

**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: Ecosystems and Biodiversity**

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

**DATED 29 JULY 2024**

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## 1.0 SUMMARY

- 1.1 My evidence focusses on the ecosystems and indigenous biodiversity provisions of the Proposed Te Tai o Poutini Plan (**pTTPP**) relevant to the renewable electricity generation (**REG**) operations of Manawa Energy Ltd (**Manawa**) across the West Coast Region, and renewable electricity generation generally.
- 1.2 Manawa (submitter ID number **S438**) made a number of submission points on this topic. The primary concerns raised were insufficient recognition of and provision for renewable electricity generation activities within the ecosystems and indigenous biodiversity chapter, the relationship between the NPSIB<sup>1</sup> and the pTTPP; and the status of the NPSIB.
- 1.3 Renewable energy is a matter of national significance, and the pTTPP is required to:
- have particular regard to the benefits to be derived from the use and development of renewable energy under Section 7(j) of the Resource Management Act 1991 (RMA);
  - 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, and
  - give effect to the policy directions of the National Policy Statement for Indigenous Biodiversity (**NPSIB**), including the specific exemptions provided for renewable electricity generation activities.
- 1.4 I have a number of concerns with the recommendations made in the S42A report on the Manawa submission points. I do not agree with the manner in which the reporting officer has interpreted the provisions of the NPSIB as these apply to renewable electricity generation activities. Accordingly, I have structured my evidence such that I will address these high-level concerns at the outset. I have included specific comments on relevant provisions in this chapter (which are based on these concerns) in the second part of my evidence.

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<sup>1</sup> I note that this was an exposure draft at the time the submission was lodged (National Policy Statement for Indigenous Biodiversity, Exposure Draft, June 2022).

## **2.0 INTRODUCTION**

- 2.1 My name is Stephanie Amanda Louise Styles. I hold the position of Associate Partner 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 2 October 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.
- 2.4 As a procedural matter, I note that one of Manawa's submission points relating to this topic report (**S438.074**) has not been addressed in the s42A report. This point relates to the overview section of the chapter. Importantly it also addresses the status of the NPSIB – both in the context of status of that document at the time the submission was lodged, and also the manner in which Manawa considers that the now operative NPSIB should be taken into account during these hearings. I will address the relief sought in this submission point in the next section of my evidence.
- 2.5 I also note that the relief sought by Manawa in relation to specific submission points is not accurately recorded (in all cases) within the body of the S42A report. I am unclear whether these are drafting errors, or whether the full content of the relief sought has not been considered. I encourage the Panel to view the Manawa submission in full when considering my evidence.

## **3.0 EVOLUTION OF NPSIB IN RELATION TO TTPP PROGRESSION**

- 3.1 As the Panel will be aware, the exposure draft of the NPSIB<sup>2</sup> was available at the time submissions on the pTTPP were lodged. Consequently Manawa (and all other submitters) lodged submissions on the basis of what was indicated at that

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<sup>2</sup> National Policy Statement for Indigenous Biodiversity, Exposure Draft, June 2022

time. Manawa's submission included a generic submission point (**S438.074**), which requested that the Panel:

*'Reconsider, review and amend the approach to and all provisions relating to identification of significant natural areas, to, at least, take into account the exposure draft of the NPS-Indigenous Biodiversity (or the gazetted version if that comes into effect before the pTTPP becomes operative).'*

3.2 Since the time submissions were lodged the NPSIB has become operative and the submission from Manawa gives scope to align the TTPP provisions with the current operative NPSIB. Importantly, the operative NPSIB provides a specific 'carve out' for renewable electricity generation activities. Clause 1.3 states:

*(3) Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not "specified infrastructure" for the purposes of this National Policy Statement*<sup>3</sup> (emphasis added).

3.3 This clause differs from Clause 3.11 of the NPSIB, which applies to 'specified infrastructure'. Clause 1.3 (3), which I have referred to above, makes it clear that REG activities are not specified infrastructure for the purpose of the NPSIB and therefore the provisions under Clause 3.11 (and all other provisions) do not apply to REG. I consider that there is a critical difference between the wording and applicability of these clauses in the NPSIB and it does not appear that this has been properly taken into account in the assessment and recommendations made by the reporting officer.

3.4 I acknowledge that the Resource Management (Freshwater and Other Matters) Amendment Bill was introduced in May 2024. This has not yet been enacted. I agree with Ms Easton that this Bill should be acknowledged (particularly in terms of matters relating to the identification of significant natural areas), however this cannot be afforded any particular weight at this time.

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<sup>3</sup> National Policy Statement for Indigenous Biodiversity, 2023, Clause 1.3 Application, page 5.

#### 4.0 DIFFERENCES IN TERMINOLOGY APPLYING TO REG ACTIVITIES BETWEEN VARIOUS STATUTORY DOCUMENTS

4.1 I acknowledge that terminology used between various statutory instruments can be confusing, and that the same words are applied in different ways across relevant documents (such as the TTPP; the WCRPS and national policy statements). In particular, I note the use of the terms; 'infrastructure', 'regionally significant infrastructure', 'specified infrastructure', and 'network utility'.

4.2 Given this, I wish to discuss the use of some of this terminology here prior to discussing the specifics of the ECO and IB chapter in more detail. I have tried to simplify these points:

- REG assets are defined by both the TTPP and the WCRPS to be 'infrastructure', 'regionally significant infrastructure', 'critical infrastructure' and 'lifeline utilities'.
- Manawa is not a network utility operator under the RMA<sup>4</sup>, and therefore its REG assets cannot be considered to fall within the definition of the terms 'network utility' or 'utility'.
- for the purpose of the NPSIB, renewable electricity generation activities are dealt with in Clause 1.3 and are not covered by Clause 3.11 relating to 'specified infrastructure'. This is a complete carve out for REG in terms of this NPSIB and none of the provisions in the NPSIB apply to REG.

4.3 I also wish to emphasise that the 'carve out' for REG in Clause 1.3 of the NPS IB does not in my opinion exempt consideration of the effects of REG activities on indigenous biodiversity. Section 6 of the RMA prescribes the matters of national importance which must be recognised and provided for by all persons exercising functions and powers under the Act and includes:

Section 6(c): *'the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna'*.

4.4 It remains necessary to consider REG activities in terms of their impacts on indigenous biodiversity values under both the RMA S6(c) and under the RPS at a general level. The difference here is that the specific provisions of the NPSIB

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<sup>4</sup> Resource Management Act 1991, Section 166.

cannot be applied e.g. the NPSIB version of the effects management hierarchy cannot be placed upon REG.

## 5.0 CONSIDERATION OF HIGHER ORDER DOCUMENTS / STRATEGIC PROVISIONS OF THE PTTTP

5.1 The Panel will be well aware of the legislative requirements for the pTTTP to give effect to higher level documents<sup>5</sup>.

5.2 I consider that Ms Easton has applied the provisions of the NPSREG to this topic in a limited manner. She has made reference to Policy C2 of this NPS only. She does not appear to have considered the rest of the NPSREG including:

- (i) the full implications and requirements of Policy C2. In particular, that this policy provides decision makers on REG activities with the ability to have regard to offsetting measures or environmental compensation (including measures or compensation which benefit the local environment and community affected) when considering any residual environmental effects of these activities which cannot be avoided, remedied or mitigated.

My key point here is that this provides REG activities with a different and more expansive effects management hierarchy than that specified in the NPSIB (which as noted above, does not apply to REG activities<sup>6</sup>).

However, Ms Easton continues to recommend application of the more restrictive NPSIB effects management hierarchy to all activities.

- (ii) other relevant policy provisions of the NPSREG. I have included these as **Appendix One** of my evidence. Of particular relevance are Policy A requiring provision for REG activities, Policy B(c) recognising the need for significant development of REG, Policy C1(a) noting the need to locate REG where the resource is available, and Policy E2 requiring rules to provide for development, operation, maintenance and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region.

5.3 Similarly, Section 6 (Regionally Significant Infrastructure) of the Operative West Coast Regional Policy Statement requires:

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<sup>5</sup> Resource Management Act 1991, Sections 75(3) and (4).

<sup>6</sup> National Policy Statement for Indigenous Biodiversity, 2023, Clause 1.3 Application, page 5.

Policy 3: 'When considering regional and district plan development and resource consent applications for regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure, have particular regard to the constraints imposed by the locational, technical and operational requirements of the infrastructure, including within areas of natural character (including outstanding natural character), outstanding natural features or landscapes, or areas of significant indigenous vegetation and significant habitats of indigenous fauna.'

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' (emphasis added).

- 5.4 Both the NPSREG and the RPS recognise and provide for REG and acknowledge that REG activities may need to operate within areas of ecological value. While not enabling REG activities to ignore such values, the approach required is to enable REG whilst appropriately managing effects. There is no requirement for outright avoidance of adverse effects of REG activities on ecological values.
- 5.5 I also refer to the strategic objectives established for the pTTPP (for which I 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 thereby supporting resilience. Ensuring the continued operation of these schemes is important to the self-sufficiency of the West Coast / Te Tai o Poutini.

## **6.0 PART 2, DISTRICT WIDE MATTERS – NATURAL ENVIRONMENT VALUES – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY**

- 6.1 I set out below some specific comments on the provisions of the ECO/IB section relevant to Manawa's submission points. I acknowledge that in some cases, the changes I am now recommending to specific provisions differ from those in the



Manawa submission. As outlined earlier in my evidence, the Manawa submission was lodged at the time the NPSIB was in exposure draft form. The NPSIB is now operative<sup>7</sup>. I consider that the submission lodged by Manawa, in particular submission point S438.074, provides sufficient scope for these text changes to be requested by Manawa and implemented by the Panel.

- 6.2 My commentary is generally based on matters I have discussed earlier in this evidence. I consider it to be of particular importance that there is the right balance applied within the TPPP between enablement and protection. As set out in my previous evidence on the Energy section, it is important that in providing for REG activities explicitly in that enabling EN section, the recognition and enablement is not then subsequently undermined (or removed) through the application of restrictive provisions in other sections of the plan.
- 6.3 To assist the Panel I have based my proposed changes to wording below on the recommendations made by Ms Easton in Appendix One to her s42A report.<sup>8</sup> I urge the Panel to consider the nature of the wording of the proposed provisions set out in the Officers report – particularly whether the suggested changes to objectives, policies and rules meet the general requirements of plan drafting i.e. whether these are appropriately worded for the associated type of provision to which they relate (i.e. an objective is worded as such and not as a policy); that these are transparent, measurable, enforceable, and do not leave matters of discretion to a third party.
- 6.4 I acknowledge that Ms Easton has recommended that some of the submission points lodged by Manawa be accepted. However, she has also recommended that a number of these be either rejected or accepted in part. I consider that the relief which I have sought in this evidence has taken her comments into account – but also reflects my earlier comments relating to legislative requirements and Council's duties.

## Overview to the Chapter

- 6.5 The Manawa submission sought amendments to the overview section to better address the NPSIB outcomes (submission point **S438.074**) and this does not appear to have been addressed in the s42A report. A range of amendments have

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<sup>7</sup> I acknowledge that this is subject to potential amendment under the latest Bill. Given these changes are in national legislative bill stage (and have not been formally enacted) I have placed limited weight on these provisions.

<sup>8</sup> I note that the wording of recommended amendments in Appendix 1 to the Section 42A report differ in some cases from those included in the body of the Section 42A report.

been proposed to the overview, and I recommend that references to the NPSIB in the overview should explicitly state that this does not apply to REG for clarity. I also acknowledge the recommended insertion of text in response to the submission from Westpower and note that this refers to similar issues to those raised by Manawa. However, I consider that the terminology used in that paragraph needs to be consistent with that used in other parts of the Plan. I recommend additional changes as set out below:

...

*The NPSIB must be given effect to as soon as reasonably practical. Because TTPP was developed prior to the NPSIB, it only partially gives effect to it – in as much has been possible within the constraints of the scope of submissions made to the Plan. It is noted that nothing in the NPSIB applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities.*

...

*There is a considerable network of ~~energy~~ electricity generation, distribution and transmission activities and infrastructure, on the West Coast, including within areas of indigenous vegetation and biodiversity. Given the topography and extent of natural ecosystems and indigenous biodiversity on the West Coast practical management solutions are required to ensure maintenance and enhancement of the supply of renewable ~~energy~~ electricity generation to, and between, communities for the benefit of those communities and the wider environment from the use and development of renewable ~~energy~~ electricity generation.*

...

## **Objective ECO – O2**

- 6.6 The Manawa submission (**S438.075**) sought that this objective be simplified and reworded such that it is clearly an objective. This request has been rejected by the reporting officer.
- 6.7 To elaborate, I do not consider the proposed wording of the objective appropriately reads as an objective (outcome statement), but rather it reads as a policy (action). I further consider it needs to be appropriately aligned with the higher order documents including the NPSIB, NPSREG, and Part II RMA. I recommend reframing it as follows:

Within areas of significant indigenous vegetation and significant habitats of indigenous fauna, appropriate subdivision, use and development is provided for, and indigenous biodiversity values are protected.

### **Policy ECO – P1**

- 6.8 The Manawa submission (**S438.076**) on this policy opposed the use of resource consent processes to identify SNAs. That approach is now recommended to be modified (which I consider resolves that specific concern). I consider it appropriate to have the policy align with the SNA criteria set out in the now operative NPSIB.
- 6.9 The substantially reworked policy however is overly complex and appears internally contradictory. I consider that it reads more like methods than a policy given the extent of detail included in some of the clauses. Further it appears misaligned with the (potential) outcomes of the current Bill that will restrict the ability to work within the suggested timeframes and that does not appear likely to enable the process indicated to occur in 2025, 2027 and 2028.
- 6.10 I also note that the manner in which clauses 2 and 3 of the policy are worded appears to make the assumption that all areas currently identified will be automatically confirmed as meeting the new SNA criteria without actually going through any application of the new criteria or consideration of significance. I suggest that this is an inappropriate assumption in advance of this reassessment process. If such clauses are to remain, I consider that they should be reworded to direct a reassessment process rather than confirmation.
- 6.11 I recommend that the policy be significantly simplified as follows:

To identify and map areas of significant indigenous vegetation and fauna habitat, using the criteria and process set out in Appendix 1 of the National Policy Statement for Indigenous Biodiversity 2023, and include these in Schedule Four through a Plan Change.

If necessary, the additional detailed procedural matters covered by the policy could instead be described in the relevant schedule.

### **Policy ECO – P2**

- 6.12 The Manawa submission (**S438.077**) supported this policy making provision for appropriate uses within areas of SNAs where the activity will have no more than

minor adverse effects on the SNA, and I note that this base assumption remains within the policy. I also note that 'operational need' has been included in the amended policy and I support that inclusion.

- 6.13 However, Manawa also asked for the policy to include recognition of activities that contribute to wellbeing, and that contribute to climate change mitigation or adaptation measures. This request has been rejected on the basis that these items are "relatively vague and wide ranging in potential application". I disagree. I consider that they are relevant considerations and will not apply to many activities (probably only to regionally significant infrastructure and REG activities). I consider that it is appropriate to include such reference to ensure regard is had to these matters when considering new activities.
- 6.14 Of particular note is the proposed amendment to Clause d. This now requires application of the effects management hierarchy (being that set out in the NPSIB) to all activities. I reiterate that this is not applicable to REG activities (as excluded by Clause 1.3 of the NPSIB). It is inappropriate and unnecessary to apply that effects management hierarchy as the wider effects management approach provided for in the NPSREG should apply to REG activities.
- 6.15 Proposed Clause d then goes on to restrict the application of that clause to listed activities. This set of activities appears to be trying to replicate the provisions in Clause 3.11 of the NPSIB - but uses the term 'regionally significant infrastructure' rather than 'specified infrastructure' (which is the term used in the NPSIB). It is unclear if this is deliberate or a mistake, however regardless this should not apply to REG for the same reasons as set out above.
- 6.16 To resolve the concerns set out above, and to avoid further complicating the policy, I recommend that REG activities simply be excluded from all of the detailed qualifiers in the policy. They should still be subject to the chapeau of the policy. This would ensure that REG activity is not subject to restrictions that do not apply to those activities, while retaining the direction to appropriately manage adverse effects. I recommend the following amendment:

*Provide for activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where the activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat and, other than for renewable electricity generation activities:*

*a. This is ...*

## Policies ECO – P6, ECO – P7 and ECO – P9

- 6.17 The Manawa submission (**S438.78**) sought that these three policies be considered in combination and improved to better align with the RPS and higher order documents. The majority of the relief sought has been rejected.
- 6.18 In terms of **ECO – P6**, as currently worded it is unclear if this policy is intended to deal with all indigenous biodiversity or just SNA areas – it would be helpful if this was clearly stated to avoid confusion.
- 6.19 It is noted that reference to external documents (in Clause b) needs to be fixed in time so that it is clear what document is being relied upon (RMA Schedule 1 Part 3). Reference to an external document cannot simply change over time without due consideration of the impact on rules in a Plan. In this way the reference to external threat classification status needs to relate to that document at the time of the plan becoming operative and not future versions.
- 6.20 I am particularly concerned about the proposed change to Clause c that makes the test extremely restrictive as the removal of ‘reasonably measurable’ leaves no qualifier to ‘reduction’. This means that any activity that leads to any reduction is to be avoided. I do not consider this to be appropriate and recommend that an appropriate qualifier be added.
- 6.21 Overall, I recommend the following amendments to the policy:

*When providing for subdivision, use and development within areas of significant indigenous biodiversity, avoid activities which will:*

- a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;*
- b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level as at [date of plan being operative]; and*
- c. Result in a significant reduction in the population size or occupancy of Threatened or At Risk (Declining) species or in the population size or occupancy of locally endemic species.*

- 6.22 In terms of **ECO – P7**, I consider that some aspects of this policy should not be applied to REG activities as they come from the NPSIB (for which REG has a

carve out). In particular, clauses j, k and l relate to specific matters covered by and restricted through the NPSIB which do not apply to REG activities.

- 6.23 To avoid conflict and to simplify the application of the policy, the Panel could either exempt REG activities from this policy altogether (and rely on the requirement to manage adverse effects in SNAs under the applicable EN policies) or include within this policy a subset that does not apply those particular clauses to REG activities. The later example is set out below:

*When assessing resource consents in areas of significant indigenous biodiversity, consider the following matters:*

*a. The ...*

*i. The impacts on mahinga kai;*

*and, other than for renewable electricity generation activities,;*

*j. The impact of the activity...*

- 6.24 In terms of **ECO – P9**, as discussed above, the approach to biodiversity offsetting and compensation and the effects management hierarchy in the NPSIB do not apply to REG. The NPSREG provides for a wider effects management approach that includes less restriction around the application of offsetting and compensation and this is necessary to apply to REG activities. Given the proposed inclusive provisions in the EN section cover this issue, it is recommended that this policy not apply to REG activities as follows:

*Provide for biodiversity offsetting and biodiversity compensation as part of the effects management hierarchy in accordance with the principles set out in Appendix 3 and Appendix 4 in the National Policy Statement for Indigenous Biodiversity.*

*[This policy does not apply to renewable electricity generation activities.]*

#### **Rules ECO – R1, ECO – R1A, ECO – R1B, ECO – R2 and ECO – R7**

- 6.25 The Manawa submission points on the rules (**S438.081** and **S438.082**) sought to ensure that the rules are clear and make appropriate provision for renewable electricity generation activities.

- 6.26 The amended rules recommended in the s42A report are now very complex. These try to deal with different Districts, and different situations in terms of whether land has (either currently or will in the future) been assessed for significance. This is then layered with consideration of whether vegetation clearance is in an ONL, with different scales of clearance provided for in different circumstances. I consider that it is extremely difficult to ascertain which rules apply in any circumstance and that it appears the proposed rules are internally contradictory. In my opinion these proposed provisions do not take sufficient account of the requirement of the NPSIB to treat REG differently, nor the national direction to enable REG under the NPSREG.
- 6.27 I consider that applying a permitted activity limit of 2,000m<sup>2</sup> of indigenous vegetation clearance (outside SNAs) is very restrictive for REG activities that are generally of considerable scale. These involve a range of facilities such as for roading, canals, pipes, reservoirs, and power stations, a number of which are linear in extent. I do not consider this level of restriction to adequately enable REG activities as a matter of national importance.
- 6.28 Further I note that the listed purposes in some of the rules and clauses (e.g. R1(4), R1A(3)) apply different provisions to various listed activities. This list appears to allow for the construction of new, and upgrading of existing, network utilities, national grid, and walking and cycling tracks, but for REG only allows maintenance, operation and repair (no upgrading or construction).
- 6.29 I consider this approach to different activities to be inequitable, inconsistent and unreasonable. It is inappropriate to restrict REG to having 'less' ability to operate and grow than other infrastructure that may not be nationally significant. The NPSREG and RPS direct that provision be made for new and upgraded REG.
- 6.30 I also note that the various rules provide differing terminology associated with SNAs – some refer only to SNAs 'identified in Schedule Four' and others refer to 'identified SNAs including those in Schedule Four' (emphasis added). I consider that the terminology used should be consistent throughout the rules and should only refer to those SNAs which are identified in Schedule Four (and therefore have been included in the Plan through the appropriate statutory process).
- 6.31 Finally, I note that rule R7 which provides a discretionary activity step for activities not meeting permitted or restricted discretionary rules, is very different to the notified version of this rule. It appears to provide a point at which some activities 'wash up' and provides for mineral extraction, existing coal mines, residential

dwellings and commercial forestry to be a discretionary activity and not move through to non-complying activity status. All other activities could move through to non-complying activity depending on assessment. I consider it inappropriate that REG is not afforded the same provision. REG is identified in the NPSREG as being nationally significant and is excluded from the NPSIB. I consider that it should be included explicitly in this rule where it does not meet permitted or restricted discretionary rules and should not move to non-complying.

- 6.32 I recommend that the rules be reframed to be less complex, and that REG have a separate clause providing for indigenous vegetation clearance that is more enabling than that which is currently proposed. I consider it appropriate to at least align the enablement with the national grid (which also has national significance and a carve out under the NPSIB) and which is more enabled by the current rules. Given the complexity of the rules and the difficulty in interpreting these, I have been unable to tease out what appropriate amendments to the rules could look like.

## **7.0 CONCLUSION**

- 7.1 I consider that, as currently drafted, the ECO/IB chapter does not adequately give effect to higher order documents. In particular it does not give effect to the NPSREG as it does not adequately provide for REG activities, nor does it fully give effect to the NPSIB (as it relates to REG activities). I consider that there are a number of changes necessary to give effect to these higher order documents, and to improve the approach to REG activities as a matter of national importance.
- 7.2 I consider the text modifications as outlined in this evidence, are 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.



## **APPENDIX ONE: KEY POLICIES FROM THE NPSREG**

The particular policies that are most relevant to the development of the pTTPP (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: SECTION 32AA ANALYSIS

The following table sets out an analysis under S32AA of the Act, in relation to the changes I recommend to the pTTPP:

The extent to which the objectives are the most appropriate way to achieve the purpose of this Act [s32(1)(a)]
The amended objective set out above is considered a more appropriate way to achieve the purpose of the Act as it aligns more closely to the requirements of the RMA while still reflecting the NPSIB and acknowledging the NPSREG. It also better reflects best practice by being outcome focussed, using directive language and providing an appropriate level of certainty for users.
Benefits and costs of the environmental, economic, social, and cultural effects anticipated [s32(2)(a)]
<p>The benefits of amending the provisions include:</p> <ul style="list-style-type: none"><li>• Greater clarity for all parties in understanding what the direction is for indigenous biodiversity.</li><li>• Removing unhelpful complexity, duplication and contradiction in the provisions.</li><li>• Appropriate reflection of the approach sought for REG under the NPSIB and NPSREG.</li><li>• Greater certainty for REG asset owners and developers in the provision for existing and enablement of new REG activities within the region.</li></ul> <p>The costs of amending the provisions include:</p> <ul style="list-style-type: none"><li>• Potential that some REG development may be provided for that could have some adverse effects on the environment.</li><li>• Potential for conflict between different parts of the community or environment in providing for REG activities.</li></ul>
Given the high-level provisions to be amended, the changes to the wording are unlikely to have significant impact on opportunities for economic growth or employment.
Whether the provisions in the proposal are the most appropriate way to achieve the objectives [s32(1)(b)]
I consider that the revised provisions are more appropriate to achieve the objectives 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, NPSIB and the NPSREG. The alternative options, the proposed provisions in the notified pTTPP or those included in the s42A report, are less appropriate.
The risk of acting or not acting [s32(2)(c)]
I consider that there is a low risk of acting as there is a lot of knowledge of the issues relating to indigenous biodiversity protection and to the need to increase REG nationally. There is a high risk of not acting and retaining inappropriate and confusing provisions relating to this matter.