

**BEFORE THE HEARING COMMISSIONERS APPOINTED BY OTAGO  
REGIONAL COUNCIL**

Under the Resource Management Act 1991

In the matter of the proposed Otago Regional Policy  
Statement 2021 (excluding provisions renotified  
as part of a freshwater planning instrument)

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**STATEMENT OF EVIDENCE OF CLAIRE ELIZABETH HUNTER (PLANNING)  
ON BEHALF OF CONTACT ENERGY LIMITED**

23 November 2022

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## 1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is **Claire Elizabeth Hunter**.
- 1.2 I am a resource management consultant and Director of Mitchell Daysh Limited, a nation-wide resource management and environmental planning consultancy firm. I have around 17 years' experience in this field.
- 1.3 I hold an Honours degree in Environmental Management from the University of Otago. I am a member of the Resource Management Law Association and an Associate Member of the New Zealand Planning Institute. Over the past nearly two decades I have focused on providing consultancy advice with respect to regional and district plans, plan changes, resource consents, designations and environmental effects assessments. A list of my recent project experience is set out in **Appendix CH.1**.
- 1.4 My firm has been engaged by Contact Energy Limited (**Contact**) on a number of projects throughout New Zealand. Most recently, I have been assisting Contact on a number of matters relating to its Clutha Hydro Scheme (**CHS**) in Otago.
- 1.5 Through my work I am familiar with the now partially operative Otago Regional Policy Statement, and I assisted various clients, including Contact with their submissions on the Proposed Otago Regional Policy Statement 2021 (**proposed RPS**).

## 2. CODE OF CONDUCT

- 2.1 I have read the Environment Court's Code of Conduct for Expert Witnesses, and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in my brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## 3. SCOPE OF EVIDENCE

- 3.1 In preparing my evidence I have reviewed the relevant provisions of:
- the proposed Otago Regional Policy Statement (**proposed RPS**);
  - Contact Energy Limited's (**Contact**) submissions and further submissions;

- the Otago Regional Council's (**Regional Council's**) section 42A report, including the version showing recommendations from the Regional Council's supplementary evidence and additional supplementary evidence (**section 42A report (October version)**); and
  - the other statements of evidence prepared on behalf of Contact (including both corporate and expert evidence).
- 3.2 My evidence also attaches as **Appendix CH.2** alternative drafting for a stand-alone energy sub-chapter for the energy, infrastructure and transport chapter (**EIT Chapter**) of the proposed RPS. This has been developed by myself together with the expert planners engaged by Meridian Energy Limited, Manawa Energy Limited and Mercury Energy Limited (referred to as **Proposed Energy Sub-Chapter**).
- 3.3 The purpose of my evidence is to:
- summarise the background to Contact's submissions and further submissions;
  - outline the main aspects of the relief sought by Contact, and in doing so, address the recommendations of the section 42A report (October version);
  - where my recommendation differs to that of the section 42A report, explain the reason for my differing view and provide my alternative suggested amendments to the provisions; and
  - explain the rationale for the Proposed Energy Sub-Chapter, which is provided in **Appendix CH.2**.
- 3.4 Contact's submission and further submission included numerous points not addressed in this statement of evidence. Concerning those submission points, I generally agree with the recommendations in the section 42A report (October version) and so have not commented on them any further here.

#### **4. EXECUTIVE SUMMARY**

- 4.1 Contact made a number of submissions on the proposed RPS. Contact has a significant interest in the Otago region, as it owns and operates the nationally significant Clutha Hydro Scheme on the Clutha Mata-Au, which

currently generates about 10% of New Zealand's electricity, and on average 12% of New Zealand's renewable electricity generation.

- 4.2 The impacts of the CHS within the river environment are significant. It has fundamentally altered the nature of the catchment and the development around it. The proposed RPS cannot ignore this scale of existing development.
- 4.3 The CHS is also significant as a renewable electricity generation asset. The national significance of this is recognised by both the National Policy Statement for Renewable Electricity Generation 2011 (**NPSREG**) and the National Policy Statement for Freshwater 2020 (**NPSFM**). As an existing renewable electricity generation asset, the CHS must be protected. In addition, as explained in the evidence on behalf of Contact, new renewable electricity generation facilities must be able to be consented and developed throughout New Zealand, including within the Otago region. If the proposed RPS creates significant impediments in this regard, the evidence demonstrates that the ability of New Zealand to transition to a decarbonised society will be commensurately compromised.
- 4.4 To this end, Contact (and other generators) are proposing a new sub chapter for renewable electricity generation activities to sit within the EIT Chapter of the proposed RPS (the Proposed Energy Sub-Chapter). The purpose of the development of this Sub-Chapter is to remove any confusion as to the application of the energy versus the infrastructure chapters of the notified RPS, protect existing renewable electricity generation facilities and to provide a clear and viable pathway for new renewable electricity generation activities to be appropriately considered on a merits-based assessment. To be clear, Contact is not seeking an "exemption" or "carve out" from the provisions of the broader RPS, rather, it is seeking to ensure that the energy chapter provides a clear assessment pathway by which decision makers can properly evaluate the merits of a proposal.
- 4.5 Climate change is a key issue identified in the proposed RPS. Contact supports this, but seeks that appropriate recognition is provided within the proposed RPS as to the role that renewable electricity generation facilities will play in achieving New Zealand's decarbonisation goals. More specifically, Contact seeks that the ongoing use and development of new renewable electricity generation facilities is explicitly recognised as a key element of "climate change mitigation". I have proposed amendments to

provisions within the Integrated Management Chapter of the proposed RPS to make this abundantly clear.

- 4.6 The freshwater provisions which are being progressed as part of this Schedule 1 process, and which Contact is interested in, relate to natural character and outstanding water bodies. The provisions as notified seek to protect and promote the restoration of natural form and function of waterbodies within the region. While laudable, it is my view that such aspirations fail to recognise that existing development, such as the CHS within the Clutha Mata-Au, have fundamentally altered the natural processes and characteristics of such water bodies. It also fails to recognise that with respect to hydro development proposals, these will have a functional and operational need to locate within waterbodies. Amendments I have proposed to this chapter seek to appropriately recognise the existing environment in the context of the CHS in particular.
- 4.7 Contact made a number of submissions with respect to the ECO Chapter of the proposed RPS. Firstly, it is evident that the ecologically significant criteria set out in APP2 establish a low threshold for land to qualify as a significant natural area (**SNA**). This is addressed in **Dr Keesing's** evidence. In addition to this, while Contact supports the application of the effects management hierarchy for activities which have a functional or operational need to locate within an area of SNA, it has concerns around the workability of the criteria for biodiversity offsetting and compensation set out in APP3 and APP4 respectively. For a renewable electricity generation project which would contribute significantly to New Zealand's decarbonisation targets, I am of the view that these effect management tools should remain available, in line with the NPSREG, except in very limited circumstances.
- 4.8 With respect to natural hazards and natural landscapes and features, Contact is seeking that these provisions do not prevent the ongoing use and/or development of new renewable electricity generation activities by adopting provisions which seek to "avoid" development within such locations. In light of case law, greater weight must be given to provisions that have more directive wording, such as those which seek to "avoid" activities or adverse effects. In my view, as a regional level document, such provisions should focus on establishing a policy framework which ensures that adverse effects are appropriately managed, taking into account factors such as the degree of significance or scale of the effect, as well as recognising that in certain circumstances functional and/or operational

constraints may mean that adverse effects are inevitable and could also be acceptable because of the public good that accrues. While it appears to be the intent of the proposed RPS to achieve this general outcome, further refinement of the provisions is required to ensure this outcome is achieved.

## 5. BACKGROUND TO CONTACT'S SUBMISSION

5.1 This evidence relates to the submissions made on the provisions contained in the proposed RPS that impact on the functions of Contact as the owner and operator of the nationally significant Clutha Hydro Scheme (**CHS**) in Otago, as well as a developer of renewable electricity generation (**REG**) throughout New Zealand.

5.2 **Ms Nelson** is the Chief Development Officer at Contact. Her evidence provides an overview of Contact's business, approach to sustainability and continued progress in reducing greenhouse gas emissions and increasing REG.

5.3 The CHS currently generates about 10% of New Zealand's electricity and on average 12% of New Zealand's REG. The CHS consists of the Hāwea Dam, the Clyde Dam and Power Station and the Roxburgh Dam and Power Station.

5.4 A number of experts for Contact have described the impacts of the CHS on the Clutha / Mata-au. **Mr Foster** has described the effects of the CHS on sedimentation and flooding; **Mr Coombs** has described the effects of the CHS on landscape and natural character; **Dr Keesing** has described the effects of the CHS on ecology. In summary, the impacts of the development are irreversible and extend well beyond the large-scale dam structures and their respective storage lakes – the scheme is of a scale that it has fundamentally altered the nature of the catchment and the development around it.

5.5 **Mr Hunt** has described the unprecedented amount of new REG development that is required in order to achieve New Zealand's climate change targets;<sup>1</sup> and **Ms Nelson** has confirmed Contact's commitment to helping the government achieve these, including through embarking on a significant project to investigate suitable sites for new wind and solar electricity generation.<sup>2</sup> I understand that Contact intends to accelerate its

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<sup>1</sup> Hunt EIC, para 6.15.

<sup>2</sup> Nelson EIC, para 8.3.

decarbonisation progress and help New Zealand's industrial, road transport, electricity, data processing, and agricultural sectors transition from fossil fuels to a much greater proportion of renewable energy use. Maintaining and improving the capacity, efficiency, flexibility and output from the CHS underpins that, but Contact is also intent on developing other REG options around the country, including wind and solar.

5.6 The Resource Management Act 1991 (**RMA**) (and its replacement legislation) and the plans and policy statements made under them, including the proposed RPS, are key documents in enabling New Zealand to meet its climate change goals. As a general proposition it is imperative that policy statements and plans provide appropriately for the establishment, maintenance and growth of existing and new REG opportunities. If regulatory and policy directives create significant impediments in this regard, the ability of New Zealand to transition to decarbonised electricity generation will be commensurately compromised.

5.7 In summary, Contact is seeking that the proposed RPS:

- properly recognises that the output, capacity, flexibility, reliability and efficiency of the electricity and energy system in Otago is critical to the wellbeing of the Otago region and New Zealand;
- recognises the critical importance of existing and new REG to achieve the electrification of the economy;
- ensures the critical need to develop and operate new and existing REG is recognised and appropriately enabled within the proposed RPS;
- appropriately recognises, provides for and protects existing physical REG facilities and assets within the Otago region;
- recognises the significant potential for further development of REG facilities within the Otago region and enables a pathway for these to be appropriately considered under a workable and appropriately balanced planning framework; and
- enables practical means for offsetting and compensation to be considered as part of the broader outcome-based approach to consenting REG projects.



## **6. PROPOSED ENERGY SUB-CHAPTER**

- 6.1 Contact has engaged with the other REG generators who are involved in the proposed RPS process (Meridian Energy Limited, Manawa Energy Limited and Mercury Energy Limited, together with Contact referred to as the **generators**). As a collective this group has a range of concerns with the provisions of the EIT Chapter of the proposed RPS. The key issues are briefly summarised below, and I discuss the provisions in more detail later in my evidence under the EIT Chapter.
- 6.2 The generators have discussed the Proposed Energy Sub-Chapter with Transpower and the local electricity distributors. While I cannot speak for those parties, my understanding is that they are generally supportive of the Sub-Chapter and would be amenable to their relief being provided through it if the Commissioners are minded to accept this proposal.

### **Structure of the EIT Chapter**

- 6.3 Under the notified version of the proposed RPS, REG activities are covered by both the energy and infrastructure sub-chapters within the EIT Chapter: the energy sub-chapter includes specific provisions for REG; however, most activities required to generate renewable electricity also fall within the definition of “infrastructure” and “nationally significant infrastructure” and so these activities are captured by the infrastructure sub-chapter as well. This creates confusion as the activities associated with REG are covered by two sets of provisions, some of which conflict. REG infrastructure should be covered by a stand-alone sub-chapter within the EIT Chapter. This would avoid the confusion that arises from the EIT Chapter as currently drafted.

### **Prioritisation of REG as a key element of climate change mitigation**

- 6.4 The generators also hold the view that the protection and maintenance of existing, and the creation of new REG assets is a key element of climate change mitigation. I share that view. This is consistent with central government’s climate change strategy as set out in the emissions reduction plan. That plan records the government’s aspirational target of moving to 100% REG by 2030 (Action 11.5.1). It also records that local government has a key role to play in enabling the development of REG and associated infrastructure (page 223). There are also a number of actions that reflect the government’s focus on REG (e.g. Action 11.2.1 is to accelerate development of new REG across the economy).

6.5 To reflect and deliver on these commitments, I hold the opinion that the proposed RPS needs to give priority to REG as a key element of climate change mitigation. Otherwise, it will not properly give effect to relevant national guidance such as the National Policy Statement for Renewable Electricity Generation (**NPSREG**). The changes that I have proposed to the integrated management chapter (**IM Chapter**) are intended to make it clear that REG is a key element of climate change mitigation; and that providing for climate change mitigation should be a high priority.

#### **Protection of existing and a viable pathway for new REG activities**

6.6 As a group, the generators seek through their submissions that the proposed RPS should:

- make clear that existing REG facilities are protected; and
- provide a viable pathway for new REG activities.

6.7 To be clear, the generators' submissions are not seeking a “carve out” but rather workable provisions that protect existing and provide a realistic and viable pathway (through the effects management hierarchy) for new REG. I support this approach. As currently drafted, I consider the proposed RPS provisions will create significant hurdles for new REG projects to obtain consents, including by:

- failing to provide meaningful prioritisation of REG within the objectives and policy framework and IM Chapter by providing clear and directive language that protects existing and enables future REG; and
- setting out a restrictive effects management hierarchy, potentially creating significant hurdles and uncertainties for proponents of REG projects seeking resource consents.

6.8 The Proposed Energy Sub-Chapter, which is provided as **Appendix CH.2** to my evidence, is intended to address these issues.

## 7. PART 2 – RESOURCE MANAGEMENT OVERVIEW

### SRMR-I2 - Climate change is already impacting our communities (including iwi/Māori<sup>3</sup>), economy and environment

- 7.1 Contact's submission supported the recognition of climate change as a significant resource management issue within the Otago region but saw opportunity to go further by acknowledging the critical part that REG has to play in New Zealand's decarbonisation requirements. Amendments were sought to emphasise this critical role. The section 42A report writer does not agree that it is necessary in an overview of the issue to discuss the role of Otago's REG facilities in achieving New Zealand's climate change and decarbonisation requirements.
- 7.2 Mr Hunt's evidence provides an overview of the New Zealand electricity system, the benefits derived from REG, and how the CHS contributes to these benefits.
- 7.3 Mr Hunt summarises central government policy to reduce net emissions of greenhouse gases to zero by 2050 and what that means in terms of the scale of REG development necessary to achieve New Zealand's decarbonisation goals. He notes that around 1,100 GWh of new REG capability on average is required every year until 2050, being roughly the equivalent to adding a new set of Clyde and Roxburgh hydro stations to the electricity system every 3.5 years until 2050.<sup>4</sup> That is clearly significant and in my view this is a matter that is not properly recognised in the provisions in the proposed RPS.
- 7.4 Mr Hunt notes that the approximately 3,900 GWh of electricity generated by the CHS every year is significant and is roughly the same scale as the total consumption of all South Island residential electricity consumers.<sup>5</sup> Replacing this generation at short notice by increasing thermal generation (as the only viable alternative) would cost between \$326 million and \$625 million in Mr Hunt's estimation. This would also increase New Zealand's emissions by approximately 1.5 million to 3.6 million tonnes of CO<sub>2</sub> equivalent per year. Replacing this generation with new REG would take time and would cost between \$3.3 billion and \$4.3 billion.

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<sup>3</sup> See for example: [Ngai-Tahu-Climate-Change-Strategy.pdf \(ngaitahu.iwi.nz\)](#)

<sup>4</sup> Hunt EIC, para 6.15.

<sup>5</sup> Hunt EIC, para 4.6.

- 7.5 Against this, it is my opinion that the proposed RPS needs to appropriately recognise, provide for and protect significant REG assets that already exist within the Otago region, while also acknowledging that in order to achieve New Zealand's climate change targets, significant development of new REG will be required (and in fact is urgently required).
- 7.6 In my opinion the issue statement should be amended to include the following additional text:

*In 2021 He Pou a Rangī the Climate Change Commission issued a call to all New Zealanders “to take climate action today, not the day after tomorrow”, concluding that New Zealand needs to be proactive and courageous as it tackles the challenges the country will face in the years ahead. All levels of central and local government must come to the table with strong climate plans to get us on the right track, concluding that bold climate action is possible when we work together. The Otago Regional Council is committed to ensuring its communities remain resilient in the face of climate change. Two complementary pathways exist for responding to the risks and challenges related to climate change, these are: mitigation and adaptation. As defined by the IPCC, ‘mitigation’ of climate change is a human intervention to reduce the source or enhance the sinks of greenhouse gases (GHG) while adaptation to climate change, is the process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate or avoid harm or exploit opportunities. In some natural systems, human intervention may facilitate adjustment to expected climate and its effects.*

*In Otago, there are also a number of existing renewable electricity generation facilities including the nationally significant Clutha Hydro Scheme. Protecting and maximising existing renewable electricity generation activities in the region, as well as providing for the development of new renewable electricity generation activities is essential to climate change mitigation, which in turn is an essential part of protecting the environment as well as providing for the economic and social wellbeing of people and communities.*

#### **SRMR-I9 – Otago lakes are subject to pressures from tourism and population**

- 7.7 The submission by Contact on SRMR-I9 raised concern that emphasis has been placed on the adverse impacts of energy production on environmental values, such as natural features and landscapes but the positive effects of such a resource have not been appropriately acknowledged.
- 7.8 It appears that this issue statement is now intended to be considered through the freshwater planning process as it has been renotified under that

process. However, the section 42A report (October version) does not show it shaded blue (ie as a provision to be considered under the freshwater planning process).

- 7.9 For completeness, I address this issue statement here but recognise that this issue statement may not be considered within this process; and will instead be considered as part of the freshwater planning process.
- 7.10 The section 42A report writer considers that hydroelectric power schemes are acknowledged in a more general sense by reference to 'energy production' and such activities result in effects on natural features and landscape values of Otago's lakes.<sup>6</sup>
- 7.11 In my view, the influence of the Clyde Dam and the resultant creation of Te Wairere / Lake Dunstan should be appropriately and accurately acknowledged within this issue statement. Te Wairere / Lake Dunstan and Lake Roxburgh have been artificially created (through the construction of the dams and power stations) and have since become highly valued recreational assets and have in their own way, creating a lacustrine landscape feature of some significance. I consider that the following text is required:

*A number of hydroelectric power schemes are located within the Otago Region. The development of the Clyde Dam resulted in the creation of Lake Dunstan; and the development of the Roxburgh Dam resulted in the creation of Lake Roxburgh. These facilities have directly influenced the surrounding environment in which they operate. These assets are significant to the region in providing renewable electricity generation, contributing to social wellbeing and economic development, and providing recreational and tourism related activities.*

## **8. IM - INTEGRATED MANAGEMENT**

### **IM-O4 – Climate change**

- 8.1 Contact's submission supported the recognition of climate change in this objective as a significant issue within the region. However, Contact expressed concern that there was insufficient recognition here and within the proposed RPS as a whole of the role (on-going and future) that REG

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<sup>6</sup> Paragraph 452

resources will play in achieving New Zealand's decarbonisation goals as set out in the emissions reduction plan (for example).

- 8.2 The section 42A report writer agrees with Contact that REG will play a role in responding to climate change, however, refers users to the EIT Chapter as a more appropriate location for this type of direction. The section 42A report records that amendments addressing Contact's concern have been recommended, in particular to EIT-EN-O2.
- 8.3 As discussed later in my evidence, Contact has raised separate issues with respect to the relative strength of EIT-EN-O2 in providing for the outcomes anticipated by the NPSREG and the important contribution of REG to mitigating climate change.
- 8.4 The section 42A report writer has recommended minor amendments to IM-O4.<sup>7</sup> I support the recommended amendments to the introduction of IM-O4, however, I consider that more directive wording is necessary in IM-O4 clause (2).
- 8.5 **Mr Hunt** explains that New Zealand law sets a target for the country to reduce net emissions of greenhouse gases to zero by 2050.<sup>8</sup> The Government also has an aspirational target of transitioning to 100% REG by 2030.<sup>9</sup> Mr Hunt also explains that electricity demand is expected to grow substantially as New Zealand uses more electricity to decarbonise the economy.<sup>10</sup> The ongoing use and development of new REG facilities is, therefore, a critical and significant component of climate change mitigation in New Zealand. To better recognise this, I consider IM-O4(2) should be redrafted as follows:

*(2) ~~assist with achieving~~ enable the national target for emissions reduction to be achieved including by having a highly renewable, sustainable and efficient energy system which supports a low emissions economy.*

#### Section 32AA Evaluation

- 8.6 The proposed amendment seeks to provide more directive wording in IM-O4 to recognise that renewable electricity generation will be instrumental in achieving the national target for emissions reduction. Achieving the national target for emissions reduction will result in significant environmental and

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<sup>7</sup> Report 6: IM S42A Report, Paragraph 143

<sup>8</sup> Hunt EIC, para 6.4.

<sup>9</sup> Hunt EIC, para 6.7.

<sup>10</sup> Hunt EIC, para 6.8.

social benefits, which are undisputed. I do not consider that there are any significant economic costs arising from this amendment.

## **IM – P1 – Integrated Approach and IM – P2 – Decision Priorities**

- 8.7 Contact submitted on both IM-P1 and IM-P2, expressing concern that such provisions reflect the prioritisation set out in the National Policy Statement for Freshwater Management 2020 (**NPSFM**) to all resources (rather than just freshwater), and that in some circumstances a more nuanced approach to resource management would need to be undertaken. Contact sought to delete these policies.
- 8.8 With respect to IM-P1 and IM-P2, the section 42A report writer agrees with various submitters concerns in that *“the ordinary principles of interpretation apply to the IM chapter. When considering the provisions of an RPS, I consider it is standard practice to consider all of the provisions together and according to the terms in which they are expressed... and I also agree that IM-P1 is more akin to guidance”*.<sup>11</sup>
- 8.9 The report goes on conclude that *“despite this, I do not recommend deleting the policy...given that that this chapter is relevant to all other chapters of the pORPS, I consider it may assist plan readers to retain the policy so that there is clarity on this relationship”*<sup>12</sup>. Furthermore, in later discussions, it is noted that *“IM-P1 provides direction for decision-makers on applying the provisions of the pORPS and consider that the type of direction provided by IM-P2 would be better included in that policy. In my view, IM-P1 sets out the basic approach to interpretation of provisions (i.e. readers are to consider all relevant provisions and then consider them on the terms in which they are expressed). I consider that the intent of IM-P2 as described in the section 32 evaluation report is the next step in this process of consideration and recommend incorporating IM-P2 into a new clause (3a) in IM-P1”*.<sup>13</sup>
- 8.10 As such, IM-P1 and IM-P2 were recommended to be included within the one policy.
- 8.11 In my view, the policy (and the subsequent amendment) is unnecessary and should be either deleted in full, or further amended to make it clear that this relates only to freshwater, given that it reflects the prioritisation of

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<sup>11</sup> Paragraph 157

<sup>12</sup> Section 6.13.3.1, paragraph 192, pages 40-41 of Chapter 6 of the Section 42A Report.

<sup>13</sup> Paragraph 167

considerations stated within the NPSFM. A broader application of the NPSFM prioritisation to all resources, as set out in IM-P2 is, in my opinion, inappropriate (and if it is to occur must also give effect to the NPSREG).

- 8.12 In making these comments, I also note that the prioritisation of considerations under Te Mana o Te Wai of the NPSFM is to be considered in provisions that will be the subject of the freshwater planning process and I understand that Contact intends to make submissions on those provisions as part of that separate process.

### **IM-P9 – Community response to climate change impacts and IM-P10 climate change adaptation and climate change mitigation**

- 8.13 Contact supports the recognition of climate change as a significant resource management issue within Otago. However, Contact's submission pointed to the lack of clear recognition of the role of REG's role in facilitating the achievement of New Zealand's decarbonisation goals. Contact sought that new policies be added to the proposed RPS to recognise that REG activities are a critical part of climate change mitigation, achieving New Zealand's decarbonisation goals, and the community response to climate change more generally.
- 8.14 The section 42A report writer agrees with various submitters that climate change is a global issue but considers that the link between regional climate change responses and national level policy is sufficiently set out in IM-O4.<sup>14</sup> The report writer recommends deleting IM-P9. The drafting of IM-P9 attempts to ensure communities adjust their lifestyles to adapt to the effects of climate change and reduce greenhouse gas emissions to achieve net zero carbon emissions by 2050. The reality is that achieving these outcomes relies in large part on communities having the ability to accelerate decarbonisation by transitioning New Zealand's industrial, road transport, electricity, data processing, and agricultural sectors from fossil fuels to a much greater proportion of renewable energy use. Given the lack of recognition of this point within IM-O4, I agree that the best course is to delete it.
- 8.15 IM-P10 seeks to identify and implement climate change adaptation and climate change mitigation methods for Otago. As explained in the evidence of **Mr Hunt**, New Zealand's and therefore Otago's response to climate

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<sup>14</sup> Paragraph 310



change must be comprehensive. It will be necessary to protect and optimise existing REG assets and develop new REG. In my opinion, IM-P10 should be more directive in this regard, and I propose the following amendments to it to better reflect Contact's submission:

(2) Protects its existing renewable electricity facilities and enables the development of new renewable electricity generation and infrastructure to support it.

### Section 32AA Evaluation

8.16 The amendment I have proposed seeks to suitably recognise that climate change mitigation appropriately includes the protection of existing renewable electricity generation facilities and the development of new. The benefits of this provision are clear, this is supported by the evidence of **Mr Hunt**. It is also Mr Hunt's view that the economic costs associated with the loss of any of New Zealand's existing renewable electricity generation facilities would be significant.

### **IM-P12 – Contravening environmental bottom lines for climate change mitigation**

8.17 Contact identified this provision as critical in determining whether the proposed RPS will properly enable or constrain the electrification of the economy which is necessary to meet national climate change targets. In its submission, Contact noted that the policy recognises the natural resource requirements of REG operation and development activities, but then couples these activities with restrictive qualifiers, constraints and limits that have the effect of neutering the policy. I agree that this is the likely result.

8.18 To ameliorate this, Contact's submission sought to better align the policy with national climate change targets, and to amend or remove reference to the various constraints that limit its relevance.

8.19 The section 42A report states that IM-P12 is intended to provide an alternative pathway for activities that will provide enduring regionally or nationally significant climate change mitigation.<sup>15</sup> The report viewed this pathway as a high threshold that is only likely to be reached by large projects with various adverse effects. The report, therefore, considers it

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<sup>15</sup> Paragraph 394

appropriate and practical for the policy to recognise that not all adverse effects will be able to be avoided, remedied, or mitigated.<sup>16</sup>

- 8.20 The section 42A report accepted that various sub-clauses were unclear and has recommended various amendments to the policy. I support a number of these amendments, however, I consider its effectiveness as a key policy in achieving New Zealand's decarbonisation goals could be further improved with the following amendments, which I discuss further below:

*~~Despite other provisions in this RPS, ~~where~~<sup>65</sup> a proposed activity provides or will provide enduring regionally or nationally significant climate change mitigation<sup>66</sup> of climate change impacts, with commensurate benefits for the well-being of people and communities and the wider environment, decision makers must ~~may, at their discretion~~, allow non-compliance with an environmental ~~bottom line limit~~<sup>67</sup> set in, or resulting from,<sup>68</sup> any policy or method of this RPS only if they are satisfied that:~~*

- ~~(1) the activity is designed and carried out to have the smallest possible environmental impact consistent with its purpose and functional needs, adverse effects on the environment resulting from the activity are appropriately managed through avoidance, remediation or mitigation methods as far as can be practicably achieved ~~avoided, remedied, or mitigated, so that they are reduced to the smallest amount reasonably practicable~~,<sup>69</sup>~~*
- ~~(2) the activity is consistent and coordinated with other regional and national climate change mitigation objectives, policies and/or activities,~~*
- ~~(3) adverse effects on the environment that cannot be avoided, remedied, or mitigated are offset, or compensated for, and for adverse effects on indigenous biodiversity: if an offset is not possible, in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is:~~*
  - ~~(aa) where there are residual adverse effects after avoidance, remediation, and mitigation, residual adverse effects are offset in accordance with APP3, and~~*
  - ~~(ab) if biodiversity offsetting of residual adverse effects is not possible, then those residual adverse effects are compensated for in accordance with APP4,~~*
  - ~~(a) undertaken where it will result in the best ecological outcome,~~*
  - ~~(b) close to the location of the activity, and~~*
  - ~~(c) within the same ecological district or coastal marine biogeographic region,~~<sup>70</sup>*
- ~~(4) the activity will not impede either the achievement of the objectives of this RPS or the objectives of regional policy statements in neighbouring regions,~~<sup>71</sup> and*
- ~~(5) the activity will not contravene a bottom line an environmental limit<sup>72</sup> set in a national policy statement or national environmental standard.~~*

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<sup>16</sup> Paragraph 394

## Section 32AA Evaluation

- 8.21 The policy, as notified, emphasises that decision-makers have full discretion as to whether non-compliance with a limit is allowed (ie by the words “*may, at their discretion*”). While I accept that this is the situation regarding the consideration of consents for discretionary and non – complying activities, the inclusion of this statement appears to weaken the intent of this policy, which is to provide a clear pathway for activities that provide regionally or nationally significant mitigation of climate change impacts, and where the associated effects can be demonstrated to be appropriately managed. Reserving a case by case discretion will likely undermine consistent decision-making and create unnecessary uncertainty for those planning REG projects. I propose that this policy should be amended to replace "may" with "must" and therefore provide the strong direction that is required.
- 8.22 I have also suggested the amendment of clause 1 so that the policy requires that adverse effects arising from the activity are avoided, remedied or mitigated as far as can be practically achieved. This then better aligns with clause 3, which recognises that in circumstances where such effects cannot be avoided, remedied or mitigated, these are to be offset or compensated for. With respect to REG activities, this approach is consistent with the direction that is set out in the NPSREG.
- 8.23 I have recommended removing the requirement to ensure that the proposed activity is “coordinated” with other regional and national climate change mitigation activities. It was not clear to me what is meant by this requirement and how a proponent of one project might practicably coordinate a regional or national response in this regard. In response to other submissions the section 42A report writer has clarified that clause 2 has been included to ensure that the application of this policy is consistent with the broader policy framework for climate change mitigation. In my opinion this would be more accurately reflected by redrafting this policy to refer to climate change mitigation objectives, policies and/or activities.
- 8.24 I have also recommended deleting clause 4. As noted, this policy appears to be intended to provide a pathway for climate change mitigation activities, which recognises that in some circumstances, activities should be able to exceed environmental limits. While it is not clear, it appears that the RPS is seeking to establish such “environmental limits”. These limits may be embedded within the objectives of the RPS. This clause, therefore,

appears to create a circular situation whereby an activity may be able to exceed an environmental limit by virtue of IM-P12 clauses 1 – 3, but if it is then unable to achieve an environmental limit set out in another objective of the proposed RPS, it can no longer proceed via this pathway. Clause 4 appears to frustrate the intention of the policy and I recommend it is deleted. I consider this is more effective and efficient than the notified provisions in achieving the objectives, in particular, IM-O4.

#### **IM-P14 – Human Impact**

- 8.25 Contact’s submission sought the deletion of this policy due to the inherently uncertain nature of the drafting, with a lack of clarity behind references to various limits and states of degradation. The section 42A author has recommended amendments to this policy.<sup>17</sup> However, the policy still gives no clear direction about how these limits will be set and how they will be applied in the lower order planning instruments.
- 8.26 I also note that IM-P14(3) adds more ambiguity by requiring limits to be regularly assessed and adjusted over time. It is unclear how this is intended to be given effect to in the preparation of regional and district plans, which will be set for a period of time.
- 8.27 I acknowledge that IM-M1(6) provides some further direction by requiring regional and district plans to establish limits wherever practicable to support healthy ecosystems and intrinsic values. However, that method is not clearly reflected in the policy nor provides guidance as to how this would translate into objective, policies and rules in lower order plans.
- 8.28 In my view, the proposed RPS and the amendments recommended within the section 42A report and supplementary evidence do not provide any certainty as to what is meant by the term ‘limits’, the process for setting limits, how they will be expressed in regional or district plans, or how ‘degraded’ will be defined. This opens the policy to subjective interpretation.
- 8.29 Furthermore, by “requiring” activities to be undertaken within “limits”, I am concerned that this will not allow the significance or scale of adverse effects to be considered where these exceed the “limits” but may be of a less than minor degree. Provisions that require that all adverse effects, regardless of whether these effects are minor or less, to essentially be constrained by “limits” do not take into consideration any proportionality of the loss to gain,

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<sup>17</sup> Paragraph 435

or that these effects can be appropriately managed in accordance with section 5 of the RMA.

- 8.30 In summary, I agree with Contact that due to the lack of clarity and likely issues with implementation, this policy should be deleted.
- 8.31 Part of the problem may be that this policy appears intended to anticipate the new legislative regime to be enacted through the Natural and Built Environment Bill, which includes the ability for central government to set environmental limits through the national planning framework.<sup>18</sup> However, I consider it is inappropriate to anticipate this new regime, given that the new legislation is not yet in place; and it is not yet known what the final provisions will be. Moreover, this RPS document is being prepared under the current provisions of the RMA rather than the future framework.

## **9. LF – LAND AND FRESHWATER**

- 9.1 Contact lodged six submissions on the Land and Freshwater provisions of the proposed RPS. A number of those provisions have now been re-notified to be considered under the freshwater planning process. However, the remaining provisions that are to proceed through this Schedule 1 process, and where I disagree with the recommendations of the section 42A reports, are discussed below.

### **LF-FW-P12 – Identifying and managing outstanding water bodies and APP1**

- 9.2 Contact's submission expressed concern with the drafting of LF-FW-P12, in that the obligation to "protect" and "avoid" adverse effects would set too high a bar in terms of the management of activities within outstanding water bodies. Similar to other infrastructure providers, Contact agreed that the policy would create implementation difficulties for activities that may have a functional or operational need to locate in such areas. In response to various submitters, the section 42A report, agrees that the direction in the proposed RPS is *"more stringent than the NPSFM and that it may be appropriate to allow some level of adverse effects on the significant values of outstanding water bodies"*.<sup>19</sup> And further with respect to infrastructure

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<sup>18</sup> See clauses 39 and 40 of the Natural and Built Environment Bill 2022.

<sup>19</sup> Report 9: LF, s42A report, paragraph 779

providers, it was agreed that *“infrastructure may not be able to practically give effect to this policy”*.<sup>20</sup>

- 9.3 The amendments now being proposed by the section 42A report are as follows:

*Identify outstanding water bodies and their significant and outstanding values in the relevant regional plans and district plans and protect those values.*<sup>21</sup>

- 9.4 As a result of this drafting **Mr Coombs** considers that it is important that outstanding water bodies and their values are carefully and accurately identified.<sup>22</sup> In this regard, Mr Coombs expresses some concern with the drafting of APP1 (and APP9 in respect of natural features and landscapes), in that they appear to be a list of general attributes, rather than expressed as values. He observes that the complexity and the competing nature of some of the matters identified in APP1 (for example, ecology vs recreation, where recreation values could adversely affect ecological values), would mean it would be difficult to make a cohesive assessment of outstanding water body values across a broad scale.

- 9.5 In addition, and as I have outlined earlier in this evidence, the hydro lakes in Central Otago have been artificially created as a result of the CHS. The CHS is therefore a significant asset for the community and nation in terms of its renewable electricity generation, but also in terms of providing aesthetic, recreational and landscape values. Under the criteria set out in APP1, these lakes would appear to qualify as an outstanding water body. This serves to illustrate to me that in some circumstances, natural and/or amenity values can be maintained or enhanced, despite being significantly altered as a result of development. It may also be that where such values are a product of development such as REG, a different management response to the effects is also appropriate.

### **LF-FW-P13 – Preserving natural character**

- 9.6 Contact’s submission sought amendments to LF-FW-P13 to better provide for the management of adverse effects with respect to natural character.

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<sup>20</sup> Paragraph 780

<sup>21</sup> Supplementary Evidence of Felicity Ann Boyd, 11 October 2022, paragraph 25

<sup>22</sup> Coombs EIC, para 10.13.

- 9.7 In response to submissions on this point, the section 42A report recommends amendments to provide further clarity about the management of effects where relevant, and notably the inclusion of a new policy (LF-FW-P13A<sup>23</sup>). This policy sets out the effects management hierarchy to be followed where adverse effects need to be managed in relation to natural wetlands and rivers. I support the inclusion of this new policy. However, as I outline later in my evidence, REG projects are proposed to be managed via a separate effects management hierarchy that is included in the EIT Chapter.
- 9.8 Contact further submitted in support of Aurora Energy Limited’s submission which sought 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. As I explain further below, REG projects are to be managed via a separate effects management hierarchy that is to be included in the EIT Chapter. Therefore, for clarity, I consider that LF-FW-P13 and LF-FW-P13A should include a clause to specifically exclude REG and infrastructure activities.
- 9.9 This would provide clearer guidance for resource users and could be drafted as follows: “*Recognising that for infrastructure and renewable electricity generation activities, EIT-INF-P13 and EIT-EN-P5 [within the Proposed Energy Sub Chapter] apply*”.
- 9.10 Contact also submitted that clause 4 to this policy should be deleted. This provision seeks that, wherever possible, natural character is preserved by sustaining the form and function of a water body that reflects its natural behaviours. In response, the section 42A report writer expresses an understanding of Contact’s submission but does not recommend accepting this part of the submission point.
- 9.11 As **Mr Foster** explains, there are practical limitations as to how this policy could be implemented in relation to the Clutha Mata-au River.<sup>24</sup> I also have concerns with the term “possible” in this provision. In the context of the CHS, it may be “possible” to physically remove the dams and power stations; however, this would not be a practicable (nor sensible) outcome

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<sup>23</sup> Paragraph 1126

<sup>24</sup> Foster EIC, para 8.5.

from an environmental (including climate change), economic, technological, operational or safety perspective.

- 9.12 I agree with Contact's concerns and note that it will always be "possible" for a proposal to sustain the natural form and function of a waterbody by avoiding the particular activity that is affecting it. This may not, however, always be practicable where an activity is necessarily dependent on the waterway in order for it to function (ie a hydroelectricity development). I also consider this clause to be superfluous given the intent of clause (1) which seeks to avoid the loss of values or extent of a river, unless there is a functional need for the activity in that location (which appropriately recognises that there may be circumstances where locating within or affecting a waterbody will occur and therefore affect the natural form and function of that resource). I therefore agree with Contact that this clause should be deleted.

#### **LF-FW-P14 – Restoring natural character**

- 9.13 This policy demonstrates an approach that is pervasive throughout the proposed RPS of seeking to restore freshwater resources to their 'natural' or 'original' condition. Contact's submission noted that this fails to properly recognise the history and long-established nature of the CHS, where these large-scale hydro dams have significantly and permanently altered the natural form and function of parts of the river system. In Contact's view, restoration to a natural or original state in this context is unlikely to be feasible and would result in significant adverse effects on the river system, including the loss of REG with the commensurate loss of benefits derived from existing assets which make a significant contribution to the country's REG requirements, and therefore climate change mitigation.
- 9.14 The section 42A report does not interpret LF-FW-P14 to require the restoration of water bodies to their natural state as suggested by Contact's submission. The report notes that the policy only requires promoting actions, not implementing them in every case.<sup>25</sup> Given this explanation, it is unclear to me how this policy will be applied in the lower order planning instruments and in the consideration of resource consents. The methods do not appear to provide further direction on this. Given this uncertainty, I

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<sup>25</sup> Paragraph 1147



consider that the policy should be amended to make it clear that it will only apply in limited circumstances, as follows:

*Where the natural character of lakes and rivers and their margins has been reduced or lost, promote actions that, where appropriate and it is practicable to do so:*

- (1) Restore a form and function that reflect the natural behaviour of the water body;*
- (2) Improve water quality or quantity where it is degraded;*
- (3) Increase the presence, resilience and abundance of indigenous flora and fauna, including by providing for fish passage within river systems;*
- (4) Improve water body margins by naturalising bank contours and establishing indigenous vegetation and habitat; and*
- (5) Restore water pathways and ~~natural~~ connectivity between water systems.*

#### Section 32AA Evaluation

9.15 The amendments that I am proposing in my view make the application of this policy more effective and efficient by recognising that in some instances it may not be appropriate nor practicable to achieve the outcomes set out in clauses 1 – 5. For the CHS, the implementation of this policy could result in significant economic, environmental and social costs which have not been suitably justified within the section 32 reporting. My amendment seeks to reduce these potential costs.

## **10. ECO – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY**

### **ECO-P2 – Identifying significant natural areas and taoka**

10.1 Contact's submission raises concerns with the generality of the approach to identifying significant natural areas (**SNAs**) using the framework in APP2. In Contact's view, using this approach will likely require large areas of Otago to be classified as SNAs because the threshold for qualifying for an SNA is too low. **Dr Keesing** has similar concerns, noting that the application of the criteria in APP2 will likely lead to significant uncertainty, as well as a

lowering of the bar such that many areas/features, often of low ecological value will be found to be a SNA.<sup>26</sup>

10.2 Contact sought the deletion or otherwise amendment of ECO-P2 to provide for mapping of SNAs at an appropriate scale in the relevant regional and district plans.

10.3 The section 42A report notes the requirements of methods ECO-M2 and ECO-M3 to work with mana whenua to identify and map SNAs, and therefore did not consider it necessary to specify the responsibility of local authorities in this policy. However, the report has recommended inclusion of mapping to the identification process.<sup>27</sup> I support this amendment.

10.4 However, I still consider the criteria in APP2 are problematic for the following reasons:

- APP2 sets out the criteria that would inform the future identification and mapping process. However, as explained by **Dr Keesing**, the criteria as currently drafted, would result in many areas/features, often of low ecological value, being identified as an SNA;<sup>28</sup>
- Further, until such time as the mapping process has occurred at the regional and/or district level, ECO-M2(4) defaults to the general application of APP2 criteria in the identification of SNAs.

10.5 Given that the criteria in APP2 are to remain as something that will inform resource consent applications until such time as the formal mapping exercises are completed, I consider this needs to be drafted so that it is at least consistent with best practice and/or national direction. **Dr Keesing** has recommended some amendments to APP2 which I generally support.<sup>29</sup> In my view these criteria should support the identification of SNAs in accordance with section 6(c) of the RMA, and not directly or inadvertently go beyond that.

#### **ECO-P6 – Maintaining indigenous biodiversity and APP3 and APP4**

10.6 Contact's submission noted its general support for the effects management hierarchy that is contemplated in this policy. However, Contact raised concerns about the workability of the policy when read alongside APP3 and

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<sup>26</sup> Keesing EIC, para 7.44.

<sup>27</sup> Report 10: ECO, s42A report, paragraph 301

<sup>28</sup> Keesing EIC, para 7.44.

<sup>29</sup> Keesing EIC, Appendix VK.1.

APP4, noting that these appendices contain criteria significantly limiting the situations in which environmental offsetting and compensation would be available. When environmental offsetting and compensation are not available, the policy response is to require the avoidance of adverse effects, which could significantly curtail otherwise meritorious proposals.

- 10.7 In Contact's submission, reliance on APP3 and APP4 creates an inconsistency with national directions, such as the NPSFM, or evolving best-practice as set out in the Exposure Draft of the Proposed National Policy Statement for Indigenous Biodiversity (**NPSIB Exposure Draft**) as well as with section 104(1)(ab) of the RMA.
- 10.8 The section 42A report<sup>30</sup>, in response to Contact and others' submissions on this matter, does not consider that ECO-P6 is *"inconsistent with s104(1)(ab) of the RMA as a pathway has been provided for offsetting and compensation"*. The section 42A report, goes on to note that *"an applicant may propose something else, and it will be tested against what is in the pORPS or lower order plans, and a decisionmaker may prefer what the applicant has proposed in a particular case"*. As a result, the section 42A report does not consider there is any inconsistency with s104(1)(ab).
- 10.9 With respect to the NPSIB Exposure Draft, the section 42A report observed that APP3(2)(i) of that draft states that offsetting is not available where residual adverse effects cannot be offset because of the irreplaceability or vulnerability of the indigenous biodiversity affected. The section 42A report has also relied on ecological advice that the criteria in APP3(1) of the proposed RPS are consistent with APP3(2)(i) of the NPSIB Exposure Draft but are specific for Otago. The remaining offsetting criteria in the proposed RPS are considered by the section 42A report writer to be similar to those in the NPSIB Exposure Draft. The section 42A report expresses the view that there is no inconsistency with the NPSIB Exposure Draft.
- 10.10 In my view, the current drafting of criteria within APP3 and APP4 is too limiting. It also fails to recognise the reality that large-scale REG projects will inevitably affect natural and, at times, highly valued resources. The constraints and scale of REG activities will often mean that it will not always be practicable to locate, design and manage these activities such that adverse effects on SNAs (for example) are all avoided, and limits met,

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<sup>30</sup> Section 10.8.5.3, paragraph 260, pages 56-57 of Chapter 10 of the Section 42A Report; Section 10.29.2, paragraph 574, page 122 of Chapter 10 of the Section 42A Report.

particularly in natural environments. As recognised in the NPSREG, effects from such proposals will often need to be offset or compensated and it requires decision-makers to have regard to them.<sup>31</sup> That is a specific obligation, solely for offsetting and compensation for REG, and which must be given effect to by the RPS.

- 10.11 **Dr Keesing** agrees with this from an ecological perspective, noting that the current drafting of APP3 and APP4 set a high bar as to when offsetting and compensation are available in Otago, and that this will ultimately lead to poorer ecological outcomes for the region. He notes that the NPSIB Exposure Draft does not take such a restrictive approach. Instead, it gives examples where offsetting would be inappropriate, including because of the irreplaceability or vulnerability of the indigenous biodiversity affected. With minor amendments, Dr Keesing appears to prefer the approach which is taken in the NPSIB Exposure Draft.
- 10.12 I consider 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 and seek to ensure consistency with recommended best practices and/or national guidance for biodiversity offsetting and compensation, such as the NPSIB.
- 10.13 In my view the appendices should enable proposals to be assessed on a case by case basis, and should act as list of principles, rather than containing criteria or limits which attempt to define what is, and is not, an offset (or compensation). Therefore, they should be drafted as a set of assessment matters against which a decision maker can undertake an evaluation of the appropriateness of the proposal, having considered all of the evidence.

## 11. EIT – ENERGY, INFRASTRUCTURE AND TRANSPORT

### General

- 11.1 As mentioned earlier in my evidence, over the past few months, the generators (in consultation with Transpower and the electricity distribution companies) have been discussing the merits of having a separate sub-chapter in the EIT Chapter that manages the effects of energy activities. The rationale for having a separate sub-chapter is that it will provide a

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<sup>31</sup> Policy C2.

comprehensive set of provisions that address the needs of the energy sector and assist in ensuring the community is supplied with this essential utility while ensuring the environmental effects of the industry are appropriately managed. The Proposed Energy Sub-Chapter that we have developed is provided as **Appendix CH.2** to my evidence.

- 11.2 The national significance of REG in addressing climate change and providing for New Zealand’s social and economic wellbeing, which the NPSREG specifically recognises, also further justifies bespoke and targeted provisions for REG being included within the proposed PRS.
- 11.3 To be clear, I am not suggesting that REG activities should be given an exemption or “a free pass” from the remainder of the provisions of the proposed RPS via this chapter. Instead, the generators are seeking that there be an energy specific sub-chapter with clear provisions for REG that:
- appropriately recognise, provide for, protect and enable the very significant environmental benefits of REG, in terms of climate change mitigation; and
  - provide a realistic and workable pathway, such that the adverse effects of REG activities are managed through a robust but practical effects mitigation hierarchy.
- 11.4 There appears to be some confusion in the section 42A reports regarding the relief which is being sought by the generators. Mr Langman for example, uses the term “carve out” provisions.<sup>32</sup> This appears to be a reference to proposed EIT-EN-P5 in the Proposed Energy Sub-Chapter, which seeks to establish a stand-alone approach to the management of effects arising from new REG projects.
- 11.5 Rather than seeking a “carve out”, the intention of policy EIT-EN-P5 in the Proposed Energy Sub-Chapter is similar to the intent of INF-P13 in the EIT Chapter. This policy aims to ensure that the effects of REG are appropriately considered in one place and avoids the need to cross-refer to the infrastructure provisions or other sections of the RPS, which in my view, creates inconsistencies and potential confusion.
- 11.6 The proposed approach also recognises that the requirements of significant REG activities can result in the need to locate in natural and potentially

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<sup>32</sup> Supplementary Evidence of Marcus Hyden Langman, 11 October 2022, para 23.

highly valued areas, resulting in conflict between environmental and social and economic outcomes. EIT-EN-P5 in the Proposed Energy Sub-Chapter seeks to provide a clear pathway for such proposals so that these conflicts can be resolved. The NPSREG notes in its preamble that one of its purposes is to provide *"increased national consistency in addressing the competing values associated with the development of New Zealand's renewable energy resources [which] will provide greater certainty to decision-makers, applicants, and the wider community"*. In my view, providing a clear effects management hierarchy for REG activities, such as through EIT-EN-P5 in the Proposed Energy Sub-Chapter, is consistent with this national-level guidance.

- 11.7 The Proposed Energy Sub-Chapter also seeks to recognise that REG activities have national significance under the NPSREG. Mr Langman does not agree that a separate effects management policy is necessary for REG activities and instead considers that this should continue to be addressed by INF-P13. However, in my view, given the national importance of REG activities, as evidenced by the NPSREG, as well as an increased understanding of the risks of climate change and the scale of REG that is required to reach our emission reduction targets, it is appropriate for the RPS to include provisions that clearly set out how the environmental effects arising from such activities should be considered and addressed.
- 11.8 An evaluation of the proposed provisions in accordance with section 32AA is undertaken in **Appendix CH.3**. I discuss the merits of the Proposed Energy Sub Chapter below and note that in adopting these provisions, the submissions of the generators on both the Infrastructure and Energy sub-chapters are all largely addressed.

### **Summary of Proposed Energy Sub-Chapter**

- 11.9 In my opinion, the Proposed Energy Sub-Chapter provided as **Appendix CH.2** to my evidence is preferable to the provisions for REG contained in the section 42A report (October version) because its provisions:
- address the contradictions that were inherent in the drafting of the notified EIT Chapter;
  - strengthen the importance of protecting and enabling REG development in the Otago region, for the purposes of climate change mitigation and

providing for the social, economic and health of people and communities;

- ensure that the RPS gives effect to the NPSREG in recognising and providing for the national importance of REG activities in Otago (both existing and the potential for new development);
- appropriately recognise and provide for the functional and operational needs of REG activities;
- establish a viable pathway for the consideration of new REG activities, which ensures that adverse effects can be appropriately managed and addressed.

### **Objectives in the Proposed Energy Sub-Chapter**

11.10 This section discusses EIT-EN-O1 and EIT-EN-O2 in the Proposed Energy Sub-Chapter. The Proposed Chapter also retains EIT-EN-O3 from the proposed RPS (section 42A report (October version)).

11.11 Proposed EIT-EN-O1 seeks to ensure that REG activities are protected and enabled so that people and communities can provide for their environmental, social and cultural wellbeing, their health and safety and support sustainable economic growth and development.

11.12 Proposed EIT-EN-O2 seeks to protect the existing renewable electricity generation capacity and where appropriate to enhance this.

11.13 Proposed EIT-EN-O3 seeks that REG activities in Otago contribute to the achievement of New Zealand's national target for REG and climate change commitments, including supporting the reduction of national greenhouse gas emissions.

11.14 These objectives are effective in my view, and they appropriately recognise the benefits of the REG activities consistent with the intent of the NPSREG, the NPSFM with respect to the CHS, and other national directives relating to climate change mitigation (such as the emissions reduction plan).

11.15 **Mr Hunt** explains the importance of the electricity system in our daily lives. He also expects that this resource will become more vital as New Zealand moves to decarbonise the economy using REG sources.<sup>33</sup> He further

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<sup>33</sup> Hunt EIC, para 4.3.

explains the potentially significant costs to our economy if either our existing generation assets were reduced (eg through consenting constraints) or there were significant hurdles in being able to develop new assets.<sup>34</sup>

11.16 In my view, this emphasises the importance of having a strong objectives framework that appropriately recognises, provides for, protects and enables REG activities.

### **Proposed policies and methods**

11.17 In this section I comment on the policies and methods in Proposed Energy Sub-Chapter.

11.18 Proposed EIT-EN-P1 establishes the framework against which decisions on the allocation and use of natural and physical resources, including the use of freshwater and development of land, will take into account matters relating to and affecting the development of REG activities. Given the importance of REG as discussed above, and its critical contribution to achieving our decarbonisation commitments, I consider this policy to be appropriate. It also directly aligns with the requirements of the NPSREG as well as the NPSFM including as follows:

- Policy B(B)(a) of the NPSREG which requires decision makers to have particular regard to the maintenance of the generation output of existing renewable electricity generation activities and the continued availability of the renewable electricity resource. Any reduction in the generation output, even minor, is recognised within the NPSREG as having a potentially significant adverse effect. As explained by **Mr Hunt**, significant costs would be associated with any reduction in the current generation from existing REG assets.<sup>35</sup> The proposed policy responds to this, and the national direction set out in the NPSREG (summarised above) by seeking to protect and maximise (within limits) the generation output of these existing assets.
- Policy B(c) of the NPSREG states that meeting or exceeding the national target for the generation of electricity from renewable resources will require significant development of REG activities. **Mr Hunt** has quantified the very significant new development that is now required to

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<sup>34</sup> Hunt EIC, paras 4.3 – 4.4.

<sup>35</sup> Hunt EIC, section 7.



meet that target.<sup>36</sup> This national direction is given effect in Proposed EIT-EN-P1(3).

- Policies E2 and E3 of the NPSREG requires regional policy statements and regional plans to include objectives, policies and methods for the development, operation, maintenance, and upgrading of new and existing hydro-electricity and wind generation activities. In summary, the NPSREG requires decision-makers to protect and enable REG. This national direction is given effect in Proposed EIT-EN-P1(2) and (3) as well as Proposed EIT-EN-P2 and P4 (discussed below).
- There is also an obligation within the NPSFM to consider whether the FMU or part of the FMU is suitable for hydro-electric power generation when setting limits (Appendix 1B). The CHS is also specifically recognised in the NPSFM via Clause 3.31. Clause 3.31(2) sets out that when implementing any part of the NPSFM as it applies to an FMU or part of an FMU affected by an identified scheme (which includes the CHS), a regional council must have regard to the importance of the scheme's:
  - a) contribution to meeting New Zealand's greenhouse gas emission targets; and
  - b) contribution to maintaining the security of New Zealand's electricity supply; and
  - c) generation capacity, storage and operational flexibility.

This national direction is given effect through Proposed EIT-EN-P1(1) and (2).

11.19 Proposed EIT-EN-P2 relates to existing REG activities and seeks to protect and enable the ongoing operation, maintenance, refurbishment and minor upgrading of these activities.

11.20 Proposed EIT-EN-P3 seeks to provide for activities associated with the investigation, identification and assessment of potential new sites for REG development and of new and diverse sustainable energy sources. This is consistent with Policy G of the NPSREG. I also note that the generators have sought to remove the reference in the methods which sought via the

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<sup>36</sup> Hunt EIC, paras 6.12 – 6.17.

regional and district plans to prioritise sites for REG activities where significant adverse effects can be avoided where practicable, or remedied, mitigated, offset or environmental compensation considered. This was deleted as it was not clear how this would be implemented at plan level, nor would it be appropriate for regional and district councils to determine where REG activities should be located as they are unlikely to be as well resourced as the generators in terms of the commercial, technical and operational understanding of such facilities.

- 11.21 Proposed EIT-EN-P4 seeks to specifically provide for upgrades to existing REG activities and the development of new REG activities. As summarised already in this evidence, Mr Hunt explains the benefits associated with upgrading and therefore maximising the efficiencies of existing REG infrastructure, as well as outlining the unprecedented scale of new development, which is required for New Zealand to meet its emission reduction targets. The proposed policy responds to this, and the national direction set out in the NPSREG (summarised above) by seeking to enable the upgrading of existing and development of new REG activities.
- 11.22 Proposed EIT-EN-P5 sets out the approach to the management of effects arising from the development of new or upgrade of existing REG activities through an effects management hierarchy approach.
- 11.23 As the first step, the policy seeks to avoid, where practicable, locating REG infrastructure in locations which are scheduled. In my experience working with REG providers, the first approach when considering and designing new REG infrastructure is always to avoid significant and sensitive environments where it is practicable to do so. Having these sites known (ie scheduled) in a planning instrument greatly assists in undertaking project planning and necessary due diligence.
- 11.24 However, there may be functional or operational reasons why a particular site cannot be avoided. In the case of wind, for example, there may be an operational need to locate within a particular location, due to the wind characteristics that prevail. Yet doing so may impact upon a SNA or a natural wetland. If that is the case, the proposed policy provides the opportunity for the proponent to step through the effects management hierarchy. For certain cultural or natural values, the policy cross refers to other provisions within the proposed RPS or higher-order documents such

as the NESF with respect to natural wetlands. This is necessary to avoid potential inconsistencies and uncertainty.

11.25 In my view, the drafting of this policy gives effect to both the NPSREG and NPSFM, by:

- recognising the constraints that may necessitate the siting of REG activities in high value areas, which is consistent with Policy C1 of the NPSREG. The proposed policy seeks to establish a consenting pathway for REG, whilst ensuring that environmental effects will be carefully considered and managed;
- requiring the application of the effects management hierarchy consistent with the NPSFM where relevant; and
- applying the requirements of Policy C2 of the NPSREG which sets out an obligation to avoid, remedy and mitigate all other significant adverse effects and to have regard to offsetting and compensation where residual adverse effects remain.

11.26 Ultimately the intent of this policy would be to enable a package of mitigation offerings to be considered alongside the benefits of the REG activity including its contribution to climate change mitigation and social and economic benefits.<sup>37</sup>

11.27 Proposed policy EIT-EN-P5A is a separate provision for managing the effects of REG within the coastal environment.

11.28 Proposed policy EIT-EN-P6 seeks to protect existing REG infrastructure from the adverse effects of reverse sensitivity. In my view, the protection of regionally and nationally significant REG activities from adverse effects caused by the encroachment of incompatible activities is a matter that warrants a strong regulatory approach. This not only protects the asset's operational capacity but also ensures the health and safety of people and communities. For example, the noise associated with wind turbines is usually appropriate in a wider rural context with minimal adjoining sensitive activities. However, if new and/or sensitive activities were to begin to

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<sup>37</sup> I acknowledge that Dr Keesing in his evidence expresses concern with the drafting of clause 3 of P5 on the basis that all adverse effects which are more than minor on SNAs should receive the effects management hierarchy (see Keesing EIC, para 11.4). The ECO policies seek to identify and map within the various regional and district plans all SNAs which meet the criteria set out within APP2. These mapped areas will be subject to the effects management hierarchy set out in clauses 1 and 2. In all other circumstances, the policy seeks to enable a REG proposal to be subject to an overall assessment. If SNA are within the subject site, the effects on these areas will be managed on a case by case basis at the time of the consenting process.

occupy sites close to the wind turbines, this could result in reverse sensitivity and adverse noise effects on those located adjacent to the source. This would not be appropriate in my view. This provision also seeks to reflect the direction contained in Policy D of the NPSREG that “decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing REG activities”.

11.29 Proposed policies EIT-EN-P7 to EIT-EN-P9 are consistent with the recommendations of the section 42A report writer.

## 12. HAZ - HAZARDS AND RISKS

12.1 Contact made a number of further submissions with respect to the provisions contained within the hazards and risks chapter. Contact supported both Transpower and Aurora Energy who opposed HAZ-NH-P3 – New Activities as it does not recognise situations where there is a functional or operational need to locate in areas at significant risk from natural hazards, such as the national grid. They noted that clause (1) to this policy seeks to manage the activity by ‘avoiding’, but consider that this instead should provide a path for managing the risk in certain situations. Contact supports the amendment being sought, which is as follows:

1. *When the natural hazard risk is significant, the activity is avoided, unless the activity is nationally significant infrastructure that has a functional need or operational need for its location and the risk is appropriately managed...*

12.2 The section 42A report states that:<sup>38</sup>

*“In relation to the submitters that seek an exemption for functional or operational needs of nationally or regionally significant infrastructure or new roads, I am unconvinced an exemption is required. I note that APP6 requires an assessment of the likelihood and consequence of an event occurring. This assessment takes place through plan reviews, plan changes, or resource consents.*

*If an infrastructure project was considered a ‘significant’ risk, it would mean that the consequences of undertaking that project would be considerable. In this instance I consider it is appropriate that the significant risk is avoided. Given the nature of nationally or regionally significant infrastructure, I consider most if not all new infrastructure*

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<sup>38</sup> Report 12: HAZ, s42A report, paragraph 132

*projects would likely have an 'Insignificant' or 'Minor' consequence when assessed in accordance with APP9 (or even reduce the risk of natural hazards) and therefore would not trigger the 'significant' risk threshold."*

- 12.3 Contact notes that the criteria set out in APP6 are complex. It is not clear how something like the CHS would be assessed against these criteria. A dam structure is likely to be assessed as a "building" under the relevant RMA and Building Act definitions, however, as a REG asset it is also likely to comprise a "lifeline" in accordance with Table 7 of APP6. I find it difficult to determine what the resulting risk hazard status would be with respect to this infrastructure using the information in APP6, and expect that it needs expert guidance and assessment. This in itself is potentially problematic for plan users.
- 12.4 In my opinion, activities can be managed in a way that significant risks are reduced to a lower risk level and that the potential consequences can be mitigated. Accordingly, APP6 should not prevent resource users from undertaking activities where a conservative hazard risk management approach is employed.
- 12.5 I therefore agree with Contact in its further submission that this provision should not unduly restrict the construction and operation of key infrastructure in potentially high risk natural hazard environments, as well as the further submissions which seek to ensure APP6 is consistent with best practice for natural hazard assessment and management.

### **13. NFL – NATURAL FEATURES AND LANDSCAPES**

#### **NFL-P2 – Protection of outstanding natural features and landscapes**

- 13.1 Contact lodged a submission with respect to the provisions contained within the natural features and landscapes chapter. Contact sought that amendments be included to amend the blanket avoidance of adverse effects to allow a pathway for activities to utilise the effects management hierarchy to locate in areas with identified values.
- 13.2 The section 42A report partly agrees with this submission with regards to the scale and significance of effects and agrees with amendments being required to provide more flexibility to contemplate the appropriate subdivision, use and development within these areas of outstanding natural

features and landscapes. The report notes *“I do agree that Section 6(b) is not a ‘no change’ provision. Section 6(b) requires that the protection of outstanding natural features and landscapes are from inappropriate subdivision, use, and development. Therefore, I agree that the requirement within clause (1) to avoid adverse effects on the values that contribute to the natural feature or landscape being considered outstanding, even if those values are not themselves outstanding, provides a very limited window for further appropriate subdivision, use and development to be undertaken in these areas. As such, I agree that amendments are required to provide more flexibility to contemplate appropriate subdivision, use, and development in ONLs and ONFs. I agree in part with the drafting proposed by Matakanui Gold, who have suggested that the avoidance of adverse effects should be linked to the landscape capacity to absorb change. I consider this focus on the capacity of the landscape aligns with NFL-P1 which requires the identification of:*

*“the capacity of those natural features and landscapes to accommodate use or development while protecting the values that contribute to the natural feature and landscape being considered outstanding or highly valued”.*<sup>39</sup>

13.3 Furthermore, within the Council's supplementary evidence report<sup>40</sup> following on from pre-hearing meetings, it was noted that *“I agreed with the submitters that greater clarity was required to clearly set out the linkages between EIT-INF-P13 and NFL chapter and considered the addition of NFL-P7 to the suite of provisions would remedy this matter. Following discussions at the pre-hearing meeting I consider further refinement is required to clarify and streamline the linkages between EIT-INF-P13 and the NFL chapter. I recognise NFL-P2 and NFL-P7 both set out to protect the values of outstanding natural features and landscapes. To avoid duplication and potential confusion, it is my view that NFL-P7 should be deleted and a third limb to NFL-P2 be inserted to provide a signpost to EIT-INF-P13”.* Accordingly, the subsequent recommendations included a link to NFL-P2 with EIT-INF-P13.

13.4 I generally support this as it suitably recognises that infrastructure is subject to locational and operational constraints. However, given the development of the Proposed Energy Sub-Chapter, which I have outlined above, I consider this policy should be amended to also direct plan users to EIT-EN-

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<sup>39</sup> Report 14: NFL, s42A report, paragraph 129

<sup>40</sup> Paragraph 19-20, pages 6-7 of Councils Supplementary Evidence 14 Report

P5 within that Proposed Sub-Chapter, which establishes the framework for managing effects associated with REG activities on outstanding natural features and landscapes. Given the significance of emission reduction and the role that REG plays in delivering that, the national significance of REG as recognised through the NPSREG, the significance of REG already within the region (and in particular the CHS, including as recognised through the NPSFM), I consider that, at least the CHS is a significant and/or outstanding value of the Clutha / Mata au catchment. In this way, having a direct link to proposed EIT-EN-P5 is, in my view, appropriate and necessary.

### **NFL-P3 – Maintenance of highly valued natural features and landscapes**

- 13.5 Contact's submission identifies that there is little to distinguish 'highly valued' natural features and landscape from those identified as 'outstanding'. APP9 provides assessment criteria to identify both landscape types that are very similar, and this policy is very similar to the requirements set out in NFL-P2.
- 13.6 The section 42A report distinguishes between the requirement to 'protect' in NFL-P2 and the requirement to 'maintain and enhance' in NFL-P3. Further, the clauses that support these directions distinguish between the requirement to 'avoid adverse effects' and to 'avoid *significant* adverse effects' which, in the author's view, sets up a two-tiered framework for the management of these features and landscapes.
- 13.7 I agree with Contact's submission that this provision creates some uncertainties. It refers to "highly valued natural features and landscapes" which are defined in the proposed RPS as being RMA section 7 type landscapes. In my view, this policy sets too high a bar for lesser-valued landscapes. Specifically, in clause 1, the requirement to "*avoid significant adverse effects on the values of the natural feature or landscape*" is more in line with section 6 of the RMA. The policy drafting also uses language which is similar to Policies 14 and 15 of the NZCPS, yet it does not appear to relate to landscapes within the coastal environment, as this is provided for via CE-P4 and CE-P6.
- 13.8 In my view, requiring specific management by way of 'avoidance' for nationally significant and regionally significant REG activities, on these lesser valued landscapes, is not justified. The costs and benefits resulting from its implementation on such activities are not sufficiently justified under

section 32 of the RMA. I therefore agree with Contact that this policy should be deleted, or otherwise amended as follows:

*Maintain and enhance highly valued natural features and landscapes by avoiding, remedying or mitigating adverse effects on the values that comprise these features and landscapes.*

#### Section 32AA Evaluation

13.9 In my view, the changes that I propose to Policy NFL-P3 more effectively align with the outcomes anticipated by section 7 of the RMA. The costs and benefits of implementing this policy are also likely to be more suitably balanced as it allows for opportunities to avoid, remedy or mitigate adverse effects on the values that comprise section 7 amenity features and landscapes. It does not require the blanket avoidance of activities within such areas.

#### **NFL-P4 – Restoration**

13.10 Contact filed a further submission supporting Meridian Energy's amendments to NFL-P4. NFL-P4 seeks to promote the restoration of the areas and values of outstanding and highly valued natural features and landscapes where those areas or values have been reduced or lost.

13.11 Related to this, in his supplementary evidence, the section 42A report writer has reflected on the drafting of NFL-O1, stating that *"I consider the drafting of NFL-O1 can be improved to acknowledge the benefits of restoring outstanding and highly valued natural features and landscapes. I consider including the restoration of outstanding and highly valued natural features and landscape into NFL-O1 provides alignment between NFL-O1 and the policies and methods to achieve it. I note that NFL-P4 promotes the 'restoration' of outstanding and highly valued natural features and landscapes, and the requirement to restore outstanding and highly valued natural features and landscapes is also set out in methods NFL-M2 and NFL-M3".*<sup>41</sup>

13.12 The section 42A report recommends changes to the objective to include the requirement to restore areas of outstanding and highly valued natural features and landscapes.

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<sup>41</sup> Supplementary Evidence of Andrew Maclennan, 11 October 2022, paragraph 8



13.13 I have reservations about this recommended addition as well as NFL-P4, which relates to the points made above in response to the recommended amendments to NFL-P3. While I acknowledge this amendment's intent is to restore these important landscapes, without clear guidance on defining characteristics between outstanding and highly valued features and landscapes, companies and individuals may be subjected to the associated costs of overreaching restoration efforts. These restoration efforts could prove too onerous for landowners and developers in some instances and may inhibit further development and economic benefits due to a redirection of capital and resources to achieve this clause.

13.14 As a related point, **Mr Coombs** has expressed concern with the current drafting of NFL-O1, on the basis that it refers to the protection of outstanding and highly valued natural features and landscapes (ie the area) rather than their values.<sup>42</sup> The same should be true for restoration. Based on this evidence, and my own concerns noted above, I consider that this policy should either be deleted or amended, as follows:

*Promote restoration of the ~~areas and~~ values of outstanding ~~and highly valued~~ natural features and landscapes where those ~~areas or~~ values have been reduced or lost.*

### Section 32AA Evaluation

13.15 In my view, the amendments I have proposed seek to ensure the implementation of this policy is more effective in that it seeks to promote the restoration of the values and not the areas (which cannot physically be restored). Removing the application of this policy to highly valued features and landscapes also improves its efficiency and reduces its potential costs, as discussed above.

### **APP9**

13.16 Contact made a number of further submissions relating to APP9. These were primarily in support of submitters seeking greater clarity around the threshold and management of highly valued landscapes. In response to various submitters, the section 42A report recommends *amending the notified APP9 to broadly capture the intent of the NZILA guidelines*".<sup>43</sup>

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<sup>42</sup> Coombs EIC, para 9.6.

<sup>43</sup> Supplementary Evidence of Andrew Maclennan, 11 October 2022, paragraph 30

13.17 **Mr Coombs** has also reviewed APP9 in light of these amendments. Mr Coombs recommends the following further amendments to APP9 to improve its application, interpretation and implementation:

- Appendix should be renamed as "attributes for outstanding and highly valued natural features and landscapes (including seascapes)".
- The attributes should be referred to as "physical, perceptual and associative" as described in Te Tangi a te Manu (Aotearoa New Zealand Landscape Assessment Guidelines).
- APP9 should also be amended to make clear that the list of attributes is non-exhaustive and should be used as a starting point.
- Provide some guidance on the appropriate threshold of significance for outstanding and highly valued landscapes.

13.18 I support these recommended amendments to APP9 as they will assist in improving its efficiency and effectiveness.

**Claire Hunter**

**23 November 2022**

## APPENDIX CH.1 – SUMMARY OF RELEVANT EXPERIENCE

- Contact Energy Limited – Preparation of submissions on the 2021 Proposed Otago Regional Policy Statement, and further submissions.
- Contact Energy Limited – Provisions of advice on landscape and amenity conditions associated with the Clutha Hydro Scheme consents, and the Otago Regional Council section 128 review.
- Bathurst Resources Limited – Preparation of application to close and rehabilitate the Canterbury Coal Mine. This includes preparing and presenting planning evidence at the Council hearing.
- OceanaGold (New Zealand) Limited – Peer review role in various project and activities at the Macraes Gold Project, in Otago. This includes reviewing of the Deepdell North Stage III Project resource consent applications, and the Golden Point Underground resource consent applications, and preparing and presenting planning evidence at the Deepdell North Stage III Council hearing.
- OceanaGold (New Zealand) Limited – Preparation of a submission on the Proposed Otago Regional Policy Statement 2021.
- Contact Energy – Preparation of a submission on the Proposed Otago Regional Policy Statement 2021.
- Federation Mining Limited – Project lead and planning advisor on a proposal by Federation Mining Limited to further develop the Snowy Gold Mine situated near Reefton on the West Coast, South Island.
- Blue Sky Pastures – Planning advice relating to the preparation of applications to renew its key water and discharge consents for its plant in Southland.
- Silver Fern Farms – Preparation of the resource consent applications to renew its key discharge and water related permits associated with the ongoing operation of its Finegand Plant, near Balclutha. This includes an application to continue to maintain a closed land fill within the property.
- Wellington International Airport Limited –
  - Ongoing day to day planning advice,
  - Most recently prepared an application for a new retail development within commercial land owned by the Airport; and
  - I prepared the notice of requirements for two new designations to enable the protection and ongoing use of the main site at Wellington Airport via a designation, and to enable growth of WIAL facilities and infrastructure to an adjacent site, currently occupied by the Miramar Golf Course.
- Alliance Group Limited – Planning advice and preparation of applications with regard to the renewal of key discharge consents (water, land and air) for its Lorneville Plant.

- Alliance Group Limited – Review of Canterbury Proposed Regional Air Plan, preparation of submission and evidence.
- Alliance Group Limited – Review of various Southland Regional and District Plan changes and preparation of submissions. Participation in Environment Court mediation to resolve Alliance Group Limited’s appeal on the Southland Proposed District Plan.
- Alliance Group Limited – Preparation of resource consent application for the renewal of its Maitua Plant’s hydroelectric power scheme.
- Alliance Group Limited – Preparation of statutory assessment to accompany resource consent application to renew its Pukeuri Plant biosolids discharge consent.
- Aurora Energy Limited – Successfully obtained a resource consent and subdivision for a new large scale substation in Camp Hill, Hawea, Queenstown Lakes District.
- Wellington International Airport Limited – management of technical inputs and reports for the proposed runway extension, preparation of regional and district council resource consent applications.
- Wellington International Airport Limited – preparation of advice and submissions on the Greater Wellington Proposed Natural Resources Plan. Active involvement in preparing evidence for the various hearing streams on behalf of WIAL.
- Liquigas Limited – Preparation of submissions and planning evidence on the Second-Generation Dunedin City Plan in order to protect the existing and proposed operational capacity of its LPG Terminal in Dunedin.
- Liquigas Limited – Reconsenting of its significant South Island LPG Terminal located at Port Otago, Dunedin. The application sought to increase the storage of LPG significantly at the site.
- Environmental Protection Authority – NZTA Expressway between MacKays Crossing to Peka, Kapiti Coast project; Transmission Gully project plan change and Notices of Requirements and resource consents – Assisting in the review and section 42A report writing for the notice of requirement and various consents required.
- Ravensdown Fertiliser Limited – Preparation of regional council resource consents (air and coastal discharges) to enable the ongoing operation of the Plant in Ravensbourne in Dunedin City.
- Queenstown Airport Corporation – Provision of resource management advice for the airport and its surrounds in particular the runway end safety area extension and preparation of the notice of requirement, gravel extraction applications to both regional and district councils and other alterations required to the aerodrome designation.
- LPG Association of New Zealand Limited – Preparation of evidence and hearing attendance representing the LPGA with respect to Dunedin City Council’s Plan Change 13 – Hazardous Substances and participation in Environment Court mediation to resolve LPGA appeal.

- LPG Association of New Zealand Limited – Preparation of planning evidence on the Second-Generation Dunedin City Plan.
- Invercargill Airport Limited – Preparation of plan change provisions and section 32 analysis to provide for the future growth and expansion of Invercargill Airport in the Invercargill District Plan.
- Invercargill Airport Limited – Preparation of notices of requirement to amend a number of existing designations in the Invercargill District Plan including obstacle limitation surfaces and the aerodrome.
- Southdown Holdings Ltd – Preparation of proposed conditions of consent for large scale irrigation in the Upper Waitaki catchment, Canterbury.
- Trustpower Limited – Review of Otago Regional Council Plan Change 6A and preparation of submissions and evidence at the hearing on behalf of Trustpower Limited. Participation in Environment Court mediation to resolve issues.
- Trustpower Limited – Review of Clutha District Plan Energy Generation Plan Change and preparation of submissions and evidence at the hearing on behalf of Trustpower Limited.
- Trustpower Limited – preparation of proposed conditions of consent for the Wairau Hydroelectric Power Scheme.
- Trustpower Limited – management of the necessary technical inputs, consultation and preparation of resource consents necessary to enable the ongoing operation of the Wahapo Hydroelectric Scheme on the West Coast, South Island.
- Meridian Energy Limited – preparation of the regional and district council consents for the Proposed Project Hayes Wind Farm in Central Otago.
- Meridian Energy Limited – preparation of the regional and district council consents for the Proposed Mokihinui Hydro Scheme on the West Coast, South Island.
- SouthPort Limited – Prepared and presented evidence on behalf of SouthPort in regard to proposed plan changes to the Invercargill District Plan.

**APPENDIX CH.2 – PROPOSED ENERGY SUB-CHAPTER**

**APPENDIX CH.3 – SECTION 32AA EVALUATION OF PROPOSED ENERGY  
SUB-CHAPTER**