

**BEFORE THE HEARINGS PANEL
APPOINTED BY THE TE TAI O POUTINI JOINT COMMITTEE**

UNDER THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Proposed Te Tai o Poutini Plan

**Topic 4: Energy, Infrastructure and
Transport**

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

DATED 30 October 2023

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1.0 SUMMARY

- 1.1 My evidence focusses on the Energy, Infrastructure and Transport chapters of the Proposed Te Tai o Poutini Plan (**pTTPP**), as relevant to the renewable electricity generation operations of Manawa Energy Ltd (**Manawa**) across the West Coast / Te Tai o Poutini Region, and renewable electricity generation (**REG**) generally.
- 1.2 Renewable energy is a matter of national significance, and the pTTPP 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 (NPSREG), including to recognise and provide for renewable electricity generation activities.
- 1.3 Manawa made numerous submission points that are related to this topic and raise issues of concern particularly at a detailed level, and also in terms of the unnecessary complexity of the provisions. Overall I am of the view that the chapter (both as notified as and as recommended to be amended by the reporting officer) does not adequately give effect to the NPSREG as it does not sufficiently provide for Renewable Electricity Generation activity.
- 1.4 I consider that there are a number of changes necessary to give effect to higher order documents, remove confusion and overlapping provisions, and improve the approach to Renewable Electricity Generation activities as a matter of national importance.

2.0 INTRODUCTION

- 2.1 My name is Stephanie 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 In my brief of evidence dated 26 September 2023, in relation to the Introduction and Strategic Direction hearings, I provided an outline of my experience, my role advising Manawa, my involvement in the pTTPP process to date, and the key policy issues of relevance to Manawa.
- 2.3 I reiterate that I have read the Code of Conduct for expert witnesses in the Environment Court Practice Note 2023. I agree to comply with this Code. This evidence 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.

3.0 ENERGY, INFRASTRUCTURE AND TRANSPORT ISSUES

3.1 I note that while these three topics are gathered together within one section of the pTTPP, they each form a separate chapter. The pTTPP specifies that the infrastructure chapter rules¹ do not apply to energy activities. This is an important separation to ensure that there is no unnecessary overlap in provisions for energy activities that also fit under the definition of infrastructure.

3.2 In presenting this evidence I will refer back to the higher order documents that guide the approach to making provision for REG activities in district plans and particularly to the key provisions contained within the NPSREG that guide the required response to REG activities within this district plan. I have included these key provisions in **Appendix One** to this evidence for reference.

3.3 I also refer you the strategic objectives established for the pTTPP (for which I have provided evidence dated 26 September 2023). These strategic objectives (particularly the Connections and Resilience objectives) recognise the need to provide for infrastructure and the importance of ensuring that the West Coast / Te Tai o Poutini is resilient. In this regard it is important to recognise that Manawa's existing assets generate electricity which can be distributed along the West Coast / Te Tai o Poutini without having to rely on the Coleridge electricity line, thereby supporting resilience along the West Coast / Te Tai o Poutini. Ms Foran outlined the extent and location of these assets in her evidence to you on the Topic One hearings. Ensuring the continued operation of these schemes is important to the self-sufficiency of the West Coast / Te Tai o Poutini and aligns closely with strategic objectives CR-O1, CR-O2 and CR-O4. The Energy chapter is a key location within the pTTPP to implement these objectives.

4.0 RELEVANT DEFINITIONS TO THE ENERGY CHAPTER

4.1 Manawa lodged a number of submission points that relate to definitions that have been encompassed by this hearing topic as being relevant to the Energy, Infrastructure and Transport chapters.

¹ TTPP Part 2 – District Wide Matters/ EIT (Energy, Infrastructure and Transport)/ Energy/ Overview.

Critical Infrastructure vs Regionally Significant Infrastructure

- 4.2 Some of the Manawa submission points² related to the use of the term “critical infrastructure” and sought that that definition be deleted and replaced by the term “regionally significant infrastructure” based on the definition used in the West Coast Regional Policy Statement. These submission points have been addressed in this s42A report³ and accepted by the reporting officers. This acceptance is acknowledged, and it is noted that this will assist to avoid issues of interpretation and application within the region and also in the application of national direction⁴. I note that this submission point related to the pTTPP as a whole and while it has been assessed and accepted as part of this topic, I assume that the same approach will be applied throughout the rest of the pTTPP consistently.

Infrastructure Scale – small, community or large scale

- 4.3 A series of submission points⁵ related to the proposed division of renewable electricity generation according to what I consider to be an arbitrary scale – using the terms ‘small-scale’, ‘community-scale’ and ‘large-scale’. I observe that this appears to have been introduced as a means of differentiating between the size of REG activities rather than focussing on enablement of all scales (as directed by the NPSREG⁶) or managing effects (which can be achieved through rules rather than definitions). The NPSREG includes a definition of the term ‘small and community – scale distributed electricity generation’, which is used as a means of distinguishing some activities even though the policy approach to these remains enabling. I consider that use of these terms in the TTPP creates a perception that anything that is not very small in size is ‘large’ and I consider this to be quite misleading. The submission points sought that such definitions be removed and, only if required, that they be replaced with one definition of ‘small and community’ scale to align with the NPSREG Policy F as a means of encouraging such activities.
- 4.4 The reporting officers have generally accepted the issues raised⁷ and have recommended the amalgamation of small and community scale into one definition. However, they have continued to apply an extremely small scale threshold (20kW capacity) within this definition without a consideration of the effects or benefits of such.

² Submission points S438.003, S438.007 and S438.024.

³ Te Tai o Poutini Plan, Section 42A Officer’s Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, pages 31-32, paragraph 108.

⁴ For example, the National Environmental Standard for Freshwater contains provisions that relate to ‘specified infrastructure’ which is defined as encompassing Regionally Significant Infrastructure.

⁵ Submission points S438.002, S438.006, S438.012, S438.018, and S438.046.

⁶ Refer to Appendix One to this evidence for the key provisions of the NPSREG.

⁷ Te Tai o Poutini Plan, Section 42A Officer’s Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, pages 43-44, paragraphs 146-147.

To place this in context, households usually use wind turbines up to 5kW in scale and a solar array of about 20m² has a rated output of about 3kW⁸. Such an approach is arbitrary as it does not focus on effects, and while this scale would provide for single households or a couple of households, it is unlikely to be an adequate scale for a community which is what the definition purports to provide for.

- 4.5 I remain concerned at this approach and do not consider it is necessary to try and define these activities in such detail, particularly as it adds an additional level of complexity that does not appear to have any clear purpose in managing effects or in enabling REG development. If set up well, the rules should be sufficient to manage effects and have a primary emphasis on enablement (to give effect to the NPSREG and other higher order documents). This can be achieved by the inclusion of a simple definition and provision structure. I reiterate that my recommendation is to remove these definitions and the associated references to capacity based scale in the rules altogether. If the Panel consider that it is necessary to have a definition of 'small and community' scale activities, then I recommend that this does not have an arbitrary capacity applied (or at the very least any limit should realistically enable domestic and community REG schemes). In addition I note that the district plan provisions do not stand alone and many of the effects of REG activities, especially hydroelectric power schemes, are the responsibility of the regional council e.g. water takes and discharges. In this way, the district plan does not need to address all effects of REG activities.

Types of Energy Activity

- 4.6 Manawa made submission points in relation to the definitions of 'energy activity', 'renewable electricity generation', 'renewable electricity generation activities' and 'non-renewable electricity generation activities'⁹. These submission points appear to have been accepted by the reporting officers¹⁰ and this acceptance is acknowledged. It is important to ensure that correct terms are used for activities and that the content and application of these is well understood and appropriately applied. I will touch on this issue further later in my evidence in relation to the application of terms appropriately to rules.

⁸ <https://www.smarterhomes.org.nz/smart-guides/>

⁹ Submission points S438.009, S438.015, S438.016, and S438.023.

¹⁰ Te Tai o Poutini Plan, Section 42A Officer's Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, pages 44-45, paragraph 150, and page 46, paragraph 156.

Upgrading and Minor Upgrading

- 4.7 Manawa submission points also addressed the definitions of ‘upgrading’ and ‘minor upgrade’¹¹. Upgrading is an essential part of operating and maintaining REG assets and schemes and is important to ongoing adaption to change both in terms of equipment (such as new more efficient technology) and external factors (such as adaption to weather events). The ability to upgrade is important and is recognised in the NPSREG through both the description of the matters of national significance¹², within the objective for REG¹³ and through Policy C1¹⁴. It is also important to remember however that upgrades can take many different forms. These can be internalised within structures, or can relate to increased structures, activities or use of resources. Some minor upgrades may never be obvious, but some may be extensive and have a similar appearance to new developments. For this reason it is important to recognise that some minor upgrades can have little to no effects and should be enabled to support REG activities and capacity wherever possible.
- 4.8 The reporting officers appear to have accepted in part this issue, but it does not appear to have been fully covered in the s42A report¹⁵. It was requested that the defined term ‘upgrading’ be amended to clearly show that ‘upgrading’ also includes ‘upgrade’. This request was not supported by the officers on the basis of consistency with the National Planning Standards. I understand that approach, but the two words are used interchangeably throughout the chapter and the singular word ‘upgrade’ is used in many places e.g. Objective 3, Objective 4, Policy 7, Policy 8, rule 2. To avoid

¹¹ Submission points S438.019 and S438.022.

¹² National Policy Statement for Renewable Electricity Generation 2011, matters of national significance, page 4: *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.* [emphasis added]

¹³ National Policy Statement for Renewable Electricity Generation 2011, matters of national significance, page 4: *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.* [emphasis added]

¹⁴ National Policy Statement for Renewable Electricity Generation 2011, matters of national significance, page 5: *C. Acknowledging the practical constraints associated with the development, operation, maintenance and **upgrading** of new and existing 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; ...* [emphasis added]

¹⁵ Te Tai o Poutini Plan, Section 42A Officer’s Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, pages 40-41, paragraph 136 covers the retention of ‘upgrading’ but the definition of ‘minor upgrade’ put forward by Manawa does not appear to be covered.

misunderstanding, it is important to be clear that these two terms mean the same thing and I reiterate that the definition should be amended to read¹⁶:

*upgrading / **upgrade** means in relation to...*

or alternatively

*upgrading means in relation to...
(upgrade has the same meaning)*

- 4.9 Manawa also sought that the Plan include a definition of the term 'minor upgrade'. The only analysis provided appears to relate to the Westpower and Forest & Bird submissions and does not support inclusion of a definition. However the term 'minor upgrading' is used in numerous places within the chapter e.g. Policy 7, rule 4, new rule RXX¹⁷. There is a need to be clear what is meant by using the term 'minor upgrading' within the rules, especially when applying a permitted activity status such as rule 4 and new rule RXX. Including a definition for 'minor upgrading'¹⁸ will ensure that activities proceeding under this definition remain within clear parameters and would enable appropriate works to be undertaken to improve REG without undue consenting process. This would also avoid any large-scale upgrading that should be more closely considered through a consenting process. It will also support clear interpretation of the plan and will give effect to the NPSREG. I reiterate that I consider the inclusion of the following definition to be appropriate:

minor upgrading **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**

¹⁶ Recommended additions shown in **bold underlined**.

¹⁷ The second new rule listed on page 8 of Appendix 1 to the officer's report and relating to Maintenance, repair, operation and minor upgrading of existing renewable electricity generation activities.

¹⁸ I note for completeness that the submission point sought 'minor upgrade' but I have amended this to 'minor upgrading' to reflect the wording currently used in the provisions.

PART 2, DISTRICT WIDE MATTERS – ENERGY, INFRASTRUCTURE AND TRANSPORT**5.0 GENERAL APPROACH TO ENERGY CHAPTER**

5.1 The submission by Manawa supports the approach provided in the pTTPP whereby the Energy chapter is largely self-contained, and the Infrastructure chapter provisions, and Zone chapter rules do not relate to energy activities. I acknowledge this approach as an important step in simplifying Plan provisions, avoiding unnecessary duplication in provisions and supporting the enablement of REG. A number of the Manawa submission points related to this issue¹⁹ and it appears that this approach has been retained with a number of clarifications provided within the recommendations in Appendix 1 to the officer's report. However I note that the recommendations within the officer's report in this regard appear to be in conflict²⁰. Overall, the retention of the statements of clarification within the overview section and within the zone chapters is acknowledged and I consider this is important to be retained.

6.0 ENERGY CHAPTER: ENERGY ACTIVITY – RENEWABLE AND NON RENEWABLE ENERGY RESOURCES

6.1 A key point that Manawa sought to raise through their submission is the need for clear and accurate use of terms throughout the plan and that these terms need to reflect the higher order documents and national direction (as also discussed above in relation to definitions). In particular it was noted that the defined term 'energy activity' is used in many places within the Energy chapter where this is at times inaccurate, inappropriate or misleading This was addressed through a number of Manawa's submission points²¹.

6.2 The term 'energy activity' is what I consider to be an 'umbrella term' and is, logically, wide in scope. It encompasses all activities that generate electricity (whether renewable or non-renewable), energy investigations, transmission and distribution. However, where this generic term is then applied within the Energy chapter the implications have not been fully considered. As a result all such activities provided for within the definition are treated equally and in an undifferentiated way. For example, it is unclear that the Plan direction for REG is to provide for (or enable) such activities, but that such enablement is inappropriate for non-renewable electricity generation. I do not consider

¹⁹ Submission points S438.032, S438.058, and S438.127.

²⁰ Te Tai o Poutini Plan, Section 42A Officer's Report, Part 2 – District Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, page 49, paragraph 166 addresses text differentiation, page 110 paragraph 359 and page 111, paragraph 363 both address the same point, and both reject and accept it, and page 37, paragraph 133 implies acceptance but the recommendations in Appendix 2 state 'reject'.

²¹ Submission points S438.033, S438.034, S438.038, S438.039, S438.040, S438.042, S438.045, and S438.057.

that this use of an umbrella term is appropriate nor is it consistent with the national policy direction.

- 6.3 By using the 'energy activity' umbrella term, it is not clear to Plan users that the development of and continued use of non-renewable energy sources is not supported by international or national commitments and national direction. This needs to be made clear in the chapter which is the primary section of the Plan dealing with these activities. I consider it to be inappropriate that non-renewable energy activities, by virtue of inclusion within the definition of 'energy activities', are considered in the same manner as REG activities. I agree with the Manawa submission that the wording needs to be amended throughout the Plan to refer to REG (and investigation, transmission and distribution where appropriate) in all supportive or enabling policies (as opposed to use of the term 'energy activities').
- 6.4 Further, I also agree with the Manawa submission that to provide this clarity it is necessary and appropriate to include a policy that clearly states the intent to avoid the development of non-renewable electricity generation activities on the West Coast / Te Tai o Poutini, and facilitate the replacement of non-renewable energy sources (including the use of fossil fuels) in energy generation. This policy approach would then be given effect to through the inclusion of an additional rule to make new non-renewable electricity generation activities a non-complying activity. This level of direction and stringency is appropriate to deal with this important issue.
- 6.5 Issues relating to the use of terminology and approach to non-renewables have been addressed in part through a number of sections of the officer's report²² and the requests sought by Manawa have been generally rejected. It is possible that these recommendations may be based on a misunderstanding of the issue raised in the submission, or an assumption that there is not a need to deal with this issue clearly and in a directive way, or insufficient consideration of the national direction and context.
- 6.6 I also note the comments from other submitters and the reporting officers, that there "*will always be a need for non-renewable energy sources*"²³. I am concerned that this opinion has been given weight in the development of this district plan as that is contrary to the national directive to reduce fossil fuel use and to replace this with renewable energy as a matter of urgency.

²² Te Tai o Poutini Plan, Section 42A Officer's Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, page 49, paragraph 166, pages 74-75, paragraph 233, page 53, paragraph 177, pages 60-61, paragraph 195, page 63, paragraph 202, and page 65, paragraph 209.

²³ Te Tai o Poutini Plan, Section 42A Officer's Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, pages 74-75, paragraph 233.

- 6.7 If submitters or the Panel are concerned about unnecessary restriction on small scale activities such burning wood or coal in a home heating device, it needs to be clear that this is not covered by the District Plan and therefore would not be captured by the rules that are included in this Energy chapter. That is a matter for control by the Regional Council under regional provisions such as the Regional Air Plan. Similarly, temporary uses of devices such as a diesel powered generator to deal with a power outage are provided for as temporary activities or through regional provisions. In a similar vein, if the concern expressed relates to activities such as use of coal for steam generation within an industrial plant e.g. milk processing, then that is not an issue relating to electricity generation but is part of an industrial process and would be managed by controls on the industrial process or by the Regional Council through controls on air discharges. The issue at hand for the district plan is electricity generation such as a coal fired power station which would, under the notified provisions, be treated largely in the same manner as hydro, wind or solar.
- 6.8 The District Plan needs to be premised on a clear separation between renewable and non-renewable energy sources and to specifically provide for REG. I am also concerned that the officer's consider that the "*notified energy provisions will appropriately manage effects to the point that non-renewable energy that results in adverse effects would not be enabled*"²⁴. There is no direction in the notified provisions that non-renewable energy is to be treated any differently from REG. This distinction would be appropriate to help provide clear outcome expectations rather than leaving the perception that such activities are appropriate as long as their effects can be managed. The pTTPP needs to relate to the roles and responsibilities of District Councils (not Regional Council responsibilities) and to give effect to national direction.
- 6.9 An example of the misinterpretation of the term 'energy activity' can be seen from the very beginning of the chapter where the first sentence of the overview states that "*Energy activities... are recognised as regionally significant infrastructure...*". This is not the case as the definition of Regionally Significant Infrastructure does not apply to all electricity generation. While the chapter is about all energy activities, not all are regionally significant and not all should be treated equally. Only REG and electricity transmission are identified as matters of national significance.
- 6.10 Another example is objectives 2 and 3 where recognition of functional and operational needs, and provision for development, operation, maintenance and upgrade are applied to all energy activities. However such provision should not be given to non-renewable

²⁴ Te Tai o Poutini Plan, Section 42A Officer's Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, pages 74-75, paragraph 233.

electricity generation (which is also part of ‘energy activity’). In this respect, the objectives should clearly apply this enablement to REG (as well as energy investigation, distribution and transmission activities). Such amendment to the objectives is required to specify correctly the activities enabled will give effect to national direction both for REG and for electricity transmission, without transferring the same benefits to non-renewables which do not have national importance and conflict with aspirations to reduce fossil fuel use nationally.

- 6.11 Similarly Policy 2 clearly was intended to give effect to the NPSREG to provide enablement for development of new REG and continuation of existing REG (as well as providing for transmission to give effect to the NPSET²⁵). This is clear from the specific use of REG wording in the sub clauses, and inclusion of reference to climate change obligations. By referring in the policy’s chapeau to energy activities as a whole, it implies that this policy applies to non-renewable electricity generation and therefore is contrary to meeting climate change obligations and irrelevant to other clauses. This sets up an internal inconsistency within the policy, as well as being unsupported by any national direction. Further I note that the recommended changes to this policy (also replicated in policy 5) introduce unnecessary wording in referring to “...*development of new or development, operation, maintenance or upgrading of existing...*”. Existing activities are not ‘developed’ and thus the wording used can be simplified to be more accurate.
- 6.12 In this regard, I reiterate the relief sought as follows:
- a) All references to ‘energy activity’ need to be reviewed and corrected to state ‘renewable electricity generation’ or ‘renewable electricity generation, energy investigation, transmission and distribution’ as appropriate to the provision within which they occur.
 - b) A set of provisions needs to be added to address non-renewable energy, including a policy and rule directing avoidance.
- 6.13 I have included a set of appropriate amendments to resolve each of these issues in **Appendix Two** to this evidence. In addition I have constructed a revised Energy chapter that incorporates all of the amendments I recommend and provide this in **Appendix Three** to this evidence.

²⁵ National Policy Statement on Electricity Transmission 2008.

7.0 ENERGY CHAPTER: REVERSE SENSITIVITY POLICY

- 7.1 The Manawa submission sought amendments to Policy 3 which relates to reverse sensitivity²⁶, including changing ‘minimise’ to ‘avoid’, including ‘incompatible’, and specifying this policy to apply to REG activities and not to non-renewable electricity generation. The assessment undertaken²⁷ appears to rely on the wording of the NPS for Electricity Transmission which is not directly relevant to this policy as Policy 4 deals with the National Grid and includes reference to reverse sensitivity issues.
- 7.2 I reiterate that avoidance of reverse sensitivity is the appropriate direction for this policy as this will give effect to the NPSREG. Policy C3 of this document 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.*” [emphasis added]. While the term manage is used in the policy (which has been picked up by the reporting officer) it is used in the context of managing activities to ensure avoidance. The policy approach needs to be clear and directive and, if the outcome sought is avoidance of reverse sensitivity, then the policy needs to state this. Using another term such as minimise or manage underplays the importance of this and does not provide sufficient direction.
- 7.3 Further the introduction of the term ‘incompatible’ as sought by Manawa provides additional guidance on understanding the risk of reverse sensitivity effects. This is not supported by the reporting officer²⁸ on the basis that it “*limits the scope of the policy*”. This request was intentional as it seeks to provide direction and ensures that the policy does not apply to any and all activities seeking to locate close to REG, transmission and distribution activities – recognising that some activities can appropriately locate near such activities. This sets a policy level test for determining what subdivision, use and development will lead to reverse sensitivity problems and what will not e.g. sensitive activities such as residential dwellings are more of a risk than farming activity. It also will provide policy support for rules within other chapters to control specific activities locating close to this type of infrastructure.
- 7.4 I also note that the term ‘incompatible’ was used within the notified version of Objective 3 and has now been recommended by the reporting officers to be removed. I consider that this should remain within the objective for the same reasons, and I reiterate the need for the amendments set out in the Manawa submission.

²⁶ Submission point S438.040

²⁷ Te Tai o Poutini Plan, Section 42A Officer's Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, page 63, paragraph 202.

²⁸ *ibid*

8.0 ENERGY CHAPTER: WIND FARMS AND WIND FARM NOISE

- 8.1 The notified provisions appear to treat wind farms differently from other forms of electricity generation, especially in relation to noise generated by a wind farm²⁹. Essentially the proposed rules allow a few short wind turbines as a permitted activity and then all other wind farms become non-complying activities. In addition, any exceedance of wind farm noise standards, regardless of the size of the wind farm, falls directly to a non-complying activity. This differentiation has been retained in the reporting officer's recommendations. This issue was raised in a number of Manawa's submission points³⁰.
- 8.2 It is unclear to me why wind farms have been treated differently from other forms of REG, and why wind farm noise is treated more stringently than other noise. There is no differentiation between forms of REG at a national or regional level and I am unsure why the pTTPP has taken this approach. Also, given the clear direction in the NPSREG to provide for REG activities, I do not consider it appropriate to place a more restrictive activity status on wind farms. This differentiation is not common in other comparable district plans³¹.
- 8.3 Also I note that no other activities within the pTTPP that exceed noise standards are treated as non-complying activities. The most restrictive activity status within the noise chapter for any activity that exceeds any of the noise standards is restricted discretionary. Again, the approach taken to wind farm noise appears to differ from that taken in other comparable district plans³².

²⁹ The differentiation is expressed through the exclusion of wind from permitted activity rule RXX and discretionary activity rules R15 and R16, and the wind farm noise specific non-complying activity rule R17.

³⁰ Submission points S438.046, S438.049, S438.054, and S438.055.

³¹ A few examples in relation to REG activities:

- the appeals version of the Marlborough Environment Plan treats all REG activities equally under section 2.44A of the Plan as either permitted or discretionary activities.
- the partially operative Selwyn District Plan treats all REG activities equally under the EI chapter as either permitted or discretionary activities.
- the appeals version of the New Plymouth District Plan does not differentiate between REG activities (except for exploratory wind generation activities) with activities as either permitted or restricted discretionary in rural zones under the ENGY chapter.
- the appeals version of the Dunedin Second Generation District Plan treats solar, wind and hydro generators the same in rural zones (outside identified special areas such as ONL) as either permitted or discretionary activities under the Network Utilities chapter.
- the proposed Timaru District Plan treats small scale solar and wind turbines separately but at a larger scale all REG activities are treated the same as discretionary activities under the EI chapter.

³² A few examples in relation to wind farm noise:

- the appeals version of the Marlborough Environment Plan treats a breach of the wind noise standards as a discretionary activity (rule 3.2.3.8 defaulting to rule 3.6.1).
- the partially operative Selwyn District Plan treats breaches of noise standards as a restricted discretionary activity.
- the appeals version of the New Plymouth District Plan treats emission of noise from all large scale REG activities as a restricted discretionary activity in rural zones.
- the proposed Timaru District Plan treats exceedance of noise standards as a restricted discretionary activity (or as a non-complying activity for exceedance by more than 10dB).

8.4 In my opinion it would be appropriate to remove such differentiation and to integrate all REG activities together with the same level of enablement. I recommend that the rules be restructured to achieve this (see recommended chapter within **Appendix Three**).

9.0 ENERGY CHAPTER: APPROACH TO MANAGING EFFECTS OF ACTIVITIES

9.1 In a number of places the term ‘minimise’ is used as a direction for managing effects and the Manawa submission³³ sought that this be amended to ‘avoid, remedy or mitigate’ terminology to reflect the Act. This change in terminology would also recognise the approach to effects management hierarchies, and that in different circumstances different aspects of the effects management hierarchy may be appropriate.

9.2 The reporting officers have not accepted this approach considering that ‘avoid, remedy or mitigate’ is too general³⁴. I disagree as I consider the term ‘minimise’ to be very general and lacking in direction. It is unclear to what degree effects should be minimised – as far as possible or as much as desired – and in whose opinion. In contrast the use of ‘avoid, remedy or mitigate’ is well understood, supported by case law and aligned with the effects management hierarchy approach which is commonly expressed in recent national direction.

9.3 Further while the reporting officers³⁵ have accepted in relation to policy 4 that ‘minimise’ is not appropriate, they have assessed this in reference to the NPS for Electricity Transmission and not the NPSREG and concluded that the term ‘manage’ is appropriate. This is another ambiguous term that does not provide direction and the NPSREG clearly uses the terms avoid, remedy and mitigate³⁶.

9.4 I recommend this amendment to the wording of Objective 2 and Policy 4 as sought in the submission and included in **Appendix Three** to this evidence.

10.0 ENERGY CHAPTER: ACTIVITY STATUS AND RULE LAYOUT

10.1 I am concerned that the activity status applied to REG activities does not adequately give effect to the NPSREG in providing for REG activities and recognising the drivers for enablement of REG. I am also concerned that the provisions within the ENG chapter are unnecessarily complex in dealing with the relevant issues and this could lead to confusion in interpretation and application of the plan. A number of the Manawa

³³ Submission points S438.037 and S438.042.

³⁴ Te Tai o Poutini Plan, Section 42A Officer’s Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, page 52, paragraph 173.

³⁵ Te Tai o Poutini Plan, Section 42A Officer’s Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, page 65, paragraph 209.

³⁶ For example, within Policy C2 which states “*When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, ...*”.

submission points³⁷ have touched on this issue and it also relates to points I have discussed above.

Activity Status

- 10.2 I set out in **Appendix Four** a summary of the activity status structure that I consider to be appropriate to REG activities within a district plan, based on the approach taken in other comparable district plans and on giving effect to national guidance³⁸. The NPSREG requires the pTTPP 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 ...*”³⁹ [emphasis added]. I consider that applying a non-complying activity status to any REG activities does not give effect to this national direction. I also consider that this is inconsistent with the common approach taken to REG in other district plans, is inconsistent with the objectives and policies proposed which seek to provide for REG, and implies any such new REG is not an appropriate activity.
- 10.3 Further I note that this approach appears inconsistent with the approach taken across the pTTPP. The activity status applied to protect ‘special areas’ such as outstanding natural landscapes, historic heritage or indigenous biodiversity is generally no more stringent than Discretionary. There are only a couple of specific activities treated as non-complying in relation to indigenous biodiversity and no non-complying activity status for heritage or landscapes. In contrast, and despite the national significance of REG and the direction to provide for its development, operation etc, many of the REG activities go straight to Discretionary activities and have numerous paths to be treated as non-complying. I consider that this needs to be reconsidered to give effect to higher order documents.
- 10.4 I support the proposition put forward in the Manawa submission that upgrades (that are not minor) and new REG activities (that are not domestic in scale) should be treated as a restricted discretionary activity. I consider this to be appropriate in giving effect to higher order direction and in ‘providing for’ REG as is directed by the NPSREG. I am of the view that the matters of discretion⁴⁰ to be applied to such an assessment can appropriately control the effects of a proposal. In providing this enabling activity status, I note that proposals may fall to be considered as another activity status if activity specific

³⁷ Submission points S438.046, S438.049, S438.050, S438.051, S438.052, S438.053, S438.054, S438.055, and S438.056.

³⁸ Within this table I have also provided a comparison to the status currently applied under the recommendations of the s42A report.

³⁹ NPSREG Objective, page 4.

⁴⁰ If well written, clear and directive (see my Appendix Three).

or district wide rules apply a greater degree of consideration. I do however note that some other comparable district plans apply a discretionary activity status which has the benefit of not needing a set of matters of discretion and allows for full assessment of an application. I would support this as an alternative.

Rule layout and complexity

- 10.5 In relation to complexity, I note that the approach to the REG rules as notified:
- a) Separates rules by activity scale – small scale, large scale or unspecified scale.
 - b) Separates rules by activity type – all, or excluding wind, or wind farm specific.
 - c) Includes a lot of repetition between rules with cross referencing between rules, replication of the same rule a number of times and a final default non-complying rule.
- 10.6 This is further complicated by other District wide rules, such as those applying to earthworks, which also need to be taken into account. I consider that there would be considerable advantage for all users of the pTTPP for the rule layout to be simplified to reduce overlap and duplication. I note in this regard that the approach to repeating the activity status when compliance is not achieved both in the right hand column and then again below in the rule table, is not common and increases repetition within the chapter which has the potential to lead to confusion (despite the use of hyperlinks). In **Appendix Three** of this evidence I have provided a simplified version of the ENG chapter focussing on REG activities (and including placeholders for transmission and distribution activities) to assist the panel in visualising a simplified approach. This approach aligns with recent best practice in other district plan layouts and rule approaches.
- 10.7 Within that appendix I have also included recommended amendments and additions to the provisions to reflect my evidence above (e.g. in relation to removing scale based limits) and the matters sought in Manawa submission points.
- 10.8 In addition, I have provided a ‘line of sight’ table within **Appendix Five** that shows how the provisions fit together and give effect to higher order documents and national direction.

11.0 ENERGY CHAPTER: OTHER SUBMISSION POINTS

- 11.1 It is noted that a range of other submission points were included in Manawa’s submission and have been recommended by the reporting officers to be accepted⁴¹. In particular,

⁴¹ Submission points S438.035, S438.036, S438.043, S438.044, S438.047, S438.048

the reporting officer's recommendation for inclusion of a rule specific to existing activities⁴² is acknowledged as this was a notable gap in the provisions as notified. The acceptance of various submission points is acknowledged, and no specific evidence is considered necessary on those matters.

Recognition of benefits of REG

- 11.2 In relation to the suite of policies within this chapter, I remain concerned that there is no policy that recognises the role of REG activities or their local, regional and national benefits. In the absence of this there is no policy that provides for the recognition of benefits given in objective ENG-O1, nor a policy that gives effect to this element of the NPSREG objective and policies. While the term 'benefits' is used in policy 2, it is in a different context and is related to benefits of a development or proposal rather than the broader benefits of REG. The Manawa submission point S438.144⁴³ raised this issue seeking that policy ENG-P1 be amended to include this recognition.
- 11.3 The reporting officers disagreed with this amendment⁴⁴ stating that such recognition "*would be inconsistent with section 7 of the RMA which requires 'particular regard' to be given to 'the benefits to be derived from the use and development of renewable energy' which in our opinion is appropriately addressed within the suite of policies*". In looking only at s7 of the Act, the authors have missed the direction provided in the NPSREG to recognise the benefits of REG in a wider sense and the NPSREG provides examples of some of the types of benefits. I consider that it is appropriate to amend policy 1 as set out in the Manawa submission to give effect to the higher order documents.

Other submission points

- 11.4 There does not appear to have been any analysis of the submission point seeking an increase in the permitted area/footprint for buildings, structures and surfaces associated with hydroelectricity generation⁴⁵ from 25m² to 100m². The proposed limit of 25m² is very small and would be considerably too small to cover most existing or new REG proposals (and appears generally targeted toward to domestic scale activities). I support the increase in scale, and I consider that 100m² buildings are not unreasonable in relation

⁴² Te Tai o Poutini Plan, Section 42A Officer's Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, page 97, paragraph 303.

⁴³ I note that this is the reference listed for this submission point, but it possibly should have been listed as S438.041 as this is reference is not included in the list.

⁴⁴ Te Tai o Poutini Plan, Section 42A Officer's Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, pages 59-60, paragraph 192.

⁴⁵ Submission point S438.049

to this type of activity and appear to be well within the limits on building scale in the zones in which these types of activities are likely to occur⁴⁶.

11.5 In relation to rule R10 for monitoring and meteorological facilities, the submission requested an increase in permitted scale for masts and towers⁴⁷ recognising that the notified height restriction of 4m is very low and insufficient to be meaningful in providing for investigations into meteorological conditions. It was also noted that such equipment exceeded the permitted scale falls to a non-complying activity which appears harsh, is inconsistent with giving effect to the enabling direction of the NPSREG and does not appear well aligned with the heights permitted in most zones.

11.6 The reporting officers consider that the requested 10m height “*would be excessive in particular environments*”⁴⁸. I do not agree that this is an excessive height or that non-complying activity status for an exceedance is appropriate, referring particularly to the following examples of provisions put forward within the pTTPP:

a) in the General Rural zone there is a 10m permitted height for buildings for agricultural, pastoral or horticultural purposes, and a 7m permitted height or 10m controlled activity height for masts, poles and aerials. Any exceedance of these heights falls to a discretionary activity.

b) in the General Residential zone, the maximum building height is 10m, and masts, poles and aerials have a 7m permitted height or 10m controlled activity height. Any exceedance of these heights falls to a discretionary activity.

11.7 The matters of discretion that apply to restricted discretionary activities for REG can in my opinion be better refined to reflect appropriate considerations. For example, listing “landscape measures” as a matter for discretion is unhelpful as it is unclear what is expected to be achieved or what would be assessed. I have provided a refinement of these matters within **Appendix Three**.

12.0 CONCLUSION

12.1 I consider that, as currently drafted, the Energy chapter does not adequately give effect to higher order documents and in particular does not give effect to the NPSREG as it

⁴⁶ For example:

- in the General Rural zone there is no restriction on the footprint of buildings for agricultural, pastoral or horticultural purposes or for residential activities.
- in the Natural Open Space and Open Space zones park facilities buildings are permitted up to 100m² GFA.

⁴⁷ Submission point S438.051

⁴⁸ Te Tai o Poutini Plan, Section 42A Officer’s Report, Part 2 – District-Wide Matters Energy, Infrastructure and Transport, uploaded to website 16 October 2023, pages 93-94, paragraph 283.

does not adequately provide for Renewable Electricity Generation activities. I consider that there are a number of changes necessary to give effect to higher order documents, remove confusion and overlapping provisions, and improve the approach to Renewable Electricity Generation activities as a matter of national importance.

12.2 I consider the clarification and text modifications proposed in the Manawa submission points, and as explained further above, remain necessary to improve the clarity and application of the pTTPP. All recommended changes to the wording of the Plan addressed in my evidence are considered to be within the scope of the submission lodged. I also consider that such changes will provide certainty for all Plan users and will also aid the three District Councils in each administering the Plan consistently.

12.3 I also note that to ensure all relevant matters are addressed, I have included a brief s32AA assessment as **Appendix Six** to this evidence.

APPENDIX ONE: KEY PROVISIONS FROM THE NPSREG

The key provisions of the NPSREG that are most relevant to the development of the pTTPP (emphasis added):

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.

Objective

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.

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.

12.4 POLICY E1

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 renewable electricity generation activities using solar, biomass, tidal, wave and ocean current energy resources to the extent applicable to the region or district.

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 E3

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 wind energy generation activities to the extent applicable to the region or district.

POLICY F

As part of giving effect to Policies E1 to E4, 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 small and community-scale distributed renewable electricity generation from any renewable energy source 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: SPECIFIC AMENDMENTS SOUGHT

The following sections set out the amendments sought to key sections of the Energy chapter as discussed in section 5 of my evidence. Track changes are shown in **bold underlined** for new text and ~~**bold strikethrough**~~ for text deletions and are based on the notified version of the pTTPP.

References to 'energy activity'

Amend the overview of the ENG chapter as follows:

~~Energy activities, including r~~Renewable electricity generation, transmission, distribution and operation are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement.

Amend Objective 2 as follows:

ENG – O2 To recognise the functional and operational needs associated with the location and design of **energy renewable electricity generation, energy investigation, distribution and transmission** activities, ...

Amend Objective 3 as follows:

ENG – O3 To provide for the development, operation, maintenance and upgrade of **energy renewable electricity generation, energy investigation, distribution and transmission** activities and ...

Amend Policy 2 as follows:

ENG – P2 When considering proposals to develop and operate new and existing **energy renewable electricity generation, energy investigation, distribution and transmission** activities, have particular regard to the benefits to be obtained from the proposal,...

Amend Policy 3 as follows:

ENG – P3 Minimise ~~energy~~ **Avoid** reverse sensitivity effects from **incompatible** subdivision, use and development on ~~energy~~-**renewable electricity generation** activities.

Amend Policy 5 as follows:

ENG – P5 When considering proposals to develop, operate, maintain and upgrade new and existing **energy renewable electricity generation, energy investigation, distribution and transmission** activities ...

Amend new rule RXX as follows:

ENG – RXX The construction, operation, maintenance and upgrade of community and large scale **energy renewable electricity generation** activities ...

Direction on non-renewable energy

Insert additional policy within ENG chapter:

ENG-PXX **Avoid the development of non-renewable electricity generation activities on the Te Tai o Poutini / West Coast and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in electricity generation.**

Insert additional rule within ENG chapter:

<u>ENG-RXX Non-renewable Electricity Generation Activities</u>	
<u>Activity Status: Non Complying</u>	<u>Activity status where compliance not achieved: N/A</u>

APPENDIX THREE: RECOMMENDED CHAPTER

The following provides a recommended Energy chapter that addresses the issues raised in this evidence.

This is provided as a 'clean' version without track changes so the approach can be clearly seen. It is based on the approach in the notified version of the pTTPP and as updated in the recommendations from the reporting officers for Council.

Placeholders are included where sections relate to electricity transmission or distribution with these most appropriately assessed by relevant experts / submitters.

ENG Energy - Te Pūngao

Overview

Renewable electricity generation, transmission, distribution and operation are recognised as regionally significant infrastructure in the West Coast Regional Policy Statement. As such they require specific recognition and protection, as they are critical to the social, cultural and economic wellbeing of people and communities.

The National Policy Statement for Electricity Transmission Activities requires specific recognition and protection of the National Grid. The National Policy Statement on Renewable Electricity Generation recognises the national significance of electricity generation activities, including the need for, and benefits from, renewable electricity generation.

Certain activities must also comply with the rules managing activities which may compromise the operation, maintenance and upgrading of the National Grid transmission lines, including reverse sensitivity effects. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains mandatory restrictions on activities in relation to the National Grid and electricity distribution lines. Compliance with the rule requirements of Te Tai o Poutini Plan does not ensure compliance with NZECP 34:2001 or vice versa.

Vegetation planted in the vicinity of the National Grid or electricity distribution lines must comply with the Electricity (Hazards from Trees) Regulations 2003.

Where an activity relates to the operation, maintenance and upgrading of existing National Grid transmission lines, the Resource Management Regulations 2009 (National Environmental Standards for Electricity Transmission Activities) apply.

The Energy Chapter contains the objectives, policies, rules for managing energy activities - the Infrastructure Chapter rules and the Area Specific Provisions (Zone chapters) do not apply to energy activities, however the Overlay chapters and other District Wide rules also apply where relevant.

Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-wide Matters chapters also contain provisions that may be relevant for energy activities, including:

Overlay Chapters - the Overlay Chapters have relevant provisions in relation to Sites and Areas of Significance to Māori; Ecosystems and Indigenous Biodiversity; Landscape and Natural Features; Natural Character and Margins of Waterbodies; Natural Hazards; and the Coastal Environment. Where an energy activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.

Subdivision - The Subdivision chapter sets out the requirements for the development of new electricity connections as part of subdivision activities.

Financial Contributions - The Financial Contributions chapter sets out the requirements for contributions of costs for activities which impact on infrastructure.

General District Wide Matters - provisions in relation to Activities on the Surface of Water, Noise and Earthworks in particular may be relevant to energy activities.

Energy Objectives

ENG - O1	To recognise the local, regional and national benefits of electricity transmission, distribution and renewable electricity generation activities, by providing for their development, operation, maintenance and upgrading to meet the needs of Te Tai o Poutini/the West Coast.
ENG - O2	To recognise the functional needs and operational needs associated with the location and design of renewable electricity generation, energy investigation, distribution and transmission activities, and to avoid, remedy or mitigate any adverse effects of these activities on communities and the environment.
ENG - O3	To provide for the development, operation, maintenance and upgrade of renewable electricity generation, energy investigation, distribution and transmission activities and to protect them from the adverse effects of incompatible subdivision, use and development.
ENG - O4	[insert National Grid specific objective]

Also the Strategic Objectives and Policies

Energy Policies

ENG - P1	Enable the development, operation, maintenance and upgrading of existing and new electricity transmission, distribution and renewable electricity generation activities, while recognising the positive social, economic, cultural and environmental benefits of renewable electricity generation and transmission.
ENG - P2	When considering proposals to develop and operate new and existing renewable electricity generation, energy investigation, distribution and transmission activities, have particular regard to the benefits to be obtained from the proposal, including; <ul style="list-style-type: none"> a. Maintaining or increasing security of renewable electricity supply; b. Providing for diversifying the type and/or location of renewable electricity generation; c. Maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions; d. Economic, social, environmental or cultural wellbeing; e. The contribution the proposal will have towards New Zealand meeting its renewable electricity generation targets; f. Effective transmission and distribution of electricity supply; g. Facilitation and use of renewable energy; h. Security of electricity supply; and i. Meeting New Zealand/Aotearoa me Te Waipounamu's climate change obligations.

ENG - P3	Avoid reverse sensitivity effects from incompatible subdivision, use and development on renewable electricity generation and electricity transmission and distribution activities.
ENG - P4	Avoid, remedy or mitigate adverse effects on communities and the environment from renewable electricity generation and electricity transmission and distribution activities by: <ul style="list-style-type: none"> a. Having regard to the values associated with areas identified as having significant environmental values, outstanding and high natural character areas, outstanding landscapes and features, Poutini Ngāi Tahu and heritage sites, and significant natural areas; b. Implementing industry best management practices around electrical safe distances; c. Maintaining ongoing access to grid and distribution infrastructure and structures for maintenance and upgrading works; and d. Avoiding exposure to health and safety risks.
ENG - P5	When considering proposals to develop, operate, maintain and upgrade new and existing renewable electricity generation, energy investigation, distribution and transmission activities: <ul style="list-style-type: none"> a. Recognise their functional needs and operational needs; and b. Where new transmission infrastructure and major upgrades to transmission infrastructure are proposed have regard to the extent to which any adverse effects have been minimised in the route, site and method selection.
ENG - P6	Provide for the development, upgrading, maintenance and operation of: <ul style="list-style-type: none"> a. A range of renewable electricity generation activities; and b. Activities that seek to investigate, identify and/or assess potential sites and energy sources for renewable electricity generation.
ENG – P7	Avoid the development of non-renewable electricity generation activities on the Te Tai o Poutini / West Coast and facilitate the replacement of non-renewable energy sources, including the use of fossil fuels, in electricity generation.
ENG – Pxx-Pxx	[insert National Grid, transmission and distribution specific policies]

Energy Rules

Note:

1. There may be a number of Plan provisions that apply to an activity, building, structure and site. In the case of Energy Activities however neither the Infrastructure Chapter or the Part 3: Area Specific Matters Apply. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.
2. [insert National Grid specific notes]

Section A: Rules for all energy activities

ENG - R1 Energy Activity Performance Standards

<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Electric and Magnetic fields - An activity generating electric or magnetic fields does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection. 	<p>Activity status where compliance not achieved:</p> <p>Non-complying</p>
ENG – R2 Temporary Energy Activities	
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The temporary energy activity is for up to a period of 24 months following a national, regional or local state of emergency declaration; 2. Any temporary structures are removed from the site when operation ceases and the site is rehabilitated. 	<p>Activity status where compliance not achieved:</p> <p>Restricted Discretionary</p> <p>Discretion is limited to:</p> <ol style="list-style-type: none"> a. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini / the West Coast; b. Any functional needs and operational needs associated with the design or location of the proposal; c. The ability to mitigate any adverse effects of the proposal on the environment; d. The degree to which the proposed activity will cause significant adverse effects on values identified and protected through Overlay Chapter provisions.
ENG – R3 Environmental investigations, monitoring and meteorological facilities associated with Energy Activities	
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Monitoring equipment is limited to: <ol style="list-style-type: none"> a. Masts and towers with a maximum footprint of 4m² and a maximum height of 10m, or b. Other structures up to 4m in height and 25m² in area. 	<p>Activity status where compliance not achieved:</p> <p>Restricted Discretionary</p> <p>Discretion is limited to:</p> <ol style="list-style-type: none"> a. The benefits of the proposal to the local

	<p>and regional community and to resilience for Te Tai o Poutini / the West Coast;</p> <p>b. Any functional needs and operational needs associated with the design or location of the proposal;</p> <p>c. The ability to mitigate any adverse effects of the proposal on the environment;</p> <p>d. The degree to which the proposed activity will cause significant adverse effects on values identified and protected through Overlay Chapter provisions.</p>
ENG – R4 Non-renewable Electricity Generation Activities	
Activity Status Non-Complying	<p>Activity status where compliance not achieved:</p> <p>N/A</p>
Section B: Rules for renewable electricity generation activities	
ENG – R5 The operation, maintenance, repair and minor upgrade of existing renewable electricity generation activities	
Activity Status Permitted	<p>Activity status where compliance not achieved:</p> <p>N/A</p>
ENG – R6 The construction and operation of new renewable electricity generation activities	
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The activity is located within the General Industrial Zone; and <ol style="list-style-type: none"> a. All buildings and generating structures comply with building coverage, height and setback requirements for the zone; and b. Buildings and generating structures are screened by fencing and/or landscaping (including earth bunds) along any road frontage and the side boundary of a 	<p>Activity status where compliance not achieved:</p> <p>Restricted Discretionary where performance standards 1 and 2 are not complied with.</p> <p>Discretion is limited to:</p>

<p>site that adjoins a RESZ-Residential, SETZ-Settlement, OSZ-Open Space or MUZ-Mixed Use zone.</p> <p>2. The activity is located within all other zones; and</p> <ul style="list-style-type: none"> a. Solar panels do not exceed the permitted height in the relevant zone by more than 0.25m vertically; b. Wind turbines do not exceed 8m in height; c. Structures, buildings or impermeable surface for hydroelectricity generation must not exceed a footprint of 100m² or an increase in area from existing buildings/structures and surfacing of more than 10%; and d. Any building or structure must not be located within an existing esplanade reserve or strip. <p>3. Wind turbines comply with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise.</p>	<ul style="list-style-type: none"> a. The benefits of the proposal to Aotearoa New Zealand meeting its zero carbon, climate change and greenhouse gas targets; b. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini / the West Coast; c. Any functional needs and operational needs associated with the design or location of the proposal; d. The ability to remedy, mitigate, offset or compensate any adverse effects of the proposal on the environment; e. The degree to which the proposed activity will cause significant adverse effects on values identified and protected through Overlay Chapter provisions. <p>Discretionary where performance standard 3 is not complied with.</p>
<p>ENG – R7 Upgrades (other than minor upgrades) of renewable electricity generation activities</p>	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> 1. This complies with New Zealand Standard NZS6808:2010 Acoustics - Wind Farm Noise. <p>Discretion is limited to:</p>	<p>Activity status where compliance not achieved:</p> <p>Discretionary where performance standard 1 is not complied with.</p>

<ul style="list-style-type: none"> a. The benefits of the proposal to Aotearoa New Zealand meeting its zero carbon, climate change and greenhouse gas targets; b. The benefits of the proposal to the local and regional community and to resilience for Te Tai o Poutini / the West Coast; c. Any functional needs and operational needs associated with the design or location of the proposal; d. The ability to mitigate any adverse effects of the proposal on the environment; e. The degree to which the proposed activity will cause significant adverse effects on values identified and protected through Overlay Chapter provisions. 	
Section C: Rules for electricity distribution and transmission activities	
ENG – Rxxx-Rxxx	
[insert National Grid, transmission and distribution specific rules]	

APPENDIX FOUR: SUMMARY OF RULES APPLICABLE TO RENEWABLE ELECTRICITY GENERATION ACTIVITIES

The following is a summary table setting out the recommended approach to activity status for REG activities:

Activity	Activity type	Activity status	Default activity status	Alignment with NPSREG and national direction	Comparison to pTTPP status as per s42A report recommendations
Existing REG activities	Operate Maintain / repair Minor upgrade	Permitted	-	Objective “provide for...” Policies A, B, C1, E1, E2, E3 and F	Operation, maintenance, repair and upgrade of ‘small scale’ activities is Permitted subject to standards (R5), then Restricted Discretionary if not meeting standards (R12) or Non Complying if not meeting rule 1 (R12 and R19 and R20) Maintenance, repair, operation and minor upgrading is Permitted (RXX)
	Upgrade (more than minor)	Permitted (limited in scale via definition)	Restricted Discretionary or Discretionary larger scale	Objective “provide for...” Policies A, B, C1, C2, E1, E2, E3 and F	Upgrade of ‘small scale’ activities is permitted if meeting conditions is Permitted subject to standards (R5), then Restricted Discretionary if some standards are not met (R5 and R12?) or Non Complying if rule 1 is not met (R5 and R20)
New REG activities	Construct / develop new Operate / maintain / repair / upgrade	Permitted (limited in scale)	Restricted Discretionary or Discretionary all other new activities at a larger scale	Objective “provide for...” Policies A, B, C1, C2, E1, E2, E3 and F	Construction, operation, maintenance and upgrade of community and large scale, excluding wind is Permitted subject to standards (RXX), then Restricted Discretionary for community scale activities if not meeting standards (R14) or Non Complying if not meeting rule 1 (R14 and R19 and R20) Large scale REG excluding wind, not meeting permitted activity standards is Discretionary (R15) Large scale REG excluding wind is Discretionary (R16)
	Temporary	Permitted up to 24 months	Restricted Discretionary or	Objective “provide for...”	Temporary energy activities are Permitted subject to standards (R9), then Restricted Discretionary for community scale activities if not meeting standards

			Discretionary longer period		(R14) or Non Complying if not meeting rule 1 (R14 and R19 and R20)
	Investigations including monitoring and meteorological	Permitted (limited in scale)	Restricted Discretionary or Discretionary all other investigation activities at a larger scale	Objective "provide for..." Policy G	Permitted if very small (R10) and Non Complying if standards are not met (R10)
Non-renewable electricity generation activities	Electricity generation activities that are not renewable	-	Non-complying	-	Not specified so fall under all other rules that use the term 'energy activity' and potentially Permitted .

APPENDIX FIVE: LINE OF SIGHT TABLE

The following table sets out a “line of sight” summary showing the relationship of provisions from National Direction through to rules (using the recommended approach set out in Appendix Three above. Text is summarised to indicate key direction and avoid the lengthy text in referenced documents.

RESOURCE MANAGEMENT ACT							
Purpose of the Act	Section 5: “sustainable management ... which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety”						
Other matters	Section 7(j): “have particular regard to ... the benefits to be derived from the use and development of renewable electricity”						
NATIONAL POLICY STATEMENT FOR RENEWABLE ELECTRICITY GENERATION							
Objective	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.						
Policies	Policy A Recognising the benefits of renewable electricity generation activities	Policy B Acknowledging the practical implications of achieving New Zealand’s target for electricity generation from renewable resources	Policy C Acknowledging the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities	Policy D Managing reverse sensitivity effects on renewable electricity generation activities	Policy E Incorporating provisions for renewable electricity generation activities into regional policy statements and regional and district plans Policy E1: Solar biomass tidal wave and ocean current resources	Policy F Incorporating provisions for small and community-scale renewable electricity generation activities into regional policy statements and regional and district plans	Policy G Enabling identification of renewable electricity generation possibilities

					Policy E2: Hydro-electricity resources Policy E3: Wind resources		
WEST COAST REGIONAL POLICY STATEMENT							
Policies	Section 6 Regionally Significant Infrastructure, policy 2: "Provide for the development, operation, maintenance and upgrading of new and existing RSI including renewable electricity generation activities and National Grid infrastructure."						
	Section 6 Regionally Significant Infrastructure, policy 6: "Provide for the operation, maintenance and upgrading of existing renewable electricity generation activities and electricity distribution and transmission networks in areas of natural character of wetlands, and lakes and rivers and their margins (including outstanding natural character), outstanding natural features or natural landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna including within the coastal environment."						
PROPOSED TE TAI O POUTINI PLAN							
Strategic objectives	CR – O1 build resilience, recognise effects of climate change and need to adapt		CR – O2 enable and protect function and resilience of critical infrastructure and facilitate recovery				
	CR – O4 enable development of infrastructure self sufficiency and backup of critical infrastructure						
Energy chapter objectives	Objective 1: recognise benefits and provide for REG activities		Objective 2: recognise functional needs and operational needs of REG and address manage effects from REG	Objective 3: protect REG from reverse sensitivity	Objective 1: recognise benefits and provide for REG activities		
Energy chapter policies	Policy 1: enable REG and recognise benefits	Policy 2: have regard to benefits of proposals, maintain or increase security and capacity, address national targets and climate change obligations	Policy 4: address effects of activities Policy 5: recognise functional need and operational need Policy 6: provide for a range of REG	Policy 3: avoid reverse sensitivity effects	Policy 1: enable REG and recognise benefits		

			activities and investigation				
Energy chapter rules	<p>Rule 3: investigations and monitoring</p> <p>Rule 5: operate and maintain existing REG activities</p> <p>Rule 6: construction and operation of new REG activities</p> <p>Rule 7: upgrade existing REG activities</p>	<p>Rule 5: operate and maintain existing activities</p> <p>Rule 6: construction and operation of new REG activities</p> <p>Rule 7: upgrade existing REG activities</p>	Through other chapters	<p>Rule 3: investigations and monitoring</p> <p>Rule 5: operate and maintain existing activities</p> <p>Rule 6: construction and operation of new REG activities</p> <p>Rule 7: upgrade existing REG activities</p>	<p>Rule 5: operate and maintain existing activities</p> <p>Rule 6: construction and operation of new REG activities</p> <p>Rule 7: upgrade existing REG activities</p>	<p>Rule 3: investigations and monitoring</p>	

APPENDIX SIX: SECTION 32AA ANALYSIS

The following table sets out a brief analysis under s32AA of the Act, in relation to the changes I recommend to the pTTPP:

<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 amendments proposed to the objectives in the revised ENG chapter section are considered a more appropriate way to achieve the purpose of the Act as they align more closely to the NPSREG while providing clear direction in the approach to managing REG activities.</p> <p>The amendments better address the resource management issues relevant to the West Coast 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 pTTPP.</p>
<p>Benefits and costs of the environmental, economic, social, and cultural effects anticipated [s32(2)(a)]</p>
<p>The benefits of amending the ENG chapter 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 REG activities and removing duplication and contradiction in the provisions. • Greater certainty for REG asset owners and developers in the provision for existing assets and activities, and enablement of new REG activities within the region. • Greater clarity in how existing and new REG activities are to be treated depending on their location and size. • Increased security of supply of electricity from renewable energy resources, assisting with reducing emissions, increased resilience and supporting national climate change responses. <p>The costs of amending the ENG chapter 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>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 REG 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 of the pTTPP, as well as the RMA and the NPSREG. Retaining the status quo option, the proposed provisions in the notified pTTPP, is considered less appropriate as it would retain the flaws identified.</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 consistently across the region and as is being carried out across the country. There is a high risk of not acting and retaining inappropriate and confusing provisions relating to this matter, and not giving effect to higher order documents.</p>