

**BEFORE THE HEARING PANEL  
CONSTITUTED BY THE OTAGO REGIONAL COUNCIL**

*IN THE MATTER* of the Resource Management Act 1991

*AND*

*IN THE MATTER* of submissions on the Proposed Otago  
Regional Policy Statement 2021  
constituting part of the freshwater  
planning instrument

*AND*

*IN THE MATTER* of submissions and further submissions  
by Meridian Energy, FP1-016-FSP1012

---

**MEMORANDUM OF MERIDIAN ENERGY LIMITED RESPONDING  
TO THE IHP MINUTE 4 CONCERNING RELEVANT EVIDENCE  
AND SUBMISSIONS  
DATED 28 JUNE 2023**

---

**Instructing counsel:**

Humphrey Tapper  
In-house counsel  
287/293 Durham Street North  
Christchurch Central  
Christchurch 8013  
Ph: 03 357 9767  
Email: humphrey.tapper@meridianenergy.co.nz

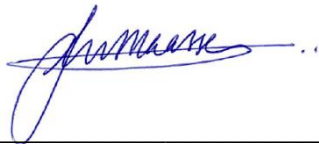
**Counsel acting:**

**John Maassen**  
— BARRISTER —

✉ john@johnmaassen.com  
🌐 johnmaassen.com  
☎ 04 914 1050  
📠 04 473 3179

**MAY IT PLEASE THE PANEL:**

- [1] Following Minute 4, MEL sets out the parts of its legal submissions and evidence MEL relies on for the FPI.
- [2] The following legal submissions for the non-FPI part of the RPS are relevant to the FPI:
  - (a) Legal submissions dated 22 February 2023 - paragraphs 7, 10-21, 22-39 and 40 - 51.
  - (b) The entirety of the memorandum presenting further legal submissions in response to a query of the Panel's Chair dated 23 March 2023.
- [3] All of the evidence filed by Mr Feierabend dated 23 November 2022 for the non-FPI is relevant to the FPI.
- [4] Attached is a table of the parts of the evidence from MEL's consultant planner, Ms Ruston, dated 23 November 2022, in the non-FPI process relevant to the FPI component of the RPS.



---

J W Maassen  
Counsel for Meridian Energy Limited

### **Attachment 1: Table of evidence of Susan Ruston relevant to Freshwater Planning Instrument (FPI)**

The table below identifies the parts of Ms Ruston's evidence addressing the non-FPI provisions (dated 23 November 2022) that are relevant to the FPI provisions of the proposed Otago Regional Policy Statement (**pORPS**).

While the hearings for the non-FPI provisions and the FPI provisions address distinctly different objectives and policies in the pORPS, many of the planning requirements that apply to the non-FPI provisions, such as the requirement to give effect to higher order planning documents, equally apply to the FPI provisions. Also of key relevance to both sets of provisions is the IM chapter and the direction that this chapter needs to provide to address tensions between provisions in the pORPS, including the FPI provisions. These matters are reflected in the table below.

<b>Relevant paragraphs in non-FPI evidence</b>	<b>Key points in these paragraphs that equally apply to the FPI provisions</b>
2 and 30	The role of the regional policy statement is to move the higher-order policies (including those within the NPSREG and NPSFM) along with increasing detail, to reflect the opportunities and constraints within the region and provide a clearer picture of how to achieve the Act's purpose.
3, 4 and 22(c)	The regional policy statement should provide direction on how tensions between related objectives and policies throughout the regional policy statement are to be resolved.
80	The national and regional significance of renewable electricity generation activities are of a sufficiently strategic nature to warrant addressing in the IM chapter, as is the need for the IM chapter to provide direction on

	<p>resolving the tensions between renewable electricity generation activities and meeting the requirements of s6 of the Act and the NPSFM (and potentially other higher order documents).</p>
<p>22(a) and (b), 26 and 27</p>	<p>Recognition needs to be given to renewable electricity's role in reducing greenhouse gas emissions and the potential for climate change.</p> <p>It is a planning deficiency to identify in a regional policy statement a major environmental issue such as the effects of climate change but not prioritise provisions for solving it with a national lens. The role of renewable electricity generation in managing greenhouse gas emissions is of sufficient strategic importance that it must be addressed squarely in the SRMR and IM chapters.</p> <p>[5] Part of the rationale for this is the requirement in the NPSREG for decision-makers to recognise and provide for the national significance of REG activities, including the national, regional and local benefits of such activities. It is also because the NPSFM, s6 of the Act and other statutory requirements bring about tensions in regional resource management, particularly where new development of renewable electricity generation has the potential to result in adverse environmental effects.</p>
<p>5 and 42</p>	<p>The national significance of renewable electricity generation activities that is formalised in the NPSREG and NPSFM, and the framework set in the NPSREG (and supported by the NPSFM) that requires regional policy statements to provide for the development, operation, maintenance and upgrading of renewable electricity generation activities, places renewable electricity generation infrastructure at a level of strategic importance that differs from other infrastructure (except electricity transmission infrastructure which is also recognised as</p>

	<p>being of national significance in the NPSET). These national policy statements also provide direction to managing the potential environmental effects in a manner that reflects the national significance of renewable electricity generation activities and the need to provide for them.</p> <p>Paragraphs 37 to 41 in non-FPI evidence identifies key components of the NPSREG and NPSFM relied on in paragraph 42.</p>
Annexures 1 and 2	<p>Recommended new provisions or changes to provisions that have a relationship to the FPI provisions include:</p> <p>New IM-O5</p> <p>New IM-P11</p> <p>Changes to IM-P12</p> <p>New EIT-EN-P1 Recognising and providing for renewable electricity generation*</p> <p>New EIT-EN-P5 Managing effects*</p> <p>New EIT-EN-P6 Reverse sensitivity*</p> <p>* These policies are part of the package of Energy provisions that <i>the Renewable Electricity Generators</i> recommend to the Commissioners for adoption in the EIT-EN chapter.</p>