

**BEFORE THE HEARINGS PANEL
APPOINTED BY OTAGO REGIONAL COUNCIL**

UNDER THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Otago Regional Policy
Statement 2021 (Non-freshwater parts)

**STATEMENT EVIDENCE OF STEPHANIE AMANDA LOUISE STYLES
ON BEHALF OF MANAWA ENERGY LIMITED**

DATED 23 November 2022

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1.0 SUMMARY

- 1.1 My evidence focusses on those aspects of the Proposed Otago Regional Policy Statement 2021 (**pRPS**) relevant to the renewable electricity operations of Manawa Energy Ltd¹ (**Manawa**) in the Region and renewable electricity generation generally.
- 1.2 Renewable energy is a matter of national significance, and the pRPS is required to:
- (a) have particular regard to the benefits to be derived from the use and development of renewable energy under s7(j) of the Resource Management Act 1991 (**RMA**); and
 - (b) give effect to the policy directions in the National Policy Statement for Renewable Electricity Generation (**NPS-REG**), including to recognise and provide for renewable electricity generation activities.
- 1.3 I consider that, in its current form the pRPS does not adequately give effect to the NPS-REG, at the same time as giving effect to other national direction. In particular, I consider that the Energy section of the Energy, Infrastructure and Transport chapter needs to be revised to provide appropriate regional direction for energy activities and ensure that the renewable electricity generation can be enabled, where appropriate. Provision for renewable electricity generation activities is essential to contribute to national emissions targets, to support climate change endeavours, and to ensure security of electricity supply for the ongoing wellbeing of people and communities.

2.0 QUALIFICATIONS AND EXPERTISE

- 2.1 My name is Stephanie Amanda Louise Styles. I hold the position of Senior Resource Management Planner with the environmental consultancy firm Boffa Miskell Limited, based in the firm's Christchurch office. I have been employed by Boffa Miskell since 2004.
- 2.2 I hold a Bachelor of Planning (Hons) from Auckland University. I am also a full member of the New Zealand Planning Institute. I have over 25 years' experience in planning and resource management. I am an accredited commissioner and hold a IAP2 International Certificate in Public Participation.
- 2.3 I have been a planning consultant based in Christchurch for over 25 years, providing consultancy services for a wide range of clients around New Zealand, including local

¹ Manawa Energy Ltd (Manawa) is the new name for the company formerly known as Trustpower Ltd. The company changed name in May 2022. Manawa now is used throughout this evidence instead of Trustpower.

authorities, central government, land developers, and the infrastructure and power sectors. Prior to that I worked in local government.

- 2.4 My experience includes applications for and processing of resource consent applications, statutory planning and policy preparation, and public consultation processes. I have provided advice on a broad range of developments and resource management issues to councils and a range of clients, a number involving presenting evidence before councils, and the Environment Court. I also have extensive experience in assisting with, and advising on, plan preparation under the RMA.

3.0 CODE OF CONDUCT

- 3.1 I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note. I agree to comply with this Code. The evidence in my statement is within my area of expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

4.0 BACKGROUND

- 4.1 Manawa lodged submissions on the pRPS. I have provided planning advice to Manawa in relation to a range of its hydro-electricity power generation facilities around the South Island for a number of years and am therefore familiar with their schemes and operations. I assisted Manawa with reviewing the pRPS and preparing its submission.
- 4.2 I have read all the relevant material for the pRPS including the section 32 material, and relevant submissions and further submissions, and section 42A reports and supplementary reports. I have also been involved in some of the pre-hearing discussions.

5.0 POLICY CONTEXT FOR RENEWABLE ELECTRICITY

- 5.1 The Government has committed to New Zealand transitioning to 100% renewable electricity generation by 2030 and is developing policy packages which aim to accelerate the deployment of renewable electricity generation and reduce carbon emissions². It is

² The passing of the Climate Change Response (Zero Carbon) Amendment Act in 2019 and the establishment of a Climate Change Commission to advise and hold Government to account on its policies may increase the ambition and enforcement of emission reductions in years ahead. The Commission has recently released its draft advice for consultation which includes a target of 60% renewable energy by 2035. The Labour Party's Election "pledge" has also set an aspirational goal of 100% renewable electricity by 2030 (with a review at the end of 2025), but the effect of these policy changes is not yet reflected in energy and emission forecasts for New Zealand.
<https://www.beehive.govt.nz/release/nz-embracing-renewable-electricity-future>
<https://www.iccc.mfe.govt.nz/what-we-do/energy/electricity-inquiry-final-report>

well recognised that there is an urgent need to provide for increased renewable electricity generation as set out in the evidence of Ms Foran and other electricity generators.

- 5.2 Given that climate change is one of the most significant issues facing New Zealand, there is a need to ensure a coordinated policy response to these issues and that includes all regions making provision for renewable electricity generation in a way that contributes to the national outcomes.
- 5.3 The statutory context for Manawa's submission is based on the need to enable renewable electricity generation development and operation. The benefits from using and developing renewable energy is identified as a matter to which particular regard must be had under section 7(j) of the RMA³ and is identified as a matter of national significance through the NPS-REG⁴. Despite this recognition, the development of provisions at regional and local scales does not always adequately recognise or provide for existing or future renewable electricity generation.

National Policy Statement for Renewable Electricity Generation (NPS-REG)

- 5.4 The NPS-REG has an overarching objective that states:

*To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.*⁵

- 5.5 To give effect to the overarching NPS-REG objective, the pRPS needs to recognise that there are existing hydro-electricity power schemes in the Otago region that need to be provided for and supported, and there is a need to increase renewable electricity generation within the region to support national targets. The pRPS does not provide clear support for existing renewable electricity generation (**REG**) or provide a well-defined pathway that will enable development of new and expanded REG.

³ Resource Management Act 1991, section 7 Other Matters *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to— ...*
(j) *the benefits to be derived from the use and development of renewable energy.*

⁴ National Policy Statement for Renewable Electricity Generation 2011, 14 April 2011, page 4: *Matters of national significance*

The matters of national significance to which this national policy statement applies are:

a) *the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and*
b) *the benefits of renewable electricity generation.*

⁵ National Policy Statement for Renewable Electricity Generation 2011, 14 April 2011, Objective, page 4.

- 5.6 The policies under the NPS-REG seek to recognise the benefits of renewable electricity generation, acknowledge the practical implications for achieving New Zealand's target for electricity generation from renewable resources, and acknowledge the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. The particular policies that are most relevant to the development of the pRPS are set out in **Appendix One** and in summary require:
- (a) Recognition and provision for renewable electricity generation (REG) as a **matter of national significance**,
 - (b) Particular regard to be had to:
 - maintenance of the generation output of existing REG,
 - protection of existing assets and operational capacity,
 - continued availability of the renewable energy resource,
 - the requirement for significant development of new REG to meet national targets,
 - the need to locate REG where the resource is available,
 - the logistical and technical practicalities associated with generation,
 - the necessity to connect to transmission and distribution,
 - (c) That where any residual environmental effects that cannot be avoided, remedied, or mitigated, regard shall be had to offsetting measures or environmental compensation,
 - (d) Objectives, policies, and methods to provide for:
 - the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities, and
 - activities associated with the investigation, identification and assessment of potential sites and energy sources for REG, and
 - (e) Provisions in planning documents to manage activities to avoid reverse sensitivity effects on consented and existing REG.
- 5.7 There is insufficient direction in the strategic directions chapter and energy section of the EIT chapter to protect the existing assets, operational capacity, and continued availability of the renewable energy resources, primarily due to numerous levels of policy that have no clear hierarchy or priority. The pRPS does not clearly state priorities between competing resources and does not give effect to the NPS-REG because of the strength

of focus the pRPS places on the National Policy Statement for Freshwater Management (**NPS-FM**) above all other national direction. The approach in the pRPS is likely to result in confusion and misinterpretation as well as an undermining of the ability to operate and develop renewable electricity generation to support the health and wellbeing of the community. The necessary response within the pRPS is to provide an appropriate pathway for REG to be considered, while at the same time providing for responses that give effect to the other national direction.

- 5.8 The policy approach in relation to REG activities does not clearly articulate the direction needed to deal with the difference between existing REG assets, and their operation, maintenance and upgrading, and the provision for new REG. Policy E2 is relevant to the pRPS in that it requires regional plans to include provision for new and existing hydro-electricity generation activities. I do not consider that the pRPS as proposed sufficiently provides for all aspects of REG in a way that gives REG priority over other general forms of infrastructure that are not nationally significant.
- 5.9 In the hierarchy of documents under the RMA, the NPS-REG sits at the highest level under the Act, at the same level as the NPS-FM and all other national policy statements.
- 5.10 In my opinion, given the important role the RPS plays in the planning hierarchy, and the effect it has on the lower order planning documents, the pRPS needs to do more to reconcile competing national direction at a regional level, rather than leaving this to regional and district plans and resource consent decisions. If it repeats national direction, or implies a priority rather than giving clear direction, it will not fulfil its purpose. If the pRPS does not achieve this, it should at least not preclude that reconciliation from occurring as part of the process of developing lower order plans, by ensuring that other important directions and priorities, such as those relating to renewable electricity generation, are identified and provided with adequate policy support.
- 5.11 There is no requirement under the RMA for any particular National Policy Statement to take precedence over another and thus regional plans must give effect to all National Policy Statements⁶. A more nuanced approach is required to reconcile direction. In the case of the pRPS I consider that the policy approach is unreasonably directed at prioritising freshwater over all other national direction to the detriment of giving effect to national direction as a whole.
- 5.12 In my opinion, the pRPS needs to better provide for enablement of REG as an outcome, and I do not consider that this takes away from the ability for the specifics of any particular

⁶ S67, RMA

area to be considered further as part of lower order documents and the specifics of any proposal to be considered as part of consenting processes.

6.0 KEY ISSUES – WHOLE OF PRPS

6.1 As directed⁷ I have divided my evidence into separate statements on a chapter-by-chapter basis. However, there are two key issues that run across all chapters throughout the pRPS. These are:

- (a) Interrelationships between chapters, and
- (b) The use of the term 'possible',

To avoid repetition I address these issues here rather than in each chapter.

Interrelationships between chapters

6.2 One of the key issues relates to the interrelationship between chapters within the pRPS and the lack of clarity, priorities, and hierarchy between the various chapters. This problem will in my opinion lead to difficulty in interpreting the approach sought by the pRPS and will lead to difficulties in giving effect to the pRPS at the regional and district plan level. This problem is expressed in a number of ways:

- (a) in the way in which issues and activities are dealt with differently in various chapters of the pRPS,
- (b) in the focus on freshwater, the implication being that its management and protection is the highest priority issue for the region, and
- (c) in the cross referencing and interconnections between chapters that duplicate direction or provide contradictions between chapters.

6.3 The current structure of the pRPS does not deal well with the hierarchy of policy provisions or the relative weight that should be afforded to these. The pRPS is structured such that it contains an Integrated Management (IM) chapter (containing policies relating to integrated approach, decision priorities and contravening environmental bottom lines for climate change mitigation) and then various chapters dealing with domains and topics. Renewable electricity as an activity is primarily dealt with in the Energy (EN) section of the 'Energy infrastructure and transport' (EIT) chapter. However, REG activities are also addressed under, or impacted by provisions in, many other chapters such as ecosystems and natural features and landscapes. The implications of this for users of the pRPS could be significant given the overlapping and sometimes conflicting

⁷ First Minute and Direction of Hearings Panel, 3 October 2022.

direction contained within the various chapters and sections, which potentially undermines the clarity of the document and is likely to lead to confusion and misinterpretation. The relief sought by Manawa attempts to provide greater clarity in this regard and reduce the differences in the way REG is provided for within the pRPS and I support that relief.

- 6.4 Policy IM – P2 Decision Priorities sets out the decision priorities for the whole pRPS. Those reflects the priorities outlined in the NPS-FM⁸. I consider that these freshwater based priorities need to be considered in the light of the purpose and principles of the RMA and all national direction (such as the NPS-REG or the National Policy Statement for Urban Development 2020 (**NPS-UD**)), in order to provide a comprehensive framework for the sustainable management of natural and physical resources within the Region. While freshwater resources are important to the region, they are not the sole priority for the region in the way that the current approach in the pRPS would imply. The way the pRPS is worded, irrespective of the matters that have been taken out to be dealt with as a Freshwater Planning Instrument, implies that in the Otago region matters relating to freshwater have priority over all other national direction.
- 6.5 While recognising the importance of freshwater and the directive nature of some of the NPS-FM provisions, the pRPS approach is, in my opinion, too simplistic. A more careful and nuanced approach is required, and this needs to consider the range of relevant directions and how they should be applied in light of the particular region's characteristics and priorities.
- 6.6 In relation to REG, the EN section of the EIT chapter is the primary section in which ORC appears to give effect to the NPS-REG. However, a number of the policy provisions in that chapter are diminished in status by cross referencing to policy provisions in other chapters / topics of the pRPS. A key issue is that the EN section is most applicable but also the Infrastructure (INF) section remains applicable to energy activities, despite the INF section repeating the same concepts in different language. This means that for REG activities, consideration needs to be given to the same (or similar) matters in the two sections. An example of complex referencing is that the first part of policy EIT-EN-P6 on managing effects of REG cross references straight to infrastructure policy EIT-INF-P13 (also dealing with effects but in a different way), and that policy then references to parts of the Ecosystems and Indigenous Biodiversity and the Land and Freshwater chapters. However, to make it more complex the remainder of EIT-EN-P6 then requires the same

⁸ Policy IM – P2 *Unless expressly stated otherwise, all decision making under this RPS shall:*
 (1) *firstly, secure the long-term life-supporting capacity and mauri of the natural environment,*
 (2) *secondly, promote the health needs of people, and*
 (3) *thirdly, safeguard the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

matters of effects to be considered again. This is unnecessary repetition, leading to confusion, duplication, and contradiction.

- 6.7 The circular nature of the provisions and the cross referencing between chapters means that when dealing with the activity of REG, it is necessary to also look at multiple chapters each with different perspectives and direction. Having to follow this complex set of provisions then means that there is little overall direction on what is to be considered and a high risk of different interpretations being applied by different parties. The direction from the NPS-REG to enable renewable electricity generation, and indeed the direction stated in parts of the pRPS itself, appears to be significantly diminished by this confusing approach. It is considered vital that the pRPS is clear and directive, and that it gives effect to national direction including in enabling renewable electricity generation to give effect to the NPS-REG.
- 6.8 Further than just confusion, it also appears that the actual direction to enable REG set out in the EN section (in order to give effect to the NPS-REG) is diminished or possibly negated altogether by other policies that protect various environmental values or take different approaches as a blunt response that does not consider that in some situations there may be a need to provide for REG even where there are some effects on the environment. This leads to a situation where the EN section appears to give effect to the NPS-REG but actually the pRPS as a whole does not achieve that outcome because any pathways for consenting enabled through the EN section are then largely blocked through provisions in other chapters.
- 6.9 The relief sought in the Manawa submission was formulated on the basis of ensuring a clear and consistent line of direction between the chapters and simplifying the provisions to avoid confusion. It also seeks to ensure all national direction is given effect to and I consider it appropriate that the overarching approach to the pRPS should be aligned with the RMA as a whole and not focus on freshwater priorities to the exclusion of other matters of national importance. It is possible, in my opinion, to provide for a policy approach that reflects all relevant national direction rather than focussing on one aspect. I consider that it is essential that the provisions of the pRPS as a whole enable REG activities to be explored and assessed rather than simply ruling them out at this level without providing any pathway for consideration, simply on the basis that there could be problems with some future proposals.

The use of the term 'possible'

- 6.10 Another issue that runs across all chapters is the use of the term 'possible' within policies, which has been picked up in a number of submission points from Manawa (and other

submitters). The request has been to replace this term with 'practicable'⁹ and in some situations to add 'where practicable'¹⁰ to recognise that not all actions can be practicably achieved.

- 6.11 The key concern with using 'possible' is that this is a subjective test and open to interpretation and disagreement, with essentially all things being possible. I understand that the High Court recently interpreted a policy referring to "possible", concluding that if it is "*technically feasible it is possible, whatever the cost*".¹¹ This is an extremely high bar to set in a policy. It gives rise to too much uncertainty of outcome and raises expectations that betterment actions are expected to always be achieved, so long as they are technically feasible (which almost anything is), when they may not be reasonable. While I appreciate the concern expressed by some parties that the term 'practicable' has in the past sometimes been used to relate to cost restrictions, I do not consider that this is sufficient reason to reject the change sought. The issue arises when cost becomes an overriding consideration, rather than a relevant matter among others. When it comes to REG assets, it is my experience that many actions may be possible but not practicable in terms of operational or functional needs e.g. a requirement to retrofit fish passage may be possible but may lead to structural deficiencies that make it impracticable.
- 6.12 Further, I note that recent national direction¹² uses the term practicable, which acknowledges this difficulty. I consider that amending the term 'possible' to 'practicable' is appropriate and remains a necessary change to the pRPS and I support this amendment being made throughout the pRPS where relevant and as highlighted in submissions.
- 6.13 I also note that within the supplementary evidence on the EN section¹³, the author has acknowledged this issue and has recommended that 'possible' be altered to 'demonstrably practicable'. I do not consider that it is necessary to add the term 'demonstrably'. That does not add anything given that it is well understood that to properly apply the policy each element of it needs to be demonstrated (i.e. shown, proven). It would more likely lead to confusion, given it is not a phrase commonly used

⁹ For example in LF-FW-P10.

¹⁰ For example in HCV-HH-P6.

¹¹ *Tauranga Environmental Protection Society Inc v Tauranga City Council* [2021] NZHC 1201 [27 May 2021] at [149].

¹² For example the NPS-FM and the NPS-IB exposure draft.

¹³ Brief of Evidence of Marcus Hayden Langman, Energy Infrastructure and Transport, 11 October 2022, paragraphs 42-44, pages 12-13.

in planning, and it seems to imply that something more is required in these policies, as compared to other policies.

7.0 SPECIFIC ISSUES – CHAPTER BASED RESPONSES

7.1 The following sections set out my evidence in relation to each chapter of the pRPS. I have endeavoured to keep this evidence simple and to enable this I have also provided a set of more detailed comments on each separate submission point in **Appendix Two** to this evidence¹⁴. In that Appendix I provide a table that sets out each submission point, the response from Council in s42A and supplementary reports, and my commentary on this from a planning perspective. The following evidence addresses key matters holistically and groups issues according to the relevant chapter of the pRPS.

8.0 PART 1 – INTRODUCTION AND GENERAL PROVISIONS

Interpretation / Definitions

8.1 Manawa sought that the word ‘energy’ be replaced with ‘electricity’ throughout the pRPS wherever there are references to renewables. This was not accepted by the s42a author on what appears to be a misunderstanding of correct terminology. Simply put, you have energy sources (various), but it is electricity that is generated for use. It is important that the pRPS correctly applies the NPS-REG which relates to renewable electricity generation and uses appropriate terminology. Ms Foran provides further information on this matter.

8.2 I acknowledge that the definitions of particular interest to Manawa operations have been retained in the s42A report as sought by Manawa and I consider that it is essential that these definitions remain within the pRPS. I note that the definition of ‘Specified Infrastructure’ is now part of the Freshwater Planning Instrument process despite being relevant to other parts of the pRPS, and I simply comment at this point that any decisions on changing that definition as part of that separate process will have impacts on how other parts of the pRPS operate.

9.0 PART 2 – RESOURCE MANAGEMENT OVERVIEW

SRMR – Significant resource management issues for the region

9.1 The Manawa submission sought recognition of the importance of hydroelectric power schemes within the Region as a response to climate change under SRMR-I2. This was

¹⁴ I note that following the separation of the Freshwater Planning Instrument provisions from the remainder of the pRPS, this table includes placeholders where original submission points made by Manawa are no longer part of this current process.

rejected on the basis that renewable electricity is a solution rather than the issue itself. While I understand that the issues are stated as problems, I consider it short sighted to not draw attention to the potential solutions that can be facilitated through the remainder of the pRPS provisions. I consider that linking the existing hydroelectric power schemes within the region to this issue enables a clear line of sight to solution-based policy in other chapters.

IM – Integrated management

- 9.2 Climate change is one of the biggest environmental issues being faced in New Zealand and internationally, and Manawa’s submission noted the need to ensure that actions responding to climate change are undertaken in a strategic manner. I consider that the addition of the word ‘strategic’ to objective IM-O4 will assist to reiterate the need for strategic thinking on this issue, i.e. high level, integrated and future focused. I consider that this can be best added to the policy as follows “...*the region, (including **strategic climate change adaptation and climate change mitigation**) ...*”.
- 9.3 On a similar issue, the climate change policy IM-P10 as proposed following amendments by ORC officers, gives very little direction to practical responses to climate change. I consider that to properly integrate the role of renewable electricity into the pRPS it is appropriate to recognise renewables as part of the climate change picture and to include reference in this policy as follows:

“... (5) recognise and provide for renewable electricity generation activities as part of achieving national climate change obligations”.

10.0 PART 3 – DOMAINS AND TOPICS

ECO – Ecosystems and indigenous biodiversity

- 10.1 Policy ECO–P5 deals with existing activities in significant natural areas and the recommendations from ORC officers are to accept the requested inclusion of ‘minor upgrades’ within these provisions to enable continuation of existing operations. However, the recommendations have retained the restriction that existing activities including minor upgrades must be “*no greater in character, spatial extent, intensity or scale than they were before this RPS became operative*”¹⁵ I understand that maintenance and minor upgrades that are necessary to ensure continued operation of existing activities could be greater in spatial extent, intensity or scale e.g. replacing one structure with another of a different footprint, but would not lead to any substantive change in effects from the activity. The use of the term “no greater” could limit the utility

¹⁵ pRPS, ECO-P5(2).

of this policy for minor upgrades that would ensure maintenance of output but would not lead to changes in effects. I consider that it would be appropriate to replace the wording with “same or similar”. That is consistent with the analysis required for existing use rights under the RMA, and its application is well understood. I recommend that clause (2) be amended as follows:

*“(2) the adverse effects from the continuation, maintenance and minor upgrades of an existing activity that is lawfully established are **the same or similar** ~~no greater~~ in character, spatial extent, intensity or scale **as** ~~than~~ they were before this RPS became operative.”¹⁶*

- 10.2 The focus of policy ECO–P6 is the maintenance of indigenous biodiversity in a general sense and beyond those areas that have been identified under ECO-P3 as being significant (i.e. it is indigenous biodiversity that is not significant), through application of the effects management hierarchy. The way the policy is currently worded means that it leads to a no adverse effects expectation, as it requires applications to avoid, remedy, mitigate, offset, and compensate effects, and if all effects cannot be managed through this hierarchy, then it defaults back to avoid. I
- 10.3 This sets almost the same high bar for all indigenous biodiversity as is set for significant natural areas and I consider that to be unreasonably high. It is not reasonable, or consistent with the higher order policy direction, in my opinion, to require this approach to the addressing of adverse effects on any indigenous biodiversity despite the quality or condition of that biodiversity.
- 10.4 Implementing this policy could lead to unreasonable requirements to compensate for very low-level effects (e.g. new planting to compensate for loss of low value or diseased indigenous species). In addition, there are issues with the appendices that define the approach to offsetting and compensation, including changes which have included a new clause that says offsetting / compensation is not available for irreplaceable or vulnerable biodiversity (and this term is not defined). This means that if you have an area of vegetation that someone determines is “vulnerable”, then offsetting and compensation options are not available and so if there are any residual adverse effects the activity needs to be avoided. This is simply too ambiguous given the restrictive effect of the policy. This approach is also different to that taken in the exposure draft of the NPS-IB with vulnerability as an example rather than a test. I note that the evidence of Dr Keesing explores this issue in greater detail.
- 10.5 I also note that the policy does not provide for exclusions or an alternative pathway for infrastructure or at least regionally significant infrastructure. However provisions for

¹⁶ Note: this wording incorporates the ORC officer recommended changes in plain text.

specified infrastructure are included in clause 3.11 of the NPS-IB exposure draft and I consider that this approach also needs to be included in this policy to maintain consistency. This policy as currently worded could have perverse outcomes, e.g. if ORC themselves want to do flood protection works in order to protect communities vulnerable to flooding, and there is a “vulnerable” plant in the area of works, regardless of the area not being a significant natural area, they would not be able to do those works. The same would apply to dam safety upgrades in the same situation. I do not consider that this would be an appropriate outcome for the policy. I consider that when dealing with areas of less than significant indigenous biodiversity, it would be only reasonable for the test to relate to ‘significant’ adverse effects such that low level effects on insignificant areas are not a barrier to activities.

- 10.6 I reference the evidence provided by Dr Keesing which sets out recommended changes to the approach and appendices. On this basis I recommend that the policy be amended to reference “significant” adverse effects (together with other related amendments set out in other submission points).
- 10.7 The methods for regional and district plans (ECO-M4 and M5) both require that resource consents not be granted if the sequential steps in the effects management hierarchy in ECO-P6 have not been followed. At the stage of implementing this via lower order plans, I would expect this to result in provisions requiring decline or prohibited activity status where the effects management hierarchy is not followed. The effects mitigation hierarchy is a method rather than an outcome and is too specific, in my opinion, for inclusion as a policy in an RPS. There are sufficient directions in the pRPS (including particularly with my suggested changes) that provide guidance on what is to be achieved, and then it is for lower order planning documents to provide greater detail about the methods by which they are to be achieved. In some instances this will be by applying an effects mitigation hierarchy, and in others that is likely to be too simplistic approach. Applying the hierarchy may not allow other pRPS directions to be met, an outcome which I do not think has been sufficiently assessed or considered.
- 10.8 Appendices 2, 3 and 4 set out the criteria for determining significant natural areas, applying biodiversity offsetting, and applying biodiversity compensation. I note that these appendices are inconsistent with best practice and with the exposure draft of the NPS-IB and the many issues with these appendices are addressed in the evidence of Dr Keesing. I endorse the need to be consistent with national best practice and agree that these appendices need to be amended to ensure that the pRPS is appropriate and gives effect to national direction.

- 10.9 The EN (Energy) section of the EIT chapter deals specifically with renewable electricity generation activities and primarily appears to focus on 'giving effect' to the NPS-REG. I note however that this section does not deal holistically with energy matters e.g. it does not include electricity transmission or distribution activities. I note that this is a matter of concern to other submitters, which I consider to be valid, and I therefore recommend that the EN section deal with all energy activities collectively. Simply put, the generation of electricity is fundamentally linked to transmission and distribution of electricity, such that it is sensible to keep these interconnected activities together in providing policy direction.
- 10.10 This EN section is crucial to the ability to enable ongoing operation and new development of REG to respond to the national climate change crisis and to provide for secure electricity supply across the region and country. Providing for REG is necessary to give effect to the national direction provided by the NPS-REG. While the NPS-REG can be relied upon to provide national direction on this issue, it is also important to understand the increased knowledge gained in the years since the NPS-REG became operative. The NPS-REG clearly states that significant development of REG is necessary¹⁷, and I understand that to achieve the level of increase required this means development of around three times the existing REG generation nationally¹⁸. This means that all regions need to enable REG development to assist in achieving these outcomes nationally.

Two sections or one?

- 10.11 As discussed earlier in this evidence, energy activities are subject to the specific EN provisions as well as the general infrastructure provisions in the INF section of the same chapter. The current approach in the pRPS is that all provisions apply to all activities and users of the pRPS would need to work their way through the entire document to find the provisions that relate to them and their activities. In many cases this will not be an issue beyond the complexity of traversing a complicated document. However, in the case of the EIT chapter, the decision has been made to separate energy (albeit only some aspects of energy) from all other infrastructure into two sections of the chapter, but both sections continue to apply to energy activities. This means that for a renewable electricity generation activity, the provisions in both sections apply. Again this would not necessarily be an issue if it were not for the fact that the two sections overlap each other and cross reference between each other, requiring multiple considerations of the same issues (e.g. effects), but using different language and different tests. This leaves a user of the chapter confused over what the actual policy approach to an energy activity is,

¹⁷ NPS-REG Policy B(c).

¹⁸ Refer Statement of Evidence of Ms Foran, paragraph 17.

and the enablement provided by the EN section is largely diminished (or at best confused) by the subsequent INF section.

10.12 In addition, there is considerable overlap in the issues addressed in these two sections, with duplication between them and, in some places, contradictions between the direction provided on the same type of issue. The different approaches appear to have been an attempt to provide nuances between activities with national direction and those without but by applying all provisions it effectively takes away any benefit of the more enabling provisions. An example of this is set out below:

<p>EIT-EN-P1 – Operation and maintenance</p> <p>The operation and maintenance of existing renewable electricity generation activities is provided for while minimising its adverse effects.</p>	<p>EIT-INF-P11 – Operation and maintenance</p> <p>Except as provided for by ECO – P4, allow for the operation and maintenance of existing nationally significant infrastructure and regionally significant infrastructure while:</p> <ol style="list-style-type: none"> (1) avoiding, as the first priority, significant adverse effects on the environment, and (2) if avoidance is not practicable, and for other adverse effects, minimising adverse effects.
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This example shows that, despite the energy approach very simply directing that operation and maintenance by 'provided for', the approach within the infrastructure chapter, which also has to be met, is more restrictive, essentially negating the EN policy. This duplication and contradiction in approach appears unnecessary and undermines the recognition of the importance of REG. This complicated approach is further compounded by both policies addressing adverse effects, even though there are then subsequent policies that deal specifically (INF-P13, INF-P13A, EN-P6) or additionally (EN-P4, INF-P14) with effects.

10.13 In my opinion, the approach provided of dealing with energy and infrastructure together is unnecessarily complex and there are considerable refinements to the approach to chapter that could be made to provide more clear direction and improve the useability of the document. One key principle of policy development is to ensure that policies are clear and focussed and this means that you deal with issues separately, only overlapping or cross referencing where absolutely necessary. To achieve this, I recommend that the EN and INF sections are each self-contained such that they operate in parallel and each fully cover the relevant issues. In this way the approach to energy activities can be looked at holistically without concern over duplication, contradiction, or unintentional undermining of the policy approach. The effect of this would be that REG activities would

be tested against the EN section and all other relevant chapters/sections (such as freshwater, ecology and landscape) but not against the parallel INF provisions.

Consideration of effects

- 10.14 It is not my opinion that proposed REG development should be enabled with no consideration or addressing of impacts. I consider that all reasonable REG proposals should be able to be explored and assessed in terms of their benefits and their effects on the environment, with a clear acknowledgement that in enabling some development to proceed it may not be possible to always avoid all adverse effects on all values. The very nature of REG activities means that they will often be located in sensitive areas, hydroelectricity is obviously directly associated with freshwater and locations suitable to harnessing the wind resource are almost always highly visible. While some REG projects may have adverse effects on valued areas, it is essential that REG activities are not expected to avoid all adverse effects on all aspects of the environment. Setting a blunt policy direction of avoidance of all effects and protection of all values at a RPS level will have significant implications for the REG industry and could undermine national direction and goals for holistic environmental improvements in relation to climate change and emissions.
- 10.15 I remain concerned that the base approach applied to the pRPS places freshwater resources above all other resources and the protection of these above all activity within the region. While I appreciate the need to manage freshwater better, I consider that this needs to be approached in a way that does not rule out other national direction. Renewable electricity generation projects need to be able to 'get to the start line' so that they can be assessed on their merits rather than failing on the basis of an assumption that they will have adverse effects on resources or areas of special value. This necessity to provide for REG is further reinforced by renewable electricity generation commonly being defined as regionally or nationally significant infrastructure, specified infrastructure and/or lifeline utilities, which further emphasises their importance to the wellbeing of people and communities.
- 10.16 In this regard, I appreciate that the ORC officer's intent in framing an effects policy was apparently intended to recognise regionally and nationally significant infrastructure, however I do not consider this has been achieved. The policy included in the EN section is unnecessarily complex, addressing effects three times within the same policy by:
- (a) cross referencing to EIT-INF-P13 which deals with effects, and
 - (b) requiring consideration of effects in clause (2)(c), and

(c) considering alternatives in relation to effects in clause (3).

- 10.17 Such duplication of consideration is unnecessary and inappropriate, and in my opinion undermines the intent and direction provided by the policy. It is also of concern to me that this approach imposes more restriction on energy activities than on infrastructure generally, which is inappropriate when electricity generation is regionally / nationally significant. I consider that the policy needs to be substantially rewritten to be clear and certain in its direction on how effects should be managed for energy activities.
- 10.18 It is further noted that EIT-INF-P13 has a very different way of addressing effects with application of a first and second priority consideration. This is relevant to the INF section which deals with many different types of infrastructure, only some of which are regionally and nationally significant. However, applying this approach to the EN section, in addition to the other considerations under EN-P6, is unnecessarily confusing and leads to duplication. In my opinion, this needs to be resolved through re-writing EN-P6 to apply to energy infrastructure appropriately and removing the link to INF-P13.
- 10.19 In addition, the current policy approach via INF-P13 requires areas with special values to be avoided where practicable but does not require such areas to be clearly known or identified in any way. Generally when a new development is being explored, the first step is to look at what is publicly available and known (e.g. maps and schedules in district and regional plans). This information needs to be robust and appropriately assessed to be included in these statutory documents. Where this information is clearly identified, a project can be designed to avoid such areas where practicable. At that point a project may be designed in more detail and technical assessments carried out to determine specific site values and how effects can be managed. The way the INF effects policy is currently worded requires avoidance of areas containing values without these being known and publicly identified, and I do not consider this a reasonable approach. Carrying out the type of assessment required by the policy as worded would mean substantive due diligence work that would be very off-putting to development and lead to high levels of uncertainty.
- 10.20 The proposed energy sector submitters have developed replacement text which in my opinion better recognises the approach to certainty in managing effects. That approach directs avoidance of known (scheduled) special areas and where these cannot be avoided then the effects are managed by way of specific cross references or application of the effects management hierarchy. I consider this to provide greater certainty to users while appropriately managing effects. I also consider this to be a more appropriate approach for energy activities which are commonly regionally / nationally significant.

Structure of an Energy section

- 10.21 The pRPS focusses on existing physical renewable electricity generation assets, and has limited provision for the fullness of the ‘development, operation, maintenance and upgrading’ ambit of activities as expected by the NPS-REG. Aspects of this holistic consideration are mentioned separately but not within a logical structure, for example ‘operation and maintenance’ is dealt with separately, while ‘upgrading’ and ‘development’ are linked together. Obviously there needs to be an existing activity for upgrading to occur which is quite different from new development in context and, often, in terms of effects.
- 10.22 I consider that the structure of this chapter could be improved significantly by providing a clear focus for both existing and new activities. I recommend that policies for REG activities be structured logically as set out below:

Renewables generally	recognise and provide for / have particular regard to
Existing REG activities	protect and provide for operation, maintenance, refurbishment, and minor upgrades
New REG opportunities	provide for investigation, identification, and assessment of potential sites/resources
New REG activities and (more than minor) upgrades	provide for
All REG activities	manage adverse effects
All REG activities	avoid reverse sensitivity

I also note that this approach will better align with the expectations of the NPS-REG as set out in the table included in **Appendix Three**.

- 10.23 I have worked closely with other planners and advisors to energy sector submitters¹⁹ to explore options to better give effect to the NPS-REG within the pRPS, at the same time as other national direction. We have considered a range of options and we all agree with the approach put forward in this evidence (and also put forward in the evidence of other parties). I consider that the most clear and effective approach to the EN section of the EIT chapter is to reframe it to be self-contained and operate in parallel to the INF section. This approach would reduce confusion and contradiction, as well as better focussing on the direction provided in the NPS-REG. I attach at **Appendix Three** a revised EN section that incorporates this self-contained approach.

¹⁹ Contact Energy Ltd and Meridian Energy Ltd.

10.24 In respect to this proposed revised section, I note that wherever possible the revised text has been modelled on the approach taken to wording in the INF section to ensure consistency of terminology and style. While some policies are unchanged from the pRPS text (with ORC recommendations incorporated) in other places wording changes are made to better give effect to the NPS-REG and to provide clarity of direction.

HAZ – Hazards and risks

10.25 The Manawa submission sought to ensure that recognition is given to the fact that in some circumstances lifeline utilities may need to locate in areas which are subject to natural hazard risk. The s42A report inaccurately records that the policy relates to design and not location of lifeline utilities despite it stating “*Locate, ~~relocate~~, and design lifeline utilities and facilities...*”. I consider that it is important to recognise that location is part of the issue covered by the policy, and that at times there will be a need for lifeline utilities to locate in areas subject to natural hazards (e.g. hydroelectric power scheme facilities in areas at risk of flooding). By adding recognition of this need to locate issue to the policy, it will also recognise this links well with the aspect of the chapeau dealing with design and with clause (1) of the policy that expects resilience during and after events. I consider that would be appropriate to add a third clause to the policy stating:

“(3) recognise that there can be a functional and operational need for lifeline utilities and facilities for essential or emergency services to locate in areas of natural hazard risk in some circumstances.”

HCV – Historical and cultural values

10.26 Key issues in the application of the HCV chapter to Manawa assets and operations relate to the practicability of achieving enhancement of heritage assets when they are part of a functioning renewable electricity generation scheme. This has been addressed in paragraphs 6.10-6.12 above which deal with the need to ensure that the pRPS does not set unreasonable expectations that all things are ‘possible’ with no realistic consideration of the impacts of such an expectation. In this regard, I continue to recommend the inclusion of the term ‘practicable’ in appropriate places in HH-P6, HH-P7 and HH-PR2.

10.27 I also note that the pRPS appears to treat historic heritage items as needing to be protected or reused for new purposes but does not provide for their continued use. Manawa schemes integrate historic items that retain their original function (e.g. water races) but are now used for modern purposes, and part of protecting their heritage values is their continued use. To enable this to occur, the policy approach needs to enable such items to be used, adapted, and maintained. Without such policy recognition it may lead to restrictive policy approaches in lower order documents such that it becomes so difficult

to continue to use an asset that it is easier for owners to simply walk away from such heritage items. If amending the policy approach to introduce practicality is not a suitable approach, I recommend that explicit support for continued use and operation of heritage items be integrated into the policies. Suggested wording for such amendment to policy HH-P7 is:

*“Maintain historic heritage values through **supporting continued use and operation of heritage items**, the integration of historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas.”*

NFL – Natural features and landscapes

- 10.28 There have been some changes proposed to this chapter through the s42A report which have improved clarity of wording. However, I remain concerned that the approach to identification of Outstanding Natural Features and Landscapes does not reflect the nationally agreed approach provided by the national guidance adopted by the NZ Institute of Landscape Architects²⁰. While the supplementary evidence now links to the national guidance (Te Tangi a Te Manu Aotearoa New Zealand Landscape Assessment Guidelines) it still does not incorporate the nationally applied approaches, instead continuing to only use some of the wording and to paraphrase or simplify the approach. It is essential that the pRPS keep up to date with best practice and that both NFL-P1 and APP9 are amended to align with national guidance.
- 10.29 The criteria listed in APP9, even as amended by the recommended changes in the supplementary evidence, do not align with the NZILA guidelines which have now been adopted nationally by landscape practitioners. It is necessary for the pRPS to align with those guidelines as they are the national approach, and the appendix needs to provide appropriate guidance to TA's in undertaking consistent and robust ONFL identification across the region. The fact that three headings in the appendix are similar to those in the guidelines is not enough. The wording of the appendix appears to list the criteria as inclusive and that cannot be the case to align with best practice. If the wording in the appendix is to be updated to align with the national guidelines, then it should be aligned fully, not partially and in a paraphrased manner as that means that the appendix is unclear in whether it is aligned or trying to be something different. All practitioners will be aligned with this approach now so the pRPS should also be. Updating of both the policy and the appendix is necessary to be undertaken fully and in my opinion this updating should be completed or alternatively the appendix could cross reference directly

²⁰ Te Tangi a Te Manu Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022
[Te_Tangi_a_te_Manu_Version_01_2022_.pdf \(nzila.co.nz\)](https://www.nzila.co.nz/Te_Tangi_a_te_Manu_Version_01_2022_.pdf).

to the Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment guidelines. I consider that updating the appendix to fully align with best practice is a simple outcome to achieve and should be undertaken.

11.0 PART 5 – APPENDICES AND MAPS

Appendices

11.1 The Manawa submission commented on appendices 1, 2, 3, 4 and 9 relating to criteria in respect of waterbodies, biodiversity, and landscapes. All of these comments also relate to the policies from which the appendices derive and have been addressed above in relation to the appropriate chapter. In summary, it is acknowledged that the s42A report accepts the need to update the criteria for determining outstanding waterbodies, however it is noted that the criteria for indigenous biodiversity and landscapes and features needs to be updated to align with best practice and emerging national direction.

12.0 RELIEF SOUGHT / RECOMMENDED CHANGES

12.1 I have reviewed the submission made by Manawa and the relief sought in light of the Council's s42 report and supplementary evidence. I set out in **Appendix Two** to this evidence a summary of the Council's responses to the individual submission points and my assessment of those responses.

12.2 Overall, I note that some submission points and relief sought has been accepted by ORC officers however the majority of matters raised have been rejected or passed over. There remains a significant difference between the pRPS approach and the approach that I am recommending.

12.3 I consider that many of the matters I have raised on behalf of Manawa have merit in improving the clarity, consistency and useability of the pRPS as well as in giving effect to national direction. To assist in the decision making on this, I have attached an analysis under s32AA (**Appendix Five**).

13.0 CONCLUSION

13.1 I consider that the current form of the pRPS is inadequate in providing for renewable electricity generation activities, and I do not consider that it sufficiently gives effect to the NPS-REG. I consider it to be possible to give effect to both the NPS-REG and other national direction such as the NPS-FM with consideration given to appropriate language to appropriately provide for protection and development. I am of the view that there is no inherent conflict between the NPS-REG and the NPS-FM for example as the use of

water for renewable electricity generation can be undertaken in a way that recognises Te Mana o te Wai and which meets the hierarchy of obligations set out in the NPS-FM.

- 13.2 I consider that the amendments suggested in the Council's s42 reports and supplementary evidence introduce amendments that partially recognise the issues raised in submissions and improve the pRPS in places. However, I consider that it is necessary to undertake further improvements.
- 13.3 I consider that the revised EN section text proposed by the energy sector submitters better implements the NPS-REG, the Resource Management Act and supports national direction for dealing with emissions and climate change. In having the EN provisions managed in a self-contained section, the provisions can be tailored to be specific to regionally and nationally significant electricity infrastructure and operate in parallel to other infrastructure (such as 3 waters utility services) which has different elements and creates different effects.

APPENDIX ONE: KEY POLICIES FROM THE NPS-REG

The particular policies that are most relevant to the development of the pRPS (emphasis added):

POLICY A

Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities. These benefits include, but are not limited to: ...

POLICY B

Decision-makers shall have particular regard to the following matters:

a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and

b) even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and

c) meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.

POLICY C1

Decision-makers shall have particular regard to the following matters:

a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;

b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;

c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid; ...

POLICY C2

When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.

POLICY D

Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.

POLICY E2

Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.

POLICY G

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

APPENDIX TWO: ASSESSMENT OF RELIEF SOUGHT AND COUNCIL RESPONSES

The following table sets out the relief sought by Manawa in original submissions, the responses by Council through s42A reports / supplementary evidence, and my planning analysis of each submission point individually.

Chapter / provision Manawa sub #	Manawa's reasons for submission	Relief sought (deleted text shown in strike through , new text shown in bold underlined)	Section 42A response and supplementary ORC evidence	Planning analysis as part of evidence
Entire Document				
Reference to 'renewable energy generation' 00311.001	Manawa considers that replacement of the word 'energy' with the word 'electricity' is necessary to ensure consistency with the wording of the NPS – REG 2011.	Replace the word 'energy' with the word ' electricity ' wherever there are references to renewables.	<p>Covered in the EIT chapter reporting.</p> <p>Rejected as:</p> <p><i>Trustpower seeks the pRPS be amended throughout to replace the word 'energy' with the word 'electricity' wherever there are references to renewables. I consider the amendment is too narrow as there are other forms of renewable energy, for example biofuels, solar thermal, geological both active (heating production processes) and passive (heating and cooling).²¹</i></p> <p>Further addressed in the supplementary evidence to the EIT chapter which states:</p> <p>46 Following the pre-hearing discussions, I considered whether the words in the EIT-EN – Energy sub-chapter properly referenced "energy" or electricity. This is particularly important because renewable energy can come in many forms, not just electricity. The NPS-REG relates only to renewable electricity generation, as opposed to renewable energy generation. Renewable energy can come directly from solar hot water, or ground-sourced heat pumps or geothermal heating, for example.</p> <p><i>47 I reviewed the chapter to ensure that the correct terminology is used. I recommend the word "generation" be removed from EIT-EN-O3 (NV EIT-EN-O1) so that the objective recognises the wider application of renewable energy and to avoid confusion with the term "renewable electricity generation". The recommended amendment is set out below:</i></p> <p><i>Otago's communities and economy are supported by renewable energy generation renewable energy generation within the region that is safe, secure, and resilient.</i></p> <p><i>48 EIT-EN-O2 is intentionally targeted at renewable electricity generation, and no change is recommended.</i></p> <p><i>49 It is my opinion that the drafting for EIT-EN-O2A could be improved without changing the scope of the provision as outlined in the title, which is targeted at greenhouse gas emissions and renewable energy targets. The provision intentionally targets renewable energy, rather than electricity. The recommended change is set out below:</i></p> <p><i>Otago's renewable energy generation Renewable energy in Otago supports the overall reduction in New Zealand greenhouse gas emissions and achieving the national target for emissions reduction.</i></p> <p><i>50 The remaining references to "energy" in the chapter are intentional and relevant to the context. No further changes are recommended.²²</i></p>	<p>It is necessary to use the correct language within a statutory document and to achieve this it is necessary to replace the word 'energy' with the word 'electricity' wherever there are references to renewable electricity generation. It is necessary to make this amendment as it is not correct to reference energy as being produced when the relevant matter is the production of electricity as clearly set out in the NPS-REG 2011.</p> <p>It is important to appreciate the differences between <u>sources of energy</u> and <u>generation of electricity</u>.</p> <p>Note; the NPS-REG relates to is renewable <u>electricity</u> generation and clearly explains this issue in the interpretation section.</p> <p>It is also noted that at present the policies within the pRPS use the two terms (renewable energy, and renewable electricity) interchangeably and it needs to at least be consistent.</p> <p>The supplementary evidence report has addressed this issue in part and has recommended some changes. I defer to the explanation and corrections provided within the evidence of Ms Foran on this issue and the analysis she provides.</p>

²¹ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 47 on page 13.

²² Report 11: Brief of Evidence of Marcus Hayden Langman, Energy Infrastructure and Transport, paragraphs 46-50, pages 13-14.

Definitions				
Definition of 'Nationally Significant Infrastructure' 00311.002	Manawa support the recognition of renewable electricity generation facilities, and the significance of these within a national context, in this definition.	Retain this definition and ensure that clause (c) of the definition is retained.	Retained unchanged.	This retention is acknowledged, and no evidence is needed on this matter.
Definition of 'Regionally Significant Infrastructure' 00311.003	Manawa support the recognition of renewable electricity generation facilities, and the significance of these within a regional context, in this definition. It is noted that the term 'Regionally Significant Infrastructure' is important due to its use as a point of reference in the National Policy Statement for Freshwater Management (as determining what is specified infrastructure. The pRPS currently lists Nationally Significant Infrastructure separately from Regionally Significant Infrastructure, and this results in Nationally Significant Infrastructure not being specified infrastructure which is an inappropriate outcome.	Retain this definition and ensure that clause (3) of the definition is retained. Specify that Regionally Significant Infrastructure also includes Nationally Significant Infrastructure.	Retained with no changes of concern to Manawa. Clarification added as sought. <i>I agree in part with the following submissions (and consequential amendments) of Trustpower and Port Otago that seek to specify that Regionally Significant Infrastructure also includes Nationally significant infrastructure. Infrastructure that is important at a national level will inherently also be important at a regional level. I recommend accepting these submissions by adding a note to the end of the definition recognising this.²³</i>	This retention is acknowledged, and no evidence is needed on this matter.
Definition of 'Specified Infrastructure' 00311.004	This definition is now part of the Freshwater Planning Instrument so no longer part of this evidence.			
SRMR – Significant Resource Management Issues for the Region				
Issue SRMR-I2 – Climate change is likely to impact our economy and infrastructure 00311.005	Manawa supports the recognition of climate change as a significant resource management issue within the Otago region, however it considers that discussion of this issue should go further and outline national commitments to climate change and the role of renewable electricity generation activities in this.	Add the following paragraph under the heading of 'Regional Industry'. <u>A number of hydroelectric power schemes are located within the Otago Region. The current Government has set a target for increasing renewable electricity to 100% by 2030. Alongside that sits New Zealand's commitment to the Paris Climate Change Agreement – to reduce greenhouse gas emissions to 30% below the 2005 levels, and a domestic 'net zero' commitment of all greenhouse gas emissions (except methane) by 2050. For these commitments to be achieved, rapid electrification of the economy will be required, and this will require a significant increase in the installed capacity of emissions free renewable electricity generation.</u>	Acknowledgement of the potential impact of climate change on renewable energy in the general statement (as sought by Meridian), but rejected all of the additional wording requested by Manawa on the basis that: <i>I do not agree that it is necessary to acknowledge the role of Otago's hydroelectric schemes in meeting national targets for renewable electricity in the issues statement as this is more relevant to the solutions to the issue rather than the issue itself. The impact of climate change on renewable electricity generation is acknowledged in the Statement.²⁴</i>	Given that hydroelectric power schemes are a feature of the region and are known to be a method of achieving renewable electricity generation to contribute to combatting climate change impacts, it is reasonable that these are at least acknowledged as part of the regional industry statement. If the concern for the ORC is that the statement proposed is too detailed and too focussed on climate change issues, then it could be simplified. However, it is essential that the substantial hydroelectric power generation within the region is acknowledged in this description of regional industry. I recommend that, at a minimum, the following text be added: <u>A number of hydroelectric power schemes are located within the Otago Region. A significant increase in the installed capacity of emissions free renewable electricity generation will be necessary to contribute to climate change commitments.</u>
IM – Integrated management				
Objective IM-01 – Long term vision 00311.006	Manawa supports the recognition of climate change as a significant issue within the region, however to ensure consistency with the NPS – REG Manawa considers that specific recognition of the necessity of both the importance of resilience of infrastructure (in the context of Objective 1) and strategic action is	Amend Objective IM – 01 as follows: The management of natural and physical resources in Otago, by and for the people of Otago, including Kāi Tahu, and as expressed in all resource management plans and decision making, achieves healthy, resilient, and safeguarded natural and physical systems, and the ecosystem services they offer, and supports	Rejected as follows: <i>Trustpower seeks an amendment so the relevant part of the objective reads "...achieves healthy, resilient, and safeguarded natural and physical systems". I am unsure what the submitter considers to be a physical system, however I note that the definition of "natural and physical resources" in section 2 of the RMA is "land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or</i>	As noted in the submission, the inclusion of reference to 'physical systems' was intended to draw a link to infrastructure and the role this plays in long term management. However, the objective has been substantially amended in response to other submissions and the requested change would not fit the new wording.

²³ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 539, page 93.

²⁴ Report 5: Submissions on Part 2 – Resource Management Overview, paragraph 160, page 28.

	required (in the context of Objective 4).	the well-being of present and future generations, mō tātou, ā, mō kā uri ā muri ake nei.	<i>introduced), and all structures". In my opinion, all but structures in that definition is part of natural systems. I do not consider it would be practical to require healthy or safeguarded physical resources such as structures and therefore do not recommend accepting this submission.²⁵</i>	The new wording put forward through the s42A report better expresses a long-term vision and continues to refer to physical resources generally. I do not consider that any further changes are necessary given the reframing of the objective.
Objective IM-O4 – Climate Change 00311.007		Amend Objective IM – 04 as follows: Otago's communities, including Kāi Tahu, understand what climate change means for their future, and climate change responses in the region, including strategic , adaptation and mitigation actions, are aligned with national level climate change responses and are recognised as integral to achieving the outcomes sought by this RPS.	Rejected as follows: <i>I have not found any reference to strategic action in the NPSREG and am unsure what is meant by this term. Without further clarification, I do not recommend accepting the submission by Trustpower.²⁶</i>	This submission point does not relate to the NPS-REG specifically. This submission point recognises that taking a strategic approach to climate change is best practice and that adaption and mitigation actions need to be undertaken in a strategic and planned way. It is considered that it would be useful for the clarity of the pRPS to improve this objective with insertion of "strategic" to clearly identify the intent for adaption and mitigation to be considered strategically rather than in an ad hoc manner. I recommend that this insertion be added.
Policy IM-P1 – Integrated Management 00311.008	Manawa seeks that the pRPS and the structure of the document is amended to allow the EIT-EN chapter to be self-contained and not subject to any other policy provisions or decision making hierarchy within the document. This avoids confusion and misinterpretation of priorities and ensures that the NPS-REG is given effect to.	Amend Policy IM – P1 as follows: The objectives and policies in this RPS form an integrated package, in which: (1) all activities are carried out within the environmental constraints of this RPS, (2) all provisions relevant to an issue or decision must be considered, (3) if multiple provisions are relevant, they must be considered together and applied according to the terms in which they are expressed, and (4) notwithstanding the above, all provisions must be interpreted and applied to achieve the integrated management objectives IM-O1 to IM-O4 <u>except that</u> <u>(5) 'clauses (3) - (4) of this policy, and all provisions of the RPS other than those contained in EIT – EN, do not apply to renewable electricity generation activities.</u>	Rejected as follows: <i>In my opinion, the amendment sought by Trustpower could prevent the objectives of other national policy statements (such as the NPSFM and NZCPS) being achieved which would not be appropriate. I do not recommend accepting this submission point.²⁷</i>	As explained in the submission, the reason for this wording was to avoid confusion of priorities in relation to renewable electricity generation activities. However, this policy has been substantially amended in response to other submissions and the requested change would not fit the new wording. The new wording recommended in the s42A report better expresses an integrated approach to decision making. No further changes are sought given the reframing of the objective. It is also noted that the approach to revising the EN chapter (see other evidence sections) is linked to other changes to the IM chapter as put forward by other submitters to improve readability and clarity of this section.
Policy IM-P2 – Decision Priorities 00311.009	Manawa has significant concerns that despite the balanced description of the Significant Resource Management Issues for the Region, the key policy stating decision priorities under the pRPS is framed with direct reference to the policy approach to freshwater management. While Manawa agrees with the overarching priorities stated at a general level, the bluntness of the approach in this policy allows no recognition of situations where balance between priorities is necessary to achieve appropriate outcomes. This blunt approach needs to be reconsidered to better recognise all the issues within the Region and the need to make considered decision.	Delete policy IM-P2 and replace it with a more considered approach to prioritisation.	Agreed with Manawa submission: <i>I also agree with Trustpower, in particular, that a more considered approach to prioritisation is necessary.²⁸</i> The s42A report's approach to resolving the issue is to clarify the circumstances in which the policy is to be used, by amalgamating policies P1 and P2 and completely reframing P1.	The new wording recommended in the s42A reporting for P1 better expresses an integrated approach to decision making. This approach is acknowledged, and no further evidence is needed on this matter.

²⁵ Report 6: IM – Integrated management, paragraph 96, page 22.

²⁶ Report 6: IM – Integrated management, paragraph 138, page 29.

²⁷ Report 6: IM – Integrated management, paragraph 174, page 36.

²⁸ Report 6: IM – Integrated management, paragraph 190, page 40.

<p>Policy IM-P10 – Climate change adaptation and mitigation 00311.010</p>	<p>Manawa again supports the recognition of climate change as a significant resource management issue within the Region, however there is no recognition of the role that renewable electricity generation plays in reducing carbon reliance nor on working towards climate change reductions and goals.</p>	<p>Add a new clause (4) as follows: <u>(4) recognise and provide for renewable electricity generation activities as part of achieving national climate change obligations.</u></p>	<p>Not accepted for this chapter on the basis that: <i>I consider that the amendments sought by Trustpower are more appropriately addressed through the EIT-EN – Energy section of the pRPS which contains provisions specific to the management of renewable electricity generation. I note that amendments are recommended to that chapter to recognise the contribution of renewable electricity generation to achieving national climate change obligations as sought by Trustpower in this chapter. I recommend accepting this submission point in part.²⁹</i></p>	<p>While I appreciate that the EIT-EN section is specific to this issue, the Integrated Management chapter sits at a strategic level within the pRPS and should address all key issues even if they are addressed in greater detail in later specific chapters. At a high level it is useful to acknowledge the role that renewable electricity generation activities have in achieving a response to climate change. This is recognised at a national level and thus it is appropriate to recognise it at a regional level. It is also relevant to recognise the contribution of renewables in a region where there is significant existing generation and the potential for more to be explored / developed. This explicit recognition in the integrated management section would also align with the NPS-REG which seeks to ensure integrated approaches to recognising renewables in planning documents. The current wording (even revised by the s42A report recommendations) of the policy gives very limited guidance to practical responses to climate change and provision for renewables is part of the integrated picture. The addition to the policy as put forward in the submission continues to be appropriate in my opinion and should be included.</p>
<p>Policy IM-P12 – Contravening environmental bottom lines 00311.011</p>	<p>Manawa considers that the wording of this policy is vague, subjective and open to differences in interpretation, and does not reflect terminology that is used in national planning documents. Clause 3 deals with offsets and compensation. Manawa requests that the sub clauses in this clause be deleted as they do not reflect a wholistic approach to the issue of 'effects offset' nor may they be appropriate in every circumstance. Further it is inappropriate to condition a policy on 'the achievement of objectives of regional policy statements in neighbouring regions' where these may not be relevant to the proposal in question, could change without the ability to consider their impact on the Otago region and where it would be more appropriate for ORC to determine 'compliance' or otherwise with these objectives.</p>	<p>Amend the policy as follows: ... (1) the activity is designed and carried out to <u>avoid, remedy or mitigate environmental effects</u> have the smallest possible environmental impact consistent with its purpose and functional needs (2) the activity is consistent and coordinated with other regional and national climate change mitigation activities (3) adverse <i>effects</i> on the <i>environment</i> that cannot be avoided, remedied, or mitigated are offset, or compensated for if an offset is not possible, in accordance with any specific criteria for using offsets or compensation, and ensuring that any offset is: (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, (4) the activity will not impede either the achievement of the objectives of this RPS or the objectives of regional policy statements in neighbouring regions, and</p>	<p>Accepts these points in part: <i>I consider that the amendments sought by Meridian and Trustpower reflect an implicit requirement in the wording as notified and therefore recommending accepting that submission point in part. In my opinion, "as fully as reasonably practicable" is not a test that is comparable to the high threshold set by this policy, and particularly in clause (1). I consider that it would better retain the intent of clause (1) as notified, while still addressing the gap between (1) and (3) to replace clause (1) with the following:</i> <u>(1) adverse effects on the environment resulting from the activity are avoided, remedied, or mitigated so that they are reduced to the smallest amount reasonably practicable³⁰</u> and <i>I agree with Trustpower and Contact that sub-clauses (3)(a) to (c) are unclear and consider this issue is addressed by my recommendations above to differentiate between biodiversity offsetting and compensation in accordance with APP3 and APP4 and other types of offsetting and compensation. I recommend accepting these submission points in part.³¹</i></p>	<p>The wording of this policy has been substantially amended in the s42A report recommendations and recognises the concerns expressed within the submission. I consider that 'the smallest amount reasonably practicable' is still a very subjective test to apply through other plans and consenting but I appreciate the use of the term 'practicable' which is more appropriate. The amended wording is acknowledged, and no further evidence is needed on this matter.</p>
<p>Policy IM-P15 – Precautionary Approach</p>	<p>Manawa considers that the wording of this policy is vague, subjective and open to differences in interpretation.</p>	<p>Delete Policy IM P15.</p>	<p>Rejected on the basis that: <i>Generally, I do not consider the policy is inappropriate. Adopting a precautionary approach in the coastal environment has been</i></p>	<p>Despite the commentary in the s42A report rejecting the submission, the policy has been fully deleted anyway in response to other submissions. The deletion has instead</p>

²⁹ Report 6: IM – Integrated management, paragraph 339, page 70.

³⁰ Report 6: IM – Integrated management, paragraph 391, page 82.

³¹ Report 6: IM – Integrated management, paragraph 397, page 83.

00311.012	It also considers that it is inappropriate to condition a policy approach upon actions that are required to be undertaken in the future (i.e. the identification of 'areas and values within Otago have not been identified in plans as required by the RPS') particularly by third parties.		<i>required by the NZCPS since 2010, so although I appreciate that it may be a less well-known concept outside the coastal environment, there is considerable practice and case law on its meaning and application. I do not agree that the policy should be unnecessary due to the clarity provided by the remaining provisions in the pRPS 2021. There will always be uncertainties in resource management, as well as evolving information and new activities occurring. In my view, the degraded state of many parts of the environment in Otago (particularly fresh water and indigenous biodiversity) demonstrates that decisions have perhaps not been precautionary enough in the past. I recommend rejecting the submissions by Aurora Energy, Transpower, Federated Farmers, OWRUG, and Trustpower.³²</i>	been on the basis of integrating the precautionary approach within policy P6. The new wording used within P6 is clearer and more appropriate in connecting the precautionary approach to information and science and having a better basis for application. The wording used within amended policy P6 does not include the 'areas and values within Otago have not been identified in plans as required by the RPS' wording which was of particular concern to Manawa and therefore this amendment is a better outcome in my opinion. This amendment is acknowledged, and no further evidence is needed on this matter.
Land and Freshwater				
Policy LF-WAI-P1 – Prioritisation 00311.013				This definition is now part of the Freshwater Planning Instrument so no longer part of this evidence.
LF – VM (Visions and Management)				
Policy LF-VM-O4 – Taieri FMU vision 00311.014				This definition is now part of the Freshwater Planning Instrument so no longer part of this evidence.
Policy LF-FW-P7 – Fresh water 00311.015				This definition is now part of the Freshwater Planning Instrument so no longer part of this evidence.
Policy LF-FW-P9 – Protecting natural wetlands 00311.016				This definition is now part of the Freshwater Planning Instrument so no longer part of this evidence.
Policy LF-FW-P10 – Restoring natural wetlands 00311.017				This definition is now part of the Freshwater Planning Instrument so no longer part of this evidence.
Policy LF-FW-P14 – Restoring natural character 00311.018	The NPS – FM addresses fish passage in Section 3.26 and acknowledges that there may be circumstances where the provision of fish passage may not be required. Manawa request that the policy is amended to reflect this as it is directly relevant to some situations where Manawa assets benefit endangered species by blocking the passage of predator species.	Add the words ' where practicable ' at the end of Clause (3).	Rejected for similar reasons to those relating to other points that are no longer part of the non-freshwater provisions ³³	I recommend that this insertion to the policy be added for the same reasons as set out in other submission points.
Method LF-FW-M6 – Regional plans 00311.019				This definition is now part of the Freshwater Planning Instrument so no longer part of this evidence.
Policy LF-FW-P11 Identifying outstanding water bodies Method LF-FW-M5 – Outstanding water bodies Appendix APP1 – Criteria for identifying outstanding water	Manawa supports the need for the RPS to clearly articulate the criteria to be used for identifying outstanding water bodies within the Region. However the wording used in this appendix as proposed is expansive, ambiguous and open to interpretation. The criteria are not up to date with best practice and do not clearly articulate how they should be applied. As currently written almost any water body could be deemed outstanding any that is inappropriate.	Amend this appendix to align with current best practice. It is recommended that the appendix be aligned with the use of screening criteria developed by MfE/Hawkes Bay Regional Council/Auckland Council in the report "Water Conservation Order Review: Outstanding Values: Key Features" and as adopted within the decision version of Hawkes Bay Regional Council's plan change 7 on Outstanding Water Bodies. Attached as Appendix	Accepted in part insofar as using amended criteria from the HBRC decision rather than those as notified. ³⁴	This amendment is acknowledged, and no further evidence is needed on this matter.

³² Report 6: IM – Integrated management, paragraph 449, page 94-95.

³³ Report 9: LF – Land and freshwater, paragraph 1151, page 246.

³⁴ Report 9: LF – Land and freshwater, paragraphs 826-830, page 177-178.

bodies 00311.020		D of this submission.		
Soil and Water				
Policy LF-LS-P22 – Public access 00311.021	Manawa support the recognition of public health and safety in the provision of public access.	Retain this policy and ensure that clause 3 (a) of the policy is retained.	Policy amended but not in a way that is of concern to Manawa. Improved with the insert from Transpower. Not specifically addressed in LF report.	This amendment is acknowledged, and no further evidence is needed on this matter.
ECO – Ecosystems and Indigenous Biodiversity				
Policy ECO-P4 – Provision for new activities 00311.022	Manawa supports the recognition of the development and upgrading of nationally and regionally significant infrastructure. To ensure consistency with the provisions of NPS – REG, and to appropriately recognise the need for such infrastructure to continue to operate effectively, it is requested that provision is also made for the operation and maintenance of these assets.	Amend ECO P4 by adding the words ' operation, maintenance ' following 'development' in Clause (1).	Have accepted request: <i>Trustpower seeks 'operation and maintenance' is included in clause (1) as it considers consider the current drafting is inconsistent with the NPS—REG. I do not consider ECOP4 is inconsistent with the NPSREG as a pathway for with offsetting or compensation has been provided for through ECO-P6. For clarity and consistency, I recommend accepting their submission point to include 'operation and maintenance' to clause (1) because EIT—EN—P1 provides for the operation and maintenance of renewable electricity generation activities and EIT—EN—P2 recognises renewable electricity generation activities in decision making.³⁵</i>	This amendment is acknowledged, and no further evidence is needed on this matter.
Policy ECO-P5 – Existing activities in significant natural areas 00311.023	Manawa supports the intent of this policy to recognise and provide for existing activities that are established within SNAs. However the limitations set within this policy, in both clauses (1) and (2), are too restrictive. The way the current policy is worded means existing activities are unable to change or adapt but are fixed in time. Any alterations would be deemed a new activity, and this is inappropriate as it does not recognise or provide for the continuation of the existing activities sufficiently.	Amend ECO-P5 as follows: Except as provided for by ECO-P4, provide for existing activities within significant natural areas and that may adversely affect indigenous species and ecosystems that are taoka, if: (1) the continuation and minor upgrading of an existing activity will not lead to the loss (including through cumulative loss) of extent or degradation of the ecological integrity of any significant natural area or indigenous species or ecosystems that are taoka, and (2) the adverse effects of an existing activity and any minor upgrades are no greater the same or similar in character, spatial extent, intensity or scale than they were before this RPS became operative.	Have accepted request: <i>Trustpower Ltd seeks amendments to the provision to allow for minor upgrades. I recommend accepting this submission as I consider it appropriate to allow for minor upgrades, provided the parameters in clauses (1) and (2) are satisfied. Furthermore, this supports the purpose of EIT—EN—P1 which provides for the operation and maintenance of existing renewable electricity generation activities.³⁶</i> The supplementary evidence also references the inclusion of 'minor upgrades' in this policy.	I acknowledge that the s42A report recommends accepting the relief sought, and most of that relief has been incorporated into the proposed amendments. However the proposed amendments have retained the wording "no greater" rather than "same or similar". I note that it is possible that minor upgrades would be greater in spatial extent, intensity or scale, but would not lead to any substantive change in effects and this may not be interpreted as not being 'no greater' as that is ambiguous. The use of the term "no greater" could limit the usefulness of this policy in addressing minor upgrades that would not otherwise lead to changes in effects. I consider that the amendment sought to replace the wording with "same or similar" remains appropriate and this text amendment should be made.
Policy ECO-P6 – Maintaining indigenous biodiversity 00311.024	Manawa supports the intent of this policy to clearly set out the effects management hierarchy. The current wording however assumes that all adverse effects need to be managed and that a nil adverse effect outcome is sought. That is not the requirement of the Resource Management Act with significant adverse effects the key outcome directed to be controlled.	Amend ECO-P6 to refer to significant adverse effects rather than all adverse effects.	Rejected on the basis that: <i>Trustpower Limited seeks 'adverse effects' is replaced with 'significant adverse effects' as the current wording assumes that all adverse effects need to be managed and that a nil adverse effect outcome is sought. The submitter considers this is not a requirement of the RMA as significant adverse effects are the key outcome to be controlled.³⁷</i> <i>Meridan seeks amendments to ECO-P6 so it is consistent with Policy C2 of the NPSREG. As per my discussion in section 10.4.2 of this chapter, I consider ECO-P6 is not inconsistent with the NPSREG as a pathway for offsetting and compensation is provided for and it does not prevent a decisionmaker from having: "regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected" as required under policy C2. Although, I can appreciate the logistics</i>	I consider that there are a number of issues with this policy and its approach to dealing with indigenous biodiversity. These issues are compounded by the recently released exposure draft of the NPS-IB which provides a different approach to management and protection. I consider that, in the absence of an operative NPS-IB, this policy needs to be updated to reflect the effects management hierarchy in clause 1.5(4) of the NPS-IB exposure draft and the approach in clauses 3.10 and 3.11 of the NPS-IB in dealing with effects management and specific infrastructure. The way the policy is currently worded means that it leads to a no adverse effects outcome as it requires avoid, remedy, mitigate, offset and compensate and if not then back to avoid. This runs contrary to the RMA which is not a no effects statute and would mean that in any location where there is a significant natural area, the presumption is

³⁵ Report 10: ECO-Ecosystems and indigenous biodiversity, paragraph 196, page 43.

³⁶ Report 10: ECO-Ecosystems and indigenous biodiversity, paragraph 226, page 49.

³⁷ Report 10: ECO-Ecosystems and indigenous biodiversity, paragraph 253, page 55.

			<p>of a renewable electricity generation activity having to manage their site when indigenous biodiversity is present, I do not consider it appropriate to change the provision to recognise for this situation. The amendments requested by the submitter, in my view contradict the purpose of the policy. I do not recommend accepting the submission. For the same reasons, I do not recommend accepting Trustpower's submission.³⁸</p>	<p>for no change.</p> <p>The expectations of this policy as currently worded could lead to unreasonable requirements to compensate for very low-level effects e.g. new planting to compensate for loss of low value or diseased indigenous species, just to pass the policy test.</p> <p>Further, there are issues with the appendices that define the approach to offsetting and compensation and which have included a new clause that says offsetting / compensation is <u>not</u> available for irreplaceable or vulnerable biodiversity (and this term is not defined). This means that if you have an area of vegetation that someone deems in their opinion to be vulnerable, then offsetting and compensation are not available and so if there are any residual adverse effects the activity needs to be avoided. This approach is different to that taken in the exposure draft of the NPS-IB with vulnerability as an example rather than a test.</p> <p>I note that the policy does not provide for exclusions or an alternative pathway for infrastructure or at least regionally significant infrastructure. However provisions for specified infrastructure is included in clause 3.11 of the NPS-IB exposure draft and needs to be included in this policy to maintain consistency.</p> <p>This policy as currently worded could have perverse outcomes e.g. if ORC themselves want to do flood protection works and there is a vulnerable plant in the area of works, they would not be able to do those works. The same would apply to dam safety upgrades in the same situation. I do not consider that this would be an appropriate outcome for the policy.</p> <p>I reference the evidence provided by Dr Keesing which sets out recommended changes to the approach and appendices.</p> <p>On this basis I recommend that the amendment sought be made to the policy (together with other related amendments set out in other submission points).</p>
<p>Method ECO-M4 – Regional plans 00311.025</p>	<p>Manawa supports the recognition of both existing structures and infrastructure that has a functional or operational need to be sited or operated in a particular location.</p> <p>Clause 2 refers to a consent authority declining consents if the sequential steps in the effects management hierarchy in ECO P6 are not followed. Manawa considers it inappropriate for a RPS to state circumstances in which a consent application may be declined. Any decision on a resource consent application should be determined through the appropriate process specified in the Resource Management Act 1991 or any subsequent legislation.</p>	<p>Retain Clause (1)(c).</p> <p>Delete the word 'and' from the end of Clause (2)(a) and delete Clause (2)(b) as follows: 'that consents are not granted if the sequential steps in the effects management hierarchy in ECO-P6 have not been followed'</p>	<p>Rejected because:</p> <p><i>I do not recommend accepting Trustpower's submission to delete clause (2)(b) because it does not "make the decision" on resource consent applications, it provides a policy framework for lower order plans. ECO-M4 and ECO-M8 simply repeat the statutory direction that lower order plans must implement. Furthermore, under s104 of the RMA decision-makers must have regard to a proposed RPS, while in theory the weight to be attached to the provisions in a proposed RPS is for the decision-makers, meaning the stronger and more directive the provisions, the more likely they are to be decisive.</i>³⁹</p>	<p>I remain concerned that the response put forward in the s42A report is too simplistic. Also, I note the issues raised in the commentary on the policy above.</p> <p>NPS-IB provides for a different approach to protection and this pRPS policy needs to be updated to reflect that. I consider that it is important that the policy clearly set out the methodology to be used in making decisions in lower order documents and consenting processes, and I do not consider it appropriate for the RPS to purport to dictate an outcome of a consent process.</p> <p>The method as proposed requires the regional / district council, in its regional / district plan to require that resource consents are not granted if the policy is not followed. This would mean that if this policy cannot be met then no matter how necessary or beneficial the project then the council must not grant the consent, which does not seem an appropriate outcome.</p>
<p>Method ECO-M5 –</p>	<p>Manawa supports the recognition of both existing structures and infrastructure that</p>	<p>Retain Clause (1)(c).</p>	<p>Reject because:</p>	

³⁸ Report 10: ECO-Ecosystems and indigenous biodiversity, paragraph 258, page 56.

³⁹ Report 10: ECO-Ecosystems and indigenous biodiversity, paragraph 429, pages 88-89.

District plans 00311.026	has a functional or operational need to be sited or operated in a particular location. Clause 2 refers to a consent authority declining consents if the sequential steps in the effects management hierarchy in ECO P6 are not followed. Manawa considers it inappropriate for a RPS to state circumstances in which a consent application may be declined. Any decision on a resource consent application should be determined through the appropriate process specified in the Resource Management Act 1991 or any subsequent legislation.	Delete the word 'and' from the end of Clause (4)(a) and delete Clause (4)(b) as follows: 'that consents are not granted if the sequential steps in the effects management hierarchy in ECO-P6 have not been followed'	<i>I do not recommend accepting Trustpower's submission to delete clause (4) because the clause does not decline a resource consent instead it provides the policy framework within which district plans are developed. ECO-M5(4) must be given effect to by district plans and a district plan provision will state the circumstances in which a consent application may be declined. Further ECO-M5(4) requires a process to be followed, to ensure that ECO-P6 is met, it does not provide an assessment on what is acceptable, but rather the process that is to be followed appropriately.⁴⁰</i>	
Appendices APP2 – Significance criteria for indigenous biodiversity APP3 – Criteria for biodiversity offsetting APP4 – Criteria for biodiversity compensation 00311.027	Manawa supports the need for the RPS to incorporate appendices to cover these matters. Manawa does not agree with the current wording used in these appendices and considers that they are not consistent with best practice.	Amend these appendices to align with current best practice.	Unclear but appears to have been rejected. Some general references ⁴¹ and reference also made in the Wildlands report.	I note that these appendices are inconsistent with the approach in the NPS-IB and need to be updated and revised. I reference the evidence provided by Dr Keesing which sets out recommended changes to the approach and appendices. I note that the introduction of 'vulnerable' as a test in response to the DOC submission makes the application of the appendix very subjective and this further undermines the ability to use offsetting and compensation approaches. The reference to 'vulnerable' is only an example in the NPS-IB not a test that has to be met.
EIT – Energy, infrastructure and transport topic				
EIT-EN – Energy chapter				
EIT-EN Energy chapter generally 00311.028	[as per above]	That the general thrust of the EIT – EN Energy chapter be retained.	<i>In agree in part with the Trustpower submission in support (a) the intent of the pRPS to recognise and provide for renewable electricity generation and (b) the thrust of the EIT – EN Energy chapter which should be retained. I recommend that this submission be accepted in part, subject to those modifications arising from other submissions.⁴²</i>	Acknowledged.
The analysis below sets out my considerations in relation to the individual submission points that Manawa raised on the EN and INF sections of the pRPS. While I address each of these individually, in my substantive evidence I have focussed on the way in which these provisions work together and the overall duplication and contradictions in the proposals. In addition, my substantive evidence focusses on the proposed solution that has been developed between the energy sector submitters.				
EIT-EN Energy chapter generally 00311.029	Manawa seeks that the pRPS and the structure of the document is amended to allow the EIT-EN chapter to be self-contained and not subject to any other policy provisions or decision making hierarchy within the document. This avoids confusion and misinterpretation of priorities and ensures that the NPS-REG is given effect to.	Add a new introduction statement prior to the EIT – EN -Energy heading as follows: <u>Note: The provisions of the RPS, other than those contained in EIT – EN, do not apply to renewable electricity generation activities.</u>	Rejected: <i>I do not agree with the Trustpower submission to add a new introduction statement prior to the EIT-EN-Energy heading to the effect :“Note: The provisions of the RPS, other than those contained in EIT – EN, do not apply to renewable electricity generation activities” I consider this to be incorrect, for example the EIT-INF chapter applies to EIT-EN, and in particular EIT-INF-P13 links the EIT-EN chapter to other parts of the pRPS - namely the ECO, LF and Coastal Chapters. I recommend this submission be rejected⁴³</i> Reconsidered in the supplementary evidence in relation to the arrangement of the chapter:	Renewable electricity generation is a matter of national significance as documented in the NPS-REG and many other government policies relating to climate change responses. It is a requirement that the pRPS gives effect to the NPS-REG (alongside all other national direction). A key matter of note is that the NPS-REG preamble recognises that providing for development of renewables will come with some environmental effects: “In some instances the benefits of renewable electricity generation can compete with matters of national importance as set out in section 6 of the Act, and with matters to which decisionmakers are required to have particular regard under section 7 of the Act. In particular, the natural resources from which electricity is generated can coincide with areas of significant

⁴⁰ Report 10: ECO-Ecosystems and indigenous biodiversity, paragraph 457, page 94.

⁴¹ Report 10: ECO-Ecosystems and indigenous biodiversity, paragraph 541, page 112, paragraph 573, pages 121-122, paragraph 601, pages 130-131.

⁴² Report 11: EIT – Energy, Infrastructure and Transport, paragraph 53, page 13.

⁴³ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 57, page 14.

			<p><i>After reviewing this chapter I came to the conclusion it would be better arranged if its provisions began with the general (i.e. infrastructure) and then proceeded to the more specific (i.e. energy and transport). As a result of this review, the structure of the chapter has changed significantly, while maintaining the content of the notified version (except to the extent it is modified by this evidence).⁴⁴</i></p> <p><i>Restructuring the order of the chapters and inclusion of electricity generation in the Energy chapter</i></p> <p><i>14 The format of the s 42A version of the chapter followed the specific order of the National Planning Standards, addressing Energy, then Infrastructure, then Transport. This is a mandatory chapter in the National Planning Standards. Local authorities must add sections or sub-sections in chapters where appropriate, however, if sections or sub-sections are included, there is no direction for them to be in any particular order within the chapter.</i></p> <p><i>15 Aspects of both the transport and energy sections are directly infrastructure-related (though not entirely – there are aspects of both which relate to efficiency and promotion of energy conservation). A number of submissions seek to exempt particular types of infrastructure from the provisions of NV INF-P13, particularly renewable electricity generation (REG) and the National Grid.</i></p> <p><i>16 While both the s 32 report and the s42A report directly address matters such as renewable electricity generation, electricity transmission, and the roading and transport networks as subsets of infrastructure, it became apparent to me that the chapter could be significantly improved by setting out the provisions related to infrastructure generally first, followed by the energy and transport sub- chapters. This re-ordering puts the key provisions relating to all infrastructure first, followed by the more specific provisions later in the chapter. An amended version of the chapter is provided at Appendix 1 including the changes, retaining the original numbering for ease of reference and identification, and updated numbering as a result of re-ordering the provisions.⁴⁵</i></p> <p>The supplementary evidence also recommends moving the electricity transmission and distribution activities into the EN section from the INF section on the basis they are “solely associated with energy”⁴⁶, but that the infrastructure section will still apply⁴⁷.</p> <p>The supplementary report then goes on to address the concept of standalone provisions for Energy activities⁴⁸. This states:</p> <p><i>I have carefully considered whether the chapter needs to address separately the management of the effects of REG infrastructure and of electricity transmission and distribution infrastructure through standalone provisions (“carve out” provisions). Both are infrastructure activities (in accordance with the definition of infrastructure as set out in s 2 of the RMA), with REG and the National Grid also qualifying as “nationally significant infrastructure” as defined in the RV, and electricity sub-transmission infrastructure being included in the definition of</i></p>	<p><i>natural character, significant amenity values, historic heritage, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna. There can also be potential conflicts with the relationship of Maori with their taonga and the role of kaitiaki.”</i></p> <p>In this way it is clear that there is an anticipation that renewables will be recognised and provided for even if there is some effect of this and the ability to consider proposals and weigh up the impact of these needs to be provided for within planning documents rather than simply disregarded from the beginning on the basis of actual or potential effects that have not been assessed. Renewable electricity generation projects need to be able to ‘get to the start line’ so that they can be assessed on their merits rather than failing on the basis of an assumption that they will have adverse effects. This is further reinforced by renewables commonly being defined as regionally or nationally significant infrastructure, specified infrastructure and/or lifeline utilities, which further emphasises their importance to the wellbeing of people and communities.</p> <p>A key issue of concern raised within the Manawa submission is the lack of internal consistency within the pRPS. The way the document is structured purports to provide for or enable renewable electricity generation within the EN section, but then makes most associated activities subject to a large number of general or region wide issues which collectively act to undermine or even remove the provision / enablement initially provided. For example, while the EIT-EN-P1 seeks to “provide for” maintenance of existing renewables, it is also subject to policies in the INF section and other chapters such as ECO and HH. If such maintenance for example occurred in an area identified as a SNA then it would have to proceed through the full effects management hierarchy consideration and potentially end up being contrary to some ECO policies. These other region wide policies do not take into account their impact on existing activities or on activities that are providing for nationally / regionally significant infrastructure and treat all activities equally.</p> <p>In response to this, a key theme of the Manawa submission was to recognise, protect and enable renewable electricity generation (as required by the NPS-REG) while ensuring that this inherent enablement is not then simply removed in other parts of the pRPS without the ability to consider the issues holistically. Specific submission points made in the Manawa submission in relation to provisions throughout the EIT chapter were intended to provide a solution to this by making the EN section self-contained and not also subject to the general infrastructure section. This is proposed as a method used in other planning documents to provide greater clarity, reduce confusion and duplication and improve useability of the document. To be clear, I understand that it is not intended that the EN section and energy activities get a ‘free ride’ or exemption from</p>
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⁴⁴ Report 11: Brief of Evidence of Marcus Hayden Langman, Energy Infrastructure and Transport, paragraph 12, page 3.

⁴⁵ Report 11: Brief of Evidence of Marcus Hayden Langman, Energy Infrastructure and Transport, paragraphs 14-16, pages 3-4.

⁴⁶ Report 11: Brief of Evidence of Marcus Hayden Langman, Energy Infrastructure and Transport, paragraph 17, page 4.

⁴⁷ Report 11: Brief of Evidence of Marcus Hayden Langman, Energy Infrastructure and Transport, paragraph 19, page 5.

⁴⁸ Report 11: Brief of Evidence of Marcus Hayden Langman, Energy Infrastructure and Transport, paragraphs 23-29, pages 6-7.

			<p><i>“regionally significant infrastructure”.</i></p> <p><i>24 In my opinion, there needs to be a clear justification for treating this type of infrastructure differently from other regionally or nationally significant infrastructure, to the extent that EIT-INF-P13 (which sets out the management approach for other infrastructure) should not apply. In my opinion, it is not simply enough that both types of infrastructure are covered by National Policy Statement for Renewable Electricity Generation (NPSREG) and National Policy Statement for Electricity Transmission (NPSET), as those National Policy Statements do not require such an approach. Although some of the effects of infrastructure are covered by the respective NPSs, neither NPS manages the effects of infrastructure on significant indigenous biodiversity, for example.</i></p> <p><i>25 In my view, there is a need to provide an appropriate framework for all infrastructure that properly recognises those provisions in s 6 (such as recognising and providing for the protection of significant indigenous natural areas), which has a different test from other parts of s 6, such as those relating to outstanding natural features and landscapes (ONF/L) which is to ensure that ONF/Ls are protected from inappropriate subdivision, use and development. Determining what is inappropriate requires a balancing of values which can weight the importance of regionally or nationally significant infrastructure, while protection is more of a bottom-line which decision-makers must recognise and provide for. Similarly, there are provisions related to freshwater in the National Policy Statement for Freshwater Management (NPS-FM) which provide more of a bottom-line approach to the management of freshwater resources.</i></p> <p><i>26 If standalone provisions for REG or electricity transmission enable a situation where the protection of significant indigenous biodiversity is not achieved, for example, it would be contrary to the purpose of the Act and the matters of national importance that are provided for in s 6. Nor would it be appropriate not to give effect to the NPSFM or National Environmental Standards for Freshwater (NESF), which must be given effect to. In my view, there would need to be a clear situation where the NPSET or NPSREG make a specific direction, regarding a particular resource, which is in conflict with the other national instruments, before an alternative approach to management of the resource is justified. I do not consider that this is a situation that the NPSs anticipate, as they are also required to recognise and provide for the matters of national importance.</i></p> <p><i>27 The structure of EIT-INF-P13 provides that in the first instance, locating within areas of significance (as set out in (a) to (h) of that provision) is avoided. However, the policy also recognises that some infrastructure has operational or functional needs to locate within those environments (clause (2) of the policy). In those circumstances, the management of regionally and nationally significant infrastructure activities must give effect to:</i></p> <p><i>27.1 the NPS-FM and the NESF; and</i></p> <p><i>27.2 recognise and provide for:</i></p> <p><i>27.2.1 the protection of significant natural areas; and</i></p> <p><i>27.2.2 the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (collectively wāhi tūpuna).</i></p>	<p>considering effects, simply that the consideration is contextual to the need to enable REG activities. The ORC s42A report author has advocated for a continuation of having the energy section enabling activities and the infrastructure section limiting activities, without actually acknowledging that this is the outcome of having both sections working in parallel. This is not an appropriate outcome and does not give effect to the NPS-REG.</p> <p>There appear in my opinion to be three options to address these issues:</p> <ul style="list-style-type: none"> • have two separate sections for energy and infrastructure with both sections self-contained and activities only having to be assessed against one or the other (as submitted by Manawa), or • have two separate sections for energy and infrastructure with both sections applying to all activities. This would need to be structured such that the energy section provides for the recognition of national significance and enabling energy activities and the infrastructure section does not take away such enablement. The current overlaps and duplication between the sections would need to be removed, or • have one combined energy and infrastructure section that deals with both types of activities and recognises that renewable energy is nationally significant and some other types of infrastructure are not. <p>If there is a desire to have two separate sections for energy and infrastructure, and that both sections apply to renewable electricity activities, as appears to be the Council officer's preference in the s42A report then considerable changes need to be made to the EN section to remove duplication and confusion.</p> <p>The degree of recommended changes in the s42A report to other parts of the chapter that Manawa did not submit on means that I now have wider concerns too.</p> <p>It may not have been clear from the submission and it appears that the Manawa submission was interpreted as seeking exemption from all other parts of the pRPS. This was not the case and would not be appropriate in my opinion. As I understand it, it was simply sought that activities entitled to be considered under the EN section not also need to be considered under the INF which duplicates or contradicts the EN section.</p> <p>The reconsideration of the approach to the provisions within the supplementary evidence has advanced some of the issues that were raised in the Manawa submission and which I have addressed above.</p> <p>I acknowledge the supplementary evidence author has reconsidered the layout of the chapter and has recommended that it be changed to deal with infrastructure generally first and then energy second. However, the amendments proposed do not remove the duplication and contradictions identified between these two sections. I consider that this further amendment remains necessary to ensure the provisions are clear and provide the necessary national direction.</p> <p>The supplementary evidence again refers to a 'carve out'. In my understanding this was not what was sought by</p>
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28 In relation to the other matters set out in sub-clauses (a) to (h), where the test is one of “appropriateness” or a similar evaluative process, the policy seeks to “minimise” adverse effects as they relate to that resource, which recognises that there may be residual adverse effects, but that they are reduced as far as practicable, and that this will be weighed against the benefits of the infrastructure.

29 I do not consider that carve-out provisions that provide a different approach to management of significant natural areas, those provisions that provide a bottom-line approach for freshwater resources, or management of wāhi tūpuna, would provide for these classes of infrastructure in a manner that recognises and provides for matters of national importance. Nor would they give effect to the relevant national policy statements and environmental standards. I recommend that the provisions of EIT-INF-P13 continue to apply to these classes of infrastructure.

Manawa or other submitters, but what was proposed was a parallel approach that recognises the energy provisions holistically and in a self contained way that does not require excessive cross referencing within the pRPS. I consider this to be an efficient approach to dealing with the specific energy provisions.

Similarly, I do not agree that it is necessary to require the effects of energy activities to be dealt with through an infrastructure policy when a similar policy can be provided in the EN section. Further having this approach within the EN section enables the policy to be more tailored to recognising the role of energy which differs from infrastructure generally.

The supplementary evidence author has provided a detailed view of the different nuances of wording within s6 of the Act and I agree with this, noting that there are additional subtle cues to also ‘maintain and enhance’ and to provide ‘management’. While all of s6 needs to be recognised and provided for, the key issue is that this comes down to ensuring the appropriate provision for consideration of effects and whether activities will, for example, protect identified values or be appropriate. I agree that it would be inappropriate for stand alone provisions to not provide for the necessary approach to meet the requirements of s6 and I consider that it is appropriate that a revised EN section provide for management of effects to give effect to s6. I do however note that in some regards, the outcomes need to be tailored to the energy resource and to the requirements of the appropriate national direction. For example, the NPS-REG states in Policy B:

Decision-makers shall have particular regard to the following matters:

a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and ... (emphasis added).

In this way it is clear that it is directed that resources providing for existing renewable electricity generation will continue to be available and therefore there is the potential for conflict when this leads to decisions on how to ensure the water resource remains available for existing hydro electricity generation.

I agree with the approach to the effects policy in the INF section and consider that this provides a good base for applying the same type of approach to management of effects of activities in the EN section.

I note that the supplementary evidence author appears to apply the parallel approach to electricity transmission and distribution, and I agree that this is an efficient approach which can be enhanced by avoiding duplication and ensuring a consistent self-contained approach.

The submitters representing the Energy Sector have worked together to provide an agreed position on how a revised EN section could operate in the way sought by these submitters (see main evidence and Appendix 3). I consider this approach to appropriately deal with the issues

Objective EIT-EN-O1 – Energy and social and economic well-being 00311.030	This overarching objective can be enhanced to be more clear and directive, in referencing the essential benefits that renewable energy provides to health and wellbeing.	Amend as follows: The health and wellbeing of Otago's communities and economy are supported by renewable energy generation within the region that is safe, secure, and resilient.	This does not appear to have been addressed – it is listed in the submissions on the objective but not covered in the analysis on pages 19-20. The change however has not been made so it appears to have been rejected.	raised by the submissions and by the reporting officers. I consider that the wording proposed in the submission will improve understanding of purpose of the objective and make it more certain. This wording change remains appropriate, and I consider that this change is necessary. As currently proposed by the ORC, energy activities would need to be considered against both the EN and INF objectives. This leads to a situation where energy activities are considered against two similar objectives but the objective in the INF chapter is less appropriate as it is trying to deal with a wide range of infrastructure types. This is an example of unnecessary duplication when a self-contained set of provisions for energy can more appropriately deal with the issues. The energy sector submitters recommended wording provides an alternative approach that aligns the wording to that used in the INF section and clearly articulates the outcome for renewable electricity generation activities. In my opinion this is an appropriate objective to focus on the role of REG in Otago and I support that revised wording. In my opinion this needs to be the overall objective that covers energy and ensures that there is clarity that the RPS supports and enables REG as supporting they key fundamentals of life in Otago. The linkage to wellbeing and health and safety is essential. This objective falls from the NPS-REG and from the need to give effect to that national direction and to protect the basics of society that require electricity to achieve. The proposed deletion of 'within the region' (as per Manawa submission) is because the objective can only relate to the Otago region. I consider that the intent should be to keep the initial objective in this chapter broad – and then focus more on aspects of REG in subsequent objectives and policies.
Objective EIT-EN-O2 – Renewable electricity generation 00311.031	The wording of this objective does not currently give effect to the NPS-REG as it does not protect generation capacity, enable increased generation or refer to climate change. These aspects need to be incorporated into the objective. Further the reference to 'environmental limits' within the objective is confusing and open to interpretation as this is not a term used throughout the pRPS nor is it defined. The pRPS does not appear to include any environmental limits and there is no need to allude to such at this level of the hierarchy.	Amend as follows: The generation capacity of renewable electricity generation activities in Otago: (1) is protected and maintained and, if practicable, increased , maximised within environmental limits and (2) contributes to meeting New Zealand's national target for renewable electricity generation and climate change commitments .	Part accept, part reject. The "protected and" aspect of the submission does not appear to have been analysed under the Manawa submission but that wording was accepted under the Contact submission. The "increased" vs "maximised" aspect of the submission has been rejected: <i>I consider the current wording "maximised" purposefully accommodates: the NPSFM and climate fluctuations which might impose constraints on hydrogeneration capacity; wind availability which will pose constraints on wind generation; and solar generation, which is controlled significantly by the local climatic conditions. Increased is therefore not a word that would work in this circumstance. I recommend rejecting this part of the submission.</i> ⁴⁹ The deletion of "within environmental limits" aspect of the submission has been rejected: <i>I do not agree with the proposed deletion, from Trustpower, of the reference in clause (1) of "within environmental limits". I note the matter of "environment limits" has been addressed in some</i>	The partial acceptance of the submission point is acknowledged. The term 'increased' has been rejected on the basis that it is considered appropriate to recognise potential constraints on capacity. I acknowledge this assessment however in my opinion the term 'maximised' is misleading as it implies that activities should and can seek to maximise generation. It is also an uncommon term to use in an objective in my experience. I consider that the term 'increased' remains more appropriate in relation to providing for ongoing increases in generation over time. It is also more commonly used and understood terminology in a resource management setting. I also remain concerned by the use of the term 'within environmental limits' in the objective. While it is recognised that this is terminology used in the freshwater regulation and is being discussed in the context of the reforms, it is still uncertain in its impact as no such limits are provided for in the pRPS. It is also considered that the use of environmental limits is a tool to manage effects and does not need to be used in the objective as it undermines the

⁴⁹ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 119, page 24.

			<p><i>detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of “environmental limit” and retaining the reference this objective on that basis. Further, in the context of this objective the proposed amendment would remove the bottom-line issues such as biodiversity and water quantity, which could lead to conflicting objectives being traded off, and loosening of environmental bottom lines. This would be inconsistent with the objectives of the NPSFM and matters of national significance under s6 RMA and would potentially mean the purpose of the RMA is not achieved. I recommend rejecting this part of the submission.⁵⁰</i></p> <p>The inclusion of climate change commitments has been accepted but through insertion of a new policy:</p> <p><i>Several submissions (Contact, Trustpower and Te Waihanga 48) proposed amendments to EIT-INF-02 to incorporate climate change amendments or reference to 2050 targets. I consider this matter requires its own objective given the significance of climate change response within the pRPS and to address and to ensure consistency with NPSREG Policy B (c). Accordingly, I recommend insertion of a new objective addressing “Greenhouse gas emissions and renewable energy targets” as follows: Otago’s renewable energy generation supports the overall reduction in New Zealand greenhouse gas emissions and achieving the national target for emissions reduction.” This objective also relates to IM-O4 (Climate Change)⁵¹</i></p>	<p>requirement to enable increased generation to give effect to the NPS-REG.</p> <p>I consider that the introduction of the new policy dealing with climate change is appropriate and should be retained.</p> <p>I note that the proposed approach in the pRPS as amended by the s42A and supplementary evidence, results in two policies both dealing with emissions targets and climate change. I do not consider that it is necessary to have this duplication and I support the approach put forward in the energy sector submitters recommended text to have one new policy dealing with these matters.</p> <p>I consider that it is relevant to also link this objective to national targets and climate change as that reflects the current thinking on the issue. Rephrasing this objective makes more sense of why it is necessary to enable more renewable electricity generation.</p> <p>This objective should focus just on REG and not other forms of energy as they are not part of the national direction or necessary to meet government objectives.</p> <p>I consider it is essential to retain reference to NZ climate change commitments as this is the only reference to this key issue in an EN objective.</p> <p>NPS-REG links:</p> <p>Policy A “Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities”</p> <p>Policy B(c) - “have particular regard to:” “will require the significant development of REG”.</p>
EIT-EN Policy Structure generally 00311.032	<p>The policies in the EIT – EN Energy chapter as a whole are muddled and do not deal well with all aspects of renewable electricity generation. In particular consideration of the development, operation, maintenance and upgrading of these resources as separate activities or groups of activities.</p> <p>Recognition of the necessity for renewable electricity generation needs to come first before details around specific activities.</p>	<p>1. Renumber Policy EIT – EN P1 as ‘Policy EIT – EN P2’</p> <p>2. Renumber Policy EIT – EN P2 as ‘Policy EIT – EN P1’.</p>	<p>Rejected:</p> <p><i>I do not agree with the Trustpower request to reorder Policy EIT – EN P1 and Policy EIT – EN P2. I consider the submission is not material. I recommend this submission be rejected.⁵²</i></p>	<p>I consider that the policies as currently set out do not read in a clear order. The second policy is general and recognises the significance of renewables but is placed after a policy relating to operation and maintenance of existing facilities. It is illogical in my opinion to have a general policy following a specific. While the report author may not consider this material, the way in which a planning document is read is important to the understanding of the document and reordering the policies would improve clarity.</p>
Policy EIT–EN–P1 – Operation and maintenance 00311.033	<p>Policy B of the NPS-REG requires decision makers to have particular regard to:</p> <p><i>Maintenance of the generation output of existing renewable electricity generation activities can require protect of the assets; operational capacity and continued availability of the renewable energy resource...’</i></p> <p>Policy EIT – EN - P1 as currently worded</p>	<p>Reword name of policy to ‘Operation, maintenance and upgrading’.</p> <p>Amend policy as follows:</p> <p><u>Protect</u> The operation and maintenance of existing renewable electricity generation activities, <u>and provide for their operation, maintenance and upgrading, including maintenance of generation output and protection of operational capacity</u> is provided for while <u>minimising its adverse effects.</u></p>	<p>Rejected:</p> <p><i>I do not agree with the Contact and Trustpower submissions to introduce “protecting and providing” for activities under the provision, adding upgrading to the scope of activities, and removing reference to minimising adverse effects. As above, I note that in relation to development of new renewable electricity generation activities, that the EIT-INF sub-chapter is relevant. I consider these matters are appropriately addressed by EIT-INF-P11 and EIT-INF-P13. I recommend rejecting this submission.⁵³</i></p> <p><i>Trustpower requests rewording of the policy title to “Operation,</i></p>	<p>The report author appears to consider that upgrading of facilities is akin to development of new facilities and does not appear to understand that upgrading is often part of operation and maintenance programmes. Upgrading relies on there being an existing facility which is in place and is quite different from development of a whole new activity. The incorporation of upgrading into this policy provides explicitly for this as an activity covered by the NPS-REG and this activity should in my opinion not be only left to the INF provisions but needs to be provided for in the EN provisions.</p>

⁵⁰ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 120, page 24.

⁵¹ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 121, page 24.

⁵² Report 11: EIT – Energy, Infrastructure and Transport, paragraph 58, page 14.

⁵³ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 146, page 28.

	<p>has the potential to limit the ability to operate and maintenance activities, particularly through lack of reference to generation output and operational capacity. It is recommended that reference to these aspects of the activities is added to the policy.</p> <p>Further it is unclear what is anticipated by minimising adverse effects – to what extent is minimisation to occur and how is this anticipated to be achieved when existing assets are already in existence. This implies that operation of existing activities may also be expected to reduce existing effects that are now part of the existing environment e.g. re-consenting only where existing use and capacity is reconsidered. This would have a detrimental impact on the ability to maintain generation output and operational capacity and thus would contradict the NPS-REG.</p>		<p><i>maintenance and upgrading”. EIT-EN-P3 addresses development and upgrading of renewable electricity generation, however I note that in relation to management of effects, that EIT-INF-P13 remains the relevant consideration as to the effect for new or upgraded infrastructure. I recommend rejecting this submission.⁵⁴</i></p>	<p>Maintenance of hydroelectricity generation schemes relates to more than just water components. The consent renewals process deals with the water component in terms of the take, use, discharge etc of water, and may merit different activity status in relation to water demand. However beyond this there is the need to recognise that the maintenance of structures and activities providing for hydroelectricity generation occurs separately from water components. Many other activities can be involved including upgrading structures and maintaining vegetation clear areas.</p> <p>Seeking removal of the adverse effects aspect of this policy is not seeking to remove consideration of effects but simply recognises that this is already covered by other policies including EN-P6 and I do not consider that it is necessary or appropriate to include consideration of effects in this policy as well. Duplication consideration of effects in multiple policies is confusing and lacks clarity.</p> <p>I consider that the wording amendments sought remain appropriate and should be made. Further, I consider that the wording put forward by the energy sector submitters provides an appropriate refinement of the issues to focus on those activities commonly required to continue existing renewable electricity activities.</p> <p>This is another example of why it is inappropriate and unnecessary for energy activities to respond to both a specific policy in the EN section and a general policy in the INF section and why a self-contained energy section is a more appropriate response.</p> <p>NPS-REG links:</p> <p>Policy B(a) “maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and”</p> <p>Policy B(b) “even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and”</p> <p>Policy E e.g. E2 “shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.”</p>
<p>Policy EIT-EN-P2 – Recognising renewable electricity generation activities in decision making 00311.034</p>	<p>This appears to be the primary policy provision dealing with recognition of renewable electricity generation as a whole (as reflected in the policy title), but the wording of the policy (in places) deals only with existing renewable electricity generation. It is recommended that the scope of the policy is widened to provide for all REG activities – as opposed to the current focus on existing activities.</p> <p>In terms of the structure of the policy section, it would seem logical to include this (widened) policy as the first policy in</p>	<p>Reword policy name: Recognising and providing for renewable electricity generation activities in decision making.</p> <p>Reword the policy: Recognise and provide for renewable electricity generation, by ensuring that dDecisions on the allocation and use of natural and physical resources, including the use of fresh water and development of land: (1) recognise the national, regional and local benefits of existing renewable electricity generation activities,</p>	<p>Rejected:</p> <p>176. <i>I do not agree with the Trustpower submission.</i></p> <p>177. <i>I do not agree with the amendment to include reference “and provide for” in the title or the chapeau of the provision, nor adding “provide for” in Clause (1). The reasons for not agreeing to these amendments are</i></p> <ul style="list-style-type: none"> <i>it in the introductory sentence is that the policy gives effect to a number of different parts of the NPSREG, not all of which have a direction to “recognise and provide” for particular matters (see (2) which requires that “regard” is to be had to maintaining capacity, which reflects Policy B(a).</i> <i>I do not agree with the addition of “provide for” to Clause (1). I</i> 	<p>The wording sought by Manawa better aligns with the direction given in the NPS-REG. In my opinion these wording amendments are appropriate to ensure a clear and directive policy approach and to ensure that the NPS-REG is appropriately given effect to in this provision.</p> <p>This is another example of why it is inappropriate and unnecessary for energy activities to respond to both a specific policy in the EN section and a general policy in the INF section and why a self-contained energy section is a more appropriate response.</p> <p>The replacement wording put forward by the energy sector submitters in my opinion appropriately aligns the policy with the direction of the NPS-REG and incorporates the</p>

⁵⁴ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 148, page 29.

	<p>this section of the Plan.</p> <p>Further it is necessary that this policy be strengthened and more directive to show that it is intended to give effect to the NPS-REG.</p> <p>Policy A in NPS – REG refers to decision makers recognising and providing for the national significance of REG activities. It is recommended that wording is reflected in the policy title and through the policy itself.</p>	<p>(2) protect the generation output and operational capacity of existing renewable electricity generation activities.</p> <p>(3) provide for take into account the need the ability to, at least, maintain current renewable electricity generation capacity and maintain the availability of the resource for this purpose, and</p> <p>(4) recognise the need to increase the installed capacity of renewable electricity generation assets and that the attainment of increases in renewable electricity generation capacity will may require significant development of renewable electricity generation activities.</p>	<p>consider inclusion of this phrase could imply provision of water resource allocations without consideration of environment limits in relation to water use and it conflicts with the NPSFM hierarchy of obligations for water use.</p> <p>• I do not agree with the deletion of “in decision making.” in the title. I consider the current wording correctly focuses on relevant factors in decision-making (both on plans, and for consents). I recommend this part of the submission be rejected.</p> <p>178. I recommend this submission be rejected.</p> <p>179. I do not agree with the Contact and Trustpower requests to include the following new clause after clause (1): “Protect the generation output and operational capacity of existing renewable electricity generation activities”, noting that renewable electricity activities must also give effect to the NPSFM. I consider submission is inconsistent with Policy B(a) of the NPSREG. I recommend this submission be rejected.⁵⁵</p> <p>I accept in principle the Contact submission to amend Clause (1) to add “...and potential new “, however consider this is better provided for by deleting the word “existing” and just generally referring to renewable electricity generation activities. This better reflects the wording in Policy A. I recommend this part of the Contact submission on Clause (1) be accepted.</p> <p>182. Similarly, I agree with the DOC request to remove reference to “existing” only from Clause (1).⁵⁶</p> <p>I consider the amendment “.....take into account provide for the“ is already addressed by amendments arising from the Trustpower submission and recommend it be rejected.⁵⁷</p> <p>I do not agree with the Trustpower submission re Clause (2) to amend as: “.... protect the generation output and operational capacity of existing renewable electricity generation activities....”. This has been addressed in the consideration of the Meridian submission on this clause above.⁵⁸</p> <p>I do not agree with the Trustpower request to “recognise the need to increase the installed capacity of renewable electricity generation assets and that the attainment of increases in renewable electricity generation capacity will may require significant development of renewable electricity generation activities” for the same reasons provided in response to the Contact request. I recommend this submission on clause (3) be rejected.⁵⁹</p>	<p>necessary considerations for managing renewable electricity generation activities, and I support that revised wording.</p> <p>I consider that it makes more sense to have this general policy first, then step through the types of activity relating to existing and new activities in a logical order. Reframing this policy separates out national significance and benefits. Both of these come from the NPS-REG but are separate concepts.</p> <p>The wording in the revised text has been widened to include specific recognition of functional and operational need of activities and security of supply.</p> <p>NPS-REG links:</p> <p>Policy A – “recognise and provide for”, “including national, regional and local benefits”.</p> <p>Policy B(a) – “have particular regard to:” “maintenance of the generation output”, “protection of ... operational capacity”, “protection of ... continued availability of the ... resource”.</p> <p>Policy B(b) – “have particular regard to:” “even minor reductions in the generation output of existing REG can cumulatively have significant adverse effects on ... output”.</p> <p>Policy B(c) - “have particular regard to:” “will require the significant development of REG”.</p> <p>Policy C1(b) - “logical or technical practicalities” (commonly expressed today as functional and operational needs).</p>
<p>Policy EIT–EN–P3 – Development and upgrade of renewable electricity generation activities</p> <p>00311.035</p>	<p>Security of supply can in part be dealt with through transmission and this policy as currently worded does not recognise the need to protect and maintain installed capacity.</p> <p>It is also recommended that the policy is widened in scope to ensure greater consistency with Policy A(b) of NPS - REG i.e. delete ‘maintained or improved’ and replace with ‘is maintained, protected and increased’; replace the word ‘supply’</p>	<p>Amend wording as follows:</p> <p>The security and installed capacity of renewable electricity supply is protected, maintained or improved increased in Otago through appropriate provision for the upgrade of existing renewable electricity generation activities and the development or upgrading of renewable electricity generation activities, and including diversification of the type or location of electricity generation activities.</p>	<p>Rejected:</p> <p>I do not agree with the Contact submission. I consider the reference to “installed capacity” is overly specific and not the focus of the policy, which is on security and diversification, and is not consistent with the NPSREG. I consider the other requested amendment which seeks that renewable electricity supply is protected, maintained or improved increased in Otago through appropriate provision by providing for the upgrade of existing renewable electricity generation activities and the development or upgrading...”conflates the subject of the policy with other matters, which is not the focus of the policy which is</p>	<p>The wording sought by Manawa better aligns with the direction given in the NPS-REG. In my opinion these wording amendments are appropriate to ensure a clear and directive policy approach and to ensure that the NPS-REG is appropriately given effect to in this provision.</p> <p>This is another example of why it is inappropriate and unnecessary for energy activities to respond to both a specific policy in the EN section and a general policy in the INF section and why a self-contained energy section is a more appropriate response.</p> <p>The replacement wording put forward by the energy sector</p>

⁵⁵ Report 11: EIT – Energy, Infrastructure and Transport, paragraphs 176-179, pages 31-32.

⁵⁶ Report 11: EIT – Energy, Infrastructure and Transport, paragraphs 181-182, page 32.

⁵⁷ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 185, page 32.

⁵⁸ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 191, page 33.

⁵⁹ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 195, page 34.

	<p>with 'capacity'.</p> <p>It also needs to be recognised that this policy cannot be achieved without some additional adverse effects, even if such effects are minimal. If improved development and diversification is truly intended, as required to give effect to the NPS-REG, then it needs to be accepted that there will be some environmental effects and the policy amended to accept this without the qualifier 'appropriate' (which is a subjective term).</p>		<p>about security of supply and diversification. I recommend this submission is rejected.⁶⁰</p> <p>I do not agree with the Trustpower request to amend the provision to "...for the upgrade of existing renewable electricity generation activities and the development or upgrading of renewable electricity generation activities, and including diversification of" I consider the current provision currently captures the amendments proposed and the rewording adds nothing to the clarity or understandability of the policy. I recommend this submission is rejected.⁶¹</p>	<p>submitters in my opinion appropriately aligns the policy with the direction of the NPS-REG and incorporates the necessary considerations for providing for renewable electricity generation activities and I support that revised wording.</p> <p>This is the primary policy dealing with new activities in terms of new development but also needs to cover large scale upgrading. In addition the wording should be amended from "maintained or improved" to "provide for" as this aligns with the NPS-REG and leads to consent status decisions at a Water Plan level.</p> <p>This policy needs to provide a pathway for new REG but does not give it priority over other activities. It continues to require consideration of local environment e.g. application of effects management hierarchy.</p> <p>NPS-REG links:</p> <p>Policy A(b) "maintaining or increasing security of electricity supply"</p> <p>Policy B(a) "maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and"</p> <p>Policy B(b) "even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and"</p> <p>Policy E e.g. E2 "shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district."</p>
<p>Policy EIT-EN-P4 – Identifying new sites or resources</p> <p>00311.036</p>	<p>In general it is recommended that the policy is supported subject to the following:</p> <ul style="list-style-type: none"> replacing the term 'assessment' with 'development' as this provides more scope for future activities to actually occur rather than just be considered. The term 'assessment' could be considered in effect to be covered by 'identification' and 'investigation'. the RPS does not have a role in selecting development sites, but sets the parameters for consideration when others undertake such processes or the expected approach for such processes within district and regional plans. adding a reference to 'significant' adverse effects; and the avoidance etc of effects 'where practicable'. This is necessary to recognise that it is not possible to achieve an increase in renewable electricity generation with no adverse effects and the avoidance 	<p>Amend wording as follows:</p> <p>Provide for activities associated with the investigation, identification and assessment development of potential sites and energy sources for renewable electricity generation and, when selecting a site for new renewable electricity generation, prioritise those where significant adverse effects on: highly valued natural and physical resources</p> <ol style="list-style-type: none"> areas of outstanding natural character, natural wetlands and outstanding water bodies, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna, areas of historic heritage and mana whenua values <p>can be, where practicable, avoided or, at the very least, remedied, mitigated, offset or where environmental compensation can be considered.</p>	<p>Reject:</p> <p><i>In do not agree with the Contact request. I consider the amendment to replace "assessment" with "development" is contrary to NPSREG Policy G. In addition, the amendment sought by the submitter would extend the policy from one focussed on the investigation of sites, to the development of sites, which is not the intent of the policy. I consider the requested deletion is necessary to link the investigation of sites and weighing of alternatives under this provision to EIT-INF-P13. I recommend this submission be rejected.⁶²</i></p> <p><i>I do not agree with the Meridian submission to delete the latter part of the provision "and, when selecting a site for new renewable electricity generation, prioritise" for the same reasons outlined in relation to the Contact submission. It is necessary to consider the appropriateness of sites in their assessment phase, noting that this also links to policy EIT-INF-P13. I recommend this submission be rejected.⁶³</i></p> <p><i>I do not agree with the Trustpower requested amendments. The amendments seek to limit consideration only to significant adverse effects. I consider the amendments proposed are already adequately covered in EIT-EN-P6 and EIT-INF-P13. I</i></p>	<p>The wording sought by Manawa better aligns with the direction given in the NPS-REG. In my opinion these wording amendments are appropriate to ensure a clear and directive policy approach and to ensure that the NPS-REG is appropriately given effect to in this provision.</p> <p>The replacement wording put forward by the energy sector submitters in my opinion appropriately aligns the policy with the direction of the NPS-REG and incorporates the necessary considerations for providing for renewable electricity generation activities and I support that wording.</p> <p>The policy should focus on the process of considering new locations and resources rather than the development of new activities. Also there is no need to cover effects in this policy as there is a separate effects policy dealing with that issue.</p> <p>NPS-REG links:</p> <p>Policy G "shall include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators."</p> <p>I also note that the NPS-IB exposure draft consistently uses</p>

⁶⁰ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 211, pages 36-37.

⁶¹ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 214, page 37.

⁶² Report 11: EIT – Energy, Infrastructure and Transport, paragraph 230, page 40.

⁶³ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 231, page 40.

	<p>of significant adverse effects is a more appropriate goal. Further the NPS-REG does not require consideration of alternatives and Schedule 4 of the RMA specifies consideration of alternatives where an activity is likely to have any significant adverse effects on the environment.</p> <ul style="list-style-type: none"> the requirement to 'avoid' or 'at the very least' minimise the effect on these values does not reflect the effects hierarchy – avoid, remedy, mitigate, offset, compensate; nor the wording of Policy C2 of the NPS – REG 'When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected'. Nor the interpretation of effects hierarchy in EIT-EN-P6. Adding a reference to the effects management hierarchy within this policy as opposed to use of 'avoided, or at the very least minimised' is necessary as this provides scope for the offsetting of effects and environmental compensation (as enabled through policy 6). it is unclear why particular mention is made of 'highly valued and physical resources and mana whenua values' rather than specifically highly productive soils, significant habitat of indigenous fauna, outstanding natural features and landscapes etc (matters of national importance). The term 'highly valued natural and physical resources' is not defined in the RMA and is highly subjective. The pRPS defines 'highly valued natural features and landscapes' as 'highly valued natural features, landscape and seascape are areas which contain attributes and values of significance under Section 7 (c) and 7 (f) of the RMA 1991, which have been identified in accordance with APP9'. This does not however appear to encompass areas with RMA section 6 values and so seems to be protecting areas with lesser values than those that should be factored into the policy. 		<p><i>recommend the submission be rejected.</i>⁶⁴</p> <p>The supplementary evidence also addresses the wording 'practicable' in relation to other submission points and other provisions, stating:</p> <p><i>42 A number of infrastructure providers opposed the wording of EIT-INF-P13 which in effect provides that location of infrastructure in certain important areas is to be avoided, unless it is not possible because of operational or functional needs of the infrastructure. Their key concern is that it is always "possible" to avoid locating within those areas by not undertaking development of the infrastructure. This matter was addressed in the submissions of the New Zealand Infrastructure Commission and Queenstown Airport. 15</i></p> <p><i>43 Having considered the concerns about this wording, I recommend changing to "if it is not demonstrably practicable possible to avoid locating...". It provides a high test to be met before infrastructure locates within one of these areas, but enables an evaluative process to take place (which should include assessment of the route, method or site selection process).</i></p> <p><i>44 I consider the recommended change better achieves EIT-INF-O4 and EIT-INF-O5 by enabling infrastructure, which has benefits which enable people and communities to provide for their social, cultural and economic well-being, while maintaining environmental limits and minimising adverse effects on the environment. This will reduce costs for infrastructure providers by increasing investment certainty, and clearly outlines that the providers are able to demonstrate that infrastructure cannot practicably be located in an area outside of those resources listed. The change does not impact the bottom-line approaches set out in EIT-INF-P13(2) in relation to significant natural areas, natural wetlands, outstanding waterbodies, and the management of wāhi tupuna, and therefore accords with the provisions of s 6 and gives effect to the NPSFM and NPSET. As such, effects on these important resources and relationships will be maintained.</i>⁶⁵</p>	<p>'practicable', and this reinforces the appropriateness of this term. Similarly, the NPS-FM and the NPS-HPL also deliberately refer to practicability in many places.</p>
Policy EIT-EN-P6 – Managing effects	The inclusion of Clause (1) of this policy 'applying EIT – INF – P13' effectively	Amend wording as follows: Manage the adverse effects of new or upgraded	Reject: <i>I do not agree with the Contact request to delete clause (1)</i>	I consider that this policy is unnecessarily complex, addressing effects three times within the same policy by:

⁶⁴ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 235, page 40.

⁶⁵ Report 11: Brief of Evidence of Marcus Hayden Langman, Energy Infrastructure and Transport, paragraphs 42-44, pages 12-13.

00311.037	<p>places <u>new</u> electricity generation activities (based on the current wording of the policy) on the current platform as all other persons proposing to establish infrastructure of any type. It reduces the recognition and benefits afforded to renewable electricity generation activities through the NPS-REG. For example – it ignores the NPS-REG recognition of geographic / logistical and technical constraints associated with renewable electricity generation activities, such as:</p> <p>NPS-REG Policy C1 ‘Decision-makers shall have particular regard to the following matters: a) the need to locate the renewable electricity generation activity where the renewable energy resource is available; b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity’.</p> <p>Further, consideration of alternative sites, methods and designs is not referred to in the NPS-REG and Schedule 4 of the RMA only requires consideration of alternatives if the activity is likely to result in a significant adverse effect.</p> <p>Likewise, Policy C2 of the NPS-REG does not refer to the <i>scale</i> of effects. It is considered that it is more appropriate to include reference to offsetting and compensation where any residual effects of these activities cannot be avoided, remedied or mitigated (as consistent with the approach in policy 6).</p> <p>Clauses 2(c) and (3) effectively deal with similar issues and it is more appropriate to incorporate these into one provision.</p> <p>Further, it is unclear exactly what ‘any specific requirements for their use [offset or compensation measures] in this RPS’ refers to. It is recommended that this wording is deleted to avoid confusion and misinterpretation.</p> <p>In making the Energy chapter self-contained, some of the concepts included in the infrastructure policies have been incorporated into the relief sought to ensure a consistent approach.</p>	<p>renewable electricity generation activities by: (1) applying EIT-INF-P13, (2) having regard to:</p> <p>(a) the functional, <u>technical and geographic</u> need to locate renewable electricity generation activities where resources are available, <u>and</u></p> <p>(b) the operational need to locate where it is possible to connect to the National Grid or electricity sub-transmission infrastructure, and</p> <p>(c) the extent and magnitude of adverse effects on the environment and the degree to which unavoidable adverse effects can be remedied or mitigated, or residual adverse effects are offset or compensated for; and</p> <p>(3) requiring consideration of alternative sites, methods and designs, and:</p> <p><u>(a) avoiding, remedying or mitigating significant adverse effects on any identified values that contribute to the area’s importance, and</u></p> <p><u>(b) offsetting or compensation measures (in accordance with any specific requirements for their use in this RPS), where adverse effects are potentially significant or irreversible cannot be avoided, remedied or mitigated.</u></p>	<p><i>concerning the application of EIT-INF-P13. Provision EIT-INF-P13 applies to all infrastructure, including renewable energy generation, and addresses matters that must be recognised and provided for under the RMA. I recommend this submission be rejected.⁶⁶</i></p> <p><i>I do not agree with the Trustpower129 submission. I consider the reference to EIT-INF-P13, provides an essential connection with relevant matters required under the RMA and should be retained. I recommend rejecting this part of the submission. The addition of “technical and geographic” is already addressed through definitions of functional and operational need and is not required. I recommend rejecting this part of the submission.</i></p> <p><i>I consider Trustpower’s requested deletion of clause (c) and amendment to the remainder of the provision will compromise clarity of the provision and the need to reflect Schedule 4 clause 6(1)(a) RMA and s 104(1)(ab) RMA. I recommend rejecting this part of the submission.⁶⁷</i></p>	<p>cross referencing to EIT-INF-P13 which deals with effects, and requiring consideration of effects in clause (2)(c), and considering effects again in clause (3).</p> <p>Such duplication is unnecessary and inappropriate, and in my opinion undermines the intent and direction provided by the policy. It is also of concern to me that this approach imposes more restriction on energy activities than on infrastructure generally which is inappropriate when energy generation and transmission is regionally / nationally significant. I consider that the policy needs to be substantially rewritten to be clear and certain in its direction on how effects should be managed for energy activities.</p> <p>It is further noted that EIT-INF-P13 has a very different way of addressing effects with application of a first and second priority consideration. This is relevant to the INF section which deals with many different types of infrastructure, only some of which are regionally and nationally significant. However, applying this approach to the energy section is unnecessarily confusing and leads to duplication. This needs to be resolved through re-writing EN-P6 to apply to energy infrastructure appropriately and removing the link to INF-P13.</p> <p>The replacement section provided by the energy sector submitters provides an appropriate policy for managing effects of energy activities and is modelled on the approach used for the INF policy. It has been improved to provide greater certainty for users of the pRPS.</p> <p>In addition, the current policy approach requires areas with special values to be avoided where practicable but does not require such areas to be clearly known or identified in any way. Generally when a new development is being explored, the first step is to look at what is publicly available and known e.g. maps and schedules in district and regional plans. This information needs to be robust and appropriately assessed to be included in these statutory documents. Where this information is clearly identified, a project can be designed to avoid such areas where practicable. At that point a project may be designed in more detail and technical assessments carried out to determine specific site values and how effects can be managed. The way the INF effects policy is currently worded requires avoidance of areas containing values without these being known and publicly identified, and I do not consider this a reasonable approach. Carrying out the type of assessment required by the policy as worded would mean substantive due diligence work that would be very off-putting to development and lead to high levels of uncertainty.</p> <p>The proposed energy sector submitters have developed replacement text which in my opinion better recognises the approach to certainty in managing effects. That approach directs avoidance of known (scheduled) special areas and where these cannot be avoided then the effects are managed by way of specific cross references or application of the effects management hierarchy. I consider this to</p>
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⁶⁶ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 268, page 45.

⁶⁷ Report 11: EIT – Energy, Infrastructure and Transport, paragraphs 272-273, pages 45-46.

				<p>provide greater certainty to users while appropriately managing effects. I also consider this to be a more appropriate approach for energy activities which are commonly regionally / nationally significant.</p> <p>In developing the sector submitter revisions, the policy has been written to be aligned with the approach taken in INF-P13 but updated to recognise that REG is regionally / nationally significant (where not all infrastructure is).</p> <p>The word “manage” is appropriate to align with wording in INF-P13(2) and is a commonly used term to look at various ways of dealing with effects and encompasses the effects management hierarchy approach and varying consent statuses. It is not the same as ‘enable’ or ‘provide for’ and allows the lower order documents to determine what activity status is appropriate.</p> <p>In dealing with areas of special value, the use of the term ‘scheduled’ is recommended as that recognises that it is fair to expect applicants to try and avoid areas that have been assessed and determined through a public process as being special or holding particular values. These areas are recognised through a public process in a planning framework. It is not reasonable to apply this test to anything that happens to be assessed at any time as being special as that is an unreasonable burden to place on applicants.</p> <p>However, those areas that are identified through a consenting or plan change process as having special values still have to be adequately assessed through the effects management hierarchy and that has been provided for in the revised text put forward by the energy sector submitters. There is no ‘out’ for areas that are not scheduled, just a different clause that applies. Similarly, revision put forward proposes that the ability to pursue a proposal in a scheduled ‘special’ area is only available if there is functional or operational need and this limits the ability to use this clause. This aligns with the NPS-REG which recognises that REG has to locate in certain areas. But the requirement to apply the effects management hierarchy still remains in these cases.</p> <p>NPS-REG links:</p> <p>Policy C1 “have particular regard to”</p> <p>“a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;</p> <p>b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;</p> <p>c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;”</p> <p>Policy C2 “When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.”</p>
Policy EIT-EN-P7	Manawa supports the inclusion of a policy	Reword policy as follows:	Reject:	The application of a ‘staged consideration’ of reverse

<p>– Reverse sensitivity 00311.038</p>	<p>ensuring consideration of reverse sensitivity issues but it is noted that the wording used in the policy is unclear and lacks direction. The intent should be to avoid reverse sensitivity occurring and avoid conflicts between users that could lead to impacts on the ability to maintain generation capacity and energy outputs.</p> <p>Policy D of the NPS – REG states : 'Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities'. Given the use of the word 'avoid' in Policy D it is considered this policy would be strengthened if this wording was used in the pRPS rather than prevention, or any consideration of practicality of managing these so that reverse sensitivity effects are minimised.</p>	<p>Avoid the establishment or operation of Activities, including the abstraction of water, that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities are, as the first priority, prevented from establishing and only if that is not reasonably practicable, managed so that reverse sensitivity effects are minimised.</p>	<p><i>I agree in part with the Meridian submission. I consider insertion of a reference to "on renewable electricity generation activities" before "or compromise" is necessary to better reflect Policy D of the NPSREG in combination with the above submission from Federated Farmers . However I recommend the reference be italicised to reflect the definition to become "renewable electricity generation activities. I recommend accepting this part of the submission. I consider removal of "the operation or maintenance of" and consequential proposed amendments would inappropriately broaden the intended scope of the provision. I recommend this part of the submission be rejected. Further the removal of "as the first priority" would compromise the clarity of the staged consideration necessary to provide effective direction. I recommend this part of the submission be rejected....</i></p> <p><i>I do not agree with the Trustpower submission. The existing text would not be materially improved by the proposed amendments outlined above. I recommend this submission be rejected.⁶⁸</i></p>	<p>sensitivity as the report author refers to it is inconsistent with the direction of the NPS-REG as pointed out in the Manawa submission. Policy D of the NPS-REG requires avoidance of reverse sensitivity to the extent reasonably possible and thus the policy should seek avoidance and not use alternative wording such as "prevented".</p> <p>The rewording sought by Manawa is appropriate in aligning with the NPS-REG and in making the policy clear and directive and continues to be sought.</p> <p>The alternative wording developed by the energy sector submitters provides an alternative approach that better recognises the direction of the NPS-REG and I am comfortable that this is also an appropriate approach to this issue.</p> <p>This is another example of why it is inappropriate and unnecessary for energy activities to respond to both a specific policy in the EN section and a general policy in the INF section and why a self-contained energy section is a more appropriate response.</p> <p>NPS-REG link: Policy D "Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities."</p>
<p>EIT–EN New policy 00311.039</p>	<p>In order to ensure that the Energy chapter is appropriately self-contained, it is appropriate to provide reference to the contribution of renewable electricity generation to climate change mitigation.</p> <p>To provide consistency with the approach within the Integrated Management chapter, the wording of policy IM-P12 has been adapted to frame this proposed additional policy.</p> <p>In terms of the wording of the policy as sought it is recommended that:</p> <p>The wording used is 'avoid remedy or mitigate' (consistent with the wording of the RMA)</p> <p>The approach to offsets and compensation follows the approach anticipated in the NPS-REG Policy C2: 'when considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected'.</p>	<p>Insert a new policy as follows: <u>EIT – EN – P10 Climate Change Mitigation Where a proposed renewable electricity generation activity provides, or will provide, enduring regionally or nationally significant mitigation of climate change impacts, with commensurate benefits for the well-being of people and communities and the wider environment, decision makers may, at their discretion, allow non-compliance with an environmental bottom line set in any policy or method of this RPS or in a Land and Water Plan, only if they are satisfied that:</u></p> <p><u>(1) the activity is designed and carried out to avoid, remedy or mitigate adverse effects as far as is consistent with its purpose and functional needs,</u></p> <p><u>(2) the activity is consistent with other regional and national climate change mitigation activities, and</u></p> <p><u>(3) where adverse effects on the environment cannot be avoided, remedied, or mitigated, decision makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.</u></p>	<p>Reject: <i>I do not agree with the Trustpower submission to insert a new policy provision in the EIT – EN chapter, in relation to Climate Change Mitigation as outlined above. I note that the content of the policy sought by Trustpower is already addressed through IM-P12, except that IM-P12 is open to all activities and contains more stringent criteria to be met before allowing the breaching of environmental limits. That policy is addressed in section 4.22 of Chapter 4: IM – Integrated management. I do not consider it is appropriate to provide an alternative, less stringent pathway for renewable electricity generation activities and therefore recommend rejecting this submission point.⁶⁹</i></p>	<p>I agree that IM-P12 incorporates some of this approach, however in recognising the national significance of renewables in contributing to climate change solutions, there needs to be acceptance that some such activities may lead to some adverse effects.</p> <p>It is appropriate that the pRPS provides a pathway for renewable electricity generation activities that enables such activities to be considered, that differs from the pathway available to other activities that do not provide a national benefit or do not benefit from national significance. This is not seeking to undermine important matters such as environmental limits, but to recognise that some activities are more significant than others and that they should not all be treated equally if national outcomes are to be achieved.</p> <p>I note that the outcome of other submissions is that there be a clear objective recognising the role of renewable electricity generation in addressing emissions and climate change and in light of that I do not consider that this submission point remains necessary.</p>
<p>Methods EIT–EN–M1 – Regional</p>	<p>It is recommended that the method statement is reworded to ensure consistency with other requested changes</p>	<p>Amend Method EIT – EN – M1 as follows: Otago Regional Council must prepare or amend</p>	<p>Reject: <i>I do not agree with the Trustpower submission in relation to</i></p>	<p>All of the reasons for the wording to be amended relate to matters raised above in relation to the wording of objectives</p>

⁶⁸ Report 11: EIT – Energy, Infrastructure and Transport, paragraphs 287 and 289, page 48.

⁶⁹ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 318, page 53.

plans 00311.040	and to make specific reference to upgrading.	<p>and maintain its regional plans to:</p> <p>(1) <u>provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity,</u></p> <p>(2) provide for activities associated with the investigation, identification and assessment development of potential sites and energy sources for renewable electricity generation,</p> <p>(3) require the prioritisation of sites for new renewable electricity generation activities where significant adverse effects on those areas set out in EN-P4 highly valued natural features and landscapes and mana whenua values can be, where practicable, avoided, or, at the very least, remedied, mitigated, offset or environmentally compensation considered highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised,</p> <p>(4) <u>provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of renewable electricity generation activities,</u></p> <p>(5) manage the adverse effects of new or upgraded developing or upgrading renewable electricity generation activities in accordance with EN-P6 that:</p> <p>(a) are within the beds of lakes and rivers and the coastal marine area, or</p> <p>(b) involve the taking, use, damming or diversion of water and discharge of water or contaminants,</p> <p>(4) provide for the operation, maintenance of existing renewable electricity generation activities, including their natural and physical resource requirements, within the environmental limits, and</p> <p>(6) restrict avoid the establishment or operation of activities that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities or adversely affect the efficient functioning of renewable electricity generation infrastructure (including impacts on generation capacity).</p>	<p><i>amend EIT-EN-M1. I consider the provision as drafted as a package gives appropriate effect to the EIT-EN policies to the extent appropriate for a District Council. I recommend rejecting this submission. I have also considered below the individual elements with respect to new clauses proposed and amendment to existing clauses of the provision.</i></p> <p><i>I do not agree with Trustpower's request to add a new clause to "provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity," whilst deleting the current clause (4) "provide for the operation, maintenance of existing renewable electricity generation activities, including their natural and physical resource requirements, within the environmental limits. I consider the current clause gives effect to EIT-EN-P1 with respect to operation and maintenance. Matters in relation to upgrading are addressed in clause (3) and EIT-EN-P3. I recommend rejecting this part of the submission.</i></p> <p><i>In relation to the submission on "environment limits" I consider these have been addressed in some detail in the Part 1 - Introduction Section of the S42 with a recommendation to include a definition of "environmental limit" and retaining the references on that basis. I recommend the submissions be accepted in part on that basis, and no amendments to the provision on this part of the submission be accepted.</i></p> <p><i>I do not agree with the Trustpower submission seeking to amend Clause (1) by deleting reference to "assessment" in the clause. I consider the reference to assessment is logical step to give effect to the provision. I recommend rejecting the submission.</i></p> <p><i>In relation to Clause (2) I do not agree with the submissions of Meridian, Trustpower, and Forest and Bird to variously delete or amend the existing text. I consider the clause as drafted is necessary to require the regional plan to prioritise and consider sites for new renewable electricity generation and management of their effects, consistent with EIT-EN-P4 in particular. I recommend rejecting these submissions.</i></p> <p><i>I do not agree with Trustpower's request to replace to amend clause (3) to "manage the adverse effects of new or upgraded developing or upgrading renewable electricity generation activities in accordance with EN-P6 ". I consider this provision as currently worded is consistent with and gives effect to policy EN-P3. I recommend this part of this submission be rejected.</i></p> <p><i>I do not agree with the Trustpower request to delete clause (4). I consider this clause is necessary to address support EIT-EN policies, in particular EIT-EN-P1. I recommend rejecting this part of the submission.</i></p> <p><i>Similarly, I do not agree with the Trustpower requested amendment. I consider the amendment broadens the reach of the beyond what was intended, with particular regard to EIT-EN-P7. I recommend rejecting this submission.</i>⁷⁰</p>	<p>and policies.</p> <p>The rewording sought by Manawa is appropriate in aligning with the NPS-REG and in making the policy clear and directive. I consider that the amendments to this method remain necessary and should be undertaken.</p>
Methods EIT-EN-M2 – District plans 00311.041	It is recommended that the method statement is reworded to ensure consistency with other requested changes and to make specific reference to upgrading.	<p>Amend Method EIT – EN – M2 as follows:</p> <p>Territorial authorities must prepare or amend and maintain their regional plans to:</p> <p>(1) <u>provide for the ongoing operation, maintenance and upgrading of existing</u></p>	<p>Reject:</p> <p><i>I do not agree with the Trustpower submission in relation to amend EIT-EN-M2. I consider the provision as drafted as a package gives appropriate effect to the EIT-EN policies to the extent appropriate for a District Council, with the exception of the submission I have accepted from Forest and Bird to include a</i></p>	<p>All of the reasons for the wording to be amended relate to matters raised above in relation to the wording of objectives and policies.</p> <p>The rewording sought by Manawa is appropriate in aligning with the NPS-REG and in making the policy clear and directive. I consider that the amendments to this method</p>

⁷⁰ Report 11: EIT – Energy, Infrastructure and Transport, paragraphs 339-352, pages 56-58.

		<p><u>renewable electricity generation activities including maintenance of generation output and protection of operational capacity,</u></p> <p>(2) provide for activities associated with the investigation, identification and assessment development of potential sites and energy sources for renewable electricity generation,</p> <p>(3) require the prioritisation of sites for new renewable electricity generation activities where significant adverse effects on those areas set out in EN-P4 highly valued natural features and landscapes and mana whenua values can be, where practicable, avoided, or, at the very least, remedied, mitigated, offset or environmentally compensation considered highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised,</p> <p>(4) provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of renewable electricity generation activities,</p> <p>(5) manage the adverse effects of new or upgraded developing or upgrading renewable electricity generation activities in accordance with EN-P6 that:(a) are on the surface of rivers and lakes and on land outside the coastal marine area, or (b) the beds of lakes and rivers,</p> <p>(4) provide for the continued operation, and maintenance of renewable electricity generation activities, on the surface of rivers and lakes and on land outside the coastal marine area and the beds of lakes and rivers,</p> <p>(6) restrict avoid the establishment or operation of activities that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities or adversely affect the efficient functioning of renewable electricity generation infrastructure (including impacts on generation capacity)',</p> <p>(6) require the design of subdivision development to optimise solar gain, including through roading, lot size, dimensions, layout and orientation, and</p> <p>(7) require design of transport infrastructure that provides for multi-modal transport options in urban and rural residential locations.</p>	<p>new provision to address EIT-EN-P5 . I recommend rejecting this submission. I have also considered below the individual elements with respect to new clauses proposed and amendment to existing clauses of the provision.</p> <p><i>In relation to the request to include a new provision “provide for the ongoing operation, maintenance and upgrading of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity,” I consider these matters are to the extent appropriate for a District Council address by the method as notified. I recommend this part of the submission be rejected.</i></p> <p><i>I do not agree with the Trustpower submission to include a new provision “(X) provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of renewable electricity generation activities” I consider these matters are to the extent appropriate for a District Council addressed by the method as notified. I recommend this part of the submission be rejected.</i></p> <p><i>I do not agree with the Trustpower202 submission seeking amendment to clause (1) to: delete “ assessment” and replace with “development”. I consider in the context of the provision “assessment” follows “identification” as currently stated in the provision. I consider the reference to “development” out of context. I recommend rejecting this submission part.</i></p> <p><i>I do not agree with the amendments Trustpower is seeking. I consider the amendments proposed restrict the application and coverage of the provision, and do not fully address EIT-EN policy provision as intended. I recommend rejecting this submission.</i></p> <p><i>I do not agree with the Trustpower submission seeking to amend to clause (3) by inserting “ new or upgraded” in place of “developing or upgrading” , and to insert after “renewable electricity generation activities” “in accordance with EN-P6”. I consider the current clause appropriate gives effect to EIT-EN-P6 and the relationship of the EIT-EN sub-chapter and EIT-INF sub-chapter provisions which provide for managing adverse effects of all infrastructure including renewable energy generation being a form of infrastructure. I recommend the submission be rejected.</i></p> <p><i>I do not agree with the Trustpower submission to delete clause (4) nor the Meridian submission to amend clause (4). I consider the current text to be consistent with and gives effect to the policy provisions as notified. I recommend this submission be rejected.</i></p> <p><i>Similarly, I do not agree with the Trustpower submission seeking amendments. I consider the amendments do not add material value to the provision. I recommend the submission be rejected.⁷¹</i></p>	<p>remain necessary and should be undertaken.</p>
<p>Explanation EIT– EN–E1 – Explanation 00311.042</p>	<p>It is recommended that the explanation is reworded to ensure consistency with other requested changes.</p> <p>It is considered inappropriate for the explanation to refer to the ‘potential magnitude of adverse effects associated with renewable electricity generation activities’. This is a value laden statement</p>	<p>Amend Explanation EIT – EN - E1 as follows:</p> <p>The policies in this section are designed to set a clear preference for renewable electricity generation activities contributing to meeting New Zealand’s national target for renewable electricity generation. <u>Renewable electricity generation is a matter of national importance and a key component in responding to climate change</u></p>	<p>Accept in part:</p> <p><i>I agree in part with the Trustpower submission. I agree with the addition of the requested text in paragraph 1. I consider this provides clarification on matters addressed in objectives and policies, in particular the recommend new objective EIT-EN-O2A. I recommend accepting this part of this submission. I do not agree with remaining amendment sought by Trustpower. I consider the amendments detract from the clarity of the current</i></p>	<p>All of the reasons for the wording to be amended relate to matters raised above in relation to the wording of objectives and policies.</p> <p>The rewording sought by Manawa is appropriate in aligning with the NPS-REG and in making the policy clear and directive. I consider that the amendments to this explanation remain necessary and should be undertaken.</p>

⁷¹ Report 11: EIT – Energy, Infrastructure and Transport, paragraphs 375-387, pages 62-63.

	<p>and should be deleted as whatever effects arise can be dealt with appropriately through a clear policy and rule framework. This is a negative statement to apply at a RPS level to a matter of national importance.</p> <p>The explanation also needs to more explicitly reference the importance of renewable electricity generation activities in terms of the response to climate change, and the national demand, and be very clear that it is a national priority.</p>	<p><u>and energy demands. Increasing energy security will assist with ensuring that communities have options for clean heat and electricity for health and wellbeing services.</u></p> <p>Renewable electricity generation activities are promoted by providing for the <u>development, investigation, operation, and maintenance and upgrading of existing and new assets, these sites</u> and ensuring that decisions on allocating natural resources and the use of land, for example, recognise the benefits of renewable electricity generation activities arising from maintaining or increasing generation capacity. It is noted that renewable electricity generation activities will come within the definition of infrastructure, and that provisions relating to infrastructure also apply. <u>The upgrading of existing assets and the development of new generation capacity is provided for to recognise the importance of renewable electricity and the benefits it provides nationally, regionally and locally.</u></p> <p>The potential magnitude of adverse effects and functional and operational needs associated with renewable electricity generation activities is recognised by requiring consideration of those needs, and the extent to which unavoidable effects <u>associated with upgrading or developing new renewable electricity generation activities</u> can be remedied or mitigated <u>is also a key consideration</u>. Where residual adverse effects remain, consideration is <u>to be</u> given to proposals to offset these, or compensate for them.</p> <p>Increasing energy security will assist with ensuring that communities have options for clean heat. To ensure the on-going functionality of assets and to maximise their benefits, reverse sensitivity effects or activities that may compromise the operation or maintenance of renewable electricity generation activities are to be avoided or their impacts minimised.</p> <p>The policies also seek that energy use is efficient and energy waste is reduced, which will have consequential effects on minimising Otago's contribution to the nation's greenhouse gas emissions.</p>	<p><i>text, whilst not materially adding to its content. I recommend rejecting this part of the submission.⁷²</i></p>	
Principal reasons EIT-EN-PR1 – Principal reasons 00311.044	<p>It is recommended that the method statement is reworded to ensure consistency with other requested changes.</p> <p>Again, it is considered inappropriate and incorrect for the principal reasons to state that renewable electricity generation facilities '<i>can cause significant adverse effects on the environment</i>'. This is a blunt unqualified and unnecessary</p>	<p>Amend Principal reasons EIT-EN-PR1 – Principal reasons as follows:</p> <p>Energy is a basic requirement of life in Otago. It enables communities to provide for their well-being, and health and safety, and is essential to the regional economy. Everyday life is significantly affected when energy supply is disrupted. Therefore, ensuring the security of energy supplies that meet demand is crucial. The ability of existing energy <u>renewable electricity</u></p>	<p>Reject:</p> <p><i>I do not agree with the request to replace “energy” with “renewable electricity”. I consider the sentence is addressing energy generally, which is more than electricity generation. I recommend rejecting this part of the submission.</i></p> <p><i>I do not agree with the request to replace “can” with “may” and deletion of the word “significant”. I consider the words are appropriate and are factually correct. I recommend rejecting this part of the submission.</i></p>	<p>All of the reasons for the wording to be amended relate to matters raised above in relation to the wording of objectives and policies.</p> <p>The rewording sought by Manawa is appropriate in aligning with the NPS-REG and in making the policy clear and directive. I consider that the amendments to these reasons remain necessary and should be undertaken.</p>

⁷² Report 11: EIT – Energy, Infrastructure and Transport, paragraph 408, page 68.

	<p>statement and should be deleted. This is a negative statement to apply at a RPS level to a matter of national importance. It is not the role of the RPS to make arbitrary judgements but for effects to be considered through a strong policy and rule framework.</p>	<p>generation activities to continue operating is dependent on access to resources such as water in hydro lakes and the operator's ability to maintain existing infrastructure.</p> <p>Otago is fortunate to have several existing renewable electricity generation sites and potential to increase renewable electricity generation. The benefits of renewable electricity generation include reducing greenhouse gas emissions, dependence on imported energy and greater supply security. These benefits are afforded to Otago communities and nationally as exported energy is significant for other regions. Because of this, providing for new renewable electricity generation opportunities to meet increasing energy demand is necessary. Additionally, addressing inefficiencies in energy use can ensure that existing infrastructure is better utilised to reduce the need for new generation sites.</p> <p>Renewable electricity generation facilities can may cause significant adverse effects on the environment because of their functional need to locate in particular areas. These areas are where resources are available, for example water for hydro-electricity generation, but they may also contain other significant values such as outstanding natural features or landscapes, significant indigenous vegetation or sites of significance to mana whenua values. In some situations, it may not be possible to avoid, remedy or mitigate significant adverse effects on these significant values after considering alternative sites or design options. In these circumstances the effects should be remedied or mitigated, and consideration should be given to whether those residual effects that cannot be avoided are offset or compensated.</p> <p>The provisions in this chapter assist in giving effect to the NPSREG and NPSFM and implementing section 7(j) of the RMA 1991. Implementation of the provisions will occur primarily through regional and district plan provisions but regional, city and district councils also have a role in providing education and information to the community.</p>	<p><i>I do not agree with the remaining requested amendments to the third paragraph. I consider the amendments are either duplicative or not material. I recommend rejecting this part of the submission.</i>⁷³</p>	
<p>Anticipated environmental results 00311.045</p>	<p>It is recommended that the method statement is reworded to ensure consistency with other requested changes.</p>	<p>Amend EIT-EN-AER3 as follows:</p> <p>The adverse effects associated with renewable energy generation activities are minimised <u>avoided, remedied or mitigated, or where appropriate, offset or compensated for.</u></p>	<p>Reject:</p> <p><i>I do not agree with the Trustpower request. I consider the amendment sought does not constitute an anticipated environmental result but is more akin to a policy. I recommend rejecting this submission.</i>⁷⁴</p>	<p>All of the reasons for the wording to be amended relate to matters raised above in relation to the wording of objectives and policies.</p> <p>The rewording sought by Manawa is appropriate in aligning with the NPS-REG and in making the policy clear and directive. I consider that the amendments to these results remain necessary and should be undertaken.</p>
<p>EIT – Energy, Infrastructure and transport topic EIT-INF – Infrastructure chapter</p>				

⁷³ Report 11: EIT – Energy, Infrastructure and Transport, paragraphs 412-414 page 71.

⁷⁴ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 424, page 72.

<p>Policy EIT-INF-P10 – Recognising resource requirements 00311.046</p>	<p>Manawa supports the recognition of the significance of renewable energy transmission infrastructure.</p>	<p>Retain policy.</p>	<p>Accept in part: <i>In relation to the submissions seeking to be retained as notified, I recommend accepting these submissions in part, except as modified by other submissions.</i> <i>I agree with the submissions of Aurora Energy and QLDC seeking to focus the scope of the provision to functional and operational needs. I consider the amendment provides stronger guidance for decisions and I recommend accepting these submissions.⁷⁵</i></p>	<p>I agree with the necessity of this provision and note the current position of incorporating transmission and distribution into the energy section.</p>
<p>Policy EIT-INF-P13 – Locating and managing effects of infrastructure 00311.047</p>	<p>Manawa understands the need to ensure that effects of infrastructure generally are appropriately managed. However, the complicated nature of this policy and the inappropriate wording undermines the intent of the policy.</p> <p>Manawa has sought, above, that renewable electricity generation is not covered by this infrastructure chapter and is only covered by the energy rules. It is reiterated that this policy should not apply to renewable electricity generation. The reframed chapter on energy covers the management of effects.</p> <p>If the separated energy chapter approach cannot be achieved, then this policy needs to be either deleted or substantially revisited to ensure that it does not inappropriately undermine nationally important infrastructural activities.</p> <p>Further it is noted that infrastructure can utilise and preserve historic heritage and thus it is inappropriate to have an avoid directive within the policy.</p> <p>Also while this policy focusses on section 6 matters of national importance, 'areas of high recreational and high amenity value' have been included and this inappropriately raises their importance.</p>	<p>Clarify that EIT-INF-P13 does not apply to renewable electricity generation.</p> <p>Amend EIT-INF-P13 as follows:</p> <p>When providing for new infrastructure outside the coastal environment:</p> <p>(1) avoid, as the first priority, locating infrastructure in all of the following:</p> <p>(a) significant natural areas, (b) outstanding natural features and landscapes, (c) natural wetlands, (d) outstanding water bodies, (e) areas of high or outstanding natural character, (f) areas or places of significant or outstanding historic heritage, (g) wāhi tapu, wāhi taoka, and areas with protected customary rights, and (h) areas of high recreational and high amenity value, and ...</p>	<p>The analysis attributed to Manawa does not seem to align with what was actually sought in the submission and there is no apparent analysis of the actual submission point.</p> <p>The analysis attributed to Manawa states:</p> <p><i>Trustpower seeks that where the National Grid is located in the coastal environment, that the National Grid is managed in accordance with the relevant provisions in the EIT-INF section of the RPS, and that in the event of conflict, the EIT-INF provisions prevail.</i></p> <p><i>I consider the change sought by Trustpower does not give effect to the NZCPS. While the NPSET contains Policy 8, which requires that transmission activities in rural environments should "seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character, and areas of high recreational value or amenity", the direction contained in the NZCPS is more specific and targeted to a subsection of the rural environment. The "avoid" policies in the NZCPS (Policies 11, 13, 15 and 16) provide targeted approaches for all activities in the coastal environment. Policy 6 of the NZCPS addresses activities in the coastal environment, and specifically recognises that the provision of infrastructure, including the transmission of electricity, is important to the social, economic and cultural well-being of people and communities. However, this does not override the need to give effect to the bottom-line policies (Policies 11, 13, 15 and 16) which apply to all activities. In addition, it is noted that there is not a conflict between NPSET Policy 8, and the NZCPS, which both provide for avoidance of adverse effects (in particular, as they relate to outstanding natural landscapes).</i></p> <p><i>Accordingly, the relevant policies of the CE chapter are required to prevail over the provisions in the EIT-INF, where the National Grid is located within the coastal environment. In response to another submission from DOC, a new Policy EIT-INF-P13A is proposed to note that the management of effects for infrastructure in the coastal environment is required to comply with the provisions in the CE chapter. I recommend the Trustpower submission be rejected.⁷⁶</i></p>	<p>All of the reasons for the submission relate to matters raised above in relation to policy EN-P6.</p> <p>In my opinion, there is no need for this policy to apply to energy activities if the energy policy on effects is correctly framed.</p> <p>I also note that this INF policy mixes section 6 matters of national importance with other matters which is unreasonable. As pointed out in Manawa's submission, in some situations infrastructure incorporates historic heritage items and seeking to avoid these areas is unreasonable at this policy level, especially when effects can be managed and use of heritage items can contribute to their use and protection.</p>
<p>Policy EIT-INF-P15 – Protecting nationally or regionally significant infrastructure 00311.048</p>	<p>Manawa supports the recognition of the significance of renewable energy transmission infrastructure and the potential for reverse sensitivity effects on these resources.</p>	<p>Retain policy.</p>	<p>Accepted in part but policy replaced with new wording from Queenstown Airport:</p> <p><i>I agree with the Queenstown Airport submission in part to amend the provision by replacing the current provision with text detailed above. I consider NPSET Policy 10 and Policy 11 on reverse sensitivity matters will be more effectively addressed, and that such considerations can apply equally to other nationally and regionally significant infrastructure. I consider the approach taken achieves on balance a more effective provision</i></p>	<p>I consider that the amendments made to this policy are appropriate in the context of general infrastructure, while noting that the comparable policy for energy activities needs to be worded differently (as set out above) in order to give effect to the NPS-REG.</p> <p>This is another example of why it is inappropriate for energy activities to respond to both a specific policy in the EN section and a general policy in the INF section.</p>

⁷⁵ Report 11: EIT – Energy, Infrastructure and Transport, paragraphs 635-636, page 108.

⁷⁶ Report 11: EIT – Energy, Infrastructure and Transport, paragraphs 735-737, pages 127-128.

			<p>than would be provided by other submissions. 615.</p> <p>The submissions of the Fuel Companies, DCC, Federated Farmers, Horticulture NZ, QLDC, Transpower submissions are addressed in part by the amendments recommended as a result of the Queenstown Airport submission.⁷⁷</p>	
<p>Methods EIT-INF-M4 – Regional plans</p> <p>00311.049</p>	<p>Manawa supports the recognition of infrastructure activities in regional plans however requests that in undertaking this activity recognition is given to the role of renewable electricity generation within the region and the significance of this as outlined in the NPS – REG. These matters have been addressed in Manawa’s submission on Methods EIT-EN-M1, therefore it is considered appropriate that an exemption is specified for renewable electricity generation activities in this method.</p>	<p>Amend Clause (2) as follows:</p> <p>require the prioritisation of sites for infrastructure, <u>other than renewable electricity generation activities</u>, where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised.</p>	<p>Reject:</p> <p><i>I do not agree with the following submissions: Kāi Tahu ki Otago / Aukaha, OWRUG, Ngāi Tahu ki Murihiku, Transpower and Trustpower. I consider the submission matters raised predominantly seek to restate matters already addressed in the policies. I recommend these submissions be rejected.</i>⁷⁸</p>	<p>As set out above, the text in this section highlights the tensions between the EN and INF sections. This tension will be resolved through ensuring that the EN section appropriately deals with all aspects of energy activities and becomes self-contained without cross referencing to the more general INF section.</p>
<p>Methods EIT-INF-M5 – District plans</p> <p>00311.050</p>	<p>Manawa supports the recognition of infrastructure activities in regional plans however requests that in undertaking this activity recognition is given to the role of renewable electricity generation within the region and the significance of this as outlined in the NPS – REG. These matters have been addressed in Manawa submissions on Methods EIT EN M2, therefore it is considered appropriate that an exemption is specified for renewable electricity generation activities in this method.</p>	<p>Amend Clause (7) as follows:</p> <p>require the prioritisation of sites, <u>other than for renewable electricity generation activities</u>, where adverse effects on highly valued natural and physical resources and mana whenua values can be avoided or, at the very least, minimised.</p>	<p>Reject:</p> <p><i>I do not agree with the Trustpower submission to exempt renewable electricity generation activities from clause (7). I consider renewable electricity should not be elevated above other infrastructure, other than to the extent that it is nationally significant infrastructure or regionally significant infrastructure. I recommend rejecting this submission.</i>⁷⁹</p>	<p>As set out above, the text in this section highlights the tensions between the EN and INF sections. This tension will be resolved through ensuring that the EN section appropriately deals with all aspects of energy activities and becomes self-contained without cross referencing to the more general INF section.</p>
<p>Method EIT-INF-M6 – Advocacy</p> <p>00311.051</p>	<p>Manawa supports the intention for local authorities to work proactively with infrastructure providers and would welcome the opportunity to discuss renewable electricity activities within the Otago Region.</p> <p>However, Manawa strongly oppose the inclusion of Clause (1) in this method. It is not considered appropriate for ORC to require local authorities to take on an advocacy role, to ‘advocate for the upgrading or replacement of existing nationally or regionally significant infrastructure if the operation of infrastructure result in significant adverse effects’. This fails to acknowledge the processes associated with the establishment, operation, upgrading, maintenance or development of renewable electricity generation activities; the importance placed on these assets by national legislation or the requirements of the NPS – REG in this respect.</p>	<p>Delete Clause (1).</p>	<p>Accepted:</p> <p><i>I agree with the requests of Trustpower and Waka Kotahi’s to delete clause (1). I consider it is inappropriate for advocacy as described to be a requirement of District Councils as part of the Regional Plan, as that is a matter for individual District Council to decide. I recommend accepting the submission to delete clause (1).</i>⁸⁰</p>	<p>I acknowledge this response.</p>

⁷⁷ Report 11: EIT – Energy, Infrastructure and Transport, paragraphs 777-778, pages 135-136.

⁷⁸ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 830, page 147.

⁷⁹ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 867, page 154.

⁸⁰ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 874, page 156.

Explanation EIT- INF-E2 – Explanation 00311.052	To ensure consistency with other submission points Manawa requests that in the context of renewable electricity generation activities, a cross reference is made to the provision of EIT- EN.	Amend a new first sentence of the explanation as follows: The policies in this section <u>apply to infrastructure other than renewable electricity generation activities (which are subject to the provisions of EIT - EN), and</u> recognise the critical importance	Reject: <i>I do not agree with TrustPower's submission to amend the principal reasons through use of the amendment wording sought above, which seeks to exclude renewable electricity generation from the EIT-INF provisions. Renewable electricity generation is a form of nationally and regionally significant infrastructure, and it is intended that the provisions apply in tandem with the provisions of the EIT-EN sub-chapter. I recommend this submission be rejected.⁸¹</i>	As set out above, the text in this section highlights the tensions between the EN and INF sections. This tension will be resolved through ensuring that the EN section appropriately deals with all aspects of energy activities and becomes self-contained without cross referencing to the more general INF section.
Natural Hazards				
Policy HAZ-NH-P4 – Existing activities 00311.053	Manawa support the recognition of the functional/operational need to locate lifeline utilities in areas of natural hazard risk in some circumstances.	Retain Clause (6).	Retained with few changes.	This approach is acknowledged, and no further evidence is needed on this matter.
Policy HAZ-NH-P8 – Lifeline utilities and facilities for essential or emergency services 00311.054	Manawa support the recognition of the functional/operational need to locate lifeline utilities in areas of natural hazard risk in some circumstances and consider that this recognition needs to be integrated into this policy.	Amend the policy by adding an additional clause (3) as follows: <u>(3) recognise that there can be a functional and operational need for lifeline utilities and facilities for essential or emergency services to locate in areas of natural hazard risk in some circumstances.</u>	Rejected because: <i>In relation the submission from Trustpower Limited, I note that the policy does not restrict the location of lifeline utilities; instead the policy sets design outcomes for lifeline utilities and facilities for essential or emergency services, regardless of their location. Therefore, I disagree the additional clause is required within this policy.⁸²</i>	The analysis provided in the s42A report appears mistaken in stating that the policy does not restrict the location of lifeline utilities but focusses on design. The wording of the policy states “ <u>Locate</u> , relocate and design lifeline utilities...”. The policy does in my opinion directly relate to the location of lifeline utilities and does seek to restrict their location to ensure achievement of the rest of the policy. While I agree that it is important to design for resilience, it is also important to recognise functional and operational need may require location of well designed structures in hazard risk locations. The addition to the policy as sought in the submission continues to be appropriate in my opinion and should be added for clarity and to improve the approach in the policy.
HCV Historic Heritage				
Policy HCV-HH-P5 – Managing historic heritage 00311.055	To ensure consistency with other points of Manawa's submission, add a new clause to cross refer to the applicability of EIT – EN chapter for renewable electricity generation activities.	Add a new Clause (7) as follows: <u>(7) recognising that this policy does not apply to renewable electricity generation activities (which are subject the provisions of EIT – EN).</u>	Rejected on the basis that there is already a link in the policy back to EIT-INF-P13, which in turn seeks to avoid effects of infrastructure on heritage or minimise effects. <i>Trustpower seeks that HCV-HH-P5 is amended to specify that this policy does not apply to renewable electricity generation activities. I note that the cross-reference to EIT-INF-P13 provides the pathway for all activities related to regionally and nationally significant infrastructure in areas or places of significant or outstanding historic heritage. I do not consider it is appropriate to allow any type of infrastructure activity to be exempt from the effects management hierarchy in areas or places of historic heritage, as that could risk failure to achieve the objectives. I do not recommend this submission is accepted.⁸³</i>	This amendment would not be required if the amendments sought to the EIT chapter are made.
Policy HCV-HH-P6 – Enhancing historic heritage 00311.056	Manawa considers that the policy should provide some recognition that enhancing places and areas of historic heritage may not always be possible due to factors such as their locational context, and their condition and use.	Amend the policy as follows: Enhance places and areas of historic heritage wherever possible <u>and practicable</u> through the implementation of plan provisions, decisions on applications for resource consent and notices of requirement and non-regulatory methods.	Rejected on the basis of: <i>For those submissions requesting the insertion of a qualifier, such as 'where practicable' and 'where reasonable,' in each instance they result in weakening of the policy position for historic heritage. I recommend these submissions are rejected.⁸⁴</i>	The approach taken in this policy of requiring enhancement 'wherever possible' does not recognise that enhancement may always be possible if enough money is spent, or other compromises made. However, the reality is that enhancement is not always practicable when heritage items have a functional purpose or where enhancement would have other impacts on reasonable use of heritage items. I note that the NPS-IB exposure draft consistently uses

⁸¹ Report 11: EIT – Energy, Infrastructure and Transport, paragraph 887, pages 158-159.

⁸² Report 12: HAZ – Hazards and risk, paragraph 219, page 50.

⁸³ Report 13: HCV – Historical and cultural values, paragraph 270, page 60.

⁸⁴ Report 13: HCV – Historical and cultural values, paragraph 288, page 64.

				<p>'practicable' and this reinforces the appropriateness of this term. The NPS-FM and NPS-HPL also use 'where practicable' in numerous places.</p> <p>The wording used in the policy as notified sets an unreasonable expectation that any consents relating to heritage items will find a way possible to provide enhancement. I consider that there needs to be recognition at this level that some heritage items continue to be functional and are not best protected by stopping them being used for their purpose. The continued use of heritage water races as part of functioning hydroelectric power schemes is a good example of this. To maintain their function and to enable them to be protected through use (rather than abandoned) it is often necessary to undertake minor works e.g. repairs, and in those situations an expectation of enhancement is not realistic.</p> <p>I consider that addition to the policy as sought in the submission continues to be appropriate and should be made.</p>
<p>Policy HCV-HH-P7 – Integration of historic heritage 00311.057</p>	<p>Manawa considers that the policy should provide some recognition that the integration of historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas may not always be possible due to factors such as their locational context, the condition of the heritage asset, the use of the asset, and health and safety considerations.</p>	<p>Amend the policy as follows: Where practicable maintain historic heritage values through the integration of historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas.</p>	<p>Rejected on the basis of: <i>As in earlier comments, the use of the qualifier 'where practicable' in this provision, weakens the policy position. I recommend this submission is rejected.⁸⁵</i></p>	<p>This is a similar situation to that in the above policy and needs to recognise that continued holistic protection of heritage can be achieved through retaining the heritage item for functional use and operation. The policy currently implies that the only way to maintain values is integration into new activities, reuse or upgrading, without recognising the need for continuation of existing and historical use.</p> <p>I consider that the addition to the policy as sought in the submission continues to be appropriate, or in the alternative the wording could be amended to state:</p> <p>Maintain historic heritage values through supporting continued use and operation of heritage items, the integration of historic heritage values into new activities and the adaptive reuse or upgrade of historic heritage places and areas.</p> <p>I note that the NPS-IB exposure draft consistently uses 'practicable' and this reinforces the appropriateness of this term. The NPS-FM and NPS-HPL also use 'where practicable' in numerous places.</p>
<p>Principal Reasons HCV-HH-PR2 – Principal reasons 00311.058</p>	<p>Manawa request that consequential changes are made to the reasons in accordance with changes requested to policies HH-P6 and 7.</p>	<p>Add the words 'where practicable' at the beginning of the third bullet point to read: where practicable, the enhancement of historic heritage through the integration of historic heritage values into new activities and enabling the adaptive reuse or upgrade of historic heritage places and areas in certain circumstances.</p>	<p>Rejected on the basis of: <i>I note that the amendments requested by Trustpower do not provide additional certainty about the rationale for the provisions in this chapter, and therefore do not recommend the submission is accepted.⁸⁶</i></p>	<p>The approach continues to be appropriate for the reasons set out above (see Policy HCV-HH-P7, sub point 00311.057 above).</p>
NFL Natural Features and Landscapes				
			<p>General discussion is provided in the s42A report on the relationship of this chapter to infrastructure and cross referencing to infrastructure provisions – see paragraphs 23 onwards, page 10 of Report 14.</p> <p>This s42A analysis leads to proposed introduction of additional new policy with a direct cross reference to infrastructure which (being new) was not the subject of a Manawa submission.</p>	

⁸⁵ Report 13: HCV – Historical and cultural values, paragraph 300, page 66.

⁸⁶ Report 13: HCV – Historical and cultural values, paragraph 344, page 77.

Objective NFL–O1 – Outstanding and highly valued natural features and landscapes 00311.059	The terminology used in NFL – O1 is inconsistent with that used in Section 6(b) of the RMA. Manawa considers that the wording of the objective should be amended to reflect this.	Amend Clause (1) as follows: ...the protection of outstanding natural features and landscapes <u>from inappropriate subdivision, use and development</u> , and	Rejected on the basis that: <i>In relation to the request by submitters to amend NFL-O1 to reflect the different effects management approaches set out in the policies, I consider that this is not necessary. The drafting of the objective clearly sets out the overall outcome sought, and it is appropriate for the nuanced approach to managing effects on outstanding and highly valued natural features and landscapes to be captured in the policies that implement the objective. I therefore do not recommend any amendments to the objective.</i> ⁸⁷	I consider that the reflection of the wording within section 6 of the Act would make the meaning of the objective clearer that just a simple protection outcome. The Act does not require protection from all activities only from those that are not appropriate in maintaining identified values and seeking outright protection at this highest level does not allow for better recognition of the nuances of protection in lower order documents. I continue to recommend that the wording be altered.
Policy NFL–P1 – Identification Appendix APP9 – Identification criteria for outstanding and highly valued natural features, landscapes and seascapes 00311.061	Manawa supports the need for the RPS to incorporate an appendix to cover this matter. Manawa does not agree with the current wording used and considers that they are not consistent with best practice.	Amend this appendix to align with current best practice.	Rejected on the basis that: See analysis from para 94. <i>In response to Trustpower, it is not clear what relief the submitter is requesting and how the policy wording does not accord with best practice, therefore no changes are recommended. Further specific information from the submitter would be beneficial to understand their concerns.</i> ⁸⁸ <i>With regard to the requests from submitters for APP9 to include use values associated with people’s appreciation of use of resources, I consider the current criteria already encompasses these values within the associative attributes within APP9. The example of associative factors given in the proposed NZILA guidance does specifically note “landscape values associated with identity such as attributes which are emblematic for an area, places that are central to a community” (2021, p. 39) such as recreational use.</i> <i>Similarly, the telecommunications companies seek that the criteria in APP9 are updated to reflect the NZILA guidelines.</i> <i>237. I note that the three attributes listed within APP9 (physical attributes, sensory attributes, associate attributes) are largely aligned with the three ‘Typical factors’ (physical, associative, perceptual) listed within NZILA guidelines, albeit that the NZILA guidelines include more detail within each of these three dimensions. Given the general attribute categories and examples are reflected in the NZILA list and are based on current case law, I consider the current criteria do reflect current practice and provide the required certainty and consistency for the regional identification of ONFs, ONLs and HVNFLs.</i> <i>In response to Trustpower, it is not clear how the current wording of APP9 does not align with best practice. I invite the submitter to provide further details to enable further consideration of their submission.</i> ⁸⁹ Reconsidered in supplementary evidence. ⁹⁰ This has attempted to align the wording in the appendix better with Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment guidelines.	I remain concerned that the s42A report author does not appear to understand or appreciate the national consistency now applied to landscape assessments and that they are less subjective than in the past. While the supplementary evidence now links to the national guidance (TE TANGI A TE MANU AOTEAROA NEW ZEALAND LANDSCAPE ASSESSMENT GUIDELINES) it still does not incorporate the nationally applied approaches instead continuing to only use some of the wording. The criteria listed in Appendix 9, even as amended by the recommended changes in the supplementary evidence, do not align with the NZILA guidelines which have now been adopted nationally by practitioners and were supported by the ECourt as necessary for national consistency. It is necessary for the RPS to align with those as they are the national approach. The appendix needs to provide appropriate guidance to TA’s in undertaking consistent and robust ONFL identification. Updating the appendix to fully align with best practice is a simple outcome to achieve. Further including the criteria is one thing, but the appendix should also direct how TA’s are expected to undertake the analysis of landscapes to align with best practice – region wide assessment not site by site, consistent and transparent, etc. It is noted that ORC does not appear to have had any expert landscape advice to rely on which would have identified the deficiencies and resolved them. While the amendments in the supplementary evidence have attempted to align better with Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment guidelines it still fails to appropriately reflect the best practice being applied nationally. The fact that three headings in the appendix are similar to those in the guidelines is not enough and the wording of the appendix appears to list the criteria as inclusive and that cannot be the case to align with best practice. If the wording in the appendix is to be updated to align with the national guidelines, then it should be aligned fully not partially and in a paraphrased manner that is unclear in whether it is aligned or trying to be something different. All practitioners will be aligned with this approach now so the pRPS should also be. Updating of both the policy and the appendix is necessary to be undertaken fully and in my opinion this updating

⁸⁷ Report 14: NFL – Natural Features and Landscapes, paragraph 76, page 20.⁸⁸ Report 14: NFL – Natural Features and Landscapes, paragraph 105, page 26.⁸⁹ Report 14: NFL – Natural Features and Landscapes, paragraphs 236-241, pages 49-50.⁹⁰ Report 14: Brief of Supplementary Evidence of Andrew Cameron MacLennan, NFL – Natural Features and Landscapes, 11 October 2022, paragraphs 28-32, pages 9-11.

				should be completed or alternatively the appendix could cross reference directly to the Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment guidelines.
Policy NFL–P2 – Protection of outstanding natural features and landscapes 00311.060	The terminology used in NFL – P2 is inconsistent with that used in Section 6(b) of the RMA. Manawa considers that the wording of the objective should be amended to reflect this.	Amend Clause (1) as follows: Protect outstanding natural features and landscapes from inappropriate subdivision, use and development by...	Not specifically addressed in the analysis. The supplementary evidence has gone further and introduced a third limb to this policy to link the management of adverse effects of infrastructure on natural features and landscapes to the effects policy in the infrastructure section ⁹¹ .	I consider that the changes proposed in the s42A reporting have improved it and this amended wording better meets the need of a policy to be clear in what it is seeking. However, I consider that the additional wording added provides a connection to the infrastructure policy which will confuse users if the energy chapter is self-contained while including consideration of effects of energy infrastructure on natural features and landscapes. This potential confusion can be amended to address this issue by cross referencing back to the energy and infrastructure policies on effects rather than just infrastructure.
Part 5 Appendices				
Appendix APP1 – Criteria for identifying outstanding water bodies 00311.062	Manawa supports the need for the RPS to clearly articulate the criteria to be used for identifying outstanding water bodies within the Region. However the wording used in this appendix as proposed is expansive, ambiguous and open to interpretation. The criteria are not up to date with best practice and do not clearly articulate how they should be applied. As currently written almost any water body could be deemed outstanding any that is inappropriate.	Amend this appendix to align with current best practice. It is recommended that the appendix be aligned with the use of screening criteria developed by MfE/Hawkes Bay Regional Council/Auckland Council in the report “Water Conservation Order Review: Outstanding Values: Key Features” and as applied within the decision version of Hawkes Bay Regional Council’s plan change 7 on Outstanding Water Bodies. Attached as Appendix D of this submission.	As per chapters above.	As per analysis on submission points above.
Appendix APP2 – Significance criteria for indigenous biodiversity Appendix APP3 – Criteria for biodiversity offsetting Appendix APP4 – Criteria for biodiversity compensation 00311.063 00311.064 00311.065	Manawa supports the need for the RPS to incorporate appendices to cover these matters. Manawa does not agree with the current wording used in these appendices and considers that they are not consistent with best practice.	Amend these appendices to align with current best practice.	As per chapters above.	As per analysis on submission points above.
Appendix APP9 – Identification criteria for outstanding and highly valued natural features, landscapes and seascapes 00311.066	Manawa supports the need for the RPS to incorporate an appendix to cover this matter. Manawa does not agree with the current wording used and considers that they are not consistent with best practice.	Amend this appendix to align with current best practice.	As per chapters above.	As per analysis on submission points above.

⁹¹ Report 14: Brief of Supplementary Evidence of Andrew Cameron Maclellan, NFL – Natural Features and Landscapes, 11 October 2022, paragraphs 18-23, pages 6-7.

APPENDIX THREE: SIMPLIFIED EN CHAPTER LAYOUT COMPARED TO NPS-REG

REG activities	NPS-REG provision:
Renewables generally recognise and provide for / have particular regard to	<p>Policy A – “recognise and provide for”, “including national, regional and local benefits”.</p> <p>Policy B(a) – “have particular regard to:” “maintenance of the generation output”, “protection of ... operational capacity”, “protection of ... continued availability of the ... resource”.</p> <p>Policy B(b) – “have particular regard to:” “even minor reductions in the generation output of existing REG can cumulatively have significant adverse effects on ... output”.</p> <p>Policy B(c) - “have particular regard to:” “will require the significant development of REG”.</p> <p>Policy C1(b) - “logical or technical practicalities” (commonly expressed today as functional and operational needs).</p>
Existing REG activities protect and provide for operation, refurbishment, and upgrades	<p>Policy B(a) “maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and”</p> <p>Policy B(b) “even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and”</p> <p>Policy E e.g. E2 “shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.”</p>
New REG opportunities provide for investigation, identification, and assessment of potential sites/resources	Policy G “shall include objectives, policies, and methods (including rules within plans) to provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators.”
New REG activities and (more than minor) upgrades = provide for	Policy A(b) “maintaining or increasing security of electricity supply”

Policy B(a) *“maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and”*

Policy B(b) *“even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and”*

Policy E e.g. E2 *“shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.”*

All REG activities = manage adverse effects

Policy C1 *“have particular regard to”*

*“a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;
b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;
c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;”*

Policy C2 *“When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.”*

All REG activities = avoid reverse sensitivity

Policy D *“Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.”*

APPENDIX FOUR: PROPOSED REPLACEMENT ENERGY PROVISIONS

The following revised stand-alone energy section sets out recommended provisions that have been developed by the planning experts acting for Manawa Energy Ltd, Contact Energy Ltd and Meridian Energy Ltd

(Text is shown clean rather than with any tracking)

Proposed New Provisions / Wording	Scope
<p>Proposed new note at beginning of chapter:</p> <p>Note: The provisions contained in EIT-EN apply to all energy activities and electricity generation activities, and the provisions contained in EIT-INF do not apply to those activities.</p>	<p>Manawa (00311.29) submission.</p> <p>Contact further submission point (FS00318.116)</p> <p>Meridian further submission point (FS00306.073)</p> <p>[and consequential amendments]</p>
<p>Objectives</p>	
<p>EIT-EN-01 Energy and well-being</p> <p>Renewable electricity generation activities enable people and communities to provide for their environmental, social and cultural well-being, their health and safety, and support sustainable economic growth and development.</p>	<p>Meridian submission (00306.051)</p> <p>Contact submission (00318.023)</p> <p>Manawa submission (00311.030), further submission from Contact (FS00318.121)</p> <p>[and consequential amendments]</p>
<p>EIT-EN-02 – Existing renewable electricity generation is protected</p> <p>Existing renewable electricity generation capacity is protected, and where appropriate enhanced.</p>	<p>Contact submission (00318.024)</p> <p>Meridian further submission (FS00306.076)</p> <p>Manawa submission (00311.31)</p> <p>[and consequential amendments]</p>
<p>EIT-EN-03 Renewable electricity generation contributes to national targets</p> <p>Renewable electricity generation activities in Otago contribute to the achievement of New Zealand’s national target for renewable electricity generation and climate change commitments, including supporting the reduction of national greenhouse gas emissions.</p>	<p>Manawa submission (00311.031) and Meridian further submission (FS00306.076)</p> <p>Contact submission (00318.024)</p> <p>Meridian submission (00306.052)</p>

	[and consequential amendments]
<p>EIT-EN-04 Energy use</p> <p>Development is located and designed to facilitate the efficient use of energy and to reduce demand if possible, minimising the contribution that Otago makes to total greenhouse gas emissions.</p>	As per pRPS version subsequent to supplementary evidence.
Policies	
<p>EIT-EN-P1 Recognising and providing for renewable electricity generation</p> <p>Ensure that decisions on the allocation and use of natural and physical resources, including the use of fresh water and development of land:</p> <p>(1) recognise and provide for:</p> <p>(a) the national significance of renewable electricity generation activities; and</p> <p>(b) the national, regional and local benefits of renewable electricity generation activities,</p> <p>(2) have particular regard to:</p> <p>(a) the importance of maintaining the generation output of existing renewable electricity generation activities and the continued availability of the renewable energy resource for existing, and</p> <p>(b) the functional needs and operational needs of existing and new renewable electricity generation activities,</p> <p>(3) recognise that the attainment of increases in renewable electricity generation capacity will require significant development of renewable electricity generation activities.</p>	<p>Manawa submission (00311.034)</p> <p>Meridian submission (00306.054)</p> <p>Contact submission (00318.026)</p> <p>Manawa submission on policy order (00311.032)</p> <p>[and consequential amendments]</p>
<p>EIT-EN-P2 Operation, maintenance, refurbishment and minor upgrading of existing facilities</p> <p>Protect and enable the operation, maintenance, refurbishment and minor upgrading of existing renewable electricity generation activities.</p> <p>Insert new definition of ‘minor upgrading’:</p> <p>Development to bring existing structures or facilities up to current standards or to improve the functional characteristics of structures or facilities, provided the upgrading itself does not give rise to any significant adverse effects on the environment and provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity. In relation to renewable electricity generation activities, includes increasing the generation or transmission capacity, efficiency or security of regionally significant infrastructure and replacing support structures within the footprint of authorised activities.</p>	<p>Manawa submission (00311.033)</p> <p>Meridian submission (00306.053)</p> <p>Contact submission (00318.025)</p> <p>Manawa submission on policy order (00311.032)</p> <p>[and consequential amendments]</p>
EIT-EN-P3 Identifying new sites or resources	Manawa submission (00311.036)

<p>Provide for activities associated with the investigation, identification and assessment of potential sites for new renewable electricity generation and of new and diverse sustainable energy sources.</p>	<p>Meridian submission (00306.056) Contact submission (00318.028) [and consequential amendments]</p>
<p>EIT–EN–P4 Development and upgrade of renewable electricity generation</p> <p>Provide for upgrades to existing renewable electricity generation activities and the development of new renewable electricity generation activities.</p>	<p>Manawa submission (00311.035) Meridian submission (00306.055) Contact submission (00318.027) [and consequential amendments]</p>
<p>EIT–EN–P5 Managing effects</p> <p>When providing for new or upgraded renewable electricity generation activities:</p> <p>(1) Avoid, where practicable, locating such activities in the following areas:</p> <ul style="list-style-type: none"> (a) Scheduled wāhi tupuna, and areas with protected customary rights, (b) Scheduled significant natural areas, (c) Natural wetlands, (d) Scheduled outstanding natural features and outstanding natural landscapes, (e) Scheduled outstanding water bodies, (f) Scheduled areas of outstanding natural character, (g) Scheduled areas or places of historic heritage value, <p>(2) Where it is not practicable to avoid locating in the areas listed in (1) above, because of the functional needs or operational needs of renewable electricity generation activities, manage adverse effects as follows:</p> <ul style="list-style-type: none"> (a) In wāhi tupuna, in accordance with HCV-WT-P2, (b) In a scheduled significant natural area, where more than minor residual adverse effects on biodiversity cannot be practicably avoided, remedied or mitigated, offsetting and/or biodiversity compensation must be considered in accordance with APP3 and/or APP4, (c) In natural wetlands, in accordance with the NESF, (d) In all other areas listed in (1) above, manage the adverse effects of the renewable electricity generation activities on the values that contribute to the area’s importance by: <ul style="list-style-type: none"> (i) Avoiding adverse effects, where practicable, 	<p>Manawa submission (00311.037) Meridian submission (00306.057) Contact submission (00318.029) [and consequential amendments]</p>

<p>(ii) Where adverse effects cannot be practicably avoided, they are remedied or mitigated to the extent practicable,</p> <p>(iii) Where they cannot be practicably remedied or mitigated regard shall be had to offsetting and/or compensation of more than minor residual adverse effects.</p> <p>(3) In areas outside (1), avoid, remedy or mitigate significant adverse effects and when considering any residual adverse effects have regard to offsetting measures and compensation.</p>	
<p>EIT-EN-P5A Managing the effects of renewable electricity generation activities within the coastal environment</p> <p>When managing the effects of renewable electricity generation activities within the coastal environment the provisions of the CE – Coastal environment chapter apply.</p>	<p>Consequential amendment to reflect other submissions and s42A / supplementary evidence.</p>
<p>EIT-EN-P6 Reverse sensitivity</p> <p>Activities that will result in reverse sensitivity effects on existing or consented renewable electricity generation activities are avoided, and only if that is not practicable, are minimised.</p> <p>Insert new definition of ‘minimise’:</p> <p><i>“means to reduce to the smallest amount practicable.”</i></p>	<p>Manawa submission (00311.038)</p> <p>Meridian submission (00306.058)</p> <p>Contact submission (00318.030)</p> <p>[and consequential amendments]</p>
<p>EIT-EN-P7 Small and community scale distributed electricity generation</p> <p>Provide for small and community scale distributed electricity generation activities that increase the local community’s resilience and security of electricity supply.</p>	<p>As per PORPS version subsequent to supplementary evidence.</p>
<p>EIT-EN-P8 Non-renewable electricity generation</p> <p>Avoid the development of non-renewable electricity generation activities in Otago and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in electricity generation.</p>	<p>As per PORPS version subsequent to supplementary evidence.</p>
<p>EIT-EN-P9 Energy conservation and efficiency</p> <p>Development supports energy conservation and efficiency by:</p> <p>(1) requiring the development of new housing that is durably constructed and energy efficient,</p> <p>(2) designing subdivisions to maximise solar access, and</p> <p>(3) locating development to minimise, as far as practicable, transportation costs, car dependency and greenhouse gas emissions.</p>	<p>As per PORPS version subsequent to supplementary evidence.</p>
<p>Methods</p>	

<p>EIT-EN-M1 – Regional plans</p> <p>Otago Regional Council must prepare or amend and maintain its regional plans to:</p> <ol style="list-style-type: none"> (1) protect and enable the ongoing operation, maintenance and minor upgrading (including identifying activities that qualify as minor upgrades) of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity, (2) provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, (3) provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of new renewable electricity generation activities, (4) manage the potential effects of new or upgraded renewable electricity generation activities, (5) avoid the establishment or operation of activities that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities or adversely affect the efficient functioning of renewable electricity generation infrastructure. 	<p>Meridian submission (00306.061) Manawa submission (00311.040) [and consequential amendments]</p>
<p>EIT-EN-M2 – District plans</p> <p>Territorial authorities must prepare or amend and maintain their district plans to:</p> <ol style="list-style-type: none"> (1) protect and enable the ongoing operation, maintenance and minor upgrading (including identifying activities that qualify as minor upgrades) of existing renewable electricity generation activities including maintenance of generation output and protection of operational capacity, (2) provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation, (3) provide opportunities to increase the installed capacity of renewable electricity generation assets and enable development of new renewable electricity generation activities, (4) manage the potential effects of new or upgraded renewable electricity generation activities, (5) avoid the establishment or operation of activities that may result in reverse sensitivity effects or compromise the operation or maintenance of renewable electricity generation activities or adversely affect the efficient functioning of renewable electricity generation infrastructure, (6) require the design of subdivision development to optimise solar gain, including through roading, lot size, dimensions, layout and orientation, and (7) require the design of transport infrastructure to provide for multi-modal transport options in urban and rural lifestyle areas. 	<p>Meridian submission (00306.062) Manawa submission (00311.041) [and consequential amendments]</p>

<p>EIT-EN-M3 – Education and information</p> <p>(1) Local authorities must provide education and information to improve energy efficiency and provide for the adoption of renewable energy sources, including:</p> <ul style="list-style-type: none"> (a) ways to increase energy efficiency and energy conservation, and (b) opportunities for small and community scale distributed electricity generation. <p>(2) Territorial authorities must provide information on design techniques to optimise solar gain, including through roading, lot size, dimensions, layout, and orientation.</p>	<p>As per PORPS version subsequent to supplementary evidence.</p>
Explanation	
<p>EIT-EN-E1 – Explanation</p> <p>The policies in this section are designed to set a clear preference for renewable electricity generation activities contributing to meeting New Zealand’s national target for renewable electricity generation and the decarbonisation of the economy.</p> <p>Renewable electricity generation is a matter of national importance and a key component in responding to climate change and energy demands. Increasing renewable electricity security will assist with ensuring that communities have options for clean heat and electricity for health and wellbeing services.</p> <p>Renewable electricity generation activities are enabled by providing for the investigation, operation, maintenance, upgrading and development of existing and new assets and ensuring that decisions on allocating natural resources and the use of land, for example, recognise the benefits of renewable electricity generation activities arising from maintaining or increasing generation capacity.</p> <p>The functional needs and operational needs associated with renewable electricity generation activities are to be recognised, and the extent to which unavoidable adverse effects can be remedied or mitigated is a key consideration. Where residual adverse effects remain, consideration is to be given to proposals to offset these or compensate for them.</p> <p>To ensure the on-going functionality of renewable electricity generation assets and to maximise their benefits, reverse sensitivity effects or activities that may compromise renewable electricity generation activities are to be avoided or only if that is not reasonably practicable their impacts minimised.</p> <p>The policies also seek that energy use is efficient and energy waste is reduced, which will have consequential effects on minimising Otago’s contribution to the nation’s greenhouse gas emissions.</p>	<p>Meridian submission (00306.063) Manawa submission (00311.042) [and consequential amendments]</p>
Principal reasons	
<p>EIT-EN-PR1 – Principal reasons</p> <p>Electricity is a basic requirement of life in Otago. It enables communities to provide for their well-being, and health and safety, and is essential to the regional economy. Everyday life is significantly affected when electricity supply is</p>	<p>Manawa submission (00311.044) [and consequential amendments]</p>

<p>disrupted. Therefore, ensuring the security of renewable electricity resources to meet demand is crucial. The ability of existing renewable electricity generation activities to continue operating is dependent on access to resources such as water in hydro lakes and the operator's ability to maintain existing infrastructure.</p> <p>Otago is fortunate to have several existing renewable electricity generation sites and the potential to increase renewable electricity generation. The benefits of renewable electricity generation include reducing greenhouse gas emissions, reducing dependence on imported energy and increasing supply security. These benefits are afforded to both Otago communities and nationally as exported electricity is significant for other regions. Because of this, protecting existing resources and providing for new renewable electricity generation opportunities to meet increasing electricity demand is necessary. Additionally, addressing inefficiencies in energy use can ensure that existing infrastructure is better utilised to reduce the need for new generation sites.</p> <p>Renewable electricity generation facilities may cause adverse effects on the environment because of their functional need or operational need to locate in particular areas. These areas are where resources are available, for example water for hydro-electricity generation, but they may also contain other significant values. In some situations, it may not be possible to avoid, remedy or mitigate all significant adverse effects and consideration should be given to whether those residual effects are offset or compensated.</p> <p>The provisions in this chapter assist in giving effect to the NPSREG and NPSFM and implementing sections 5 and 7(j) of the RMA. Implementation of the provisions will occur primarily through regional plans and district plan provisions but regional, city and district councils also have a role in providing education and information to the community.</p>	
<p>Anticipated environmental results</p>	
<p>EIT-EN-AER1</p> <p>The proportion of electricity generated by renewable electricity generation activities (including small and community scale distributed electricity generation) in Otago increases over time.</p>	<p>As per PORPS version subsequent to supplementary evidence.</p>
<p>EIT-EN-AER2</p> <p>Energy use in Otago becomes more efficient over time and security of supply is maintained.</p>	<p>As per PORPS version subsequent to supplementary evidence.</p>
<p>EIT-EN-AER3</p> <p>The adverse effects associated with renewable electricity generation activities are avoided, remedied or mitigated, or where appropriate, offset or compensated for.</p>	<p>Manawa submission (00311.045), further submission from Meridian (FS00306.094) [and consequential amendments]</p>
<p>EIT-EN-AER4</p> <p>The proportion of greenhouse gas emissions per capita from electricity generation reduces over time.</p>	<p>As per PORPS version subsequent to supplementary evidence.</p>

APPENDIX FIVE: SECTION 32AA ANALYSIS

The following table sets out an analysis under s32AA of the Act, in relation to the changes I recommend to the pRPS:

<p>The extent to which the objectives are the most appropriate way to achieve the purpose of this Act [s32(1)(a)]</p>
<p>The amended objectives in the revised EN section are considered a more appropriate way to achieve the purpose of the Act as they align more closely to the NPS-REG while providing clear direction in the approach to managing REG activities. They clearly address the resource management issues relevant to Otago in providing for REG activities and will give effect to section 7(j) of the Act. They reflect best practice by using directive language and provide an appropriate level of certainty for users of the pRPS.</p>
<p>Benefits and costs of the environmental, economic, social, and cultural effects anticipated [s32(2)(a)]</p>
<p>The benefits of amending the EN section to include the revised provisions include:</p> <ul style="list-style-type: none"> • Greater clarity for all parties in understanding what the direction is for EN activities and removing duplication and contradiction in the provisions. • Greater certainty for REG asset owners and developers in the provision for existing and enablement of new EN activities within the region. • Greater clarity in how existing and new REG activities • Increased security of supply of electricity from renewable energy resources, assisting with reducing emissions and supporting national climate change responses. <p>The costs of amending the EN section to include the revised provisions include:</p> <ul style="list-style-type: none"> • Potential that some REG development may be provided for that could have some adverse effects on the environment. • Potential for conflict between different parts of the community or environment in providing for REG activities.
<p>Given the high-level provisions within the pRPS, the changes to the wording of this section are unlikely to have significant impact on opportunities for economic growth or employment, however it is possible that the lack of certainty and overly restrictive approach may put off REG development and reduce economic growth and employment for REG activities in the region.</p>
<p>Whether the provisions in the proposal are the most appropriate way to achieve the objectives [s32(1)(b)]</p>
<p>I consider that the revised provisions are more appropriate to achieve the objectives for energy as they are efficient and effective. They are efficient in that the benefits outweigh the costs and provide improved clarity of understanding and for implementation. Effectiveness is demonstrated by ensuring they give effect to the objectives as well as the RMA and the NPS-REG. The other option, the proposed provisions in the notified pRPS, are less appropriate.</p>
<p>The risk of acting or not acting [s32(2)(c)]</p>
<p>I consider that there is a low risk of acting as there is a lot of knowledge of the issues relating to REG activities and the need to increase REG nationally. There is a low risk of acting given that this direction will also be applied at a local level in regional and district plans. There is a high risk of not acting and retaining inappropriate and confusing provisions relating to this matter.</p>