁸⁰ 00138.124 QLDC

⁴⁸¹ 00223.111 Ngāi Tahu ki Murihiku

⁴⁸² 00314.040 Transpower

manage the subdivision, use and development of land to ensure nationally or regionally significant infrastructure can develop to meet increased demand and to avoid adverse effects, including reverse sensitivity effects on the National Grid,

.....

(7) require the prioritisation of sites where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised where practicable to do so.

844. Trojan⁴⁸³ seeks deletion of clause (7).
845. Trustpower⁴⁸⁴ seeks to exempt renewable electricity generation activities from clause (7) as follows:

“(7) require the prioritisation of sites for infrastructure, 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.”

846. Waka Kotahi⁴⁸⁵ seeks amendments to provide better clarity of this provision, including that adverse effects are minimised as opposed to avoided, and to recognise and provide for nationally and regionally significant infrastructure, including its protection.

847. Wayfare⁴⁸⁶ seeks amendments to amend clause (6)

(6) “ensure that new urban development is avoided where

(c) the required upgrading of infrastructure is not funded, ~~and~~”

and to delete clause (7)

~~“(7) require the prioritisation of sites where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised.”~~

11.6.18.3. Analysis

848. I consider the DIAL submission seeking the method be retained as notified, should be accepted in part, subject to those modifications arising from other submissions.

General submissions

849. I disagree with the submissions of Aurora Energy, Network Waitaki and Powernet. The submissions seek to further recognise the importance of the *National Grid* and *Electricity*

⁴⁸³ 00206.051 Trojan

⁴⁸⁴ 00311.050 Trustpower

⁴⁸⁵ 00305.053 Waka Kotahi

⁴⁸⁶ 00411.064 Wayfare

Distribution Network matters beyond the that already provided for in the policies. Any further consideration should be a matter for District Council decisions.

850. I do not agree with the submissions from OWRUG, Ngāi Tahu ki Murihiku and Waka Kotahi. I consider the matters raised predominantly seek to restate matters already addressed in the policies. I recommend these be rejected.

851. I do not agree with the submission by Transpower . Regarding seeking to amend the provision, Territorial authorities must prepare or amend and maintain their district plans to add a new clause: “(x) recognise and provide for the operation, maintenance, upgrading and development of the National Grid, including by enabling its operation, maintenance and minor upgrading”. I consider the submission seeks to restate matters already addressed in the policies. I recommend rejecting this part of the submission.

Clause (1)

852. I disagree with the DCC and QLDC submissions to delete clause (1) as I consider this is inconsistent with the overall purpose of the pORPS 21. I recommend rejecting this part of the submission.

Clause (2)

853. I do not agree with the DCC submission to delete clause (2) or clarify what this means in a practical sense. I consider it is not clear what relief is being sought. The method seeks to enable planning for the electricity transmission network to achieve efficient distribution of electricity, including development of electricity transmission assets. I invite the submitter to elaborate in any future evidence. Subject to that I recommend rejecting the submission at this time.

854. I agree in part with the submission by Transpower to amend clause (2) as follows: by deleting reference to ~~“electricity transmission network and”~~ and ~~“to achieve efficient distribution of electricity,”~~. I note that the NPSET defines the electricity transmission network as the National Grid. I recommend accepting this part of the submission.

Clause (3)

855. I do not agree with the DCC submission to amend clause (3) to sound less like a rule and change to activities “need to be managed”, I consider the current wording reflects the policies of the NPSET, and in addition, the wording of the provision is not a rule, although it is directive. I recommend rejecting this part of the submission.

856. I agree in part with the submission by Transpower . I agree with the amendment to clause (3) in part to delete reference to ~~“ electricity transmission network, and in relation to the”~~ and insert the word “and” after National Grid”. However I consider the wording recommended as a result of the submission of Horticulture NZ addresses this change. I recommend accepting the Transpower submission based on the amendment arising from the Horticulture NZ submission.

857. I do not agree with the Horticulture NZ request to delete clause (3) and replace the clause with the following: “Map the National Grid and identify a buffer corridor within which sensitive activities shall generally not be allowed.” I consider in the context of a district plan the current provision is more appropriate. I note the definition in the NPSET for the electricity transmission network means all parts of the national grid. I recommend rejecting this submission.

Clause (5)

858. I do not agree with the Kāi Tahu ki Otago / Aukaha submission with regard concerning clause (5) that there should be management of adverse effects within, and a priority to avoid where possible, infrastructure in the margins of water bodies and the coast. I consider these matters are addressed in the EIT-INF policies, noting also that a new policy EIT-INF-13A has been recommended to clarify, when managing the effects of infrastructure within the coastal environment, that the provisions of the coastal chapter (CE) apply. I recommend this submission be rejected.

859. I do not agree with the part of the submission concerning clause (5) with respect to reverse sensitivity effects. I consider these matters are adequately covered by policy EIT-INF-P15. I recommend rejecting this part of the submission.

Clause (6)

860. I disagree with the DCC submission to delete clause (6)(c) or amend it to recognise that infrastructure upgrades may be funded in a variety of ways, and not rely on the definition of infrastructure. I note there is no requirement to determine methods of funding, whether it be by Councils or private developers, rather it requires that such funding is in place to reduce the burden of unplanned infrastructure development on ratepayers. I do not agree with the proposal to remove the word “avoid”. The use of this word is purposeful and provides clear guidance. Accordingly, I recommend rejecting this part of the submission.

861. I do not agree with the Kāi Tahu ki Otago / Aukaha submission seeking clarification of clause (6) – and whether this is intended to avoid all development in areas that cannot be served by infrastructure, and noting that if this is the case, Kā Rūnaka oppose this intent given the location of marae and whānau housing in non – reticulated areas. I consider the current clause does not preclude the use of private on-site provision of infrastructure. I recommend rejecting this part of the submission.

862. I disagree with the Transpower submission seeking to add “where practicable to do so” to clause (7). I consider that the words “as far as practicable” lack clarity in meaning; for example, does it mean it should provide increased flexibility thereby providing a scope of choice contrary to policy intent of the provision? Further there is a question as to whom “practicable” is applied, be it the decision maker or the infrastructure provider. I recommend rejecting this part of the submission.

863. I do not agree with the Wayfare submission concerning clause (6). I consider all development needs must be addressed not just “new urban development” as proposed.

Clause (7)

864. I do not agree with the Wayfare, Trojan and DCC submissions to delete clause (7). I consider this clause is necessary to give effect to the EIT-INF policies. I recommend rejecting this submission.
865. I agree in part with the DCC submission alternative proposal to amend clause (7) so that it is clear what is being prioritised and how that prioritisation is to be achieved. I consider the method should be amended to refer to EIT-INF-P13. For this submission to be given effect I recommend accepting this submission in part.
866. Similarly, I agree in part with the Hopkins submission:
- In relation to seeking to amend clause (7) to clarify its intent in so far as what is being prioritised and how prioritisation is to be achieved (similar to the DCC submission), I consider the method should be amended to refer to EIT-INF-P13 for this submission to be given effect I recommend accepting this part of the submission.
 - Concerning other matters raised by the submission in relation to clause (7), I consider this is a method to give effect to the policies of this sub-chapter and the application of this method is a matter for District Councils to address. I recommend rejecting this part of the submission.
867. I do not agree with the Trustpower submission to exempt renewable electricity generation activities from clause (7). I consider renewable electricity should not be elevated above other infrastructure, other than to the extent that it is nationally significant infrastructure or regionally significant infrastructure. I recommend rejecting this submission.

11.6.18.4. Recommendations

868. I recommend amendments to EIT-INF-M5 as follows:

EIT-INF-M5 – District plans

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

- (1) require a strategic approach to the integration of *land use* and *nationally significant infrastructure*⁴⁸⁷ or *regionally significant infrastructure*,
- (2) enable planning for the ~~electricity transmission network and National Grid to achieve efficient distribution of electricity,~~⁴⁸⁸
- (3) map the ~~electricity transmission network, and in relation to the National Grid,~~ and⁴⁸⁹ identify a buffer corridor within which *sensitive activities* shall generally not be allowed, and

⁴⁸⁷ Clause 16(2), Schedule 1, RMA

⁴⁸⁸ 00314.040 Transpower

⁴⁸⁹ 00314.040 Transpower

(4) manage the *subdivision*, use and development of *land* to ensure *nationally significant infrastructure*⁴⁹⁰ or *regionally significant infrastructure* can develop to meet increased demand,

(5) manage the adverse *effects* of developing, operating, maintaining, or upgrading *nationally significant infrastructure*⁴⁹¹ or *regionally significant infrastructure* that are on:

(a) the surface of *rivers* and *lakes* and on *land* outside the *coastal marine area*, and

(b) the *beds* of *lakes* and *rivers*,

(6) ensure that development is avoided where:

(a) it cannot be adequately served with *infrastructure*,

(b) it utilises *infrastructure* capacity for other planned development, or

(c) the required upgrading of *infrastructure* is not funded, and

(7) require the prioritisation of sites for *infrastructure, nationally significant infrastructure and regionally significant infrastructure* where adverse *effects* on those matters addressed by EIT-INF-P13⁴⁹² and EIT-INF-P13A⁴⁹³ ~~on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised.~~⁴⁹⁴

11.6.19. EIT-INF-M6 – Advocacy

11.6.19.1. Introduction

869. As notified, EIT-INF-M6 reads:

EIT-INF-M6 – Advocacy

Local authorities must:

(1) advocate for the upgrading or replacement of existing *nationally or regionally significant infrastructure* if the operation of *infrastructure* results in significant adverse *effects*, and

(2) work proactively with *infrastructure* providers to co-ordinate the upgrading or development of *nationally or regionally significant infrastructure* to support co-location or concurrent construction to reduce adverse *effects*.

⁴⁹⁰ Clause 16(2), Schedule 1, RMA

⁴⁹¹ Clause 16(2), Schedule 1, RMA

⁴⁹² Clause 10(2)(b)(i), Schedule 1, RMA – consequential amendment arising from 00137.107 DOC, 00301.042 Port of Otago Ltd, 00226.241 Kāi Tahu ki Otago / Aukaha, 00223.108 Te Ao Marama, 00301.040 Port of Otago

⁴⁹³ Clause 10(2)(b)(i), Schedule 1, RMA – 00137.107 DOC, 00301.042 Port of Otago Ltd, 00226.241 Kāi Tahu ki Otago / Aukaha, 00223.108 Te Ao Marama, 00301.040 Port of Otago

⁴⁹⁴ 00139.171 DCC

11.6.19.2. Submissions

870. Trustpower⁴⁹⁵ seeks the deletion of clause (1).

871. Aurora Energy Energy⁴⁹⁶ seeks to amend the wording of the provision as follows:

“Local authorities must:

(1) ~~advocate~~ encourage ~~for~~ the upgrading or replacement of existing nationally or regionally significant infrastructure if the operation of infrastructure results in significant adverse effects; and

(2) work proactively with infrastructure providers to co – ordinate the upgrading or development of nationally or regionally significant infrastructure to:

(a) support co – location or concurrent construction to reduce adverse effects; and

(b) Initiate a private plan change to remedy the significant adverse effects.”

872. DCC⁴⁹⁷ seeks amendments so that these provisions are suggestions rather than requirements.

873. Waka Kotahi⁴⁹⁸ seeks to recognise the existing use rights of infrastructure and that infrastructure cannot always be easily upgraded or replaced; or alternatively delete the provision.

11.6.19.3. Analysis

874. I agree with the requests of Trustpower and Waka Kotahi’s to delete clause (1). I consider it is inappropriate for advocacy as described to be a requirement of District Councils as part of the Regional Plan, as that is a matter for individual District Council to decide. I recommend accepting the submission to delete clause (1).

875. I do not agree with the DCC submission seeking amendments so that these provisions are suggestions rather than requirements, except to the extent of providing for the following change “Local authorities should ~~must~~”. As above I consider it is inappropriate for advocacy as described as a requirement of District Councils to be included as part of the Regional Plan, as that is a matter for individual District Councils to decide. As a result of recommending acceptance of Trustpower and Waka Kotahi’s submission to delete clause (1) the remainder of this submission is recommended to be rejected.

876. I do not agree with the Waka Kotahi submission to recognise the existing use rights of infrastructure and that infrastructure cannot always be easily upgraded or replaced. I consider that such a provision is unnecessary as existing use rights (or consented projects) are already provided for through the RMA. I recommend this submission be rejected.

⁴⁹⁵ 00311.051 Trustpower

⁴⁹⁶ 00315.059 Aurora Energy Energy

⁴⁹⁷ 00139.172 DCC

⁴⁹⁸ 00305.054 Waka Kotahi

877. I do not agree with the Aurora Energy’s submission. In relation to clause (1) this has been recommended to be deleted in response to the TrustPower and Waka Kotahi submissions. In relation to addition of a new clause 2 (b) to “Initiate a private plan change to remedy the significant adverse effects”, I note that plan changes initiated by councils are not private plan changes, and the proper approach for remedying significant effects in relation to consented projects is through an initiation of review of conditions through s128. I recommend this submission be rejected.

11.6.19.4. Recommendations

878. I recommend amendments to EIT-INF-M6 Advocacy as follows:

EIT-INF-M6 – Advocacy

Local authorities should ~~must~~⁴⁹⁹:

(1) ~~advocate for the upgrading or replacement of existing nationally or regionally significant infrastructure if the operation of infrastructure results in significant adverse effects, and~~⁵⁰⁰

(2) ~~work proactively with infrastructure providers to co-ordinate the upgrading or development of nationally significant infrastructure~~⁵⁰¹ or regionally significant infrastructure to support co-location or concurrent construction to reduce adverse effects.

11.6.20. EIT-INF-E2 – Explanation

11.6.20.1. Introduction

879. As notified, EIT-INF-E2 reads:

EIT-INF-E2 – Explanation

The policies in this section recognise the critical importance of *infrastructure* to communities and provide for the continued operation of existing *infrastructure* and the development of upgraded or new *infrastructure* where adverse *effects* are managed. As many assets rely on particular resource requirements or specific locations, decisions on allocating *natural and physical resources* shall make provision for the *functional or operational needs* of *nationally and regionally significant infrastructure*. For *infrastructure* in the coastal environment, the provisions of the CE – Coastal environment chapter are also applicable to ensure the NZCPS is given effect.

Given the potential magnitude of adverse *effects* associated with this *infrastructure*, consideration is required of the ability to remedy or mitigate unavoidable adverse *effects*, alternative options and offsetting or compensation.

⁴⁹⁹ 00139.172 DCC

⁵⁰⁰ 00311.051 Trustpower, 00305.054 Waka Kotahi

⁵⁰¹ Clause 16(2), Schedule 1, RMA

To ensure *infrastructure* is planned for, and used efficiently, the provisions require that the benefits of existing *nationally* and *regionally significant infrastructure* are maximised, and *infrastructure* provision is undertaken in a co-ordinated manner. The policies also seek to manage the potential adverse *effects* of other activities on *nationally* and *regionally significant infrastructure* to ensure the ability to operate these assets is not compromised.

11.6.20.2. Submissions

880. DCC⁵⁰² seeks consequential amendments resulting from their comments on infrastructure provisions.
881. OWRUG⁵⁰³ seeks amendments to refer to infrastructure generally.
882. Port Otago⁵⁰⁴ seeks greater clarity throughout the RPS on which provisions apply to the coastal environment by including “coastal icons” or similar.
883. Trustpower⁵⁰⁵ seeks clarification that the policies of the EIT-INF section do not apply to renewable generation activities through the following amendment:
- The first sentence of the explanation to read as follows:*
“The policies in this section apply to infrastructure other than renewable electricity generation activities (which are subject to the provisions of EIT – EN) and recognise the critical importance”
884. The Fuel Companies⁵⁰⁶ seek the following amendments to clarify in this section that both infrastructure and transport provisions are potentially applicable to port activities.

11.6.20.3. Analysis

885. In relation to DCC request for consequential amendments resulting from their comments on infrastructure provisions, the principal reasons have not materially changed as a result of their submissions. I recommend rejecting this submission.
886. I do not agree with OWRUG’s submission as to the need to refer to infrastructure generally. There is a purposeful hierarchy to manage infrastructure as a general proposition, and then provide a greater degree of flexibility for regionally and nationally significant infrastructure, which strikes a balance with the important contribution of it to social and economic wellbeing, while still achieving bottom lines. I recommend rejecting this submission.
887. I do not agree with TrustPower’s submission to amend the principal reasons through use of the amendment wording sought above, which seeks to exclude renewable electricity generation from the EIT-INF provisions. Renewable electricity generation is a form of nationally and regionally significant infrastructure, and it is intended that the provisions

⁵⁰² 00139.173 DCC

⁵⁰³ 00235.119 OWRUG

⁵⁰⁴ 00301.042 Port Otago.

⁵⁰⁵ 00311.052 Trustpower

⁵⁰⁶ 00510.033 The Fuel Companies

apply in tandem with the provisions of the EIT-EN sub-chapter. I recommend this submission be rejected.

888. I do not agree with Port Otago seeking greater clarity throughout the RPS on which provisions apply to the coastal environment by including “coastal icons” or similar. EIT-INF-E2 explanation current includes reference to “For *infrastructure* in the coastal environment, the provisions of the CE – Coastal environment chapter are also applicable to ensure the NZCPS is given effect” I recommend this submission be rejected.

889. I do not agree with the Fuel Companies request for further detail in relation to port facilities. This matter is addressed in the definitions which specifically address those port facilities covered by *nationally significant infrastructure* and *regionally significant infrastructure*. With respect to the deletion of references to the CE – Coastal Environment chapter, their inclusion is necessary in view of the priority matters that are required to be addressed under New Zealand Coastal Policy Statement 2010. Accordingly, I recommend rejecting this submission.

11.6.20.4. Recommendation

890. I recommend amending EIT-INF-E2 as follows:

EIT-INF-E2 – Explanation

The policies in this section recognise the critical importance of *infrastructure* to communities and provide for the continued operation of existing *infrastructure* and the development of upgraded or new *infrastructure* where adverse *effects* are managed. As many assets rely on particular resource requirements or specific locations, decisions on allocating *natural and physical resources* shall make provision for the *functional needs*⁵⁰⁷ or *operational needs* of *nationally significant infrastructure*⁵⁰⁸ and *regionally significant infrastructure*. For *infrastructure* in the coastal environment, the provisions of the CE – Coastal environment chapter are also applicable to ensure the NZCPS is given effect.

Given the potential magnitude of adverse *effects* associated with this *infrastructure*, consideration is required of the ability to remedy or mitigate unavoidable adverse *effects*, alternative options and offsetting or compensation.

To ensure *infrastructure* is planned for, and used efficiently, the provisions require that the benefits of existing *nationally significant infrastructure*⁵⁰⁹ and *regionally significant infrastructure* are maximised, and *infrastructure* provision is undertaken in a co-ordinated manner. The policies also seek to manage the potential adverse *effects* of other activities on *nationally significant infrastructure*⁵¹⁰ and *regionally significant infrastructure* to ensure the ability to operate these assets is not compromised.

⁵⁰⁷ Clause 16(2), Schedule 1, RMA

⁵⁰⁸ 00314.001 Transpower

⁵⁰⁹ 00314.001 Transpower

⁵¹⁰ Clause 16(2), Schedule 1, RMA

11.6.21. EIT-INF-PR2 – Principal Reasons

11.6.21.1. Introduction

891. As notified, EIT-INF-PR2 reads:

EIT-INF-PR2 – Principal reasons

Infrastructure is fundamental to the health and safety of communities, and their social and economic well-being and functioning. The nature of *infrastructure* means there are typically operational and functional constraints which dictate where and how these activities operate to properly serve local communities. These types of assets also tend to require significant investment, although some have at times been subject to under-investment.

The scale and type of activities involved in the development, operation, maintenance, and upgrading of *infrastructure* are such that adverse *effects* on the *environment* are likely and, at times, significant. Efforts are required to reduce impacts from *infrastructure*, by avoiding its location in areas that are important to Otago, particularly where alternatives are available. If it is necessary to locate in those areas, then it is necessary that the values that make those areas important are protected. There are instances however, when residual *effects* cannot be avoided, in which case *effects* should be remedied or mitigated and offsetting or compensation may be necessary if it meets any criteria set. Given the potential for adverse *effects*, it is important that *local authorities* monitor and enforce the standards set in plans and on *resource consents* and designations.

The policies in this chapter give effect to the NPSREG, NPSET, NPSFM and NPSUD and recognise *infrastructure* that has benefits for the wider Otago region and nationally. Implementation of the provisions will occur through the *regional* and *district plan* provisions.

11.6.21.2. Submissions

892. Waka Kotahi⁵¹¹ seeks further consideration of the appropriateness and implications for infrastructure providers of the use of the word “avoid” in this Principal Reason, with preference that the term “avoid” is replaced with “minimise” or similar.

11.6.21.3. Analysis

893. The use of the word “avoid” rather than “minimise” is deliberate. With respect to replacing the word “avoid” with “minimise”, there are certain aspects of s6 RMA and the NESF where there is a high bar to be met for all activities (such as the *protection* of significant indigenous vegetation and significant habitats of indigenous fauna), and therefore I consider the word “avoid” should be retained. I recommend the submission be rejected.

⁵¹¹ 00305.059 Waka Kotahi

11.6.21.4. Recommendation

894. I do not recommend any amendments.

11.6.22. EIT-INF-AER5

11.6.22.1. Introduction

895. As notified, EIT-INF-AER5 reads:

EIT-INF-AER5

Infrastructure provides safe, effective and efficient services to the Otago community.

11.6.22.2. Submissions

896. Transpower⁵¹² seeks the following amendment: “Infrastructure provides safe, effective and efficient services to the Otago community and beyond.”

11.6.22.3. Analysis

897. Transpower’s submission would broaden the scope of this result area. I recommend that the AER should remain focused on what can be achieved within Otago, rather than endeavour to assess outcomes that are likely to be influenced by non-Otago factors. I recommend this submission be rejected.

11.6.22.4. Recommendation

898. I do not recommend any amendments.

11.6.23. EIT-INF-AER6

11.6.23.1. Introduction

899. As notified, EIT-INF-AER6 reads:

EIT-INF-AER6

The provision of infrastructure is co-ordinated and integrated to service growth efficiently.

11.6.23.2. Submissions

900. No submissions were received

11.6.23.3. Recommendation

901. I do not recommend any amendments.

⁵¹² 00314.041 Transpower

11.6.24. EIT-INF-AER7

11.6.24.1. Introduction

902. As notified, EIT-INF-AER7 reads:

EIT-INF-AER7

Nationally and regionally significant infrastructure is protected from reverse sensitivity *effects* caused by incompatible activities.

11.6.24.2. Submissions

903. DIAL and Waka Kotahi⁵¹³ seek to retain this provision as notified.

904. Federated Farmers and Horticulture NZ⁵¹⁴ seek the following amendment: Delete this AER and replace with: “Reverse sensitivity effects on nationally and regionally significant infrastructure from sensitive activities will be avoided to the extent reasonably possible.”

905. Transpower⁵¹⁵ seeks the following amendment: “Nationally and regionally significant infrastructure is protected from adverse effects, including reverse sensitivity effects caused by incompatible activities.”

11.6.24.3. Analysis

906. I do not agree with Federated Farmers and Horticulture NZ submissions on the basis the amendments compromise the anticipated environmental outcome and is not measurable. I recommend these submissions be rejected.

907. I do not agree with Transpower’s submission on the basis the amendments broaden the scope of the anticipated environmental results beyond what is intended in the policy provisions. I recommend this submission be rejected.

11.6.24.4. Recommendation

908. I do not recommend any amendments.

11.6.25. EIT-INF-AER8

11.6.25.1. Introduction

909. As notified, EIT-INF-AER8 reads:

EIT-INF-AER8

The adverse *effects* associated with *nationally and regionally significant infrastructure* are minimised.

⁵¹³ 00316.009 DIAL and 00305.061 Waka Kotahi

⁵¹⁴ 00239.131 Federated Farmers and 00236.082 Horticulture NZ

⁵¹⁵ 00314.042 Transpower

11.6.25.2. Submissions

910. Waka Kotahi⁵¹⁶ seeks to retain this AER as notified.
911. OWRUG⁵¹⁷ seeks amendment to the AER as follows: “the adverse effects associated with ~~nationally and regionally significant~~ infrastructure are avoided and minimised to the extent practicable in accordance with the effects management hierarchy”.
912. Transpower⁵¹⁸ seeks amendment to the AER as follows: “the adverse effects associated with nationally and regionally significant infrastructure are ~~minimised~~ managed”.

11.6.25.3. Analysis

913. I do not agree with OWRUG’s submission on the basis the amendments propose a process not an anticipated result. I recommend this submission be rejected.
914. Similarly, I do not agree with Transpower’s submission on the basis the amendments propose a process not an anticipated result. I recommend this submission be rejected.
915. However, I do recommend amendments to this AER based on submissions to include a new AER as discussed under the EIT-TRANS sub-chapter

11.6.25.4. Recommendation

916. Whilst I do not recommend any amendments based on the submissions received directly in relation to EIT-INF-AER8, do recommend consequential amendments to this AER based on submissions received in relation to a new AER under the EIT-TRANS sub-chapter as follows:

EIT-INF-AER8 The adverse effects associated with ~~nationally and regionally significant infrastructure~~ infrastructure are avoided or⁵¹⁹ minimised.

11.7. EIT – TRANSPORT

11.7.1. Introduction

917. The purpose of this sub-chapter of the pORPS is to respond to the significant resource management issues associated with the transport system.
918. The relevant provisions for this section are:
- EIT-TRAN-07 – Effective, efficient, and safe transport
 - EIT-TRAN-08 – Transport system
 - EIT-TRAN-09 – Effects of the transport system
 - EIT-TRAN-010 – Commercial port activities
 - EIT-TRAN-P18 – Integration of the transport system

⁵¹⁶ 00305.062 Waka Kotahi

⁵¹⁷ 00235.128 OWRUG

⁵¹⁸ 00314.043 Transpower

⁵¹⁹ 00223.113 Te Ao Marama

EIT-TRAN-P19 – Transport system design
EIT-TRAN-P20 – Public transport
EIT-TRAN-P21 – Operation of the transport system
EIT-TRAN-P22 – Sustainable transportation
EIT-TRAN-P23 – Commercial port activities
EIT-TRAN-M7 – Regional plans
EIT-TRAN-M8 – District plans
EIT-TRAN-M9 – Regional land transport plan
MAP2 – EIT-TRAN-M7 Port activities

919. The transport system is critical to the effective functioning of Otago’s urban and rural environments, connecting people and communities and supporting economic wellbeing. The transport network can have adverse effects on the environment and impacts on community wellbeing. Where there is sufficient demand and the necessary infrastructure, modal choices can be provided and by giving preference to modes with lower environmental effects, the adverse impacts of the transport system can be reduced. However, due to the nature of the Otago region, reliance on private vehicles will remain the only practical transport option for many people. This should not exclude the potential for improvements in modal choice or accessibility, particularly as the country moves to a low carbon economy.
920. The pORPS implements the Planning Standards by incorporating a specific section on transportation and more clearly articulate policy direction on transport matters. The approach includes similar provisions to the current PORPS 2019 but with some additional guidance to address the planning and operation of the transport system.
921. To achieve the objectives, the policies address integration, design, and operation of the transport system, as well as public transport and wider sustainability.
- 11.7.2. General Themes
- 11.7.2.1. Submissions
922. CIAL⁵²⁰ seeks that the pORPS recognise the functional and operational constraints that strategic infrastructure must operate within, which may require that infrastructure to be located in particular areas or to operate in a particular way.
923. DCC⁵²¹ seeks to amend policies to read less like objectives and more like policies with active verb tenses (see introductory comments).
924. Ngāi Tahu ki Murihiku⁵²² seeks to retain the aspects of this chapter that support climate change response and to consider the value of employing an effects management hierarchy in this chapter.

⁵²⁰ 00307.041 CIAL

⁵²¹ 00139.179 DCC

⁵²² 00223.112 Ngāi Tahu ki Murihiku

925. Wise Response⁵²³ seeks to amend the title of the sub-chapter to “TRAN – Transport, Access and Spatial Planning”
926. Port Otago⁵²⁴ seeks to amend the pORPS to provide for a satisfactory resource management regime that enables the safe and efficient use and development of commercial port activities within the Otago Harbour.

11.7.2.2. Analysis

927. I do not agree with the CIAL submission seeking for the pORPS to further recognise the functional and operational constraints that strategic infrastructure must operate within, which may require that infrastructure to be located in particular areas or to operate in a particular way. I consider this is already addressed through the current provisions, in particular EIT-INF-P13. I recommend rejecting this submission.
928. I do not agree with the DCC submission to amend policies to read less like objectives and more like policies with active verb tenses. I consider the specific relief sought is unclear. I recommend rejecting this submission.
929. I do not agree with the Ngāi Tahu ki Murihiku submission seeking consideration of an effects management hierarchy in this chapter. I consider this has been addressed through the structuring of the provisions, for example EIT-INF-P13. I recommend rejecting the submission.
930. I do not agree with the Wise Response submission seeking to amend the title of the sub-chapter to “TRAN – Transport, Access and Spatial Planning”. I consider the current title reflects the content of the chapter adequately, and would not align with the National Planning Standards. In addition, matters relating to spatial planning are addressed through the UFD chapter. I recommend rejecting this submission.
931. I note the Port Otago submission seeking to amend the pORPS to provide for a satisfactory resource management regime that enables the safe and efficient use and development of commercial port activities within the Otago Harbour. Subject to the more specific consideration of individual submissions I consider the current provisions substantially provide for resource management regime that addresses the above, whilst importantly taking into account environmental and most importantly coastal management considerations. I recommend rejecting this submission.

11.7.2.3. Recommendation

932. I do not recommend any amendments in response to the general submissions.

11.7.3. EIT-TRAN-O7 – Effective, efficient and safe transport

11.7.3.1. Introduction

933. As notified, EIT-TRANS-O7 reads:

⁵²³ 00509.098 Wise Response

⁵²⁴ 00301.001 Port Otago

EIT–TRAN–07 – Effective, efficient, and safe transport

Otago has an integrated air, *land* and sea transport network that:

- (1) is effective, efficient and safe,
- 2) connects communities and their activities within Otago, with other regions, and internationally, and
- (3) is *resilient to natural hazards*.

11.7.3.2. Submissions

934. DOC, DIAL, CODC, Queenstown Airport, QLDC and the Fuel Companies⁵²⁵ seek that the provision be retained as notified.

935. CIAL⁵²⁶ seeks amendment to clause (3) as follows:

“is resilient, including being resilient to challenges such as:

(a) natural hazards,

(b) the effects of climate change, and the changing needs of communities in responding to the challenge of climate change;

(c) global, national and local emergencies or events such as pandemics.”

936. DCC⁵²⁷ seeks that clause (1) be amended to “is effective, efficient, affordable and safe”.

937. Te Waihangā⁵²⁸ seeks amendments to incorporate low carbon transport and active transport modes (walking and cycling) as core design principles.

938. Waka Kotahi⁵²⁹ seeks amendments to include that the operational and functional needs of nationally and regionally significant infrastructure are protected from the establishment of new activities that may result in reverse sensitivity effects.

939. Wayfare⁵³⁰ seeks the following amendment “Otago has an integrated air, *land* and ~~sea~~ water – based transport network that ...”

940. Wise Response⁵³¹ seeks the following amendments:

“Effective, efficient, and safe transport access”

Otago has an integrated low carbon ~~air, land and sea~~ transport network that:

(1) is effective, efficient and safe,

⁵²⁵ 00137.112 DOC, 00316.010 DIAL, 00201.031 CODC, 00313.024 Queenstown Airport, 00138.126 QLDC and 00510.043 The Fuel Companies

⁵²⁶ 00307.024 CIAL

⁵²⁷ 00139.174 DCC

⁵²⁸ 00321.062 Te Waihangā

⁵²⁹ 00305.035 Waka Kotahi

⁵³⁰ 00411.065 Wayfare

⁵³¹ 00509.099 Wise Response

(2) connects communities and their activities where physical travel is the necessary within Otago, with other regions, and internationally, and

(3) is resilient to natural hazards.

(4) complies with national and regional carbon reduction objectives

(5) is increasingly only required for essential needs because access and services are provided by other means

(6) living and working in place is accepted practice.

11.7.3.3. Analysis

941. I consider that submissions by DOC, DIAL, CODC, Queenstown Airport, QLDC and the Fuel Companies seeking the provision to be retained as notified should be accepted, subject to modifications arising from other submissions.
942. I agree in part with the CIAL submission in relation to clause (3). I consider the amendment to include “the effects of climate change, and the changing needs of communities in responding to the challenge of climate change” provides a clear reference to climate change resilience which adds clarity to the outcomes sought by the objective. I recommend accepting this part of the submission. CIAL also request an additional sub-clause relating to emergencies and pandemics. I do not agree with this part of the submission as I consider it goes beyond what is relevant with respect to the RMA requirements for an RPS, it is extremely broad, and it is not clear how such an outcome would be implemented. I recommend rejecting this part of the submission.
943. I do not agree with the DCC submission seeking an amendment to clause (1) to include the concept of affordability. I consider these matters are addressed through an effective and efficient market economy, and the economics of affordability are driven outside of resource management documents. I recommend rejecting this submission.
944. I do not agree with the Te Waihanga submission seeking amendments to incorporate low carbon transport and active transport modes (walking and cycling) as core design principles. I consider this to be comprehensively covered by Policy EIT-TRAN-P19. I recommend rejecting this submission.
945. I do not agree with the submission by Waka Kotahi seeking amendments to include that the operational and functional needs of nationally and regionally significant infrastructure are protected from the establishment of new activities that may result in reverse sensitivity effects. I consider that this is addressed at EIT-TRAN-P21, and is a matter that is more appropriately addressed at a policy, rather than objective, level. I recommend rejecting this submission.
946. I agree with the submission by Wayfare which seeks an amendment to the wording of the introductory sentence of the provision replacing “sea” with “water – based”. I consider that looking to the future and ensuring that the transport system is resilient and responsive to change, means that it is appropriate to consider casting a wider net to encompass all water-based transport. I recommend accepting the submission.

947. I do not agree with the submission by Wise Response, who seek several amendments to the provision. They seek to increase the specificity of the wording by changing the focus of the objective from “transport” to “transport access”. I consider that this limits the intended purpose of the provision. I recommend rejecting this part of the submission.
948. Wise Response also seek to integrate climate change into the provision by inclusion of reference to low carbon transport. I consider that this matter has been addressed in part by the recommended response to the CIAL submission above by adding reference to climate change resilience in clause (3) and no further amendments are necessary. On this basis I recommend rejecting this part of the submission. They seek to increase specificity of clause (2) by adding additional words “where physical travel is the necessary”. I consider that this level of detail unnecessarily limits the scope of the provision. I recommend rejecting the submission.
949. Three additional clauses are requested by Wise Response. The first of these relates to compliance with national climate change objectives. I consider that this is addressed in part by the CIAL amendment above in addition to the provision within the Energy chapter. I consider that the remaining two are commentary without requesting a clear direction or are not relevant in the context of the RMA and the purpose of the provision. I recommend rejection of these parts of the submission.

11.7.3.4. Recommendations

950. I recommend amending EIT-TRAN-O7 as follows:

EIT-TRAN-O7 – Effective, efficient, and safe transport

Otago has an integrated air, *land* and sea water-based⁵³² transport network that:

- (1) is effective, efficient and safe,
- (2) connects communities and their activities within Otago, with other regions, and internationally, and
- (3) is *resilient to natural hazards* and the effects of climate change, and the changing needs of communities.⁵³³

11.7.4. EIT-TRAN-O8 – Transport System

11.7.4.1. Introduction

951. As notified, EIT-TRAN-O8 reads:

EIT-TRAN-O8 – Transport system

The transport system within Otago supports the movement of people, goods and services, is integrated with *land* use, provides a choice of transport modes and is adaptable to changes in demand.

⁵³² 00411.065 Wayfare

⁵³³ 00307.024 CIAL

11.7.4.2. Submissions

952. CODC, DOC, Federated Farmers and Horticulture NZ⁵³⁴ seek that this provision be retained as notified.
953. Maryhill Limited and Mt Cardrona Station⁵³⁵ seek that the provision be replaced with the following:
- “Ensure traffic and transport upgrade requirements do not unnecessarily restrict appropriate development and the supply of housing and other social outcomes, where a solution to transport can be found in the future, or where adverse effects on a transport network can be appropriately managed. Subdivision and land use should be able to proceed where private vehicle use is appropriate and necessary”.*
954. QLDC⁵³⁶ seeks to replace “supports” with “enables”.
955. Four submissions seek amendments of clarification and/or incorporation of more detail on the scope of the provision as follows. CIAL⁵³⁷ seeks amendments to highlight the need for the transport system to be developed that supports efficient and optimises outcomes for communities in Otago as well as just supporting movement, and be looking further into the future towards the outcomes which will be desirable across the lifetime of the plan.
956. DCC⁵³⁸ seeks to insert “low carbon” before the words “transport modes” and to add the words “powered by renewable energy” after them to increase clarity of the provision.
957. Waka Kotahi⁵³⁹ seeks to delete the following words “and is adaptable to changes in demand” at the end of the sentence.
958. Wise Response⁵⁴⁰ seeks amendments to the provision by adding the following text to “The transport system within Otago”: “schedules low carbon modes and options for public transport that are designed to synchronize and integrate efficiently as a seamless and low – cost system to encourage use.” And to also add “Provides high quality bus shelters throughout the region and public transport options that are timed for convenience and travelling flexibility”.

11.7.4.3. Analysis

959. I consider that that submissions by CODC, DOC, Federated Farmers and Horticulture NZ seeking that the provision be retained as notified should be accepted, subject to modifications arising from other submissions.

⁵³⁴ 00201.032 CODC, 00137.113 DOC, 00239.132, Federated Farmers 00236.083 and 00321.063 Horticulture NZ

⁵³⁵ 0018.051 Maryhill Limited and 00014.051 Mt Cardrona Station

⁵³⁶ 00138.127 QLDC

⁵³⁷ 00307.025 CIAL

⁵³⁸ 00139.175 DCC

⁵³⁹ 00305.036 Waka Kotahi

⁵⁴⁰ 00509.100 Wise Response

960. I do not agree with the submission by Maryhill Limited and Mt Cardrona Station who provide some alternative wording for the provision. I consider the matters raised are addressed in part in the LF and UFD chapters. Further the wording does not constitute an objective. I recommend rejecting the submission.
961. I do not agree with the QLDC submission seeking amendment to the provision to use the word “enable” instead of “support”. I consider that the use of current wording “support” is better terminology for a transport network policy. I recommend rejecting the submission.
962. I do not agree with the CIAL submissions seeking clarification and/or incorporation of more detail on the scope of the objective. I consider that the matters are partly addressed by EIT-TRAN-O7 and in policies and provisions. Further it is not clear what relief is sought. I recommend rejecting the submission.
963. I do not agree with the DCC submission which seeks to make the provision more specific. I consider the matters are broadly addressed by EIT-TRAN-O9 and implemented through EIT-TRAN-P22. I recommend rejection of the submission.
964. I do not agree with the Waka Kotahi request to delete the words: “and is adaptable to changes in demand”. I consider the amendment detracts from the Objective by removing a fundamental dynamic of the transport system. I recommend rejection of the submission.
965. I do not agree with the Wise Response submission. I consider that the changes are matters appropriate to a regional land transport plan not an objective with the pORPS under the RMA. I recommend rejection of the submission.

11.7.4.4. Recommendation

966. I do not recommend any amendments

11.7.5. EIT-TRAN-O9 – *Effects of the transport system*

11.7.5.1. Introduction

967. As notified, EIT-TRAN-O9 reads:

EIT-TRAN-O9 – *Effects of the transport system*

The contribution of transport to Otago’s *greenhouse gas* emissions is reduced and communities are less reliant on fossil fuels for transportation.

11.7.5.2. Submissions

968. CIAL, DOC, DCC and QLDC⁵⁴¹ seek that this provision be retained as notified, with CODC⁵⁴² supporting the provision in principle subject to it providing for increased opportunities

⁵⁴¹ 00307.026 CIAL, 00137.114 DOC, 00139.176 DCC, 00138.128 QLDC

⁵⁴² 00201.033 CODC

for passive transport and commenting that they are unsure of viability for some parts of central Otago.

969. Four submissions sought clarification amendments and/or incorporation of more detail on provision coverage. Federated Farmers⁵⁴³ seek to insert the words “A long-term goal for the Otago region is that” at the start of the sentence.
970. Te Waihanga⁵⁴⁴ seeks to significantly strengthen this objective to direct significant and meaningful reductions in greenhouse gas emissions associated with transport in order to meet the 2050 Target.
971. Waka Kotahi⁵⁴⁵ seeks amendment of the objective to recognise and encourage higher density living in existing urban areas close to commercial centres.
972. Wise Response⁵⁴⁶ seeks to insert the words “in line with national and regional goals” in the objective after “The contribution of transport to Otago’s *greenhouse gas* emissions is reduced”.

11.7.5.3. Analysis

973. I recommend that submissions from CIAL, DOC, DCC and QLDC seeking that this provision be retained as notified should be accepted.
974. CODC submitted that they supported the provision in principle subject to it providing for increased opportunities for passive transport. They also commented that they were unsure of the viability of the transport system for some parts of central Otago but did not seek any specific relief. I consider that this submission is in general supportive of the provision and that no amendments are necessary as none are sought. I recommend accepting the submission.
975. I do not agree with the Federated Farmers submission, which seeks to add “A long-term goal for the Otago region is that” at the start of the provision. I consider that this type of qualification is not consistent with good objective drafting practice. I recommend rejecting the submission.
976. Te Waihanga seeks to significantly strengthen this objective to direct significant and meaningful reductions in greenhouse gas emissions associated with transport to meet the 2050 Target. I consider the text provided in the submission is not an objective, rather it is a policy or method. I recommend rejecting this submission. I also note that the recommended amendment to EIT-TRAN-O7 clause (3) may address the Te Waihanga submission in part.
977. I do not agree with the Waka Kotahi submission. I consider the amendment relates to urban development with respect to the UD Chapter. I recommend rejection of the submission.

⁵⁴³ 00239.133 Federated Farmers

⁵⁴⁴ 00321.064 Te Waihanga

⁵⁴⁵ 00305.037 Waka Kotahi

⁵⁴⁶ 00509.101 Wise Response

978. I do not agree with the submission from Wise Response, which seeks to amend the objective to refer to national and regional goals for greenhouse gas emissions. I consider that this is not appropriate for several reasons: it is not clear which goals are being referred to, greenhouse gas emission targets are not specific to regional transport, and further that this kind of approach would be considered more appropriate for an AER. I recommend rejection of the submission.

11.7.5.4. Recommendation

979. I do not recommend any amendments.

11.7.6. EIT-TRAN-O10 – Commercial Port Activities

11.7.6.1. Introduction

980. As notified, EIT-TRANS-O10 reads:

EIT-TRAN-O10 – Commercial port activities

Commercial port activities operate safely and efficiently, and within environmental limits.

11.7.6.2. Submissions

981. Ravensdown and the Fuel Companies⁵⁴⁷ seek that this provision be retained as notified.

982. DOC⁵⁴⁸ seeks that the provision be retained in principle subject to incorporation of the following “and in accordance with other requirements” after the end of the sentence “and within environmental limits”.

983. Three submissions seek amendments to the reference to “environmental limits”.

- a. Te Waihangā⁵⁴⁹ seeks that the reference be deleted, or a definition be provided in the manner set out by the submitter’s submission on EIT-INF-O4.
- b. Forest and Bird⁵⁵⁰ seeks clarification on the definition of environmental limits.
- c. Port Otago⁵⁵¹ seeks to delete the reference to “and within environmental limits” at the end of the sentence.

984. DCC⁵⁵² seeks amendment of this objective or inclusion of a new objective to include airport activities.

⁵⁴⁷ 00121.073 Ravensdown, 00510.044 The Fuel Companies

⁵⁴⁸ 00137.115 DOC

⁵⁴⁹ 00321.065 Te Waihangā

⁵⁵⁰ 00230.132 Forest and Bird

⁵⁵¹ 00301.043 Port Otago

⁵⁵² 00139.177 DCC

11.7.6.3. Analysis

985. I agree with submissions from Ravensdown and the Fuel Companies seeking that this provision be retained as notified and recommend that they should be accepted.
986. I agree with the DOC submission in part with respect to their support for the provision in principle. I do not agree with the requested amendment because I consider it is not necessary and lacks the clarity necessary to be further considered. I recommend rejecting this part of the submission.
987. Three submissions seek amendments to the reference to “environmental limits”. The matter of “environment limits” has been addressed in some detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of “environmental limit” and retaining the reference this objective on that basis.
988. I do not agree with the submission by DCC seeking amendment of this objective or inclusion of a new objective to include airport activities. I consider this provision is required to address the function of commercial port activities in conjunction with the requirements of the NZCPS. I further consider that matters related to airport activities are appropriately addressed within the EIT-INF subchapter.

11.7.6.4. Recommendation

989. I do not recommend any amendments.

11.7.7. EIT-TRAN-P18 – Integration of the transport system

11.7.7.1. Introduction

990. As notified, EIT-TRANS-P18 reads:

EIT–TRAN–P18 – Integration of the transport system

The transport system contributes to the social, cultural and economic well-being of the people of Otago through:

- (1) integration with *land* use activities and across transport modes, and
- (2) provision of transport *infrastructure* that enables service delivery as demand requires.

11.7.7.2. Submissions

991. DOC, Horticulture NZ, and the Te Waihangā⁵⁵³ seek that this provision be retained as notified.
992. CODC⁵⁵⁴ seeks to support the provision subject to the following wording being included, “integration of transport and land use that provides for the social, cultural, and economic well-being of communities.”

⁵⁵³ 00137.116 DOC, 00236.084 Horticulture NZ, 00321.066 Te Waihangā

⁵⁵⁴ 00201.034 CODC

993. Maryhill Limited and Mt Cardrona Station⁵⁵⁵ seek recognition to “Ensure traffic and transport upgrade requirements do not unnecessarily restrict appropriate development and the supply of housing and other social outcomes, where a solution to transport can be found in the future, or where adverse effects on a transport network can be appropriately managed, and subdivision and land use should be able to proceed where private vehicle use is appropriate and necessary”.
994. Waka Kotahi⁵⁵⁶ seeks to refocus the provision onto land use as follows:
“Land uses contribute to the social, cultural and economic wellbeing of the people of Otago through integration with transport activities including across
(1) all transport modes; and
(2) the provision of transport connections that enable service delivery”
995. Three submissions seek clarification amendments and/or incorporation of more detail on the scope of the provision. QLDC⁵⁵⁷ seeks clarification on whether the proposed definition of *Public Transport* limits the application of this policy to existing and planned public transport services only. They also seek clarification or guidance on what “planned” service means in the proposed definition of Public Transport.
996. DCC⁵⁵⁸ seeks amendments to include environmental well-being and to remove the language “as demand requires”. They also seek to add a new clause: “(2) By promoting the safe and efficient travel by active modes and public transportation”.
997. Federated Farmers⁵⁵⁹ seek the following amendments inserting the words “and communities” after “people” and before “of Otago” in the chapeau. They also seek to insert the word “efficient” before the words “service delivery” in clause (2).

11.7.7.3. Analysis

998. I agree with submissions from DOC, Horticulture NZ, and Te Waihanga seeking that this provision be retained as notified. I recommend that they should be accepted, subject to modifications arising from other submissions.
999. I agree with Federated Farmers submission seeking amendments. I consider that these clarify the provision. I recommend accepting the amendments by inserting the words “and communities” after “people” and before “of Otago” in the chapeau; and inserting the word “efficient” before the words “service delivery” in clause (2).
1000. I do not agree with the CODC submission to include an additional reference to “transport” in clause (1). I consider this amendment is redundant given the existing reference in the chapeau to transport. I recommend this submission be rejected.

⁵⁵⁵ 00118.052 Maryhill Limited and 00014.052 Mt Cardrona Station

⁵⁵⁶ 00305.046 Waka Kotahi

⁵⁵⁷ 00138.129 QLDC

⁵⁵⁸ 00139.180 DCC

⁵⁵⁹ 00239.134 Federated Farmers

1001. I do not agree with the Maryhill Limited and Mt Cardrona Station requests. As stated above (under EIT-TRAN-O8) I consider the matters raised are addressed in the LF and UFD chapters. I recommend rejecting this submission.
1002. I do not agree with Waka Kotahi request to substantially refocus the provision to primarily address land use considerations. However, I do agree with their concerns discussed in their reason that the words “as demand requires” could be interpreted to imply there is an obligation placed on Waka Kotahi, as a land transport provider, to provide further infrastructure as demand requires. I consider this reference should be replaced with “in response to demand” which would normally be the case in Waka Kotahi decision making. I also note the insertion of “efficient” into clause (2) arising from the recommendation in response to the Federated Farmers submission complements this amendment. Accordingly, I recommend deletion from clause (2) of the words “as demand requires” and their replacement with “in response to demand”.
1003. I do not agree with the QLDC submission that the provision requires clarification on whether the proposed definition of Public Transport limits the application of this policy to existing and planned public transport services only, and clarification or guidance on what “planned” service means in the proposed definition of Public Transport. I consider the provision is clear in that it establishes a broadly applicable direction for transport generally. I note also the matter of public transport is addressed further at EIT-TRAN-P20. I recommend rejecting this submission.
1004. I agree in part with the DCC submission. I do not agree with the need to include reference to environmental well-being in this provision as environmental considerations are already well covered in the EIT-INF sub-chapter. I do agree with the submission to delete reference to “as demand requires” as has been already discussed and addressed in response to the Waka Kotahi submission above. I do not agree with the submission to add a new sub-clause in relation to promoting safe and efficient travel by active modes and public transportation. I consider this matter is addressed at EIT-TRAN-P19 (2). I recommend rejecting this part of the submission

11.7.7.4. Recommendations

1005. I recommend amending EIT-TRAN-P18 as follows:

EIT-TRAN-P18 – Integration of the transport system

The transport system contributes to the social, cultural and economic well-being of the people and communities⁵⁶⁰ of Otago through:

- (1) integration with *land* use activities and across transport modes, and
- (2) provision of transport *infrastructure* that enables efficient⁵⁶¹ service delivery in response to demand ~~as demand requires~~.⁵⁶²

⁵⁶⁰ 00239.134 Federated Farmers

⁵⁶¹ 00239.134 Federated Farmers

⁵⁶² 00305.046 Waka Kotahi

11.7.8. EIT-TRAN-P19 – Transport System Design

11.7.8.1. Introduction

1006. As notified, EIT-TRANS-P19 reads:

EIT-TRAN-P19 – Transport system design

Resilience and adaptability of the transport system supports efficient networks for the transport of people and goods that are sustained and improved by:

- (1) promoting a consolidated urban form that integrates *land* use activities with the transport system,
- (2) placing a high priority on *active transport* and *public transport* and their integration into the design of development and transport networks, and
- (3) encouraging improved access to public spaces, including the *coastal marine area, lakes and rivers*.

11.7.8.2. Submissions

1007. CIAL, DOC, Ministry of Education, Te Waihangā and Ravensdown⁵⁶³ seek that this provision be retained as notified.

1008. DCC⁵⁶⁴ seeks amendments to have the policy read more like a policy recommending text for example: “Require upgrades and additions to the transport system to be designed to promote improved sustainability, resilience and adaptability in the transport system by: (1) Designing the transport system to support active transportation...”; and suggests removing content about promoting a consolidated urban form as this is not consistent with the purpose of this policy.

1009. Maryhill Limited and Mt Cardrona Station⁵⁶⁵ seek to ensure traffic and transport upgrade requirements do not unnecessarily restrict appropriate development and the supply of housing and other social outcomes, where a solution to transport can be found in the future, or where adverse effects on a transport network can be appropriately managed. Subdivision and land use should be able to proceed where private vehicle use is appropriate and necessary.

1010. Four submissions seek clarification amendments and/or incorporation of more detail on the scope of the policy. QLDC⁵⁶⁶ seeks to include a reference to “catering for growth”. Waka Kotahi⁵⁶⁷ seeks clarification of the intent of the policy regarding obligations for

⁵⁶³ 00307.027 CIAL, 00137.117 DOC, 00421.005 Ministry of Education, 00321.067 Te Waihangā and 00121.074 Ravensdown

⁵⁶⁴ 00139.181 DCC

⁵⁶⁵ 00118.053 Maryhill Limited, 00118.053 Mt Cardrona Station

⁵⁶⁶ 00138.130 QLDC

⁵⁶⁷ 00305.047 Waka Kotahi

the provision of an adaptable transport system. Trojan⁵⁶⁸ and Wayfare⁵⁶⁹ seek to amend clause (3) by adding “and key visitor destinations” as follows:

“(3) encouraging improved access to public spaces, including the coastal marine area, lakes and rivers and key visitor destinations.”

1011. Wayfare⁵⁷⁰ also seek to add “and passenger transport” as one of the priorities identified in clause (2).

11.7.8.3. Analysis

1012. I agree with the submissions of CIAL, DOC, Ministry of Education, Te Waihangā and Ravensdown, that seek this provision to be retained as notified. I recommend that they should be accepted, subject to modifications arising from other submissions.

1013. I do not agree with the DCC submission. I consider the amendments are presented as a method. I also consider the content with respect to consolidating urban form is consistent with transport design in the context of setting a framework for efficient networks, resilience and adaptability which is the purpose of the policy. I recommend rejecting the submission.

1014. I do not agree with the Maryhill Limited and Mt Cardrona Station submissions. As previously considered for this submitter under EIT-TRAN-08 I consider the matters raised are addressed in the LF and UFD chapters. I recommend rejecting this submission.

1015. I agree in part with the QLDC submission seeking to include a reference to “catering for growth”. I consider that this is an important design consideration that improves the functionality of the provision. I recommend accepting the submission, subject to modification of the wording to “and responsive to growth” to be added to the end of the chapeau together with consequential syntax amendments.

1016. I agree in part with the Trojan and Wayfare submissions concerning inclusion of references in clause (3) to key visitor destinations transport connectivity. However, I consider the transport connectivity more generally is more relevant to this provision with key visitors being part an important part of that. I recommend adding “, and regional connectivity including key visitor destinations” at the end of clause (3) together with consequential syntax amendments.

1017. I do agree in part with the Wayfare part of submission. . I consider this submission has been addressed in response to the Trojan submission above. I do not agree with the part of the Wayfare submission seeking amendment to clause (2) to include “passenger transport” as a high priority. I consider the term “passenger transport” to be unclear as it potentially could include any form of transport that convey passengers and if so, its inclusion would mitigate against making active travel and public transport a priority as intended. I recommend rejection of this part of the submission.

⁵⁶⁸ 00206.052 Trojan

⁵⁶⁹ 00411.066 Wayfare

⁵⁷⁰ 00411.066 Wayfare

1018. I do not agree with the Waka Kotahi request for clarification of the intent of the policy. I consider that the policy with respect to submission here is clear subject, which is to promote, prioritise and encourage, rather than establish obligations. I recommend rejection of the submission.

11.7.8.4. Recommendations

1019. I recommend amendment of EIT-TRAN-P19 as follows:

EIT-TRAN-P19 – Transport system design

Resilience and adaptability of the transport system supports efficient networks for the transport of people and goods that are sustained, ~~and~~ improved, and responsive to growth⁵⁷¹ by:

- (1) promoting a consolidated urban form that integrates *land* use activities with the transport system,
- (2) placing a high priority on *active transport* and *public transport* and their integration into the design of development and transport networks, and
- (3) encouraging regional connectivity, including to key visitor destinations, and⁵⁷² improved access to public spaces, including the *coastal marine area, lakes and rivers*.

11.7.9. EIT-TRAN-P20 – Public Transport

11.7.9.1. Introduction

1020. As notified, EIT-TRAN-P20 reads:

EIT-TRAN-P20 – Public transport

Plans and proposals for maintenance and development of the transport system enhance the uptake of *public transport* by:

- (1) providing safe and reliable alternatives to private vehicle transport,
- (2) including measures to ensure pedestrian and cyclist safety and amenity, and
- (3) taking into consideration the accessibility needs of the community.

11.7.9.2. Submissions

1021. CIAL, DOC, the Ministry of Education and the Te Waihanga⁵⁷³ seek that the provision be retained as notified.

1022. CODC⁵⁷⁴ also supports the provision in principle but is unsure of public transport viability in some parts of Central Otago.

⁵⁷¹ 00138.130 QLDC

⁵⁷² 00206.052 Trojan, 00411.066 Wayfare

⁵⁷³ 00307.028 CIAL 00137.118 DOC, 00421.006 Ministry of Education, 00321.068 Te Waihanga

⁵⁷⁴ 00201.035 CODC

1023. DCC, QLDC and Waka Kotahi seek clarification amendments and/or incorporation of more detail on the scope of the provision as follows:
- DCC⁵⁷⁵ seeks redrafting of the provision so it is clearer how and through what methods this provision is to be implemented.
 - QLDC⁵⁷⁶ seeks an amendment to clause (1), replacing “alternatives to private vehicle transport” with the words “active and public transport networks”
 - Waka Kotahi⁵⁷⁷ seeks to emphasise that developments are designed to encourage the outcomes sought in (1) to (3).

11.7.9.3. Analysis

1024. I agree with submissions of CIAL, DOC, the Ministry of Education and the Te Waihanga seeking that this provision be retained as notified. I recommend that they should be accepted, subject to modifications arising from other submissions.
1025. I agree with the CODC submission which seeks to support the provision in principle. However, in relation to the additional comments about the uncertainty of public transport viability in some parts of Central Otago I am not clear whether the submission is seeking amendment and if so, exactly what relief is sought. Accordingly, I recommend accepting the submission in part as support for the provision to be retained as notified.
1026. I do not agree with DCC submission seeking clarification of the provision and an indication of methods of implementation. I consider the reference to “Plans and proposals for maintenance” is a method and should be removed from the policy provision to improve clarity in relation to the policy intent. I also consider that methods are addressed in EIT-TRAN-M9 (District Plans). I recommend accepting this submission by deletion of the reference “~~Plans and proposals for Maintenance and....~~”
1027. I do not agree with the QLDC submission seeking an amendment to replace reference to “alternatives to private vehicle transport” with- “active and public transport” in clause (1). I consider that this amendment would change the intent of the provision to move away from private vehicle transport without being prescriptive, to provision of two alternatives only. I recommend rejection of the submission.
1028. I agree in part with the Waka Kotahi submission which seeks to emphasise the role of developments in achieving the outcomes sought in (1) to (3) in the policy. To address the submission, I consider the wording at the beginning of the policy “Plans and proposals” add little to the policy and recommend their deletion together with the addition of the word “enhances”. However, I do not agree with the proposals to refocus the policy only on development, rather than applying the policy to all parts of the transport system. This would result in the policy potentially not applying to delivery by infrastructure providers and limit the application of the policy. I recommend rejection of this part of the submission.

⁵⁷⁵ 00139.182 DCC

⁵⁷⁶ 00138.131 QLDC

⁵⁷⁷ 00305.048 Waka Kotahi

11.7.9.4. Recommendations

1029. I recommend amendment of EIT-TRAN-P20 as follows:

EIT-TRAN-P20 – Public transport

~~Plans and proposals for m~~Maintenance and development of the transport system ~~enhance~~ enhances⁵⁷⁸ the uptake of *public transport* by:

- (1) providing safe and reliable alternatives to private vehicle transport,
- (2) including measures to ensure pedestrian and cyclist safety and amenity, and
- (3) taking into consideration the accessibility needs of the community.

11.7.10. EIT-TRAN-P21 – Operation of the transport system

11.7.10.1. Introduction

1030. As notified, EIT-TRAN-P21 reads:

EIT-TRAN-P21 – Operation of the transport system

The efficient and effective operation of the transport system is maintained by:

- (1) avoiding adverse *effects* of activities on the functioning of the transport system,
- (2) avoiding the impacts of incompatible activities, including those that may result in reverse sensitivity *effects*,
- (3) avoiding development that forecloses an opportunity to adapt, upgrade or develop the transport system to meet future transport demand,
- (4) promoting the development and use of transport hubs that enable an efficient transfer of goods for transport and distribution across different freight and people transport modes,
- (5) promoting methods that provide more efficient use of, or reduce reliance on, private motor vehicles, including ridesharing, park and ride facilities, demand management and alternative transport modes, and
- (6) encouraging a shift to using renewable energy sources.

11.7.10.2. Submissions

1031. CIAL, DOC, DIAL and the Te Waihangā⁵⁷⁹ seek that this provision be retained as notified.

1032. DCC⁵⁸⁰ seeks the following amendments:

⁵⁷⁸ 00305.048 Waka Kotahi

⁵⁷⁹ 00307.029 CIAL, 00137.119 DOC, 00316.011 DIAL, 00321.069 Te Waihangā

⁵⁸⁰ 00139.183 DCC

- remove use of “avoid” and replace with “mitigate” or “minimise as far as practicable”,
- use a stronger term than “promote/encourage” in clauses (4), (5) and (6),
- amend clauses (1) to (5) as follows:

“(1) ~~avoiding or mitigating~~ adverse effects of activities on the functioning of the transport system,”

“(2) ~~avoiding the impacts of incompatible activities, including those that may result in reverse sensitivity effects, managing the location of incompatible activities, including those that may result in reverse sensitivity effects,~~”

“(3) ~~avoiding development that forecloses an opportunity to adapt, upgrade or develop the transport system to meet future transport demand, controlling development that may foreclose an opportunity to adapt, upgrade or develop the transport system to meet future transport demand,~~”

“(4) ~~promoting the development and use of transport hubs that enable an efficient transfer of goods for transport and distribution across different freight and people transport modes, enabling the development and use of transport hubs that enable an efficient transfer of goods for transport and distribution across different freight and people transport modes,~~”

“(5) ~~promoting methods that provide more efficient use of, or reduce reliance on, private motor vehicles, including ridesharing, park and ride facilities, demand management and alternative transport modes, and enabling ridesharing, park and ride facilities, bus hubs, bicycle facilities or other facilities that support reduce use of private motor vehicles and the use of alternative transport modes requiring high trip generating activities to consider demand management methods.~~”

1033. Maryhill Limited and Mt Cardrona Station⁵⁸¹ seek to ensure traffic and transport upgrade requirements do not unnecessarily restrict appropriate development and the supply of housing and other social outcomes, where a solution to transport can be found in the future, or where adverse effects on a transport network can be appropriately managed. Subdivision and land use should be able to proceed where private vehicle use is appropriate and necessary.
1034. Two submissions seek clarification amendments and/or incorporation of more detail on the scope of the provision. QLDC⁵⁸² seeks more specificity about how the outcomes will be achieved. Waka Kotahi⁵⁸³ seeks clarification of the intent of the provision regarding obligations for providing of a functional land transport system, including transport modes.

⁵⁸¹ 00118.054 Maryhill Limited, 00014.054 Mt Cardrona Station

⁵⁸² 00138.132 QLDC

⁵⁸³ 00305.049 Waka Kotahi

11.7.10.3. Analysis

1035. I agree with the submissions from CIAL, DOC, DIAL and the Te Waihanga, who seek that this provision be retained as notified. I recommend that they should be accepted, subject to modifications arising from other submissions.
1036. I agree in part with DCC submission seeking a number of amendments. I do not agree with the amendment to use a stronger term than “promote/encourage” in clauses (4), (5) and (6). I consider that the terminology in this policy needs to be consistent with the rest of the pORPS, which uses a standard range of terminology. Accordingly, I recommend rejection of this part of the submission.
1037. In relation to DCC requests specific to each clause I set out my considerations below:
- I agree with the proposed amendment to clause (1) to insert the words “or mitigating” after “avoiding”. I consider there is a need for decision-makers to have the option of either avoidance or mitigation of adverse effects, recognising that in some circumstances, avoidance of adverse effects may not be possible (for example, an increase in travel times may result from a development which is an adverse effect, but it might be acceptable). I recommend accepting this part of the submission.
 - I do not agree with the proposed amendment to clause (2). I consider addressing incompatible activities to be essential to operation of the transport system. I recommend rejecting this part of the submission.
 - I do not agree with the proposed amendment to clause (3). Again, I consider addressing incompatible activities to be essential to operation of the transport system. I recommend rejecting this part of the submission.
 - I do not agree with the proposed amendment to clause (4) replacing the words “promoting the development and use of transport hubs that enable an efficient transfer of goods for transport and distribution across different freight and people transport modes,” with “enabling the development and use of transport hubs that enable an efficient transfer of goods for transport and distribution across different freight and people transport modes,”. I consider that the wording “promote”, is more active than just enabling. I recommend rejecting this part of the submission.
 - I do not agree with the requested deletion in clause (5). I consider this amendment would change the intended focus away from efficiency and demand management considerations in the chapeau. I recommend rejecting this part of the submission.
 - I agree with the part of the submission identifying a number of facilities that could usefully be included in the list on the basis that this contributes to the purpose and clarity of clause (5). I recommend the following be inserted into clause (5): “bus hubs, bicycle facilities”.
1038. I do not agree with the requests by Maryhill Limited and Mt Cardrona Station who seek to ensure that traffic and transport upgrade requirements do not unnecessarily restrict development. As stated previously (under EIT-TRAN-O8) I consider the matters raised are addressed in the LF and UFD chapters. I recommend rejecting this submission.

1039. I do not agree with QLDC submission seeking more specificity about how the outcomes will be achieved. This is set out in the methods which require implementation through district plans. I recommend rejection of the submission.

1040. I do not agree with Waka Kotahi submission. I consider this provision is directed towards operational matters and not 'providing for' the transport system. I recommend rejection of the submission.

11.7.10.4. Recommendations

1041. I recommend amendments to EM-TRAN-P21 as follows:

EIT-TRAN-P21 – Operation of the transport system

The efficient and effective operation of the transport system is maintained by:

- (1) avoiding or mitigating⁵⁸⁴ adverse *effects* of activities on the functioning of the transport system,
- (2) avoiding the impacts of incompatible activities, including those that may result in reverse sensitivity *effects*,
- (3) avoiding development that forecloses an opportunity to adapt, upgrade or develop the transport system to meet future transport demand,
- (4) promoting the development and use of transport hubs that enable an efficient transfer of goods for transport and distribution across different freight and people transport modes,
- (5) promoting methods that provide more efficient use of, or reduce reliance on, private motor vehicles, including ridesharing, park and ride facilities, bus hubs, bicycle facilities,⁵⁸⁵ demand management and alternative transport modes, and
- (6) encouraging a shift to using renewable energy sources.

11.7.11. EIT-TRAN-P22 – Sustainable transportation

11.7.11.1. Introduction

1042. As notified, EIT-TRANS-P22 reads:

EIT-TRAN-P22 – Sustainable transportation

Sustainable transport networks that enhance the uptake of new technologies and reduce reliance on fossil fuels are developed throughout Otago.

⁵⁸⁴ 00139.183 DCC

⁵⁸⁵ 00139.183 DCC

11.7.11.2. Submissions

1043. CIAL, DIAL and DOC ⁵⁸⁶ seek that this provision be retained as notified, with Te Waihanga⁵⁸⁷ also supporting the provision but noting it could be consolidated with other policies.
1044. Waka Kotahi⁵⁸⁸ seeks that the provision be revised to “Recognise that land use and development activities can also enhance the sustainability of transport networks through the provision of new technologies and contribute towards a reduction in reliance on fossil fuels”
1045. DCC⁵⁸⁹ seeks to amend to give clearer policy direction as they suggest that it currently reads like an objective.
1046. QLDC⁵⁹⁰ seeks clarification as to which new technologies will be supported.

11.7.11.3. Analysis

1047. I agree with submissions of CIAL, DOC, Te Waihanga and DIAL seeking this provision be retained as notified. I recommend that they should be accepted, subject to modifications arising from other submissions.
1048. I do not agree with the Waka Kotahi request to revise the focus of the policy as detailed above. I consider the proposed amendment detracts from the provision by narrowing its focus to land use. I recommend rejection of the submission.
1049. I agree with the DCC submission seeking to amend to the wording of the policy to provide clearer direction. For this to be given effect I recommend rewording of the provision by inserting “Enable the development of sustainable” and deleting “Sustainable” and “are developed”.
1050. I do not agree with the QLDC submission, seeking clarification of which technologies will be supported is noted. I consider that this would be unnecessarily restrictive as the intent of the policy is to provide broad direction. I recommend not accepting the submission.

11.7.11.4. Recommendation

1051. I recommend amendments to EM-TRAN-P22 as follows:

EIT-TRAN-P22 – Sustainable transportation

Enable the development of sSustainable transport networks that enhance the uptake of new technologies and reduce reliance on fossil fuels ~~are developed~~ throughout Otago.⁵⁹¹

⁵⁸⁶ 00307.030 CIAL, 00316.011 DIAL, 00321.070 Te Waihanga,00137.120 DOC

⁵⁸⁷ 00321.069 Te Waihanga

⁵⁸⁸ 00305.050 Waka Kotahi

⁵⁸⁹ 00139.184 DCC

⁵⁹⁰ 00138.133 QLDC

⁵⁹¹ 00139.184 DCC

11.7.12. EIT-TRAN-P23– *Commercial Port Activities*

11.7.12.1. Introduction

1052. As notified, EIT-TRANS-P23 reads:

EIT–TRAN–P23 – *Commercial port activities*

Recognise the national and regional significance of the *commercial port activities* associated with the ports at Port Chalmers and Dunedin (respectively) by:

- (1) within environmental limits as set out in Policies CE–P3 to CE–P12, providing for the efficient and safe operation of these ports and efficient connections with other transport modes,
- (2) within the environmental limits set out in Policies CE–P3 to CE–P12, providing for the development of the ports’ capacity for national and international shipping in and adjacent to existing port activities, and
- (3) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes.

11.7.12.2. Submissions

1053. DCC and the Fuel Companies⁵⁹² seek that this provision be retained as notified.

1054. Port Otago⁵⁹³ seeks to replace the provision with a new policy that is generally consistent with the outcome sought through the current Port Otago appeals on the previous RPS before the Court of Appeal, using the following or similar to give effect:

“Recognise the functional needs of commercial port activities at Port Chalmers and Dunedin and manage their effects by:

- 1) ensuring that other activities in the coastal environment do not adversely affect commercial port activities,
- 2) providing for the efficient and safe operation of these ports and effective connections with other transport modes,
- 3) providing for the development of those ports' capacity for national and international shipping in and adjacent to existing commercial port activities,
- 4) if any of the policies in this regional policy statement that require avoidance of adverse effects on areas having significant or outstanding values cannot be implemented while providing for the safe and efficient operation of commercial port activities then, consider through a resource consent process, whether adverse effects are caused by safety considerations which are paramount or by transport efficiency

⁵⁹² 00139.185 DCC, 00510.045 The Fuel Companies

⁵⁹³ 00301.044 Port Otago

considerations and determine whether consent should be granted notwithstanding the adverse effects, with that consent having sufficient conditions to ensure the adverse effects on the protected areas are the minimum possible (through adaptive management or otherwise), and

5) in respect of nationally significant surf breaks avoid, remedy or mitigate the adverse effects.”

1055. Four submissions sought clarification amendments and/or incorporation of more detail on the provision. DOC⁵⁹⁴ seeks clauses (1) and (2) to be amended inserting “and in accordance with other requirements” after “within environmental limits” and before “as set out in Policies CE – P3 to CE – P12...”
1056. Te Waihanga⁵⁹⁵ seeks revision of the policy to enable greater consideration of the need to provide for the efficient and safe development and operation of commercial port activities, as well as the considerations in CE – P3 to CE – P12.
1057. Ravensdown⁵⁹⁶ seeks recognition of Ravensbourne in this provision as follows: “Recognise the national and regional significance of the commercial port activities associated with the ports at Port Chalmers, Ravensbourne and Dunedin (respectively) by: ...”
1058. Forest and Bird⁵⁹⁷ seeks definition of what is meant by environmental limits.

11.7.12.3. Analysis

1059. I agree with DCC and the Fuel Companies submissions seeking that this provision be retained as notified. I recommend that they should be accepted, subject to modifications arising from other submissions.
1060. I do not agree with the Port Otago submission seeking to replace the provision with a new policy that is generally consistent with the outcome sought through the current Port Otago appeals on the previous RPS. I consider that the Port must give effect to the NZCPS as it relates to the “bottom line” policies in Policies 11, 13, 15 and 16. I recommend rejecting this submission.
1061. I do not agree with the DOC submission to amend clauses (1) and (2) by inserting the words “and in accordance with other requirements”. I consider the amendment lacks clarity. Further if there were other requirements these would need to be addressed so the addition is redundant. I recommend rejecting the submission.
1062. I do not agree with the Te Waihanga submission seeking revision of the policy to enable greater consideration of the need to provide for the efficient and safe development and operation of commercial port activities, as well as the considerations in CE – P3 to CE – P12. I refer to my assessment above which notes the need to give effect to the NZCPS. I recommend the submission be rejected.

⁵⁹⁴ 00137.121 DOC

⁵⁹⁵ 00321.071 Te Waihanga

⁵⁹⁶ 00121.075 Ravensdown

⁵⁹⁷ 00230.133 Forest and Bird

1063. I do not agree with the Ravensdown submission. I rely on the consideration of this matter with respect to Ravensdown's submission to be included with the definition of *Commercial Port Activities*. In that consideration it was concluded that the Ravensdown works site is primarily a manufacturing facility, with an attached wharf on lease from Port Otago exclusively as an adjunct, and incidental to its principal commercial manufacturing activity – and was not conducting commercial port activities in the context of the definition and the pORPS. I recommend rejecting this submission. I recommend rejecting this submission.

1064. In relation to the submission of Forest and Bird submission seeking definition of what is meant by environmental limits this has been addressed in some detail in the Part 1 - Introduction Section of the S42

11.7.12.4. Recommendation

1065. I do not recommend any amendments.

11.7.13. New Policy

11.7.13.1. Submissions

1066. DCC⁵⁹⁸ seeks to add a new linking policy, similar to CE – P1 Links with other chapters.

11.7.13.2. Analysis

1067. I agree in part with with the DCC submission which seeks to add a new linking policy, similar to CE – P1 Links with other chapters. I consider this has been addressed, through cross referencing within the subchapter, in particular within EIT-INF-P13, and with a new provision EIT-INF-P13A providing a clear link with the CE chapter. I do not consider any further amendments are required.

11.7.13.3. Recommendation

1068. I do not recommend a new policy.

11.7.14. EIT-TRAN-M7– Regional Plans

11.7.14.1. Introduction

1069. As notified, EIT-TRANS-M7 reads:

EIT-TRAN-M7 – Regional plans

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

(1) provide for the development, operation, maintenance, or upgrade of the transport system that:

(a) is within the *beds of lakes and rivers* or the *coastal marine area*, or

⁵⁹⁸ 00223.113 Ngāi Tahu ki Murihiku

- (b) involves the taking, use, damming or diversion of *water* and *discharge* of *water* and *contaminants*,
- (2) manage the adverse *effects* of *infrastructure* activities that:
 - (a) provide for the establishment of transport *infrastructure* that supports modes of transport that are not reliant on fossil fuels, and
 - (b) include policies and methods that provide for the *commercial port activities* associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin, and
- (3) within environmental limits, facilitate the safe and efficient operation and development of *commercial port activities* at Port Chalmers and Dunedin. This includes previously approved *resource consents* for the following activities in the coastal development area mapped in MAP2:
 - (a) dredging of Otago lower harbor (to 17.5m for entrance channel, and 14.5m through to Port Chalmers),
 - (b) dredging of Otago upper harbour to 10.5m,
 - (c) management of upper and lower harbour navigation beacons,
 - (d) *discharge* of dredging spoil to the disposal grounds at Heyward Point, Aramoana, Shelley Beach, and AO, and
 - (e) placement and use of scientific buoys.

11.7.14.2. Submissions

1070. Waka Kotahi and the Fuel Companies⁵⁹⁹ seek that the provision be retained as notified.
1071. DCC⁶⁰⁰ seeks to add the full range of methods required to implement the policy direction including by adding a new method in this section setting out the regional council’s role in providing public transportation services, and the actions to be taken by the regional council, as part of that function, to help achieve the objectives of the RPS.
1072. Port Otago⁶⁰¹ seeks to delete the chapeau of clause (2) ~~“manage the adverse effects of infrastructure activities that.”~~ They do not provide a replacement chapeau. They also seek to amend clause (3) as follows:
- “~~within environmental limits, facilitate the safe and efficient operation and development of commercial port activities at Port Chalmers and Dunedin~~ with the minimum practicable adverse effect on the environment, including. This includes previously approved resource consents for the following activities in the coastal development area mapped in MAP2”.*

⁵⁹⁹ 00305.055 Waka Kotahi, 00510.046 The Fuel Companies

⁶⁰⁰ 00139.186 DCC

⁶⁰¹ 00301.045 Port Otago

1073. Ravensdown⁶⁰² seeks to add Ravensbourne to the list of ports in sub-clause (2)(b) and clause (3).
1074. Forest and Bird⁶⁰³ seeks definition of what is meant by environmental limits.
1075. Port Otago⁶⁰⁴ seeks amendments to MAP2 to include the indicative position of Upper Harbour navigation beacons and to amend the legend on the map to advise that the position of all navigational beacons is “indicative only”.

11.7.14.3. Analysis

1076. I agree with Waka Kotahi and the Fuel Companies submissions seeking this provision be retained as notified. I recommend that they should be accepted, subject to modifications arising from other submissions.
1077. I do not agree with the DCC submission seeking to add the full range of methods required to implement the policy direction. I consider that these requested additional matters are addressed in the context of the EIT-TRAN-M9 (Regional Land Transport Plan) and its development. I recommend rejection of the submission.
1078. I agree in part with the Port Otago submission:
- I agree with the part of the submission seeking to delete the clause (2) chapeau. I consider these matters are addressed within the EIT-INF and CE Chapters. As a result of that amendment, I also consider and recommend a consequential amendment to delete sub-clause 2(a) is necessary.
 - I do not agree with the removal of the reference to “within environmental limits”. I consider the matter of “environment limits” has been addressed in some detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of “environmental limit” and retaining the reference where stated on that basis. I recommend rejecting this part of the submission.
 - I do not agree with the amendment to clause (3) to insert “with the minimum practicable adverse effect on the environment, including” and deleting “This includes previously approved resource consents for”. In relation to adverse effects, these are addressed in the CE Chapter, and any alternative approach would not give effect to the NZCPS. I recommend rejecting this part of the submission.
 - I agree with the Port Otago submission seeking amendments to MAP2 to include the indicative position of Upper Harbour navigation beacons, and to insert in the legend on map that the position of all navigational beacons is “indicative only”. I consider the proposal will provide clarity in relation to MAP2. I recommend accepting the submission.
1079. I do not agree with the Ravensdown submission seeking to add Ravensbourne to the list of ports in sub-clause (2) (b) and clause (3). I rely on the consideration of this matter with respect to Ravensdown’s submission to be included with the definition of *Commercial*

⁶⁰² 00121.076 Ravensdown

⁶⁰³ 00230.134 Forest and Bird

⁶⁰⁴ 00301.057 Port Otago

Port Activities. In that consideration it was concluded that the Ravensdown works site is primarily a manufacturing facility, with an attached wharf on lease from Port Otago exclusively as an adjunct, and incidental to its principal commercial manufacturing activity – and was not conducting commercial port activities in the context of the definition and the pORPS. I recommend rejecting this submission. . I recommend rejecting the submission.

1080. I agree with Forest and Bird’s submission seeking a definition of what is meant by environmental limits. However, I consider the matter of “environment limits” has been addressed in some detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of “environmental limit”. I recommend accepting the submission on that basis.

11.7.14.4. Recommendations

1081. I recommend amendments to EM-TRAN-M7 as follows:

EIT-TRAN-M7 – Regional plans

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

(1) provide for the development, operation, maintenance, or upgrade of the transport system that:

- (a) is within the *beds of lakes and rivers* or the *coastal marine area*, or
- (b) involves the taking, use, damming or diversion of *water* and *discharge of water* and *contaminants*,

(2) ~~manage the adverse effects of infrastructure activities that:~~

~~(a) provide for the establishment of transport infrastructure that supports modes of transport that are not reliant on fossil fuels, and⁶⁰⁵~~

~~(b) include policies and methods that provide for the *commercial port activities* associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin, and~~

(3) within *environmental limits*, facilitate the safe and efficient operation and development of *commercial port activities* at Port Chalmers and Dunedin. This includes previously approved *resource consents* for the following activities in the coastal development area mapped in MAP2:

- (a) dredging of Otago lower ~~harbor~~ harbour⁶⁰⁶ (to 17.5m for entrance channel, and 14.5m through to Port Chalmers),
- (b) dredging of Otago upper harbour to 10.5m,
- (c) management of upper and lower harbour navigation beacons,

⁶⁰⁵ 00301.045 Port Otago

⁶⁰⁶ Clause 16(2), Schedule 1, RMA

(d) *discharge* of dredging spoil to the disposal grounds at Heyward Point, Aramoana, Shelley Beach, and AØ-AØ⁶⁰⁷, and

(e) placement and use of scientific buoys.

11.7.15. EIT-TRAN-M8– District Plans

11.7.15.1. Introduction

1082. As notified, EIT-TRANS-M8 reads:

EIT–TRAN–M8 – District plans

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

(1) require a strategic approach to the integration of the transport system with *land* uses and between modes,

(2) require high trip generating activities to be integrated with public transport services and provide for safe pedestrian and cycling access,

(3) include *subdivision* and *infrastructure* design standards to minimise private vehicle use, enable public transport networks to operate and recognise the accessibility needs of the community, including the mobility impaired, the elderly and children,

(4) restrict or prevent the establishment or expansion of activities adjacent to transport *infrastructure* that may compromise the operation or safety of the transport system,

(5) provide for the establishment of transport *infrastructure* that supports modes of transport that are not reliant on fossil fuels, and

(6) include policies and methods that provide for *commercial port activities* associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin.

11.7.15.2. Submissions

1083. DIAL, Ministry of Education, Port Otago and Waka Kotahi⁶⁰⁸ seek that this provision be retained as notified.

General matters

1084. Maryhill Limited and Mt Cardrona Station⁶⁰⁹ seek to ensure traffic and transport upgrade requirements do not unnecessarily restrict appropriate development and the supply of housing and other social outcomes, where a solution to transport can be found in the future, or where adverse effects on a transport network can be appropriately managed.

⁶⁰⁷ 00137.007 DCC

⁶⁰⁸ 00316.012 DIAL, 00421.007 Ministry of Education, 00301.046 Port Otago, 00305.056 Waka Kotahi

⁶⁰⁹ 00118.055 Maryhill Limited, 00014.055 Mt Cardrona Station

They also seek that subdivision and land use should be able to proceed where private vehicle use is appropriate and necessary.

1085. Jim Hopkins⁶¹⁰ seeks amendments to provide for areas without public transport.

1086. DCC seek inclusion of a definition of “high trip generating”.

Clause (1)

1087. DCC⁶¹¹ seeks the following amendment to clause (1) to review use of the reference to “strategic” in the clause”.

Clause (2)

1088. DCC⁶¹² seeks the following amendments to clause (2) to acknowledge that in some cases, public transport and transportation network designs may need to be adjusted to respond to land use change, rather than vice versa.

1089. QLDC⁶¹³ seeks the following amendment to Clause (2):

- clarification as to whether the proposed definition of *Public Transport* limits the application of this method to existing and planned public transport services only.
- clarification or guidance to be provided as to what “planned” service means in the proposed definition of *Public Transport*.

1090. Wayfare and Trojan⁶¹⁴ seek the following amendments to Clause (2):

“(2) ~~define~~ require high trip generating activities and, require high trip generating activities in urban areas to be integrated with public passenger transport services (where sufficient public transport services exist or are planned) and provide for safe pedestrian and cycling access,”

Clause (3).

1091. DCC⁶¹⁵ seeks Clause (3) be amended to: “include subdivision and infrastructure design standards to ~~minimise private vehicle use~~ enable and encourage the use of travel modes other than private vehicles.”

1092. QLDC⁶¹⁶ seeks the following amendments to clause (3):

- clarification as to whether the proposed definition of *Public Transport* limits the application of this method to existing and planned public transport services only.
- clarification or guidance as to what “planned” service means in the proposed definition of *Public Transport*.

⁶¹⁰ 00420.020, Hopkins, Jim

⁶¹¹ 00139.187 DCC

⁶¹² 00139.187 DCC

⁶¹³ 00138.134 QLDC

⁶¹⁴ 00411.067 Wayfare and 00206.053 Trojan

⁶¹⁵ 00139.187 DCC

⁶¹⁶ 00138.134 QLDC

- amendment to refer to “...transport infrastructure design standards...”.

1093. Wayfare and Trojan⁶¹⁷ seek amendments to clause (3) to “encourage the minimisation of minimise private vehicle use”

1094. FENZ⁶¹⁸ seeks to include provision for access for emergency services access in clause (3) through the following amendment:

“include subdivision and infrastructure design standards to minimise private vehicle use, enable public transport networks to operate, access for emergency services and recognise the accessibility needs of the community, including the mobility impaired, the elderly and children,”

Clause (4)

1095. DCC⁶¹⁹ seeks clause (4) wording be amended to acknowledge that upgrades to the transport system can also be used to manage the effects of activities on the transportation network.

Clause (6)

1096. The Fuel Companies⁶²⁰ seek to amend clause (6) by adding “and avoid encroachment of activities which give rise to reverse sensitivity effects” to the end of clause (6)

1097. Ravensdown⁶²¹ seeks to insert Ravensbourne into the list of ports in clause (6).

11.7.15.3. Analysis

1098. I agree with the DIAL, Ministry of Education, Port Otago and Waka Kotahi submissions seeking this provision be retained as notified. I recommend that they should be accepted, subject to modifications arising from other submissions.

General matters

1099. I do not agree with the submission by Maryhill Limited and Mt Cardrona Station who seek to ensure traffic and transport upgrade requirements do not unnecessarily restrict appropriate development and the supply of housing and other social outcomes, where a solution to transport can be found in the future, or where adverse effects on a transport network can be appropriately managed. They also seek that subdivision and land use should be able to proceed where private vehicle use is appropriate and necessary. The provisions raised do not preclude future solutions being taking into account. However it could be expected that territorial authorities may wish to ensure appropriate guarantees are in place where such considerations were taken into account. I recommend rejecting the submission.

⁶¹⁷ 00411.067 Wayfare and 00206.053 Trojan

⁶¹⁸ 00219.008 FENZ

⁶¹⁹ 00139.187 DCC

⁶²⁰ 00510.047 The Fuel Companies

⁶²¹ 00121.076 Ravensdown

1100. I do not agree Jim Hopkins seeking amendments to explicitly provide for areas without public transport. I consider the provisions of clause (1), (3) in particular address this consideration, in terms of taking a strategic approach to integration of the transport system generally with land uses which includes public transport, and with respect to subdivision and infrastructure design. I recommend rejecting the submission.
1101. I do not agree with the DCC submission seeking inclusion of a definition of “high trip generating” activities. I consider inclusion of a definition for “high trip generating” is not required as this is a matter for district level consideration in district plans. I recommend rejecting this part of the submission

Clause (1)

1102. I do not agree with DCC submission in relation to clause (1). I review use of the reference to “strategic” in the clause. I note DCC consider District Plans are not strategic documents, spatial plans/FDSs are a FDS is a more appropriate as a place to consider how to strategically integrate land use and infrastructure planning (which is implemented through district plans and infrastructure plans). I consider however there is case for district plans to require a strategic approach but not this may be achieve by a variety or means including the approach suggested by DCC above. I recommend rejecting this part of the DCC submission.

Clause (2)

1103. I do not agree with DCC submission in relation to clause (2). I consider it is not necessary to to acknowledge that in some cases, public transport and transportation network designs may need to be adjusted to respond to land use change, rather than vice versa, as the current provision does not preclude this.
1104. I agree with the QLDC submission in relation to clause (2) seeking clarification whether the proposed definition of public transport limits the application of this method to existing and planned public transport services. Upon investigation, the notified pORPS did not italicise the reference to public transport which should have been the case for a defined term. I consider this should be clarified by italicising the defined term “*public transport*”. I recommend accepting this part of the submission. I do agree with that part of the submission seeking guidance as to what “planned” service means in the proposed definition of *Public Transport*. I consider the application of the definition as provided by the NPSUD is clear. I recommend rejecting this part of the submission. Concerning the requested amendment to refer to “...transport infrastructure design standards...”, I do not agree with the request as I consider the meaning to be clear in the context of the provision. I recommend rejecting this part of the submission.
1105. I do not agree with the Wayfare and Trojan submissions seeking amendments to clause (2). I consider the intent is for this provision to apply to public transport services only. I recommend rejecting this submission.

Clause (3)

1106. I agree in part with the DCC submission to amend Clause (3) in part. I consider the request to delete the words “minimize private vehicle use” and replace them with “facilitate and the use of travel modes other than private vehicles” improves the clarity of the provision, subject to the reference “enable and encourage” be replaced with facilitate for clarity. I recommend the provision be amended accordingly. I do not agree with the part of the submission proposing to amend wording to acknowledge that upgrades to the transport system can also be used to manage the effects of activities on the transportation network. I consider that requested amendment provides a level of detail which reduces the clarity of the provision. I recommend this part of this submission be rejected.
1107. I agree in part with the FENZ request to amend clause (3). I consider the addition of a reference to access for emergency services needs to be recognised in this provision, as this is essential for providing for the wellbeing and safety of people and communities. I recommend accepting this submission.
1108. I agree with the Fuel Companies submission seeking to amend clause (6). I consider the addition of reference to avoid encroachment of activities which give rise to reverse sensitivity effects is necessary to give effect to EIT-INF-P15. I recommend addition of the following text to clause (6) “and avoid encroachment of activities which give rise to reverse sensitivity effects.”
1109. I do not agree with the Ravensdown request to insert Ravensbourne into the list of ports in clause (6). I rely on the consideration of this matter with respect to Ravensdown’s submission to be included with the definition of *Commerical Port Activities*. In that consideration it was concluded that the Ravensdown works site is primarily a manufacturing facility, with an attached wharf on lease from Port Otago exclusively as an adjunct, and incidental to its principal commercial manufacturing activity – and was not conducting commercial port activities in the context of the definition and the pORPS. I recommend rejecting this submission. I recommend rejecting the submission.
1110. I do not agree with the Jim Hopkins submission. I consider the amendments sought are unclear as to the details of the relief requested, and how they might be addressed through the methods for district plans. I recommend the submission be rejected.

11.7.15.4. Recommendations

1111. I recommend amending EIT-TRAN-M8 as follows:

EIT-TRAN-M8 – *District plans*

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

- (1) require a strategic approach to the integration of the transport system with *land* uses and between modes,
- (2) require high trip generating activities to be integrated with *public transport* services and provide for safe pedestrian and cycling access,

(3) include *subdivision* and *infrastructure* design standards to ~~minimise private vehicle use,~~ facilitate the use of travel modes other than private vehicles,⁶²² enable public transport networks to operate, access for emergency services,⁶²³ and recognise the accessibility needs of the community, including the mobility impaired, the elderly and children,

(4) restrict or prevent the establishment or expansion of activities adjacent to transport *infrastructure* that may compromise the operation or safety of the transport system,

(5) provide for the establishment of transport *infrastructure* that supports modes of transport that are not reliant on fossil fuels, and

(6) include policies and methods that provide for *commercial port activities* associated with the operations at Otago Harbour and the ports at Port Chalmers and Dunedin and avoid encroachment of activities which give rise to reverse sensitivity effects.⁶²⁴

11.7.16. EIT-TRAN-M9– Regional Land Transport Plan

11.7.16.1. Introduction

1112. As notified, EIT-TRANS-M9 reads:

EIT–TRAN–M9 – Regional Land Transport Plan

Otago Regional Council will take into account the objectives, provisions and methods of this chapter in preparing its Regional Land Transport Plan and Regional Public Transport Plan.

11.7.16.2. Submissions

1113. QLDC and Waka Kotahi⁶²⁵ seek that this provision be retained as notified.

11.7.16.3. Recommendation

1114. I do not recommend any amendments.

11.7.17. EIT-TRAN-E3– Explanation

11.7.17.1. Introduction

1115. As notified, EIT-TRANS-E3 reads:

EIT–TRAN–E3 – Explanation

⁶²² 00139.187 DCC

⁶²³ 00219.008 FENZ

⁶²⁴ 00510.047 The Oil Companies

⁶²⁵ 00138.135 QLDC, 00305.057 Waka Kotahi

The policies in this section seek to ensure that transport *infrastructure* is well designed and functions effectively, including providing for accessibility for different modes and purposes. This includes managing potential *effects* of other activities on the transport system and ensuring strategic decision making in the provision of transport *infrastructure* to best provide for connectivity. The policies also recognise the contribution of the transport system to emissions and provide for networks that seek to adopt technologies which reduce the adverse *effects* on the *environment* arising from fuel usage. In relation to *commercial port activities* taking place within the coastal environment, the provisions of the CE – Coastal Environment chapter also apply.

11.7.17.2. Submissions

1116. The Fuel Companies⁶²⁶ seek the following amendments:

- delete the last sentence as follows: “...In relation to commercial port activities taking place within the coastal environment, the provisions of the CE – Coastal Environment chapter also apply”,
- confirmation/explanation that both the infrastructure and transport provisions are potentially applicable to commercial port activities.

1117. Waka Kotahi⁶²⁷ seeks clarification of the role of developers in providing transport infrastructure.

11.7.17.3. Analysis

1118. I do not agree with the Fuel Companies submission. I consider deletion of the reference as requested is inconsistent with current regulatory requirements, in particular the NZCPS. I also consider additional references to commercial port activities is a level of specificity not necessary, or appropriate for this section. I recommend rejecting this submission.

1119. Waka Kotahi⁶²⁸ seeks clarification of the role of developers in providing transport infrastructure. I consider the level of specificity sought is not appropriate for this section. I recommend rejecting this submission.

11.7.17.4. Recommendation

1120. I do not recommend any amendments.

11.7.18. EIT-TRAN-PR3– Principal Reasons

11.7.18.1. Introduction

1121. As notified, EIT-TRANS-P3 reads:

⁶²⁶ 00510.034 The Fuel Companies

⁶²⁷ 00305.058 Waka Kotahi

⁶²⁸ 00305.058 Waka Kotahi

EIT–TRAN–PR3 – Principal reasons

The transport system is critical for connecting people and communities and transporting goods, the effective functioning of Otago’s economy and the well-being of Otago’s community. The transport network can, however, have adverse *effects* on the *environment* and impact on community well-being. If there is sufficient demand, integration and the necessary *infrastructure*, modal choices can be provided and by giving preference to modes with lower environmental *effects*, the adverse impacts of the transport system can be reduced. However, as large parts of the Otago region are rural, reliance on private vehicles will remain the preferred, or the only practical, transport option for many people. This should not exclude the potential for improvements in modal choice or accessibility for a range of abilities and sectors of the community. Planning for transport *infrastructure* should be co-ordinated with urban and commercial growth and development to enable the transport system to effectively serve local communities and avoid reducing the efficiency of existing *infrastructure*.

11.7.18.2. Submissions

1122. FENZ⁶²⁹ seeks to include acknowledgement that for the transport system to effectively serve local communities, emergency services need to be considered when it comes to access.
1123. Waka Kotahi⁶³⁰ seeks greater clarity of the intentions⁶³⁰ of the provision and that the information be presented in a more legible manner, such as through the inclusion of bullet points.

11.7.18.3. Analysis

1124. I disagree with the FENZ submission. I consider references to communities are already included in the principal reasons section, and the reference to emergency services proposed is a level of detail not necessary for this section. I recommend the submission be rejected.
1125. I do not agree with the Waka Kotahi submission. I consider the content of the principal reason section is clear, and the requested layout is inconsistent with the approach taken throughout the pORPS. I recommend that submission be rejected.

11.7.18.4. Recommendation

1126. I do not recommend any amendments.

⁶²⁹ 00219.009 FENZ

⁶³⁰ 00305.060 Waka Kotahi

11.7.19. EIT-TRAN-AER9– Structure planning and *district plans* make explicitly provision for all modes of transport.

11.7.19.1. Introduction

1127. As notified, EIT-TRANS-AER9 reads:

EIT–TRAN–AER9

Structure planning and *district plans* make explicit provision for all modes of transport.

11.7.19.2. Submissions

1128. Waka Kotahi⁶³¹ seeks that this provision be retained as notified.

1129. QLDC⁶³² seeks that the use of structure planning be reflected higher up in the methods and the role of the Regional Public Transport Plan acknowledged as a means to achieve this.

11.7.19.3. Analysis

1130. I agree with Waka Kotahi submission seeking this provision be retained as notified.

1131. I do not agree with QLDC. I consider that the direction to include provisions for active transport as set out in Method EIT-TRAN-M8(1)(3) and (5) already address this.

11.7.19.4. Recommendation

1132. I do not recommend any amendment.

11.7.20. EIT-TRAN-AER10– The number of people participating in active transport increases

11.7.20.1. Introduction

1133. As notified, EIT-TRANS-AER10 reads:

EIT–TRAN–AER10

The number of people participating in active transport increases.

11.7.20.2. Submissions

1134. QLDC and Waka Kotahi⁶³³ seek that this provision be retained as notified.

11.7.20.3. Recommendation

1135. I do not recommend any amendment.

⁶³¹ 00305.063 Waka Kotahi

⁶³² 00138.136 QLDC

⁶³³ 00138.137 QLDC, 00305.064 Waka Kotahi

11.7.21. EIT-TRAN-AER11 The number of dwellings per hectare in areas accessible to *public transport* increases over the life of this RPS.

11.7.21.1. Introduction

1136. As notified, EIT-TRANS-AER11 reads:

EIT-TRAN-AER11

The number of dwellings per hectare in areas accessible to *public transport* increases over the life of this RPS.

11.7.21.2. Submissions

1137. QLDC⁶³⁴ seeks that this provision be retained as notified.

1138. Waka Kotahi⁶³⁵ seeks the following amendments (or similar):

“The number of dwellings per hectare in areas accessible to public transport increases over the life of this RPS through increases in density of development and land use within centrally located areas and service nodes.”

1139. DCC⁶³⁶ seeks that the provision be amended to the following: “The number of households who have access to public transportation modes increases over the lifetime of the plan”.

11.7.21.3. Analysis

1140. I agree with QLDC submission seeking this provision be retained as notified. I recommend that the submission is accepted.

1141. I do not agree in part with the Waka Kotahi submission. I consider inclusion of references to density of centrally located areas incident to the intent of the provision, and that the added text is more akin to a policy or method. I recommend this submission be rejected.

1142. I agree/ do not agree with the DCC submission to include number of households having access t public transport modes. I consider the current AER seeks to focus on a continue improvement approach which is more useful for the purposes of a regional policy statement, leaving territorial authorities with the responsibility to set targets based on particular circumstances. I recommend rejecting this submission.

11.7.21.4. Recommendation

1143. I do not recommend any amendment.

⁶³⁴ 00138.138 QLDC

⁶³⁵ 00305.065 Waka Kotahi

⁶³⁶ 00139.188 DCC

11.7.22. EIT-TRAN-AER12 *Public transport* patronage increases and congestion levels decrease over the life of this RPS.

11.7.22.1. Introduction

1144. As notified, EIT-TRANS-AER12 reads:

EIT-TRAN-AER12

Public transport patronage increases and congestion levels decrease over the life of this RPS.

11.7.22.2. Submissions

1145. QLDC and Waka Kotahi⁶³⁷ seek that this provision be retained as notified.

1146. DCC⁶³⁸ seeks that the provision be amended to the following: “Public transport patronage increases and congestion levels decrease over the life of this RPS.”

11.7.22.3. Analysis

1147. I agree with QLDC and Waka Kotahi submissions seeking this provision be retained as notified. I recommend that they should be accepted, subject to modifications arising from other submissions.

1148. I agree with the DCC submission. I consider the reference to congestion levels is an indirect measure only and recommend it should be removed. In addition, this does not cover areas that are not served by public transport, and does not take into account provision for growth or potential for increases of private vehicle use as a result of cheaper forms of transport such as electric vehicles, which may make reductions in congestion unachievable.

11.7.22.4. Recommendation

1149. I recommend amending EIT-EN-P9 as follows:

EIT-TRAN-AER12 *Public transport* patronage increases and congestion levels decrease⁶³⁹ over the life of this RPS.

11.7.23. EIT-TRAN-AER13 *Greenhouse gas* emissions arising from the transport system reduce over time from increased active transport, shared travel and *public transport* patronage and reduced reliance on fossil fuels.

11.7.23.1. Introduction

1150. As notified, EIT-TRANS-AER13 reads:

⁶³⁷ 00138.138 QLDC and 00305.066 Waka Kotahi

⁶³⁸ 00139.189 DCC

⁶³⁹ 00139.189 DCC

EIT-TRAN-AER13

Greenhouse gas emissions arising from the transport system reduce over time from increased active transport, shared travel and *public transport* patronage and reduced reliance on fossil fuels.

11.7.23.2. Submissions

1151. QLDC⁶⁴⁰ seeks that this provision be retained as notified.

1152. DCC⁶⁴¹ seeks the following amendment:

“Greenhouse gas emissions arising from the transport system reduce over time from increased active transport, shared travel and public transport patronage, increase use of rail for freight and reduced reliance on fossil fuels.”

1153. Waka Kotahi⁶⁴² seeks the following amendment:

1154. *“Greenhouse gas emissions arising from the transport system reduce over time from increased active transport shared travel and public patronage, ~~and~~ reduced reliance on fossil fuels and increases in the density of development and land use activities in centrally located areas and service nodes.”*

11.7.23.3. Analysis

1155. I agree with QLDC submission seeking this provision be retained as notified. I recommend that they should be accepted, subject to modifications arising from other submissions.

1156. I agree with the DCC submission which seeks inclusion of a reference to rail freight in the provision. I consider this amendment incorporates an important consideration in mitigating greenhouse gas emissions. I recommend amendment of the provision by adding the reference *“increased use of rail for freight”*

1157. I do not agree the Waka Kotahi submission seeking inclusion of references to density of development. I consider this to be a method, not an anticipated environment result. I recommend rejecting this submission.

11.7.23.4. Recommendation

1158. I recommend amending EIT-TRAN-AER13 as follows:

EIT-TRAN-AER13 *Greenhouse gas* emissions arising from the transport system reduce over time from increased active transport, shared travel and *public transport* patronage, increased use of rail for freight,⁶⁴³ and reduced reliance on fossil fuels.

⁶⁴⁰ 00138.140 QLDC

⁶⁴¹ 00139.190 DCC

⁶⁴² 00305.067 Waka Kotahi

⁶⁴³ 00139.190 DCC

11.7.24. EIT-TRAN-AER14 The transport of people, goods and services within Otago is achieved in a timely manner and at costs comparable to other regions.

11.7.24.1. Introduction

1159. As notified, EIT-TRANS-AER14 reads:

EIT-TRAN-AER14

The transport of people, goods and services within Otago is achieved in a timely manner and at costs comparable to other regions.

11.7.24.2. Submission

1160. QLDC⁶⁴⁴ seeks that this provision be retained as notified.

11.7.24.3. Recommendation

1161. I do not recommend any amendments.

11.7.25. New AER

11.7.25.1. Submissions

1162. Ngāi Tahu ki Murihiku⁶⁴⁵ submission seeks an AER similar to EIT-INF-AER8.

11.7.25.2. Analysis

1163. I agree in part with the Ngāi Tahu ki Murihiku submission seeking an AER similar to EIT-INF-AER8. However I recommend this be given effect by the following amendment to the existing EIT-INF-AER8:

- deleting reference to "nationally and regionally significant infrastructure"
- inserting "infrastructure" (no italics) so that AER8 applies to all infrastructure generally (which will include Transport), and
- inserting "avoided or" before reference to "minimised" to respectively cover anticipated results for both "infrastructure" generally, and "nationally and regionally significant infrastructure"

11.7.25.3. Recommendations

1164. I do not recommend adding a new AER, rather I recommend amending EIT-INF-AER8 as follows: deleting reference to "nationally and regionally significant infrastructure"; inserting "infrastructure" (no italics) so that AER8 applies to all infrastructure generally (which will include Transport), and inserting "avoided or" before reference to "minimised" to respectively cover anticipated results for both "infrastructure" generally, and "nationally and regionally significant infrastructure".

⁶⁴⁴ 00138.141 QLDC

1165. These recommended amendments are reflected as part of consideration under EIT-INF-AER8 above.

11.7.26. MAP 2 – EIT-TRAM-M7 Port Activities

