BEFORE THE HEARING PANEL APPOINTED BY THE OTAGO REGIONAL COUNCIL

UNDER	The Resource Management Act 1991 (**Act** or **RMA**)
IN THE MATTER	of an original submission on the Proposed Regional Policy Statement for Otago 2021 (**PORPS**)
BETWEEN	**AURORA ENERGY LIMITED**
	Submitter 0315
	NETWORK WAITAKI LIMITED
	Submitter 0320
	POWERNET LIMITED
	Submitter 0511
AND	**OTAGO REGIONAL COUNCIL**
	Local Authority

EVIDENCE IN CHIEF OF MEGAN JUSTICE ON BEHALF OF AURORA ENERGY LIMITED, NETWORK WAITAKI LIMITED AND POWERNET LIMITED

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1. Executive Summary

1.1 My name is Megan Justice. I hold a Masters degree in Regional and Resource Planning from Otago University, obtained in 1999. I am a planning consultant with the firm Mitchell Daysh Limited, which practices as a planning and environmental consultancy throughout New Zealand.

1.2 This brief of evidence relates to the submissions made on the provisions contained in the Proposed Otago Regional Policy Statement (**PORPS**) PORPS that impact upon the functions of the electricity distribution businesses operating in Otago, who are Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited. My evidence is a combined brief of evidence for these three electricity distribution businesses (**EDBs**).

1.3 The three EDBs provide Line Function Services (as defined in the Electricity Act 1991) to all users of electricity, including community facilities like hospitals and schools, as well as businesses and homes.

1.4 The EDBs are the third component of the electricity supply network in New Zealand. The other two components to the network are the electricity generators, which produce electricity via hydro or other systems and, Transpower, which collects electricity from the generators and conveys it via the National Grid transmission network across New Zealand to the EDBs. The EDBs convey electricity via their respective distribution networks to all the end users of electricity. All three components of the electricity supply network make up a complete system which is required to ensure communities receive the electricity supply they rely on.

1.5 The demand for electricity is increasing with the diversification of the local economy in Otago, decarbonisation and the growth that is occurring across the region. The recently released Terms of Reference for a New Zealand Energy Strategy[2] includes a number of high-level objectives for the development of the Energy Strategy for 2024 which includes:

> *"Energy supply is secure and reliable, including as we adapt to the effects of climate change and in the face of global shocks."*

[1] Electricity Act 1992 – Section 2 (1): Line Function Services means –
(a) The provision and maintenance of works for the conveyance of electricity.
(b) The operation of such works, including the control of voltage and assumption of responsibility for losses of electricity.
[2] Ministry of Business Innovation & Employment (MBIE) - Terms of Reference - New Zealand Energy Strategy - October 2022

1.6 The electricity distribution network also plays a key role in New Zealand's commitment to reducing carbon emissions and the transition to 100% renewable energy. These goals will be heavily reliant on the ability of EDBs to meet this demand by having the appropriate infrastructure in place to do so.

1.7 The EDBs seek to ensure the ability to meet this demand in the most efficient and cost-effective manner possible, while appropriately managing environmental effects. Due to the nature and scale of the EDBs critical assets, continual expansion, upgrade, maintenance and renewal are required to ensure security of the supply of electricity. Upgrading the existing networks to accommodate increasing demand within Dunedin city and the towns and industries throughout Otago, is a constant part of the EDBs operations.

1.8 It is against this backdrop that the EDBs sought amendments to the PORPS that relate to:

(a) The definitions that apply to the electricity network, and the elevation of the parts of the distribution network that are classified as 'significant electricity distribution infrastructure' into the definition of Regionally Significant Infrastructure (**RSI**);

(b) Ensuring the provisions of the PORPS do not inadvertently close the consenting or Resource Management Act 1991 (**RMA**) approvals pathway for important electricity distribution infrastructure;

(c) Ensuring the provisions recognise the ongoing requirements of the EDBs to operate, maintain, upgrade and develop an efficient and secure electricity distribution network; and

(d) Ensuring the effects management Policy EIT-INF-P13 for assessing new electricity distribution activities is appropriate for this type of infrastructure.

1.9 The section 42A reports authors have recommended changes to several provisions that address the submission points of the EDBs. The table attached to my evidence as **Appendix B** and **Appendix C** provides my suggested changes to the provisions. I consider that these changes are necessary to ensure the PORPS recognises the significant benefits of this important infrastructure, and the contribution it makes to the social and economic wellbeing of the Otago region.

2. Introduction

2.1 My name is Megan Justice. I hold a Masters degree in Regional and Resource Planning from Otago University, obtained in 1999 and I am a full member of the New Zealand Planning Institute. I am a certified Resource Management Act decision maker. I am a planning consultant with the firm Mitchell Daysh Limited, which practices as a planning and environmental consultancy throughout New Zealand.

2.2 I have been engaged in the field of resource and environmental management for 22 years. My experience includes a mix of local authority, Government and consultancy resource management work. In recent years, this experience has retained a particular emphasis on providing consultancy advice with respect to Unitary and District Plans, plan changes, designations, resource consents and environmental effects assessments for various infrastructure activities. This includes extensive experience with large-scale projects involving inputs from a multidisciplinary team, many of which are located within Otago.

2.3 An outline of projects in which I have provided resource management advice in recent times is included as **Appendix A**.

2.4 I have been engaged by Aurora Energy Limited (**Aurora**), Network Waitaki Limited (**NWL**) and PowerNet Limited (**PowerNet**) (together EDBs) to provide resource management planning advice with respect to the PORPS.

2.5 I assisted NWL and PowerNet with the preparation of submissions and further submissions on the PORPS.

2.6 While this is not a hearing before the Environment Court, I confirm that I have read, and agree to comply with, the Environment Court's Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2014). This evidence I am presenting has been prepared in accordance with the Code and is within my area of my expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge, I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

3. Scope of Evidence and Approach

3.1 By way of summary, in this statement of evidence I will:

(a) Provide a brief overview of the background context of the three electricity distribution companies I have been engaged by; and

(b) Consider the EDBs submissions with respect to the PORPS and the recommendations set out in the relevant section 42A reports (and associated supplementary evidence where relevant).

3.2 My evidence will primarily focus on the outcomes sought by the EDBs that relate to:

(a) The definitions that apply to the electricity network, and the inclusion of the parts of the distribution network that are defined as significant electricity distribution infrastructure within the definition of RSI;

(b) Ensuring the provisions of the PORPS do not inadvertently close the consenting or RMA approvals pathway for important electricity distribution infrastructure;

(c) The provisions of Chapter 11: Energy, Infrastructure and Transportation, and the proposal to re-order and refine these provisions to provide a single chapter or section in the PORPS that includes all provisions for energy - from generation to distribution to the end user/customers; and

(d) The changes sought to the primary effects management policy for assessing new electricity distribution activities.

3.3 In preparing this brief of evidence, I can confirm that I have read the relevant parts of the section 42A reports prepared by:

(a) Lisa Hawkins, Chapter 3: Definitions and abbreviations, dated 27 April 2022,

(b) Jacqueline Ann Todd and James Adams, Chapter 5: Resource Management overview, dated 4 May 2022,

(c) Felicity Boyd, Chapter 6: IM-Integrated Management, dated 27 April 2022; Chapter 9: LF-Land and Freshwater 4 May 2022 (and updated on 7 October 2022),

(d) Andrew Maclennan, Chapter 8: CE - Coastal Environment, 27 April 2022 and Chapter 12: HAZ – Hazards and risks, dated 27 April 2022, and Chapter 14: NFL – Natural Features and landscapes, dated 27 April 2022,

(e) Melanie Hardiman, Chapter 10: ECO-Ecosystems and indigenous biodiversity, dated 4 May 2022,

(f) Peter Stafford, Chapter 11: Energy, infrastructure and transport, dated 4 May 2022,

(g) Angela Fenemor, Chapter 13: HCV – Historical and cultural values, dated 27 April 2022,

(h) Kyle Balderston, Chapter 15: UFD – Urban form and development, dated 27 April 2022,

(i) The relevant parts of the supplementary prepared for the Otago Regional Council (**ORC**) evidence of:

(j) Mr Marcus Langman, Energy, Infrastructure and Transport, dated 11 October 2022,

(k) Jacqueline Ann Todd, SRMR – Significant resource management issues for the region, dated 11 October 2022

(l) Andrew Maclennan, NFL-Natural features and landscapes, dated 11 October 2022,

(m) Felicity Boyd, LF-Land and Freshwater, 11 October 2022,

(n) Elizabeth White, UFD – Urban Form and Development (Highly Productive Land), dated 21 October 2022.

3.4 For clarity, where I have included provisions in my evidence in order to discuss the changes that I considered to be necessary, I have shown my changes to the 31 October 2022 version of the PORPS which accompanied the ORC Supplementary Evidence. This version includes underlining and strikethrough to show the changes to the notified version recommended by the s42A report authors. I have shown my changes as double strikethrough and double underlining to distinguish these changes from the s42A report authors changes.

4. Introduction to Electricity Distribution Businesses

4.1 This brief of evidence relates to the submissions made on the provisions contained in the PORPS that impact upon the functions of Aurora, NWL and PowerNet, which operate in the Otago region. This evidence is a combined brief of evidence for Aurora,

NWL and PowerNet and I will collectively refer to these companies as the EDBs throughout my evidence.

4.2 By way of an introduction, the three EDBs, provide Line Function Services (as defined in the Electricity Act 1992[3]) to all users of electricity, including community facilities like hospitals and schools, as well as businesses and homes. Without the electricity distribution network, electricity would not be available for use by the community.

4.3 The EDBs are the third component of the electricity supply network in New Zealand. The other two components to the network are the electricity generators, which produce electricity via hydro or other systems and, Transpower, which collects electricity from the generators and conveys it via the National Grid transmission network across New Zealand to the EDBs. The EDBs convey electricity via their respective distribution networks to all the end users of electricity. All three components of the electricity supply network make up a complete system which is required to ensure all sectors of the community receive the electricity they rely on.

4.4 The electricity network owned by the EDBs in Otago primarily comprises zone substations, high voltage power lines (above ground) and cables (below ground) and distribution substations and associated equipment.[4] Electricity is conveyed to local zone substations from a range of Grid Exit Points (**GXPs**) from the National Grid. The electricity is then transformed from a sub-transmission voltage before it is distributed at 11kV level and finally to a 400V consumer level connection as seen throughout the Otago Region.

Aurora Energy Limited

4.5 Within the Otago region Aurora owns, operates and maintains an electricity distribution network in Dunedin, Central Otago and the Queenstown Lakes District. This network carries electricity from the National Grid to more than 92,000 customers. Aurora's network is hierarchical in nature, with lines and cables operating at three distinct voltage ranges:

[3] Electricity Act 1992 – Section 2 (1): Line Function Services means –
(a) The provision and maintenance of works for the conveyance of electricity.
(b) The operation of such works, including the control of voltage and assumption of responsibility for losses of electricity.
[4] Electricity Act 1992 – Section 2 (1): Associated Equipment means any equipment that is used, or designed or intended for use, in connection with any works or electrical installation, where such use is for construction, maintenance, or safety purposes and not for purposes that relate directly to the generation, conversation, transformation, conveyance, or use of electricity.

(a) Sub-transmission: operating at 66 kV and 33kV.

(b) High Voltage Distribution: generally operating at 11 kV in Central Otago and 6.6 kV in Dunedin.

(c) Low voltage (LV): operating at 400 V three phase or 230 V single phase.

4.6 Aurora has two regional networks, Dunedin and Central Otago, with five distribution networks fed from five GXP's at Halfway Bush, South Dunedin, Cromwell, Clyde and Frankton. Aurora's overhead line network extends to 3,715 km, of which 523 km are high voltage sub-transmission lines up to 66 kV. In addition to the distribution network, Aurora has the capacity to own and operate transmission lines (up to 110 kV), and associated structures, and may be required to develop those assets as regional electricity demand grows.

Network Waitaki Limited

4.7 NWL is an EDB which primarily supplies electricity to homes, businesses, schools, the hospital in Ōamaru and communities in Ōamaru and within rural areas of North Otago and parts of South Canterbury Regions.

4.8 The electricity network owned by NWL in the Otago region comprises HV power lines (above and below ground) which distribute electricity to local zone substations where the voltage is reduced before distribution through medium voltage (MV) power lines (overhead and underground).

4.9 NWL is responsible for the distribution of electricity to 13,170 Waitaki customers. NWL's customers extend from the Waitaki River to Shag Point, and inland to Ōhau and the Hakataramea Valley via a lines network spanning some 1,800 km. NWL's infrastructure also includes 19 substations. NWL also has the capacity to own and operate high voltage ("HV") (up to 110 kV) transmission lines, and associated structures, and may be required own such assets as regional electricity demand grows.

PowerNet Limited

4.10 PowerNet is an electricity network management company, first established in 1994 by network owners Electricity Invercargill Limited and The Power Company Limited to develop, manage and maintain their electricity distribution network assets such as lines, poles, cables, substations and other equipment, in a cost-effective way. PowerNet is the

equivalent of the fifth largest network company in New Zealand, delivering electricity to around 73,000 consumers.

4.11 OtagoNet Joint Venture (**OJV**) is an electricity lines business that is operated and managed by PowerNet, which conveys electricity to much of rural Otago, areas of Frankton and parts of Wānaka, supplying approximately 19,428 customers on behalf of seventeen energy retailers. While OJV owns this line network, it is operated and manged by PowerNet, and PowerNet lodged the submissions on the PROPS. For clarity, I will only refer to PowerNet in relation to these assets throughout my evidence.

4.12 Specific to the Otago region, PowerNet operates electricity zone substations and other assets located throughout rural and urban areas of Otago. PowerNet's network covers five geographically distinct areas: south and west Otago from Lake Waihola to Owaka and inland to Clinton; north Otago coast from Waitati to Shag Point; inland central Otago from Falls Dam south to Hindon; parts of the Frankton/Lake Hayes area; and a small, embedded network northeast of Wānaka.

4.13 Aurora, NWL and PowerNet are all network utility operators as defined in the RMA.

5. Issues facing the Industry

5.1 The demand for electricity is increasing with the diversification of the local economy in Otago, decarbonisation, and the growth that is occurring across the region. As discussed by Ms Dowd, the recently released Terms of Reference for a New Zealand Energy Strategy[5] includes a number of high-level objectives for the development of the Energy Strategy for 2024, which includes:

> "*Energy supply is secure and reliable, including as we adapt to the effects of climate change and in the face of global shocks."*

5.2 The EDBs seek to ensure they have the ability to meet this demand in the most efficient and cost-effective manner possible, while appropriately managing environmental effects. Due to the nature and scale of the EDBs critical assets, continual expansion and upgrade, and maintenance and renewal are required. These works are essential in ensuring security of the supply of electricity within Otago, and to its growing communities by supplying electricity for new subdivisions and developments. Upgrading the existing networks to accommodate increasing demand within Dunedin city and the towns throughout Otago is a constant part of the EDBs operations.

[5] Ministry of Business Innovation & Employment (MBIE) - Terms of Reference - New Zealand Energy Strategy - October 2022.

5.3 The electricity distribution network also plays a key role in New Zealand's commitment to reducing carbon emissions and the transition to 100% renewable energy. Important steps are in place to support this transition, including the planned decarbonisation of coal-based heat in the Otago region and the increased electrification of the region's transport fleet. These goals will be heavily reliant on the ability of EDBs to meet this demand by having the appropriate infrastructure in place to do so.

5.4 It is at the distribution level of the electricity network that the vast majority of consumers will receive the infrastructure service that will enable them to take advantage of new technologies, such as electric vehicles and peer to peer trading of distributed generation (for example solar photovoltaic systems). The uptake of these technologies will be key to New Zealand achieving its low carbon objectives. Therefore, significant development of the region's infrastructure network will be required, including upgrades to the lines network to connect to renewable generation sources and facilitating charging stations for electric vehicles.

5.5 Given the significance of the EDB's network, it is imperative that its management is comprehensively enabled and provided for in the PORPS. This includes close and practical linkages between the objectives, policies, and methods that provides a clear RMA approvals pathway (via resource consent or designation) that takes into account the importance of the electricity distribution infrastructure, alongside the management of environmental effects. Therefore, it is imperative that the PORPS does not unnecessarily or inadvertently constrain electricity distribution infrastructure.

5.6 As described in the evidence of Ms Dowd, Mr Zwies, Mr Watson and Mr Paterson, the electricity network is a vital resource for New Zealand, its economy and social and cultural wellbeing. The importance of this resource is reflected in the Civil Defence Emergency Management Act 2002 where the distribution network is defined as a "lifeline" utility.[6] Within an RMA context, this status is reflected in the National Policy Statement for Freshwater via the definition of 'specified infrastructure', which states: "infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)".[7]

5.7 Further, the electricity distribution network that is provided by EDBs is defined as RSI in the:

[6] Schedule 1, Lifeline Utilities includes: Part B (2) *An entity that generates electricity for distribution through a network or distributes electricity through a network.*

[7] Section 3.21 of the National Policy Statement for Freshwater Management 2020.

(a) Canterbury Regional Policy Statement.[8]

(b) Southland Regional Policy Statement (by inclusion of lifeline utilities in the definition of 'Strategic Facilities', which is included in the definition of Critical infrastructure[9]).

(c) Waikato Regional Policy Statement.[10]

(d) Partially Operative Regional Policy Statement for Otago 2019, in part, by reference to electricity sub-transmission infrastructure.

5.8 Defining those components of the distribution network that supplies electricity to essential services such as hospitals, other regionally significant infrastructure, or that is the only source of electricity for a community, as RSI is, in my view, appropriate as it reflects the importance of this infrastructure to the region. I discuss this further in paragraphs 7.2-7.15 of my evidence.

5.9 The PORPS directly influences the EDBs ability to construct, operate and maintain the infrastructure through the resource consent and designation processes. If a policy in the PORPS cannot be achieved, the consenting pathway for the particular activity is closed. This means that the EDBs would not be able to obtain the necessary resource consents or designations for its operations and the infrastructure would not be constructed. This outcome would significantly constrain EDBs ability to achieve its purpose of conveying electricity to Otago's homes and businesses.

5.10 EDBs are often constrained in the selection of sites on which they locate, particularly as they must connect to the National Grid and then to the end user. EDBs do not have the ability to influence the location of the National Grid, nor the end user. It is therefore

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[8] Canterbury Regional Policy Statement, page 243: *Regionally significant infrastructure is:*

…

6. National, regional and local renewable electricity generation activities of any scale

7. The electricity transmission network

…

14. Electricity distribution network

[9] Southland Regional Policy Statement, page 224: *"Regionally significant infrastructure: Infrastructure in the region which contributes to the wellbeing and health and safety of the people and communities of the region and includes all critical infrastructure*".

"Critical infrastructure Means infrastructure that provides services which, if interrupted, would have a significant effect on the wellbeing and health and safety of people and communities and would require reinstatement, and includes all strategic facilities".

[10] The Waikato Regional Policy Statement definition for RSI includes "a network (as defined in the Electricity Industry Act 2010)". The definition of "network" in the Electricity Industry act 2010 is: "means a distributor's lines and associated equipment used for distribution".

imperative that the locational constraints are recognised when considering the overall impact of the environmental effects of EDBs linear networks. This is particularly relevant for locations, such as significant natural areas, where it is demonstrated that the infrastructure provided by EDBs has a functional and operational need to locate in these areas.

5.11 Further, electricity distribution infrastructure is an 'all or nothing' resource. Building 95% of an electricity distribution network is as useful as building 0% for those areas unable to be serviced. As a result, there may be situations where electricity distribution infrastructure needs to be built in sensitive locations if there is no practical alternative to reach the end user. As a result, planning provisions need to be flexible enough to allow EDB to develop their networks in certain situations, while appropriately managing environmental effects, so as not to preclude this infrastructure, which is critical to the health and wellbeing and prosperity of New Zealanders.

5.12 While the nature and scale of electricity distribution remains relatively constant, environmental policy has evolved considerably in recent years. For the most part, recent changes in environmental policy are not a reaction to adverse environmental outcomes from electricity distribution, but rather are implemented to address other environmental issues. However, the result is that essential infrastructure such as that operated by EDBs, is constrained by the provisions. In many cases the increasing regulatory context within which the EDBs operate has made the delivery of electricity network infrastructure increasingly difficult and costly. The EDB's therefore seek to ensure that the networks they manage for the community are:

(a) appropriately recognised in the PORPS,

(b) are protected from the potential adverse effects of other activities, and

(c) that the networks' future expansion, upgrade, maintenance and renewal are not unnecessarily impeded.

5.13 It is within this context that Aurora, NWL and PowerNet have a significant interest in the policy framework that the PORPS establishes for the electricity network in Otago.

6. Submission Points

6.1 The EDBs submissions and further submissions are primarily concerned with ensuring that the PORPS appropriately recognises the significance of the electricity distribution

network and facilitates its operation, maintenance, upgrade and development. The submissions sought provisions that apply an appropriate effects management regime that take into consideration the specific locational, technical and operational requirements of their networks.

6.2 In addition, the EDBs sought protection of its assets from adverse effects, including reverse sensitivity effects associated with land uses and activities.

6.3 Key elements of the relief sought by the EDBs includes:

(a) Recognition of the parts of the network that are classified as 'significant electricity distribution infrastructure' as RSI in the PORPS to acknowledge the importance of this infrastructure to Otago's communities;

(b) Including activity specific provisions to recognise and provide for the electricity distribution network, which protect it from reverse sensitivity effects;

(c) Including an effects management policy that is specific to the electricity distribution network activities;

(d) Incorporating all of the electricity specific provisions within one chapter or section of the PORPS;

(e) Ensuring all of the other provisions in the PORPS align with the electricity specific provisions and do not conflict with these provisions.

6.4 In my opinion, the distribution assets of the EDBs are critical to sustaining and growing the Region. The electricity distribution network has positive effects in terms of enabling people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety. It has a critical role in New Zealand achieving its de-carbonisation goals. I consider the relief sought by the EDBs in the submissions, and discussed in my evidence, will assist the EDBs to continue to supply electricity to the community, whilst managing the adverse effects of these activities via an appropriate effects management regime.

7. Interpretation (Definitions and Abbreviations)

7.1 The definition of RSI in the PORPS includes the National Grid and Electricity Sub-Transmission Infrastructure (**ESTI**), however it does not include any other components of the electricity distribution network.

7.2 The EDBs submitted on the definition of RSI, seeking that the definition be amended to include those parts of the electricity distribution network that are important or critical to the community. The submission proposed a two-stage process, by firstly including a new definition for 'significant electricity distribution infrastructure' (**SEDI**), and then seeking an amendment to the definition of RSI to include 'significant electricity distribution infrastructure'.

7.3 The new definition sought for SEDI is:

> *Significant Electricity Distribution Infrastructure means electricity distribution infrastructure which supplies:*
>
> 1. *Essential and emergency services (such as hospitals and lifeline facilities);*
> 2. *Other regionally significant infrastructure or individual consumers requiring supply of 1MW or more;*
> 3. *700 or more consumers; or*
> 4. *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.*

7.4 The s42A report author, Mr Langman, has recommended in his supplementary evidence that the definition of SEDI is included in the PORPS. I note that this definition was included in the Partially Operative Otago Regional Policy Statement. He has recommended a change to the definition from the version sought by the EDBs, by including the additional words "identified in a district plan" in the definition. I do not think it is appropriate to include these words in the definition, as these words do not describe the asset. These words can instead be included in a Method to direct district councils to recognise this infrastructure in their district plans. Therefore, I consider the version of this definition set out in the EDBs submissions should be included in the PORPS.

7.5 However, Mr Langman has not recommended including SEDI within the definition of RSI, and no reasons are provided for this recommendation.

7.6 I consider the relief sought to be appropriate, as it recognises those parts of the distribution network which are important in terms of supplying electricity to important destinations, such as hospitals or ports. In my view, it is not logical to classify electricity generation, electricity transmission and electricity sub-transmission as regionally significant infrastructure and exclude those significant parts of the distribution network from this classification. The generation and transmission functions are only important

insofar as they supply electricity to New Zealand communities and businesses, and the distribution network is required to achieve this.

7.7 As I have noted earlier in my evidence, several other Regional Policy Statements classify the electricity distribution networks as RSI. In Otago, the EDBs have not sought that the entire electricity distribution network be defined as RSI, but rather only those parts of the network that are captured by the proposed definition for SEDI to provide a critical or important function.

7.8 The proposed definition for SEDI is broad. This reflects the diverse nature of the networks owned by the EDBs and will enable each EDB to identify the parts of its network which are 'significant' under this definition on a case-by-case basis. The proposed method EIT-EN-M2 (5C) provides the opportunity for the EDBs to identify those parts of its network that require specific identification under the SEDI definition at the time District Plans are promulgated or updated.

7.9 In order to demonstrate the parts of the EDBs networks that would be captured by this definition, the evidence of Mr Zwies and Ms Dowd includes a description of the infrastructure that could be classified as SEDI in Otago. As Mr Watson has discussed in his evidence, NWL's network does currently contain infrastructure that they consider would be included in the definition of SEDI.

7.10 In order to demonstrate the importance of defining SEDI as RSI, it is helpful, in my view, to consider the alternative. Not including the 'significant electricity distribution network' in the definition of RSI results in a more challenging consenting pathway for this infrastructure as there is less objective and policy support recognising the importance of this infrastructure.

7.11 By defining SEDI, it is acknowledged that less important/strategic components of the electricity distribution network may have a more challenging consenting environment, partially within sensitive environments. Therefore, the primary purpose of defining some of the electricity distribution network as SEDI is to ensure that those lines that are strategically important have a less challenging consenting pathway and the opportunity to be considered via sections 104 or 171 of the RMA.

7.12 For example, the provisions below only apply to nationally or regionally significant infrastructure, and other electricity infrastructure is not enabled or provided for in the same way:

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 needs of nationally significant infrastructure and regionally significant infrastructure.[11]

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

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

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

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

(3) avoiding activities and development that foreclose an opportunity to adapt, upgrade or develop nationally significant infrastructure or regionally significant infrastructure to meet future demand.[12]

7.13 I consider it important to provide a practical example of how the inclusion of SEDI as RSI could affect a resource consent process. Without RSI status, consenting a new line to service a new community within the Wakatipu Basin or a new line to service the Remarkables Ski Field, for instance, could be unachievable, because the '*functional needs and operational needs'*, as referenced in Policy EIT-INF-P10 are not taken into consideration alongside the adverse effect the infrastructure may have on, for instance, landscape values.

7.14 As discussed in the evidence of Ms Dowd, Aurora is currently experiencing a challenging resource consent process replacing an 11kV line asset within the vicinity of the Dart River and Diamond Lake, near Glenorchy. The site is within an area classified as Outstanding Natural Landscape, within a Wāhi Tupuna area and involves structures within the Diamond Lake wetland area. This line is considered to be SEDI, and while the project is to replace the existing line, due to technical and operational constraints, the existing support structures cannot be located in exactly the same location. The current provisions within the Otago Regional Water Plan and the QLDC District Plan therefore trigger a multiple resource consent requirement for these works. Having an enabling

[11] Proposed Amendments PORPS - s42A & Supplementary Evidence Version.
[12] Proposed Amendments PORPS - s42A & Supplementary Evidence Version.

policy framework and associated effects management hierarchy for this SEDI infrastructure is appropriate in my view, as this will enable the benefits of the infrastructure to be considered (including any locational or operational constraints) alongside any potential adverse effects, via a resource consent process.

7.15 SEDI is a key component of the New Zealand electricity supply network in conveying electricity to important or vulnerable communities and facilities. In my view, SEDI should be afforded the same policy recognition in the PORPS as the National Grid and electricity sub-transmission infrastructure. This approach is more conservative that that taken by Canterbury, which includes the entire electricity distribution network in its definition of RSI.

7.16 The EDBs also sought the inclusion of a new definition of 'effects management hierarchy', 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 significant natural area, outstanding natural feature or landscape, outstanding water bodies (excluding rivers and natural wetlands), area of high or outstanding natural character, area or place of significant or outstanding historic heritage, wāhi tapu, wāhi 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.*
>
> *(f) If offsetting and/or environmental compensation is not appropriate the activity itself is to be avoided.*

7.17 I note that there are now three definitions recommended for 'effects management hierarchy' in the PORPS. Two have a specified application, i.e. the effects management hierarchy indigenous biodiversity and the effects management hierarchy natural inland wetlands and rivers. The recommendation to the third definition is to amend it to simply state:

> *Effects management hierarchy: means an approach to managing the adverse effects of an activity*

7.18 The inclusion of the additional effects management hierarchy definition sought by the EDBs has not been supported by the s42A report author. I agree with the inclusion of the definition proposed by the EDBs, as this could usefully be applied to managing adverse effects arising from other types of activities, particularly infrastructure, and the term is referred to throughout the PORPS. However, the effects management Policy EIT-EN-PXX I have proposed (which I discuss at paragraphs 13.22-13.23 and **Appendix C** of my evidence) is specific to the electricity distribution network and incorporates an effects management hierarchy. If the Panel finds favour with this policy, then, in my view, the additional definition for 'effects management hierarchy' sought by Aurora is not needed in the PORPS.

7.19 The definition of 'functional need' has been included in the PORPS. Aurora submitted on this definition, seeking that it be retained as notified, as it reflects Standard 14 of the National Planning Standards 2019. The section 42A report author has recommended retaining this definition and I agree with this recommendation.

7.20 'Lifeline Utilities' has been defined in the PORPS as "*means utilities provided by those entities listed in Schedule 1 of the Civil Defence Emergency Management Act 2002*". Aurora submitted on this definition, seeking that it be retained as notified. The s42A report author has recommended retaining this definition and I agree with this recommendation.

7.21 The three EDBs submitted in support of the definitions of 'Operational Need' and 'Infrastructure', seeking that these definitions be retained as notified, as they align with the wording in the National Planning Standards 2019 or RMA definitions. No changes to these definitions have been recommended by the s42A report author. I agree with the s42A author that these definitions should align with the same definition in the National Planning Standards 2019 and/or RMA.

7.22 Aurora submitted in support of the definition of 'Electricity sub-transmission infrastructure'. The s42A report recommends some amendments be made to this definition as a result of Transpower's submission:

> *Electricity sub-transmission infrastructure*
>
> *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.*

7.23 I agree with these amendments and consider they assist to clarify the extent of electricity sub-transmission infrastructure within the broader distribution network.

8. SRMR - Significant Resource Management Issues

8.1 Aurora submitted in opposition to the Significant Resource Management Issues (SRMI), stating that the text is primarily focused on the use of and impacts on natural resources, and that it fails to contemplate the use, development and protection of important infrastructure resources. Aurora sought that the SRMIs be amended to include a new SRMI for electricity distribution.

8.2 The supplementary evidence of Ms J Todd[13] and s42A report authors' have recommended amendments to the Natural Hazards SRMI to reference the importance of electricity transmission and distribution in responding in the event of a natural hazard event[14], and I agree with this insertion. Additional text is also recommended within the Economic subsection of the Natural Hazards SRMI. While I agree with this additional text, I consider that electricity transmission and distribution should also be enabled and protected, and I consider that the following text is required:

> *Natural hazards could also impact on renewable electricity generation ~~in~~ and the ~~its~~ transmission and distribution of electricity ~~the region~~ with ~~subsequent impact on electricity generation capacity.~~ the potential for significant national and regional consequences. Infrastructure should be enabled and protected to ensure it is resilient. Where ~~possible~~ practicable new infrastructure should be located in areas where it is less vulnerable to natural hazards.*

[13] Supplementary evidence of Ms J Todd, SRMS – Significant Resource Management Issues for the Region, dated 11 October 2022, paragraph 10.

[14] Proposed Amendments PORPS - s42A & Supplementary Evidence Version, page 81.

8.3 While the limited discussion of electricity infrastructure within the Natural hazards SRMI is useful and relevant, in my view, including some additional discussion about the importance of infrastructure, including the electricity supply network, could provide greater acknowledgement of the growing pressures faced by the EDBs when maintaining and developing its networks. For example, the distribution network (much like other infrastructure) is often constrained in its ability to locate in particular environments, including outstanding natural landscapes and features, significant natural areas, outstanding natural character areas, as well valued historic heritage environments and culturally important sites. The functional and operational needs of the electricity distribution network are such that it may not be possible or practicable to avoid locating in these environments. For that reason, it is important that the SRMI chapter acknowledges the important role of electricity infrastructure to the Otago community and describes the implications for Otago if maintaining an efficient, resilient and functional electricity distribution network is not enabled. Recommended amendments to the SRMI chapter are included in **Appendix B** of my evidence.

9. IM - Integrated Management

9.1 The EDB's submitted on two policies contained in the Integrated Management Chapter of the PORPS. The submission sought the deletion of IM-P2 – *Decision Priorities* because it imposes a decision-making hierarchy that has been derived from the National Policy Statement for Freshwater Management 2020 to all decision-making situations that will arise in the Otago Region.

9.2 The s42A report author has recommended that this policy is deleted, and I support this recommendation. I note that the author also recommends that IM-P1 is deleted in full and has incorporated some elements of IM-P2 into a new IM-P1. The new IM-P1 provides additional explanation stating that the integrated approach to decision making should only be implemented when there is a conflict between provisions that cannot be resolved by the application of higher order documents. However, the recommended new IM-P1 still imposes a decision-making priority method that relates to freshwater management and applies this to the management of *all* natural and physical resources. In my view, the policy (IM-P1) should be deleted or refined to just be applied to the management of freshwater resources.

9.3 The EDBs also sought the deletion of Policy IM-P14 – Human Impact, as they considered that there is no certainty provided within the PORPS as to what is meant by the term "limits" which is included in this policy. There is also no discussion about how

these limits are intended to be developed or implemented. Amendments to this policy have been recommended by the s42A author. I agree with the amendment that clarifies that the purpose of this policy is to assist with preparing regional and district plans, and therefore, it will not be relevant to the consideration of resource consent applications. However, the uncertainty with the use of the term 'limits' is still an issue in my view. The PORPS includes a definition of "Limit (in relation to freshwater)" and "Limit on resource use". Both of these definitions are derived from the NPSF. There is no further explanation nor definition of "limit" that could reasonably be applied to this policy to assist understanding the outcomes sought by this policy.

9.4 In addition, a new clause (4) has been included in the policy that requires the "promotion of activities that reduce, mitigate or avoid adverse effects on the environment". This is a very broad statement, and it is unclear to me how compliance with this policy would be demonstrated.

9.5 I therefore consider that Policy IM-P14 should be deleted or redrafted in a way that provides certainty and clarity.

10. CE - Coastal Environment

10.1 Aurora's submission opposed several provisions within the Coastal Environment chapter of the PORPS. I am aware that parts of all three of the EDB's networks are located within the coastal environment, and this infrastructure will need to be maintained or upgraded over time. Therefore, where there is a functional or locational need for the infrastructure to be located within the coastal environment, these activities should be enabled in the PORPS, whilst giving effect to the New Zealand Coastal Policy Statement (**NZCPS**).

10.2 Aurora's submission sought a minor change to clause (3) of objective CE-05 to provide for infrastructure to locate within the coastal environment where there is a functional or operational need. This submission has been rejected by the s42A report author.

10.3 In my view, some provision for infrastructure should be included in CE-05, and this is anticipated by the NZCPS Objective 6 which states that functionally, some uses and developments can only be located on the coast. Policy 6 of the NZCPS states:

> *1. In relation to the coastal environment*
>
> *a. Recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the*

extraction of minerals are activities important to the social, economic and cultural well-being of people and comments on.

…

2. Additionally, in relation to the coastal marine area:

…

b. Recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities there; and

…

Therefore, I agree with Aurora's submission point that clause (3) of Objective CE-05 should be amended as follows:

3) are only provided for within appropriate locations and ~~limits~~ constraints, or, in the case of infrastructure where there is a functional or operational need, and

10.4 Aurora's submission supported in part Policy CE-P2 – *Identification*. This policy sets out the parameters for identifying the landward, water and coastal water extent of the coastal environment. Clause (1)(i) acknowledges that physical resources and built facilities, including infrastructure have modified the environment. In my view it is important to recognise existing infrastructure in the coastal environment, and I agree with the retention of this policy.

10.5 Policy CE-P4 (2) requires the avoidance of adverse effects on areas identified as having outstanding natural character values. Aurora's submission on Policy CE-P4 *Natural Character* sought a carve out (in clause (2)) for existing infrastructure in the coastal environment, to enable this existing infrastructure to be maintained or upgraded. Policy 13 of the NZCPS requires the preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use or development. The outcome sought by Aurora could be provided for by amending Policy CE-P4 to recognise that existing uses in the coastal environment are appropriate, and to provide for their continued use. My recommended wording for Policy CE-P4 is set out in **Appendix B** of my evidence.

10.6 I also consider that a carve out is required so that electricity distribution network activities are considered under the new Policy EIT-EN-PXXA I have recommended to manage these activities, where they occur in the coastal environment (as discussed in paragraphs 13.23 and **Appendix C** of my evidence).

10.7 Aurora's submission on Policy CE-P9 *Activities on land within the coastal environment* sought the inclusion of an additional clause to "Recognise and, where appropriate, provide for infrastructure with a functional or operational need to locate in the coastal environment". I agree that the inclusion of this clause is appropriate, as it gives effect to Policy 6 of the NZCPS. The s42A report author has recommended that the following clause is included in CE-P9:

> *(2A) recognising and providing for the functional needs and operational needs of nationally significant infrastructure and regionally significant infrastructure where appropriate*,

10.8 In my view, this new clause (2A) should apply to all infrastructure, and not be limited to nationally and regionally significant infrastructure. The NZCPS simply requires the avoidance of adverse effects of activities on the natural character values of areas identified as having outstanding natural character values. It does not provide more stringent requirements for infrastructure that is not nationally or regionally significant. In my view, it is the effects of activities that must be managed, rather than the activities.

11. LF - Land and Fresh Water

11.1 Aurora lodged submissions on the Land and Fresh Water provisions of the PORPS. Aurora's concerns with Policy LF–FW–P12 is that the policy only provides a pathway for activities where adverse effects on the outstanding values of the regions outstanding water bodies are avoided. Therefore, there is no ability for activities to manage potential adverse effects on the outstanding values of the regions outstanding water bodies. Aurora sought the incorporation of an effects management hierarchy in this policy to provide an appropriate consenting pathway for infrastructure that has a functional and / or operational need to locate within or near to outstanding water bodies.

11.2 I consider it important to note that, in my experience working with EDB's, the first step they take when designing and locating new infrastructure is to avoid significant and sensitive environments wherever possible. In many cases, finding alternative routes or methods to avoid sensitive water bodies is possible, but not always, as Ms Dowd discusses in her evidence. I therefore agree with this submission point. As worded the policy would very likely be prohibitive of new infrastructure being established, as it would not enable the mitigating, remedying or off-setting of any effects on the values of the water body, regardless of how small or temporary the effect is.

11.3 The section 42A author[15] has recommended changes to Policy LF–FW–P12 that provide the relief sought by Aurora, in part. The recommendation seeks to amend the policy to remove the 'avoid' requirement in clause (2) and retains the requirement to 'protect the values of outstanding water bodies'. However, as worded, the policy does not allow for the consideration of activities such as infrastructure that may have a functional or locational requirement to locate at, under or over an outstanding natural water body. Therefore, I consider the following amendment is necessary to provide an avenue to enable some activities, such as regionally significant infrastructure, with appropriate effects management, to locate in/over an outstanding water body:

> *LF-FW-P12 – ~~Protecting~~ Identifying and managing outstanding water bodies*
>
> *~~The significant and outstanding values of outstanding water bodies are:~~*
>
> *~~(1) identified in the relevant regional and district plans, and~~*
>
> *~~(2) protected by avoiding adverse effects on those values.~~*
>
> *Identify outstanding water bodies and their significant and outstanding values in the relevant regional plans and district plans and protect those values from inappropriate development. ~~by avoiding adverse effects on them, except as provided by EIT-INF-P13 and EIT-INF-P13A.~~*

11.4 Aurora's submission also sought the inclusion of a new clause in Policy LF–FW–P13 to allow for the remediation or mitigation of adverse effects, associated with infrastructure, via an effects management hierarchy that is consistent and workable for its infrastructure, while also providing appropriate levels of effects mitigation.

11.5 The section 42A report author has recommended amendments to Policy LF–FW–P13 and the inclusion of a new Policy LF–FW–P13A which addresses the concerns raised by Aurora to some extent. New Policy LF–FW–P13A sets out an effects management hierarchy which I consider is appropriate. However, it is my view it is more appropriate for infrastructure to be managed via a separate, stand-alone effects management hierarchy policy that is included in the Energy, Infrastructure and Transport Chapter of the PORPS[16]. Therefore, in my view, an exclusion from LF–FW–P13 is required to make it clear that LF-FW-P13 does not apply to infrastructure, which I recommend is addressed in Policy EIT-EN-PXX (set out in **Appendix C** of my evidence) instead.

[15] Mr Andrew Maclennan, s42A Chapter 9, dated 4 May 2022.

[16] Or a stand-alone Energy Chapter.

12. ECO - Ecosystems and Indigenous Biodiversity

12.1 The EDBs submissions on the Ecosystems and Biodiversity chapter of the PORPS primarily raise concerns about the far-reaching implications of the provisions, and how they may unnecessarily restrict the development of important infrastructure. This concern is in part due to the fact that this chapter is inconsistent with the provisions of the Exposure Draft of the National Policy Statement for Indigenous Biodiversity ("Draft NPSIB").

12.2 The EDBs key concerns are with Policies ECO-P2, ECO-P3, ECO-P4, ECO-P5 and ECO—P6, and the associated appendices APP2, APP3 and APP4.

12.3 NWL and PowerNet's submissions sought amendments to Policy ECO-P2 to require the mapping of Significant Natural Areas (**"SNA"**). The s42a report author has recommended an amendment to the policy to require the mapping of SNA, and I agree with this recommendation. I consider that this policy should also identify that this mapping should be included in the relevant regional and district plan, for clarity:

> *ECO-P2: Identifying significant natural areas and taoka*
>
> *Identify and map in the relevant regional and district plans:*
>
> *(1) the areas and significant biodiversity values of significant natural areas in accordance with APP2, and*
>
> *(2) where appropriate indigenous species and ecosystems that are taoka in accordance with ECO-M3.*

12.4 APP2 sets out the criteria to be used for identifying and mapping the SNA's and will be used until these areas are mapped in lower order plans. Given that the criteria in APP2 is to be applied, as least until the formal mapping exercises are completed, in my view the criteria in APP2 should be consistent with the criteria which are set out at clause 3.8 (1) and (2) of the Draft NPSIB.

12.5 NWL and PowerNet's submissions on Policy ECO-P3 *Protecting significant natural areas and taoka* sought that this policy be deleted or amended to provide for the development of, and ongoing operation, maintenance and upgrading of the electricity distribution network, and to give effect to the Draft NPSIB. Aurora's submission sought that the policy be amended to defer infrastructure activities to be considered under the

Infrastructure Policy EIT-INF-P13.[17] This submission point relies on amendments being made to EIT-INF-P13 (or replacement with EIT-EN-PXX) that capture the effects management regime that is appropriate for infrastructure that are contained within the draft NPSIB.[18]

12.6 In my view, excluding infrastructure activities from ECO-P3, and instead managing the effects of infrastructure activities on indigenous biodiversity values via the Energy or Infrastructure provision EIT-INF-P13 (or the replacement of EIT-INF-P13 that I recommend be included for the electricity distribution activities) will provide a more efficient means to ensure an appropriate consenting pathway for infrastructure is provided.

12.7 Similar relief was sought by Aurora for Policy ECO-P4 *Provision for new activities*, whereby a carve-out was sought to enable infrastructure proposals to be considered under the infrastructure specific Policy EIT-INF-P13. Policy ECO-P4 seeks to maintain indigenous biodiversity and provides a consenting pathway for specific activities where the activity may be within an SNA or may adversely affect indigenous biodiversity. In effect, this policy acknowledges the importance of these activities over and above other activities. I consider this approach appropriate. However, in line with the relief sought in relation to Policy ECO-P3, I consider that for infrastructure activities, having a single policy that captures the effects management requirements derived from the Draft NPSIB (as well as those that apply to other sensitive areas) will assist with the efficient and effective management of infrastructure.

12.8 Aurora's relief in relation to Policies ECO-P5 and ECO-P6 sought a carve out to ensure infrastructure activities are considered under an amended Policy EIT-INF-P13 (which I refer to in my evidence as Policies EIT-EN-PXX and EIT-EN-PXXA). For the reasons I have described above, I agree with this approach.

12.9 The EDBs submission raised concerns with the drafting of APP3 and APP4, which set out the criteria for biodiversity offsetting and compensation. In my view, the drafting of the criteria within APP3 and APP4, in particular the clauses that describe when offsetting or compensation is not available are overly restrictive. The implementation of these criteria and may undermine the intention of providing for biodiversity offsetting or

[17] In paragraphs 13.22-13.23 and Appendix C of my evidence I propose that electricity distribution infrastructure is subject to a bespoke alternative policy to EIT-INF-P13, and I refer to this policy as EIT-EN-PXX.

[18] Draft National Policy Statement for Indigenous Biodiversity — Exposure draft, released for submissions on 9 June 2022.

environmental compensation as a management tool. While there may be situations where offsetting and compensation is not appropriate, this decision should be made based on site specific evidence.

12.10 To address this issue, it is my view that APP3 and APP4 should be amended to remove the relevant clauses that set unreasonable limits on when biodiversity offsetting and compensation are available as a management response. This will enable the consideration of the use of these tools on a case-by-case basis.

13. EIT - Energy, Infrastructure, and Transport

13.1 Over the past few months, the electricity generation companies, Transpower and the electricity distribution companies have been discussing the merits of having a separate chapter or section in the PORPS that manages all activities pertaining to electricity systems. The rationale behind such a chapter is that it will provide a comprehensive, all-inclusive set of provisions that address the needs of the energy (or electricity) sector and assists in ensuring the community is supplied with this essential utility, while ensuring the environmental effects of the industry are appropriately managed.

13.2 To be successful, a bespoke Energy Chapter needs to encompass all aspects of the sector, from generation through transmission through to ensuring the distribution network can supply electricity to the community / customers securely, reliably and safety. As you have heard from Mr Paterson, increasing the amount of renewable electricity generation in New Zealand is a considerable component in New Zealand's de-carbonisation plan and achieving the goals established by the Government for New Zealand to achieve net zero carbon emissions by 2050. Specific to the EDBs, the development of new renewable electricity generation will require new lines infrastructure to convey this electricity from the new renewable electricity generation source or from the transmission network to the end users. Therefore, as new renewable electricity generation is developed such as hydro, wind, solar, tidal or distributed energy systems, so too must the National Grid and EDBs in order to provide that electricity to the community.

13.3 The three components of the electricity industry (generation, transmission and distribution) are all essential to ensure the electricity is supplied to the end users. One cannot function without the other. The electricity industry companies are therefore unique in that regard as they rely on other critical infrastructure to enable their purpose to be realised through the successful delivery of electricity. There is no other

infrastructure (at least as currently identified as RSI) that can be so easily packaged and treated as a comprehensive system.

13.4 The New Zealand electricity industry is critical to the social, cultural and economic wellbeing of people and communities, and the development of renewable electricity generation is a key driver in New Zealand's de-carbonisation process. In my view, the various components of the electricity network are appropriately contained in a bespoke Energy Chapter which contains the myriad of objectives, policies, methods, etc that enable, recognise and protect the electricity industry. Containing all the provisions that provide for and manage the effects of this infrastructure in one chapter is logical and will be efficient to administer. The PORPS presents an opportunity to provide a holistic, all-inclusive approach for energy, to deliver New Zealand's de-carbonisation goals.

13.5 Mr Langman[19] has recommended changes to the provisions in the EIT – Energy, Infrastructure and Transport chapter ("**EIT Chapter**") of the PORPS to group all the provisions that relate to 'energy' together.[20] This goes some way to achieving a standalone Energy Chapter, and I agree with the proposed restructuring of this chapter as suggested by Mr Langman. However, in my view, there is a logical additional step that can be taken to provide for the elevated importance of the electricity industry within the EIT Chapter. In my view, this approach will greatly assist with the implementation of the PORPS.

13.6 Therefore, while I discuss changes that I consider are necessary to relevant provisions of the EIT Chapter in my evidence below, the relevant provisions could be transferred into an all-inclusive Energy Chapter.

13.7 The EDBs made several submissions on the objectives and policies contained in the EIT Chapter. PowerNet and NWL supported Objective EIT-INF-04 *Provision of Infrastructure* in part. These submitters opposed the requirement for this infrastructure to be managed within 'environmental limits', as, in the absence of established environmental limits, the outcomes sought to be achieved by this objective are uncertain. I agree with this submission point. When reading the policies that are proposed to implement this objective, the term 'environmental limits' is not used. I therefore consider that this term should be deleted from this policy.

[19] Supplementary evidence of Mr Langman dated 11 October 2022, paragraphs 14-16.

[20] Supplementary evidence of Mr Langman dated 11 October 2022, paragraph 17.

13.8 The s42A report author has recommended that the word 'environmental' is deleted, but that 'limits' is retained:

> *EIT-INF-O4 Provision of Infrastructure*
>
> *Effective, efficient and resilient infrastructure, nationally significant infrastructure and regionally significant 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 in ~~within~~ the region, within ~~environmental~~ limits.*

13.9 The supplementary evidence of Ms Boyd[21] explains that the deletion of the word 'environmental' from this policy is required because the term is too narrow and may limit the consideration of effects to biophysical matters, which was not the intention of the term 'environmental limits'. In my view, the retention of the words 'within limits' is even more uncertain. As drafted, this objective could be interpreted as placing limits on enabling people and communities providing for their social and cultural wellbeing. I do not consider that this is the intention of this objective. I consider the words 'within limits' are ambiguous and are not necessary. This objective should, in my view, be enabling of important infrastructure upon which people and communities rely for their social, cultural and economic wellbeing. As the management of effects associated with infrastructure are addressed in subsequent provisions, I consider that the term "within environmental limits" can be deleted.

13.10 Aurora submitted on Objective EIT-INF-O6, which, as notified only provided for the long-term planning of electricity transmission infrastructure. Aurora's submission sought that this objective should be amended to also provide for the long-term planning of the electricity distribution network. Mr Langman[22] has considered this submission and agrees with this submission point, recommending that the objective be amended to provide for the long-term planning of both the electricity transmission and distribution networks.

13.11 I agree with this recommendation. One of the pathways to achieving net carbon zero emissions by 2050 is via an increase in the take up of electric vehicles. This will require an increase in the supporting infrastructure which is predominantly driven at the electricity distribution level. Long term planning for the National Grid and distribution network will also support provision of additional infrastructure to support the objectives

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21 Supplementary evidence of Ms Boyd, Introduction and General Themes, dated 11 October 2022, paragraph 18.

22 Supplementary evidence of Mr Langman dated 11 October 2022, paragraph 21.

of the National Policy Statement on Urban Development 2020. Therefore, long-term investment in and planning for electricity transmission and distribution should be promoted to ensure decarbonisation goals can be achieved, and to integrate land uses with electricity infrastructure. The evidence of Mr Watson, Ms Dowd and Mr Zwies describes how the EDBs have a continuous process for planning asset development, primarily through the 10 Year Asset Management Plans.

13.12 Aurora submitted on Policy EIT-INF-P10 – *Recognising resource requirements*. The submission supported the policy on the basis that land uses that rely on natural and physical resources ought to take into account electricity distribution infrastructure, particularly insofar as those activities give rise to potential reverse sensitivity issues. However, as notified, it is unclear what the "needs" of nationally and regionally significant infrastructure are in this context, and how activities take them into account. The section 42A report author has recommended amendments to this policy which, in my view, provide more clarity to this policy:

> *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 needs of nationally significant infrastructure and regionally significant infrastructure.*

13.13 One final miscellaneous point is the use of the term 'electricity transmission network' in provisions EIT-INF-O6, EIT-INF-P16 and EIT-INF-M5. The term 'National Grid' is defined in the PORPS, however, the 'electricity transmission network' is not. Given the 'National Grid' as defined captures the electricity transmission network, it is my view either one of these terms should be used consistently throughout the PORPS, for clarity. These terms are used intermittently and in conjunction with the term 'National Grid' in these provisions, for example:

> 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[23] or operational needs of the electricity transmission network,*

[23] 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 significance to mana whenua such as wāhi tūpuna,[24] areas of high amenity or recreational value and existing sensitive activities.

13.14 I agree in part with the EDBs submission and consider that Policy EIT-INF-P16 and associated Method EIT-INF-M5 which provides for transmission activities, and the mapping of this infrastructure, should also apply to the distribution network. Having considered the suite of objectives and policies in the EIT Chapter, I consider that Objective EIT-INF-06 is intended to capture the National Grid. However, given this objective seeks to ensure long term planning of the electricity network with land use, ensuring the electricity network can reach the end users is important. I therefore support the changes to this policy recommended by the s42A report author to include the electricity distribution network:

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

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

13.15 Aurora's submission sought that Policy EIT-INF-P16 either be deleted, or for a separate policy to be included that relates to the electricity distribution network. The s42A report author has recommended that a new policy be included that provides for electricity distribution (new Policy EIT-EN-P10). I agree with the addition of this new policy. I consider that some minor amendments are required, as shown by the double underlining in the policy below:

EIT-EN-P10 – Providing for electricity sub-transmission and distribution

Recognise and provide for electricity distribution infrastructure, by all of the following:

(1) recognising the functional needs of electricity distribution activities,

[24] 00226.243 Kāi Tahu ki Otago.

(2) restricting the establishment of activities that may result in reverse sensitivity effects on the electricity distribution activities,

(3) avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure,

(4) ~~minimising~~ avoid, remedy or mitigate adverse effects of new and upgraded electricity distribution infrastructure on existing land uses, and

(5) identifying significant electricity distribution infrastructure and managing effects of potentially incompatible activities through methods such as corridors.

13.16 The EDBs submissions on Policy EIT-INF-P11 – *Operation and Maintenance* expressed concerns about the implementation of the policy, particularly as it only relates to the operation and maintenance of existing nationally and regionally significant infrastructure. The EDBs concerns are, firstly, the policy requires the avoidance of significant adverse effects as the first priority, and only when avoidance is not practicable, other management methods are available. In some circumstances, there will be adverse effects from the conveyance of electricity that cannot be avoided. Yet the broader community benefits arising from the supply of electricity to the community and businesses are such that the economic and social outcomes that accrue may be so significant as to outweigh these effects.

13.17 Secondly, this policy excludes other infrastructure (that is not nationally or regionally significant). In my view, a policy to provide for the operation and maintenance of existing other infrastructure is necessary to ensure this important infrastructure is recognised and can continue to be operated and maintained.

13.18 Thirdly, this policy relates to the operation and maintenance of existing infrastructure that is already established. It does not relate to the establishment of new infrastructure, nor does it specifically relate to infrastructure in sensitive locations. There is no higher order policy direction that requires infrastructure activities to avoid significant adverse effects in all areas.[25] Therefore, given this policy applies in all locations, and relates to just existing infrastructure, in my view this policy should be an enabling policy. I consider that the following amendment to this policy is required:

EIT-INF-P11 – Operation and maintenance

[25] This requirement applies in in certain sensitive environments, for instance in an Outstanding Natural Character area of the coastal environment

~~*Except as provided for by ECO-P4, a*~~ *Allow for the operation and maintenance of existing infrastructure, nationally significant infrastructure 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.*~~

13.19 I agree with the changes to EIT-INF-P12 *Upgrades and development* recommended by the s42A report author. The amendments provide for the upgrade and development of all infrastructure, not just nationally and regionally significant infrastructure, which in my view, is appropriate as all infrastructure plays an important role in providing for the health and safety, and the social, economic and cultural well-being of people and communities.

13.20 As I have discussed earlier in my evidence, electricity infrastructure is an 'all or nothing' resource. Building 95% of an electricity network is as useful as building 0% for those areas unable to be serviced. There may be situations where electricity distribution infrastructure needs to be built in sensitive locations where there is no practical alternative.

13.21 To ensure electricity supply is maintained to the community and business, and new connections can be developed to respond to demands, 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 economic wellbeing of New Zealanders. The provisions also need to give effect to higher level documents, and, at the same time, be nuanced to provide a more flexible consenting pathway for electricity distribution infrastructure that is "regionally significant", such as the pathway for "specified infrastructure" under the NESF, whilst also enabling consideration of proposals for 'other' infrastructure.

13.22 EIT-INF-P13 is the most important policy in the PORPS for the EDBs. All three EDB's submitted in opposition to Policy EIT-INF-P13, seeking its deletion or wholesale redrafting to ensure that the development of new electricity distribution infrastructure is not unnecessarily prevented from being developed. Through the pre-hearing discussions, changes to this policy were discussed and the updated version of this policy (in the October version of the PORPS) has recommended changes. While I agree with most of the recommended changes to the policy, I consider that further amendments are required. However, in order for this policy to sit within the proposed Energy Section of the PORPS, I have amended the policy, so it is specific to electricity distribution. In

order to assist the Panel, I have set out my suggested changes to this policy, and the reason why I consider these changes are both necessary and appropriate in a separate document, that is attached to my evidence in **Appendix C**.

13.23 The changes I have sought to Policy EIT-INF-P13 (which are in the form of a replacement policy I have labelled EIT-EN-PXX and EIT-EN-PXXA in **Appendix C**) will result in the policy being the only effects management policy that applies to the consideration of electricity distribution infrastructure, via resource consent applications or notices of requirement. The amendments I recommend in Policy EIT-EN-PXX seek to remove the cross referencing to other polices in the PORPS. This results in the requirement of consequential amendments to Policy ECO-P4, Coastal Environment policies, natural features and landscape policies and LF-FW-P12, that I have discussed earlier in my evidence.

13.24 Policy EIT-INF-P14 sets out decision making considerations for proposals to develop or upgrade infrastructure. Aurora sought for this policy to be deleted or amended to take into account the functional and operational needs of infrastructure. In my view this policy is not necessary. The RMA sets out the requirements for making decisions on resource consent applications and notices of requirements. Policy EIT-INF-P14 does nothing to assist the decision-making exercise by local authorities other than to introduce confusion and risks conflict with the requirements set out in sections 104 and 171 of the RMA.

13.25 Policy EIT-INF-P15 manages reverse sensitivity effects on regionally and nationally significant infrastructure. Aurora sought that this policy be amended to include reference to SEDI, to recognise the importance of this infrastructure to the community and to ensure it is protected from reverse sensitivity effects. This relief was previously provided for via Policy 4.4.5 of the Partially Operative Regional Policy Statement for Otago. I agree with the relief sought and note that this relief could also be achieved by including SEDI in the definition for Regionally Significant Infrastructure.

13.26 Aurora's submission sought the inclusion of 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". In Aurora's view, developing its network to respond to the effects of climate change is an ongoing task that will inevitably require long-term strategic planning and integrated management with other lifeline utilities. This is not necessarily in response to an adverse natural hazard event, but rather addresses the need for the EDBs to carry out works to its network over time, to

increase the resilience of the network in order to respond to the effects of climate change.

13.27 The s42A report author Mr Stafford has not recommended including this new policy, as he considers that Policy EIT-INF-P12 addresses this submission point.[26] I agree in part with Mr Stafford. However, I consider that EIT-INF-P12 does not encourage the future proofing of infrastructure to prepare for natural hazards and the effects of climate change which is encouraged in Aotearoa New Zealand's First National Adaptation Plan which is discussed by Ms Dowd in her evidence.[27] The policy proposed by Aurora would encourage infrastructure providers to plan for the predicted effects of climate change and mitigate the risks of natural hazards. The policy that I recommend be included is set out in **Appendix B** of my evidence.

13.28 The s42A report author has recommended amendments to method EIT-EN-M2(5C) *District Plans*[28] which provides the relief sought by Aurora in relation to method EIT-INF-M5 *District Plans*. The recommended change to EIT-INF-M5 requires district plans to provide for significant electricity distribution infrastructure, including the mapping of this infrastructure. I agree with this recommendation in part and note that it matches the approach that is being undertaken by several district councils throughout New Zealand. I do however consider it important that this method also requires recognition of ESTI in district plans.

13.29 Aurora submitted on Policy EIT— EN-P8, stating that it supports the provision for small and community scale distributed electricity generation activities within Otago. This is important in areas where substantial upgrades to the local electricity distribution network is not economically viable and provides remote communities such as Glenorchy or Makarora the opportunity to explore solar power and battery storage systems to reduce peak demand or provide additional redundancies in their electricity supply. It can be expected that small and community scale distributed electricity generation activities will play an increasingly important role in meeting national decarbonisation/electrification targets. As you have heard from Mr Watson[29], the NWL network connects to 142 solar roof top generation plants, five hydro plants and one wind turbine generator. I am aware of a solar micro grid that PowerNet has established, and it also has plans for a solar and

[26] Section 42A report – Chapter 11, Energy, Infrastructure and Transport dated 4 May 2022, paragraph 810.

[27] Urutau, ka taurikura: Kia tū pakari a Aotearoa i ngā huringa āhuarangi Adapt and thrive: Building a climate-resilient New Zealand – August 2022.

[28] The s42A report author has recommended that the electricity related components of method EIT-INF-M5 be transferred to EIT-EN-M2 so all energy related provisions are within the Energy section of this chapter.

[29] Evidence of Mr Watson, dated 23 November 2022, paragraph 5.10.

wind powered microgrid development. Ms Dowd has described similar small and community scale distributed electricity generation activities that Aurora is involved with. Providing for increases in distributed generation is a key part of the EDBs development planning.

13.30 Aurora therefore considers that recognition of the symbiosis between small and community scale generation activities and the distribution network is required and that provision for the electricity distribution network to connect to those activities should be encouraged. I agree with this submission point and consider that this submission reinforces the argument for a single 'Energy' chapter in the PORPS. In my view, Policy EIT-EN-P8 would be improved with the following amendment:

> *EIT-EN-P8 Provide for small and community scale distributed electricity generation activities that increase the local community's resilience and security of energy supply, <u>including by providing for connection to the distribution network</u>.*

14. HAZ – Hazards and Risks

14.1 The EDBs are generally in support of the natural hazard provisions in the PORPS which seek to ensure that Otago's people and communities actively manages, are prepared for and are resilient to natural hazard events. Aurora's submission sought amendments to two of the policies in this chapter due to concerns that, in some situations, it has or may be required to have, infrastructure located in areas known to be at risk of natural hazards. Aurora's key concern is the requirement to relocate existing lifeline utility infrastructure out of natural hazard areas.

14.2 As notified, Policy HAZ–NH–P3 requires a new activity to be avoided in situations where a natural hazard risk is identified as being significant. Aurora sought for an exemption to this policy to enable nationally or regionally significant infrastructure that has a functional or operational need to locate at the site to be considered. The s42A report author, Mr Maclennan does not consider this amendment to be necessary, and considers that if a proposal for infrastructure is assessed as a significant risk (in terms of APP6) then this activity should be avoided.

14.3 I do not agree with Mr Maclennan. I consider that the PORPS should ensure that there is a consenting pathway available for the development of nationally and regionally significant infrastructure, even in situations where the risk of a natural hazard affecting the infrastructure is significant. Ensuring there is a consenting pathway for important infrastructure will not necessarily allow such development to occur. However, it will

enable the thorough and robust consideration of the infrastructure proposal which considers the importance of that infrastructure to the region, including the reasons why the infrastructure is needed and why no other locations are suitable, through a resource consent application or notice of requirement process.

14.4 Aurora made a submission in opposition to Policy HAZ–NH–P8 – '*Lifeline utilities and facilities for essential or emergency services*' on the basis that the appropriate location and design of lifeline utilities is adequately addressed under the Civil Defence and Emergency Management Act 2002 and does not require duplication under the RMA. For example, electricity distribution infrastructure may need to be maintained, repaired or upgraded, including through the provision of temporary generators, in hazard areas to serve communities, due to functional and operational requirements. Aurora submitted that a more appropriate policy focus for lifeline utilities would require district plans to adequately identify and map natural hazards. This would enable lifeline utility providers to have adequate information available to assist with deciding where to locate their infrastructure, as opposed to directing utility operators on how and where lifeline utilities should be provided.

14.5 The section 42A report recommends the deletion of the word 'relocate' from the policy, and I agree with this recommendation. However, the amendment sought by Aurora, which sought the deletion of the word 'other' from clause 2, has not been made. I consider that the deletion of the word 'other' from clause 2 will remove the duplication with the Civil Defence and Emergency Management Act 2002 in terms of directing where and how lifeline utilities are provided:

> *HAZ-NH-P8 Locate, ~~relocate~~, and design lifeline utilities and facilities for essential and emergency services to:*
>
> *1.Maintain their ability to function to the fullest extent possible, during and after natural hazard events, and*
>
> *2.Take into account their operational co-dependence with ~~other~~ lifeline utilities and essential services to ensure their effective operation.*

14.6 Aurora's submission sought the inclusion of a new policy to recognise and provide for the development or upgrade of the electricity distribution network that is required to adapt to the adverse effects of climate change. In Aurora's view, developing its network to respond to the effects of climate change is an ongoing task that will inevitably require long-term strategic planning and integrated management with other lifeline utilities. This form of adaptation is not necessarily "event-based" in the sense that Aurora intends to

carry out works to its network over time with the effect of increasing the resilience of the network to respond to the effects of climate change, as well as reinforcing the network with respect to increased electricity demand.

14.7 The s42a report author has recommended that this submission point be rejected, on the basis that the provisions within the HAZ-NH chapter will not prevent the ongoing development and upgrade of the electricity distribution network.[30] While that may be the case, including a policy that encourages the development of infrastructure to proactively mitigate the effects of climate change would assist in giving effect to Objective HAZ-NH-02- Adaptation (set out below). Therefore, I consider that the policy sought by Aurora would be useful addition to the PORPS:

HAZ-NH-O2 – Adaptation

Otago's people, ~~property and~~ communities, and property are prepared for and able to adapt to the effects of natural hazards, including natural hazard risks that are exacerbated by climate change.

15. HCV - Historical and Cultural Values

15.1 Aurora submitted on Policy HVC-WT-P2 *Management of wāhi tūpuna.* This submission sought a similar carve-out exemption be included in Policy HVC-WT-P2, to refer the consideration of infrastructure activities back to the Policy EIT-INF-P13. As I have discussed earlier in my evidence, I consider that it is appropriate for an activity specific policy to be included in the PORPS that sets out the effects management hierarchy for infrastructure activities.

15.2 The s42A report author has not recommended that this exemption clause be included in this policy. In my view, including the requested exemption clause would assist with the efficient administration of the PORPS. The wording I consider to be appropriate for Policy HVC-WT-P2 is:

HCV-WT-P2 – Management of wāhi tūpuna

Wāhi tūpuna are protected by:

(1) avoiding significant adverse effects on the cultural values ~~associated with of~~ identified wāhi tūpuna,

[30] Section 42A report - Chapter 12, Hazards and risks dated 27 April, paragraph 258.

(1A) avoiding, as the first priority, other adverse effects on the cultural values of identified wāhi tupuna,

(2) where other adverse effects demonstrably cannot be completely avoided, then either remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna,

(3) managing identified wāhi tūpuna in accordance with tikaka Māori, ~~and~~

~~(4) avoiding any activities that may be considered inappropriate in wāhi tūpuna as identified by Kāi Tahu, and~~

(5) encouraging the enhancement of access to wāhi tūpuna to the extent compatible with the particular wāhi tupuna, and

(6) Recognising that for infrastructure, EIT-EN-PXX applies instead of HCV-WT-P2(1)-(5)

16. NFL – Natural Features and Landscapes

16.1 Aurora's submission on the Natural Features and Landscapes chapter of the PORPS carried through the planning framework which it considers appropriate for its electricity distribution network, seeking a carve out for the consideration of this infrastructure by adding a clause to Policy NFL-P2 *Protection of outstanding natural features and landscapes,* and Policy NFL-P3 *Maintenance of highly values natural features and landscape* that directs the consideration of infrastructure back to the effects management policy in the Infrastructure chapter (EIT-INF-P13/EIT-EN-PXX). I agree with this submission and consider that the effects management framework that I have proposed in Policy EIT-EN-PXX which applies to activities outside of the coastal environment and EIT-EN-PXXA which applies to activities within the coastal environment, will provide a framework to appropriately manage adverse effects on outstanding natural features and landscapes, whilst acknowledging the importance of both RSI and SEDI as well as other infrastructure.

16.2 The s42A report author has accepted Aurora's submission point in relation to Policy NFL-P2, by including a clause that states "managing the adverse effects of infrastructure on the values of outstanding natural features and landscapes in accordance with EIT-INF-P13".

16.3 NWL and PowerNet also submitted that the provisions for "highly valued natural features and landscapes" should be deleted from the PORPS, via a further submission

supporting the submission on NFL-O1 made by Meridian Energy Limited. NWL and PowerNet also sought the deletion of Policy NFL-P3, stating that the term "highly valued natural features and landscapes" is uncertain, and that these landscapes are afforded a very similar level of protection as the outstanding natural landscapes and features.

16.4 "Highly valued natural features and landscapes" are described in the PORPS as being section 7(c) (which refers to amenity values), and 7(f), which refers to the quality of the environment, type landscapes[31]. In my view there appears to be little to distinguish these landscapes, and the management of these types of landscapes from those recognised as being outstanding natural features and landscapes. For example, the criteria to identify both landscape types appear to be the same (refer APP9) and Policy NFL-P3 is very similar to NFL-P2. While this policy seeks to maintain and enhance highly valued landscapes, the management requirement is essentially the same as what is required in NFL-P2, which seeks instead to "protect" outstanding natural landscapes and features. In my view, there is no justification requiring the same level of protection for a s 6(b) landscape to a lesser valued landscapes, and I consider it should be deleted. However, if the Panel consider a policy recognising highly valued landscapes is required, I consider the policy could be amended as follows:

> *NFL-P3 Maintenance of highly values natural features and landscapes*
>
> *Maintain or enhance highly valued natural features and landscapes <u>outside the coastal environment</u> by <u>avoiding, remedying or mitigating adverse effects on the values of the natural feature or landscape</u>.*
>
> ~~*(1) Avoiding significant adverse effects on the values of the natural feature or landscape, and*~~
> ~~*(2) Avoiding, remedying or mitigating other adverse effects.*~~

17. UFD – Urban Form and Development

17.1 The EDBs submissions addressed several of the provisions in the Urban Form and Development Chapter of the PORPS. The submissions supported some of the provisions, where the provisions, such as objective UFD-O2 and Policy UFD-P3 provide clear outcomes for urban development that included the provision of and planning for infrastructure. Aurora also submitted in support of Policy UFD-P3, but sought that clause 2 of the policy be amended to ensure development does not comprise the safe and efficient going use of regionally significant infrastructure:

[31] This is included in the definition of "Highly valued natural landscapes" in the PORPS.

(2) is well-served by existing or planned development infrastructure and additional infrastructure, and does not comprise the safe and efficient ongoing use of regionally significant infrastructure,

17.2 The s42A report author supports this submission point and has recommended an amendment to this policy to include, in a separate clause, a policy to manage potential reverse sensitivity effects. I agree with the s42A report author, as I consider that new development should also address the safe and efficient ongoing use of regionally significant infrastructure as, encouraged in Clause 9A of Objective UFD-O2 to ensure well-functioning urban environments.

17.3 Aurora's submission on Policy UFD-P4 sought a similar outcome to that sought for Policy UFD-P3. The s42A report author has recommended amending the Policy UFD-P4 to include a new clause (3A) that addresses Aurora's concerns, which I agree with.

17.4 PowerNet and NWL's submissions opposed Objective UFD-O4, as they considered that this objective would act as a prohibition to a significant number of activities within the rural environment, including the upgrading or development of infrastructure. This is because UFD-O4 requires the avoidance of all impacts on significant values and features identified in the PORPS and does not allow for any ability to manage those effects via an effects management hierarchy. In my view, a blanket "avoidance of impact" approach is not justified and may not achieve the best environmental and economic outcomes, by precluding some forms of development that are appropriate in the rural areas. I therefore support the recommendation by the s42A report author to delete clause (1) of this objective.

17.5 Since submissions closed on the PORPS, the National Policy Statement for Highly Productive Land 2022 (**NPSHPL**) has been approved. Therefore, there is an opportunity (within the scope of submissions) to incorporate the NPSHPL provisions in the PORPS. As worded, clause (2) of UFD-04 does not reflect the specific provisions for specified infrastructure contained in the National Policy Statement for NPSHPL. Clauses 3.8 and 3.9 (j) of the NPSHPL have alterative provisions for specified infrastructure (which includes lifeline utilities) that recognise the operational and functional constraints of infrastructure. I consider that clause (2) should be amended to more accurately reflect the NPSHPL insofar as it relates to specified infrastructure, and I have set out suggested wording for this in **Appendix B** to my evidence.

17.6 Aurora also sought the inclusion of the following new clause in UFD-P5, P6, P7 and P8:

Recognise and provide for the distribution network by identifying electricity sub-transmission infrastructure and significant electricity distribution infrastructure and managing effects of potentially incompatible activities.

17.7 This relief has been accepted in part with the recommended amendment to method EIT-EN-M2, which requires infrastructure to be mapped in district plans. However, I consider that some recognition of the electricity distribution network in these policies will result in improved strategic planning and development decisions for commercial, industrial, rural and rural lifestyle areas. Acknowledging and providing for electricity distribution infrastructure early in the planning stages for new developments will assist in providing for this infrastructure and managing potential reverse sensitivity effects. The effect of this relief will avoid many of the instances discussed in the evidence of Mr Paterson of development being in close proximity to existing ESTI, which can result in reverse sensitivity effects.

18. Conclusion

18.1 The PORPS should recognise the significant benefits associated with electricity distribution infrastructure and the contribution it makes to the social and economic wellbeing of Otago. I acknowledge that the section 42A report authors have recommended several changes to the provisions to achieve this. However, I consider that the PORPS requires a number of amendments to ensure it promotes the sustainable management of natural and physical resources and appropriately provides for the social and economic well-being of the community. In my view the changes to the provisions I am recommending more appropriately give effect to the RMA. These amendments are set out in **Appendix B** and **Appendix C** to this evidence.

18.2 I consider this policy framework set out in the PORPS to be important to enable the EDBs to continue to deliver a secure and reliable electricity distribution network for the communities of Otago.

Dated 23 November 2022

Megan Justice

Appendix A - Summary of Recent Project Experience

- Queenstown Lakes District Council –preparation of Plan Change 50 s32 evaluation to rezone land in central Queenstown in the Queenstown Lakes District Plan.
- PowerNet Limited – preparing submissions, further for district plan review processes in Dunedin City District, Invercargill District and Clutha District and Queenstown Lakes District, and attendance at the relevant Council hearings.
- PowerNet Limited – preparing Notices of Requirement for numerous designations in Dunedin City District, Invercargill District and Clutha District, Waitaki District, and attendance at the relevant Council hearings.
- Port Marlborough New Zealand Limited – submissions and further submissions and evidence, and preparation of planning provisions on the Proposed Marlborough Environment Plan.
- Port Marlborough New Zealand - preparation of resource consent application for extension to Waikawa Marina.
- Queenstown Lakes District Council – preparing subdivision applications for Lakeview site, central Queenstown.
- Kingston Village Limited - preparing subdivision and land use application for 217 lot subdivision at Kingston.
- Otago Regional Council – preparation of a Notice of Requirement to designate the site for the Central City Bus Hub.
- Ryman Healthcare Limited – preparing submissions planning provisions specific to retirement villages, and evidence for the Proposed Christchurch Replacement District Plan process.
- HW Richardson Group – preparing evidence on the Proposed Invercargill District Plan.
- Ryman Healthcare Limited – involved with preparing planning provisions specific to retirement villages for the Auckland Unitary Plan and preparing evidence on the Auckland Unitary Plan.
- Ryman Healthcare Limited – obtain land use and regional level resource consents for the Howick Retirement Village, Auckland City.
- Ryman Healthcare Limited – obtain subdivision, land use and regional level resource consents for the Rangiora Retirement Village, Rangiora.
- Otago Regional Council – submissions, further submissions, and notices of requirement for the Dunedin City Council Proposed Plan, and attendance at the relevant Council hearings.
- Queenstown Lakes District Council – contracted to process resource consent applications.

Appendix B – Amendments to PORPS provisions sought

Amendments to PORPS provisions sought in my evidence are set out in **Table 1**.

Note: **Table 1** excludes provisions where I consider the changes recommended by the respective s42A report authors to be acceptable.

Table 1

Proposed Otago RPS – as amended by supplementary evidence, October 2022	**Changes sought are shown in double strikethrough and double underline**
Interpretation	
***Significant Electricity Distribution Infrastructure means electricity distribution infrastructure identified in a district plan which supplies**:* 5. *Essential and emergency services (such as hospitals and lifeline facilities);* 6. *Other regionally significant infrastructure or individual consumers requiring supply of 1MW or more;* 7. *700 or more consumers; or* 8. *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.*	***Significant Electricity Distribution Infrastructure means electricity distribution ~~infrastructure identified in a district plan~~ which supplies:*** 1. *Essential and emergency services (such as hospitals and lifeline facilities);* 2. *Other regionally significant infrastructure or individual consumers requiring supply of 1MW or more;* 3. *700 or more consumers; or* 4. *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.*
Regionally Significant Infrastructure *means:* *(1) roads classified as being of regional importance in accordance with the One ~~Network Road Classification~~ One Network Framework,* *(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 networks ~~facilities as respectively defined in section 5 of the Telecommunications Act 2001 and in section 2 of the Radiocommunications Act 1989~~,* *(5) facilities for public transport, including terminals and stations,*	***Regionally Significant Infrastructure*** *means:* *(1) roads classified as being of regional importance in accordance with the One ~~Network Road Classification~~ One Network Framework,* *(2) electricity sub-transmission infrastructure and significant electricity distribution 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 networks ~~facilities as respectively defined in section 5 of the Telecommunications Act 2001 and in section 2 of the Radiocommunications Act 1989~~,*

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
(6) the following airports: Dunedin, Queenstown, ~~Wanaka~~ Wānaka, Alexandra, Balclutha, Cromwell, ~~Oamaru~~ Ōamaru, 140 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 1990,* *(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 Dunedin, and* *(12) Otago Regional Council's hazard mitigation works including flood protection infrastructure and drainage schemes.* *(13) ~~For the avoidance of doubt, any~~ Any infrastructure identified as nationally significant infrastructure ~~is also regionally significant infrastructure~~.*	*(5) facilities for public transport, including terminals and stations,* *(6) the following airports: Dunedin, Queenstown, ~~Wanaka~~ Wānaka, Alexandra, Balclutha, Cromwell, ~~Oamaru~~ Ōamaru, 140 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 1990,* *(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 Dunedin, and* *(12) Otago Regional Council's hazard mitigation works including flood protection infrastructure and drainage schemes.* *(13) ~~For the avoidance of doubt, any~~ Any infrastructure identified as nationally significant infrastructure ~~is also regionally significant infrastructure~~.*
SRMR - Significant Resource Management Issues	
SRMR-I1 Natural Hazards *Economic* *…*	***SRMR-I1 Natural Hazards*** *Economic* *…*

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
Natural hazards could also impact on renewable electricity generation ~~in~~ and its transmission and distribution ~~the region with subsequent impact on electricity generation capacity.~~ the potential for significant national and regional consequences. Where possible new infrastructure should be located in areas where it is less vulnerable to natural hazards.	*Natural hazards could also impact on renewable electricity generation ~~in~~ and the ~~its~~ transmission and distribution of electricity ~~the region~~ with ~~subsequent impact on electricity generation capacity.~~ the potential for significant national and regional consequences. Infrastructure should be enabled and protected to ensure it is resilient. Where ~~possible~~ practicable new infrastructure should be located in areas where it is less vulnerable to natural hazards.*
	Insert the following issues statement or amend the SRMI to include a new issue that addresses the need to operate, maintain, develop and upgrade regionally significant infrastructure. *SRMI-X Resilient electricity supply is critical to the health, wellbeing and prosperity of Otago, particularly in adapting to climate change.* ***Statement*** *Electricity supply is essential to our way of life. It supports community wellbeing, health, safety and economic prosperity. It also has a critical role to play in adapting to climate change by supporting communities to become less reliant on fossil fuels for heating and transport. As such there will be a need for electricity network providers to undertake significant development and upgrades to support the communities needs in the future.* ***Context*** *Otago's electricity supply comprises electricity generation (primarily from hydro-electricity generation); transmission through the National Grid; distribution from grid-exit points to zone substations, electricity sub-transmission infrastructure and finally through the distribution network to consumers.* *The electricity distribution network connects Otago to electricity supply. As such, faults in the network can have a direct impact on the health and safety and wellbeing of people and communities. The importance of electricity distribution to the community is reinforced by its identification as a lifeline utility. Electricity distribution providers have obligations to plan and prepare for significant natural hazard events to ensure that supply is able to be maintained and/or reinstated as soon as practicable.* *Climate change will have adverse effects on these network providers by increasing the risks to the infrastructure due to increasing storm intensity, increasing temperatures etc. This will occur in conjunction with increasing demands on the network dur to population growth and greater reliance on electricity. Providers will need to adapt to other changes*

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
	including more small-scale community electricity generation (such as in home solar).and should be avoided by providing a framework for the operation, maintenance, upgrade and development of that infrastructure. ***Impact Snapshot*** *Environmental* *The distribution network has adverse effects on the environment which need to be appropriately managed. However, the management of the distribution network is limited by its functional and operational needs which often dictate where it can be located in the environment.* *The development, operation, maintenance and upgrade of the distribution network can be constrained or adversely affected by the establishment of incompatible activities around the network which can give rise to reverse sensitivity effects.* *Economic* *The distribution network is critical to the economic wellbeing of people and communities. Faults in the distribution network arising from natural hazards; adverse effects from climate change and incompatible activities increase the risk of network faults.* *Failing to proactive manage incompatible activities in proximity to the distribution network may require those activities to be dis-established and cause unintended economic loss.* *A lack of integrated management and long-term strategic planning for land-use activities can delay urban growth and land use changes reliant on an electricity supply.* *Social* *Incompatible activities can have adverse effects on the distribution network and may give rise to reverse sensitivity effects. This is particularly the case where urban expansion and intensification seeks to locate near the distribution network to a degree that can create risks to the health and safety and wellbeing of people. To avoid those risks, it is appropriate to manage incompatible activities near the distribution network, including primarily electricity sub-transmission infrastructure and significant electricity distribution infrastructure.* *Where the electricity network is not resilient enough it can exacerbate the adverse effects and consequences of adverse weather events and natural hazards which can impact on communities already affected by these events.*

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
	Or, as alternative relief: *Amend the SRMR to include a new issue that addresses the need to operate, maintain, develop and upgrade regionally significant infrastructure.*
IM-P1 – Integrated approach to decision-making *Giving effect to the integrated package of objectives and policies in this RPS requires decision-makers to consider all provisions relevant to an issue or decision and apply them according to the terms in which they are expressed, and if there is a conflict between provisions that cannot be resolved by the application of higher order documents, prioritise:* *(1) the life-supporting capacity and mauri of the natural environment and the health needs of people, and then* *(2) the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.* ~~*The objectives and policies in this RPS form an integrated package, in which:*~~ ~~*(1) all activities are carried out within the environmental constraints of this RPS,*~~ ~~*(2) all provisions relevant to an issue or decision must be considered,*~~ ~~*(3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and*~~ ~~*(4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-O1 to IM-O4.*~~	Note: Policy IM-P1 now incorporated parts of IM-P2, and IM-P1 has been deleted. Relief sought: Delete IM-P1 or refine this policy so that is only applies to the management of freshwater resources
IM-P14 – Human impact *When preparing regional plans and district plans, P*~~*p*~~*reserve opportunities for future generations by:* *(1) identifying* ~~*environmental*~~ *limits wherever practicable,* ~~*to both growth and adverse effects of human activities*~~ *beyond which the environment will be degraded,*	Delete IM-P14

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
(2) requiring that activities are established in places, and carried out in ways, that are within those ~~environmental~~ limits and are compatible with the natural capabilities and capacities of the resources they rely on, and *(3) regularly assessing and adjusting ~~environmental~~ limits and thresholds for activities over time in light of the actual and potential environmental impacts~~.~~, <u>including those related to climate change, and</u>* *<u>(4) promoting activities that reduce, mitigate, or avoid adverse effects on the environment.</u>*	
CE - Coastal Environment	
CE-05– Activities in the coastal environment *Activities in the coastal environment:* *(1) make efficient use of space occupied in the coastal marine area,* *(2) are of a scale, density and design compatible with their location,* *(3) are only provided for within appropriate locations and ~~limits~~ <u>constraints</u>, and* *(4) maintain or enhance public access to and along the coastal marine area, including for customary uses<u>, except where public access needs to be restricted for reasons of health and safety or ecological or cultural sensitivity</u>.*	Amend clause (3) of Objective CE-05: *3) are only provided for within appropriate locations and ~~limits~~ <u>constraints, or, in the case of infrastructure where there is a functional or operational need,</u> and*
CE-P4 - Natural Character *Identify, preserve and restore the natural character of the coastal environment by:* *(1) identifying areas and values of high and outstanding natural character which may include matters such as:* *(a) natural elements, processes and patterns,* *(b) biophysical, ecological, geological and geomorphological aspects,*	***CE-P4 - Natural Character*** *…* *(2) avoiding adverse effects on natural character in areas identified as having outstanding natural character, <u>while recognising and providing existing uses,</u>* *(3) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on natural character outside the areas in (2) above, <u>while recognising and providing existing uses.</u>* *<u>(X) manage electricity distribution infrastructure in accordance with EIT-EN-PXXA.</u>*

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(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, estuaries, reefs, freshwater springs and surf breaks, *(d) the natural movement of water and sediment,* *(e) the natural darkness of the night sky,* *(f) places or areas that are wild or scenic,* *(g) a range of natural character from pristine to modified,* *(h) experiential attributes, including the sounds and smell of the sea, and their context or setting,* *(2) avoiding adverse effects on natural character in areas identified as having outstanding natural character,* *(3) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on natural character outside the areas in (2) above,* *~~(4) encouraging de-reclamation of redundant reclaimed land where it would restore the natural character and resources of the coastal marine area and provide for more public open space, and~~* *(5) promoting activities and ~~restoration~~ projects that will restore or rehabilitate natural character in the coastal environment where it has been reduced or lost.*	
CE-P9 – Activities on land within the coastal environment *The strategic and co-ordinated use of land within the coastal environment is achieved by:* *(1) encouraging the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth; ~~avoiding sprawling or sporadic patterns of subdivision, use and development,~~* *(2) considering the rate at which built development should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the values of the coastal environment,*	***CE-P9 – Activities on land within the coastal environment*** *(2A) recognising and providing for the functional needs and operational needs of ~~nationally significant~~ ~~infrastructure and regionally significant~~ infrastructure where appropriate,*

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
(2A) recognising and providing for the functional needs and operational needs of nationally significant infrastructure and regionally significant infrastructure where appropriate, *(3) recognising the importance of the provision of infrastructure, and food production, and pastoral farming activities to the social, economic and cultural well-being of people and communities,* *(4) requiring development be set back from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; ~~maintaining or enhancing public access to the coastal environment, and~~* *(5) considering where activities that maintain the character of the existing built environment should be encouraged, and where activities resulting in a change in character would be acceptable, and~~.~~* *(6) taking into account the risks of climate change and coastal hazards.*	
LF - Land and freshwater	
LF-FW-P12 – ~~Protecting~~ Identifying and managing outstanding water bodies *~~The significant and outstanding values of outstanding water bodies are:~~* *~~(1) identified in the relevant regional and district plans, and~~* *~~(2) protected by avoiding adverse effects on those values.~~* *Identify outstanding water bodies and their significant and outstanding values in the relevant regional plans and district plans and protect those values from inappropriate development. ~~by avoiding adverse effects on them, except as provided by EIT-INF-P13 and EIT-INF-P13A~~*	***LF-FW-P12 – ~~Protecting~~ Identifying and managing outstanding water bodies*** *Identify outstanding water bodies and their significant and outstanding values in the relevant regional plans and district plans and protect those values from inappropriate development.*
LF-FW-P13 – Preserving natural character and instream values *Preserve the natural character and instream values of lakes and rivers and the natural character of their beds and margins by:* *(1) avoiding the loss of values or extent of a river, unless:*	***LF-FW-P13 – Preserving natural character and instream values*** …

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
(a) there is a functional need for the activity in that location, and *(b) the effects of the activity are managed by applying:* *(i) for effects on indigenous biodiversity, either ECO-P3 or the effects management hierarchy (in relation to indigenous biodiversity) in ECO-P6 (whichever is applicable), and* *(ii) for other effects (excluding those managed under (1)(b)(i)), the effects management hierarchy (in relation to natural wetlands and rivers) in LF-FWP13A,* *…*	*(10) despite (1)-(9), in the case of infrastructure the effects of the activity are managed by the effect's management hierarchy (other matters) in accordance with EIT-EN-PXX.*
ECO - Ecosystems and indigenous biodiversity	
ECO-P2: Identifying significant natural areas and taoka *Identify and map:* *(1) the areas and significant biodiversity values of significant natural areas in accordance with APP2, and* *(2) where appropriate indigenous species and ecosystems that are taoka in accordance with ECO-M3.*	***ECO-P2: Identifying significant natural areas and taoka*** *Identify and map in the relevant regional and district plans:* *(1) the areas and significant biodiversity values of significant natural areas in accordance with APP2, and* *(2) where appropriate indigenous species and ecosystems that are taoka in accordance with ECO-M3.*
APP2	Amend APP2 to be consistent with the criteria which are set out at clause 3.8 (1) and (2) of the Draft NPSIB.
ECO-P3 – Protecting significant natural areas and taoka *Except as provided for by ECO-P4 and ECO-P5, protect significant natural areas ~~(outside the coastal environment)~~ and indigenous species and ecosystems that are taoka by:* *(1) first avoiding adverse effects that result in:* *(a) any reduction of the area or indigenous biodiversity values identified and mapped under ECO-P2(1), (even if those values are not themselves significant but contribute to an area being identified as a significant natural area) ~~identified under ECO-P2(1), or~~ and* *(b) any loss of ~~Kāi Tahu~~ taoka values identified and mapped under ECO-P2(2), and* *(2) after (1), applying the ~~biodiversity~~ effects management hierarchy (in relation to indigenous biodiversity) in ECO-P6, and*	***ECO-P3 – Protecting significant natural areas and taoka*** *…* *(4) in the case of electricity distribution infrastructure, adverse effects are managed in accordance with EIT-EN-PXX and EIT-EN-PXXA.*

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
(3) prior to significant natural areas and indigenous species and ecosystems that are taoka being identified and mapped in accordance with ECO-P2, adopt a precautionary approach towards activities in accordance with ~~IM–P15~~ IM-P6(2).	
ECO-P4 – Provision of new activities *Maintain Otago's indigenous biodiversity by following the sequential steps in the effects management hierarchy (in relation to indigenous biodiversity) set out in ECO–P6 when making decisions on plans, applications for resource consent or notices of requirement for the following activities in significant natural areas ~~(outside the coastal environment)~~, or where they may adversely affect indigenous species and ecosystems that are taoka:* *…*	***ECO-P4 – Provision of new activities*** *Maintain Otago's indigenous biodiversity by following the sequential steps in the effects management hierarchy (in relation to indigenous biodiversity) set out in ECO–P6 or, in the case of electricity distribution infrastructure, adverse effects are managed in accordance with EIT-EN-PXX and EIT-EN-PXXA. when making decisions on plans, applications for resource consent or notices of requirement for the following activities in significant natural areas ~~(outside the coastal environment)~~, or where they may adversely affect indigenous species and ecosystems that are taoka:…*
ECO-P5 – Existing activities in significant natural areas *~~Except as provided for by ECO–P4, p~~Provide for existing activities that are lawfully established within significant natural areas (outside the coastal environment) and that may adversely affect indigenous species and ecosystems that are taoka, if:* *…*	***ECO-P5 – Existing activities in significant natural areas*** *~~Except as provided for by ECO–P4, p~~Provide for existing activities that are lawfully established within significant natural areas (outside the coastal environment) and that may adversely affect indigenous species and ecosystems that are taoka, if:* *…* *(3) or in the case of electricity distribution infrastructure, adverse effects are managed in accordance with EIT-EN-PXX.*
ECO-P6 – Maintaining indigenous biodiversity *Maintain Otago's indigenous biodiversity (excluding ~~the coastal environment and~~ areas ~~managed~~ protected under ECO-P3) by applying the following ~~biodiversity~~ effects management hierarchy (in relation to indigenous biodiversity) in decision-making on applications for resource consent and notices of requirement:* *…*	***ECO-P6 – Maintaining indigenous biodiversity*** *…* *(6) in the case of electricity distribution infrastructure, adverse effects are managed in accordance with EIT-EN-PXX and EIT-EN-PXXA.*
EIT - Energy, infrastructure and transport	
EIT-INF-O4 Provision of Infrastructure *Effective, efficient and resilient infrastructure, nationally significant infrastructure and regionally significant 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 in ~~within~~ the region, within ~~environmental~~ limits.*	***EIT-INF-O4 Provision of Infrastructure*** *Effective, efficient and resilient infrastructure, nationally significant infrastructure and regionally significant 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 in ~~within~~ the region~~, within environmental limits~~.*

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
EIT-INF-P16 – Providing for electricity transmission and the National Grid *Maintain a secure and sustainable electricity supply in Otago by:* *(1A) applying EIT-INF-P13,* *(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 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 mana whenua such as wāhi tūpuna, areas of high amenity or recreational value and existing sensitive activities.*	***EIT-INF-P16 – Providing for electricity transmission and the National Grid*** *Maintain a secure and sustainable electricity supply in Otago by:* *(1A) applying EIT-INF-P13,* *(1) providing for development of, and upgrades to, the ~~electricity transmission network~~ National Grid and requiring, as far as practicable, its integration with land use,* *(2) considering the requirements of and constraints on the functional needs or operational needs of the ~~electricity transmission network~~ National Grid,* *(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~~ National Grid 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.*
EIT-EN-P10 – Providing for electricity distribution *Recognise and provide for electricity distribution infrastructure, by all of the following:* *(1) recognising the functional needs of electricity distribution activities,* *(2) restricting the establishment of activities that may result in reverse sensitivity effects,* *(3) avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure,* *(4) minimising adverse effects of new and upgraded electricity distribution infrastructure on existing land uses, and*	***EIT-EN-P10 – Providing for electricity sub-transmission and distribution*** *Recognise and provide for electricity distribution infrastructure, by all of the following:* *(1) recognising the functional needs of electricity distribution activities,* *(2) restricting the establishment of activities that may result in reverse sensitivity effects on the electricity distribution activities,* *(3) avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure,*

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(5) identifying significant electricity distribution infrastructure and managing effects of potentially incompatible activities through methods such as corridors.	*(4) ~~minimising~~ avoiding, remedying or mitigating adverse effects of new and upgraded electricity distribution infrastructure on existing land uses, and* *(5) identifying significant electricity distribution infrastructure and managing effects of potentially incompatible activities through methods such as corridors.*
EIT-EN-P8 *Provide for small and community scale distributed electricity generation activities that increase the local community's resilience and security of energy supply.*	***EIT-EN-P8*** *Provide for small and community scale distributed electricity generation activities that increase the local community's resilience and security of energy supply, including by providing for connection to the distribution network.*
***EIT-INF-P11* – Operation and Maintenance** *Except as provided for by ECO–P4, allow for the operation and maintenance of existing infrastructure, nationally significant infrastructure 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.*	***EIT-INF-P11* – Operation and Maintenance** *~~Except as provided for by ECO–P4, a~~ Allow for the operation and maintenance of existing infrastructure, nationally significant infrastructure 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.~~*
	New Policies ***EIT-EN-PXX*** ***EIT-EN-PXXA*** Refer Appendix C of M Justice's evidence.
EIT-INF-*P14 Decision making considerations* *…*	Delete Policy EIT-INF-P14
EIT-INF-P15 – Protecting nationally significant infrastructure ~~or~~ and 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~~. Protect the efficient and effective*	***EIT-INF-P15 – Protecting nationally significant infrastructure, ~~or~~ ~~and~~ regionally significant infrastructure and significant electricity distribution 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~~*

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
operation of nationally significant infrastructure and regionally significant infrastructure by: *(1) avoiding activities that may give rise to an adverse effect on the functional needs or operational needs of nationally significant infrastructure or regionally significant infrastructure,* *(2) avoiding activities that may result in reverse sensitivity effects on nationally significant infrastructure or regionally significant infrastructure, and* *(3) avoiding activities and development that foreclose an opportunity to adapt, upgrade or develop nationally significant infrastructure or regionally significant infrastructure to meet future demand.*	*~~compromise the functional or operational needs of nationally or regionally significant infrastructure~~. Protect the efficient and effective operation of nationally significant infrastructure, ~~and~~ regionally significant infrastructure and significant electricity distribution infrastructure by:* *(1) avoiding activities that may give rise to an adverse effect on the functional needs or operational needs of nationally significant infrastructure, or regionally significant infrastructure, or significant electricity distribution infrastructure.* *(2) avoiding activities that may result in reverse sensitivity effects on nationally significant infrastructure or regionally significant infrastructure, ~~and~~ or significant electricity distribution infrastructure, and* *(3) avoiding activities and development that foreclose an opportunity to adapt, upgrade or develop nationally significant infrastructure or regionally significant infrastructure or significant electricity distribution infrastructure to meet future demand.*
	New Policy ***EIT-EN-PXXX*** *Encourage and support the development or upgrade of infrastructure necessary to mitigate risks of natural hazards including the adverse effects of climate change.*
EIT-EN-M2 – District plans *Territorial authorities must prepare or amend and maintain their district plans to:* *…* *(5C) map significant electricity distribution infrastructure and, where necessary, providing controls on activities to ensure that the functional needs of the significant electricity distribution infrastructure are not compromised,* *(5D) where necessary, establishing controls for buildings, structures and other activities adjacent to electricity infrastructure, to ensure the functional needs of that infrastructure are not compromised based on NZECP34:2001 Electrical Code of Practice for Electrical Safe Distances and the Electricity (Hazards from Trees) Regulations 2003 (prepared under the Electricity Act 1992),* ***…***	***EIT-EN-M2 – District plans*** *Territorial authorities must prepare or amend and maintain their district plans to:* *…* *(5C) map electricity sub-transmission infrastructure and significant electricity distribution infrastructure and, where necessary, providing controls on activities to ensure that the functional needs of the significant electricity distribution infrastructure are not compromised,* *(5D) where necessary, establishing controls for buildings, structures and other activities adjacent to electricity infrastructure, to ensure the functional needs of that infrastructure are not compromised based on NZECP34:2001 Electrical Code of Practice for Electrical Safe Distances and the Electricity (Hazards from Trees) Regulations 2003 (prepared under the Electricity Act 1992),* *…*

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
HAZ-NH - Natural Hazards	
HAZ-NH-P3 New Activities *Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZ–NH–P2, manage new activities to achieve the following outcomes:* *1. when the natural hazard risk is significant, the activity is avoided;* 2. …	***HAZ-NH-P3 New Activities*** *Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZ–NH–P2, manage new activities to achieve the following outcomes:* *1. when the natural hazard risk is significant, the activity is avoided <u>unless the activity is nationally or regionally significant infrastructure that has a functional need or operational need for its location and the risk is appropriately managed</u>.*
HAZ-NH-P8 Lifeline utilities and facilities for essential or emergency services *Locate, ~~relocate~~, and design lifeline utilities and facilities for essential and emergency services to:* *1.Maintain their ability to function to the fullest extent possible, during and after natural hazard events, and* *2.Take into account their operational co-dependence with other lifeline utilities and essential services to ensure their effective operation.*	***HAZ-NH-P8 Lifeline utilities and facilities for essential or emergency services*** *Locate, ~~relocate~~, and design lifeline utilities and facilities for essential and emergency services to:* *1.Maintain their ability to function to the fullest extent possible, during and after natural hazard events, and* *2.Take into account their operational co-dependence with ~~other~~ lifeline utilities and essential services to ensure their effective operation.*
	New Policy: *<u>HAZ-NH-PXX</u>* *<u>Recognise and provide for the ongoing development and upgrade of the electricity distribution network to adapt to the effects of climate change by:</u>* *<u>1) Encouraging long-term planning for the development and upgrade of the distribution network; and</u>* *<u>2) Integrated management with infrastructure and lifeline utilities.</u>*
HCV - Historic and Cultural Values	
HCV-WT-P2 – Management of wāhi tūpuna	*HCV-WT-P2 – Management of wāhi tūpuna*

Proposed Otago RPS – as amended by supplementary evidence, October 2022	Changes sought are shown in double strikethrough and double underline
Wāhi tūpuna are protected by: (1) avoiding significant adverse effects on the cultural values ~~associated with of~~ identified wāhi tūpuna, (1A) avoiding, as the first priority, other adverse effects on the cultural values of identified wāhi tupuna, (2) where other adverse effects demonstrably cannot be completely avoided, then either remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna, (3) managing identified wāhi tūpuna in accordance with tikaka Māori, ~~and~~ ~~(4) avoiding any activities that may be considered inappropriate in wāhi tūpuna as identified by Kāi Tahu, and~~ (5) encouraging the enhancement of access to wāhi tūpuna to the extent compatible with the particular wāhi tupuna.	Wāhi tūpuna are protected by: (2) avoiding significant adverse effects on the cultural values ~~associated with of~~ identified wāhi tūpuna, (1A) avoiding, as the first priority, other adverse effects on the cultural values of identified wāhi tupuna, (2) where other adverse effects demonstrably cannot be completely avoided, then either remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna, (3) managing identified wāhi tūpuna in accordance with tikaka Māori, ~~and~~ ~~(4) avoiding any activities that may be considered inappropriate in wāhi tūpuna as identified by Kāi Tahu, and~~ (5) encouraging the enhancement of access to wāhi tūpuna to the extent compatible with the particular wāhi tupuna, and (6) Recognising that for infrastructure, EIT-INF-P13 and EIT-EN-PXX applies instead of HCV-WT-P2(1)-(5)
NFL-Natural features and landscapes	
NFL-P2 – Protection of outstanding natural features and landscapes Protect outstanding natural features and landscapes outside the coastal environment from inappropriate subdivision, use and development by: (1) avoiding adverse effects on the values of the natural features and landscapes where there is limited or no capacity to absorb ~~change~~ use or development ~~that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding~~, and (2) avoiding, remedying or mitigating other adverse effects. (3) managing the adverse effects of infrastructure on the values of outstanding natural features and landscapes in accordance with EIT-INF-P13.	**NFL-P2 – Protection of outstanding natural features and landscapes** Protect outstanding natural features and landscapes outside the coastal environment from inappropriate subdivision, use and development by: (1) avoiding adverse effects on the values of the natural features and landscapes where there is limited or no capacity to absorb ~~change~~ use or development ~~that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding~~, and (2) avoiding, remedying or mitigating other adverse effects. (3) managing the adverse effects of infrastructure on the values of outstanding natural features and landscapes in accordance with EIT-INF-P13 and EIT-EN-PXX.
NFL-P3 Maintenance of highly values natural features and landscapes *Maintain or enhance highly valued natural features and landscapes outside the coastal environment by:*	***NFL-P3 Maintenance of highly values natural features and landscapes*** *Maintain or enhance highly valued natural features and landscapes outside the coastal environment by avoiding, remedying or mitigating adverse effects on the values of the natural feature or landscape.*

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(1) Avoiding significant adverse effects on the values of the natural feature or landscape, and *(2) Avoiding, remedying or mitigating other adverse effects.*	~~*(1) Avoiding significant adverse effects on the values of the natural feature or landscape, and*~~ ~~*(2) Avoiding, remedying or mitigating other adverse effects.*~~
UFD – Urban form and development	
UFD-04 – Development in rural areas *UFD-O4 – Development in rural areas Development in Otago's rural areas occurs in a way that:* ~~*(1) avoids impacts on significant values and features identified in this RPS,*~~ *(2) avoids as the first priority, highly productive land ~~land~~ ~~and soils identified as highly productive by LF–LS–P19 unless there is an operational need or functional need for the development to be located in rural areas~~,* *(3) only provides for urban expansion, rural lifestyle ~~and rural residential~~ development and the establishment of ~~sensitive~~ activities that are sensitive to primary production and rural industry, in locations identified through strategic planning or zoned within district plans as suitable for such development, ~~and~~* *(4) outside of areas identified in (3), ~~maintains and enhances~~ provides for the ongoing use of rural areas for primary production, supported by rural industry in appropriate locations, and ~~facilitates~~ ensures that other activities ~~that have an operational need or functional need to locate in rural areas, that will~~ do not compromise the natural and physical resources that support the productive capacity, rural character, and long-term viability of the rural sector and rural communities, and* *(4A) provides for the use and development of land in rural areas by Kāi Tahu for papakāika, kāika, nohoaka, marae, and marae related activities.*	***UFD-04 – Development in rural areas*** *…* *(2) avoids as the first priority, highly productive land ~~land and soils identified as highly productive by LF–LS–P19~~ unless there is an operational need or functional need for specified infrastructure to be located in rural areas,*
	Include the following new clause in Policies UFD-P5, UFD-P6, UFD-P7 and UFD-P8 ***Recognise and provide for the distribution network by identifying electricity sub-transmission infrastructure and significant electricity distribution infrastructure and managing effects of potentially incompatible activities.***

Appendix C – EIT-EN-PXX and EIT-EN-PXXA with discussion

Recommended changes to EIT-IN-P13 to create a new electricity distribution specific effects management policies	Rationale
EIT-EN-PXX – **Locating and managing effects of electricity distribution network infrastructure ~~nationally significant infrastructure and regionally significant infrastructure~~ outside the coastal environment** When providing for new electricity distribution infrastructure~~, nationally significant infrastructure and regionally significant 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 outstanding natural 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, and (g) wāhi tūpuna ~~wāhi tapu, wāhi taoka~~, and areas with protected customary rights~~, and~~ ~~(h) areas of high recreational and high amenity value, and~~	I consider that including a standalone policy in the pORPS that sets out how the environmental effects of electricity distribution infrastructure is managed will result in improved environmental outcomes, as it will be easier to administrator, and can address the unique nature, character and scale of this infrastructure. I consider that amendments are required to adapt policy EIT-INF-P13 to be specific to electricity distribution infrastructure. This allows the wording of the policy to be simplified to distinguish between all electricity distribution infrastructure, and significant electricity distribution infrastructure. Clauses (1) and (2) of the policy apply to those sensitive areas listed in clause (1) which are already identified in the relevant Regional or District Plans, or are required to be identified via methods in the PORPS: - significant natural areas via method ECO-M2; - the coastal environment and areas of high and outstanding natural character in the coastal environment via method CE-M1; - outstanding water bodies via method LF-FW-M5; - natural wetlands via method LF-FW-M6 (7); - outstanding natural landscapes and outstanding natural features via method NFl-M1; and - historic heritage and places/areas with historic heritage values for mana whenua via method HCV-HH-M5. However, the PORPS does not contain a method that requires the identification or mapping of water bodies (outside the coastal environment) that have outstanding natural character values. Rather, the criteria for identifying outstanding water bodies includes a list of values/indicators that relate to natural character values (APP1 of the PORPS). I therefore understand that where areas of natural character are identified outside of the coastal environment, they will be associated with outstanding water

Recommended changes to EIT-IN-P13 to create a new electricity distribution specific effects management policies	Rationale
	bodies. For that reason, I do not consider that clause (e) of this policy is necessary, as outstanding water bodies are captured in clause (d) and there are no other references to natural character values in the PORPS, aside from the coastal environment (which I have covered in a separate policy below). In my view, EIT-EN-PXX need not apply to areas of "high recreational and high amenity values". Policy 7 of the National Policy Statement on Electricity Transmission requires the planning and development of transmission lines to avoid adverse effects on areas of high recreational value or amenity. There are no other higher order documents that specifically require the identification and management of "high recreational and high amenity values" that apply to other activities. It follows that a policy managing effects of transmission lines on areas of high recreational values and amenity values is appropriate, however I do not consider it appropriate to apply this to electricity distribution infrastructure. The infrastructure managed by Transpower is of a different nature and scale to that managed by the EDBs. Requiring specific management of high recreational and high amenity values for the distribution network is not justified, and this method has not undergone robust analysis of the costs and benefits that will result from its implementation under s32 of the RMA, other than in relation to the National Policy Statement on Electricity Transmission.[32] Transpower's submission on the PORPS sought a standalone policy for managing the effects of the National Grid, and this policy incorporates the management of effects in areas with high recreational values and amenity values. I consider this approach to be appropriate as it gives effect to Policy 7 of the National Policy Statement on Electricity Transmission.

[32] Section 32 Evaluation, Proposed Otago Regional Policy Statement 2021, dated May 2021, page 221.

Recommended changes to EIT-IN-P13 to create a new electricity distribution specific effects management policies	Rationale
(2) if it is not ~~possible~~ demonstrably practicable to avoid locating in the areas listed in (1) above because of the functional needs or operational needs of the infrastructure, ~~nationally significant infrastructure and regionally significant infrastructure~~, manage adverse effects as follows: (a) for ~~nationally~~ electricity sub-transmission infrastructure and significant electricity distribution infrastructure ~~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-P12,~~ ~~(iiia) in relation to wāhi tūpuna, in accordance with HCV-WT-P2,~~ (iv) in other areas listed in ~~EIT-INF-P13~~(1) above, ~~minimise~~ manage the adverse effects of the infrastructure on the values that contribute to the area's importance, by: i. Avoiding adverse effects, where practicable; ii. Where adverse effects cannot be practicably avoided, they are remedied to the extent practicable; iii. Where adverse effects cannot be practicably remedied, they are mitigated to the extent practicable; iv. In Significant Natural Areas, where more than minor adverse effects cannot be practicably avoided, minimised, remedied or mitigated consider offsetting and/or compensation of any residual	I agree with the s42A report author's recommended changes to clause (2) (of EIT-INF-P13), substituting the word 'possible' to 'demonstrably practicable'. I consider the term 'possible' is overly broad, in the sense that, often, anything is 'possible' however what is possible may not be operationally practicable. The recommended change acknowledges the operational and locational constraints that determine, to a large degree, where infrastructure is located, and I consider that this is an important consideration to take into account when considering whether or not new infrastructure is appropriate in an area. I consider that clause (2)(a)(i) can be deleted because clause (iv) provides an effects management hierarchy that closely aligns with Policy ECO-P4. An alternative to deleting clause (2)(a)(i) could require effects of activities in significant natural areas to be assessed in accordance with the NPSIB, to align with this policy statement when it becomes operative, however, the timing of this is unknown. I have considered the option of amending clause (2)(a)(ii) to refer the effects management hierarchy policy for wetlands and rivers LF-LW-P13A. However, the wording I have included reflects the wording recommended by the s42A report author for policy EIT-INF-P13. In my view, either option is appropriate. I recommend deleting the reference to Policy HCV-WT-P2 because the effects management regime contained in this policy aligns with the effects management policy in HCV-WT-P2. My recommended change will continue to enable the fulsome consideration of effects on the cultural values of identified wāhi tupuna. Under Policy EIT-EN-PXX, adverse effects on 'outstanding water bodies' are managed via the effects management hierarchy in clause (iv), and therefore clause (2)(a) (iii) can be deleted.

Recommended changes to EIT-IN-P13 to create a new electricity distribution specific effects management policies	Rationale
adverse effects on indigenous biodiversity values in accordance with APP3 and/or APP4.	I consider the word 'manage' is more appropriate than the word 'minimise' at the beginning of clause (iv) as this part of the policy is describing how effects will be managed. For the remaining sensitive areas identified at (1), where there is no higher level policy guidance directing how effects are to be managed, I consider that the effects management hierarchy approach at clause (2)(a)(iv) is appropriate to manage adverse effects of sub-transmission and significant electricity distribution infrastructure. In my view, this approach will provide an appropriate level of protection for these sensitive environments, while providing a consenting pathway for this important infrastructure, provided is has been established via clause (2) that there is no practicable alternative to locating the infrastructure at the site. I consider the requirement to 'minimise' adverse effects (at clause (2)(a)(iv) should only be applied where the infrastructure is being located in an area identified as a natural wetland, given the requirement to minimise adverse effects comes from the NPSF. At clause (2)(a)(iv)(v) I have specifically included how the management of any adverse effects on indigenous biodiversity should be managed to align with the clause 3.11(2)((a)(i) of the draft NPSIB which relates to 'specific infrastructure'. 'Specific infrastructure' is defined in the draft NPSIB to include all infrastructure operated by a lifeline utility (the EDBs are lifeline utilities under the Civil Defence Emergency Management Act 2002). Clause 3.11(2)((a)(i) provides an alternative effects assessment pathway for activities within identified significant natural areas via the effects management hierarchy, which allows for more than minor residual effects on biodiversity to be offset or compensated. An alternative I have considered would be to refer to the NPSIB in this clause. This would enable the final version of the NPSIB to be adopted when considering effects on significant natural areas and indigenous biodiversity.

Recommended changes to EIT-IN-P13 to create a new electricity distribution specific effects management policies	Rationale
(b) for all electricity distribution infrastructure that is not ~~nationally~~ electricity sub-transmission infrastructure and significant electricity distribution infrastructure ~~or regionally significant infrastructure~~, where located within the areas listed in (1) above: (i) avoid significant adverse effects and avoid remedy or mitigate all other adverse effects on the values that contribute to the area's outstanding nature or significance, where practicable; and (ii) when considering any residual adverse effects on indigenous biodiversity values have regard to offsetting measures and compensation.	Clause (2)(b) of Policy EIT-EN-PXX will apply to all electrcity distribution infrastructure that is not classified as sub-transmission or significant electricity distribution infrastructure. For the EDB's, this will include much of the 11kV lines network and customer connections, and all equipment and facilities associated with the 11kV lines network, such as transformers, substations and other equipment. Clause (2) of this policy applies to all other electricity distribution infrastructure, requiring the avoidance of these sensitive areas as a first priority. The equivalent clause of policy EIT-INF-P13 requires the avoidance of all adverse environmental effects. In my view this will present an unsurmountable hurdle for proposals that have no practicable alternative location. This policy could prevent important infrastructure from being developed. For instance, if there are no other options for a line to cross a river in a location with outstanding natural character values, there is no way to avoid the adverse visual effect of this line on the natural character values. In this situation, the proposal could not proceed and the electricity would not be supplied to the end user. Further, there is no national level policy guidance or direction that requires all adverse effects associated with infrastructure to be avoided, except for Policy 13 of the New Zealand Coastal Policy Statement ("NZCPS"), which I address when discussing the coastal environment policy below. In my view, given the locational constraints associated with infrastructure, and in many cases the technological constraints, coupled with the fact that infrastructure provides essential lifeline utility services to the community, and is not developed solely for economic gain, I consider that it is appropriate for infrastructure activities to have a consenting pathway that differs from development which is not locationally constrained.

Recommended changes to EIT-IN-P13 to create a new electricity distribution specific effects management policies	Rationale
	The wording I have suggested for clause (2)(b) of EIT-EN-PXX presents a more challenging consenting pathway to that provided for sub-transmission and significant electricity distribution infrastructure in clause(2)(a). However, it will provide a consenting pathway for electricity distribution network proposals in sensitive areas to allow such proposals to be duly considered via a consenting or notice of requirement process. Further, Policy ECO-P6 *Protecting significant natural areas and taoka*, which provides an effects management regime for all activities (other than infrastructure) does not require the complete avoidance of adverse effects. I do not consider it appropriate to provide a more lenient effects management regime for unspecified development than for infrastructure. Clause (2)(b)(ii) is included to reflect the provisions in the draft NPSIB that apply to specific infrastructure. As an alternative, this clause could refer directly to the NPSIB.
(3) in other areas outside the areas listed in (1) above, avoid, remedy or mitigate adverse effects and when considering any residual adverse effects on indigenous biodiversity values consider offsetting measures and compensation.	I consider that an additional policy is necessary to set out how adverse effects of new electricity distribution infrastructure outside of the identified sensitive areas will be managed. Clause 3.16 of the draft NPSIB sets out how indigenous biodiversity is managed outside of significant natural areas. Referring directly to the NPSIB is an alternative wording of this policy.
(4) in the event of any conflict between EIT-EN-PXX and other policies in this regional policy statement, EIT-EN-PXX prevails over those policies.	The inclusion of clause (4) in the POPRS will avoid uncertainty and assist decision makers with identifying the relevant provisions for managing electricity distribution infrastructure.

Recommended changes to EIT-IN-P13 to create a new electricity distribution specific effects management policies	Rationale
EIT-EN-PXXA – Managing effects of electricity distribution infrastructure ~~nationally significant infrastructure and regionally significant infrastructure~~ within the coastal environment When providing for new electricity distribution infrastructure and the upgrading and maintenance of existing infrastructure within the coastal environment manage adverse effects of infrastructure, by: (1) Giving preference to avoiding its location in all of the following within the coastal environment: i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna; ii. Outstanding natural character; iii. Outstanding natural features and outstanding natural landscapes, including seascapes; (2) Where it is not practicable to avoid locating in the areas listed in (1) above because of the functional needs of that infrastructure: i. Avoid adverse effects on the values that contribute to the significant or outstanding nature of (1) i-iii; ii. Avoid significant adverse effects on natural character and natural landscapes in all other areas of the coastal environment. (3) In the event of any conflict between EIT-EN-PXXA and other policies in this regional policy statement, EIT-EN-PXXA prevails over those policies.	Policy EIT-EN-PXXA will replace EIT-INF-P13A in so far as it relates to electricity distribution infrastructure. This policy is required manage adverse effects of activities located within the coastal environment in areas identified as having outstanding natural character values to give effect to the Policy 13 of the NZCPS. Policy 13 of the NZCPS requires the avoidance of adverse effects of activities in outstanding natural character areas and the avoidance of significant adverse effects in areas with high natural character values. In order to ensure that the policy gives effect to the NZCPS, EIT-EN-PXXA applies to all areas of the coastal environment that are identified as areas of outstanding natural character, and it requires, as a first step, the avoidance of infrastructure locating in areas of outstanding natural character, outstanding natural landscapes and outstanding natural features in the coastal environment, and areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment. The drafting of Policy EIT-EN-PXXA closely matches the drafting of Policy 4.3.4 of the Partially Operative Otago RPS, which was settled via mediation.