

1 June 2023

Ministry for the Environment
Wellington



To Whom it May Concern

Draft Proposed National Policy Statement for Renewable Electricity Generation and Consultation Document

This letter sets out feedback from Boffa Miskell Ltd (Boffa Miskell) on the **Draft Proposed National Policy Statement for Renewable Electricity Generation and Consultation Document** ('the Proposed NPS-REG'), released April 2023. The Consultation Document (CD) (Strengthening national direction on renewable electricity generation and electricity transmission) includes draft provisions that could be included in a future National Environmental Standard for Renewable Electricity Generation (NES-REG).

We acknowledge the effort that the Ministry for the Environment (MfE) has put into the Proposed NPS-REG and draft NES-REG provisions to significantly increase REG in New Zealand.

We understand that MfE is now seeking feedback on the Proposed NPS-REG and NES-REG from practitioners, iwi, stakeholders and those directly affected by the proposed provisions i.e. energy generators and transmission companies to ensure its provisions are workable.

Our feedback is focused on the **clarity and workability** of the Proposed NPS-REG and the draft NES-REG provisions and has been prepared with input from practitioners within Boffa Miskell who are familiar with the provisions of the operative NPS-REG 2011.

This feedback does not represent the views of any of our clients.

About Boffa Miskell

Boffa Miskell is a leading New Zealand environmental planning and design consultancy with offices in Whangārei, Tāmaki Makaurau Auckland, Tauranga, Kirikiriroa Hamilton, Te Whangauī-a-Tara Wellington, Whakatū Nelson, Ōtautahi Christchurch, Tahuna Queenstown and Ōtepoti Dunedin. We bring planning, design and ecology together to enhance the value and sustainability of the natural, built and social environment. We work with a wide range of local and international private and public sector clients.

Amongst our team of experts, Boffa Miskell has over 200 ecologists, planners, cultural advisors, landscape architects, landscape planners, urban designers and biosecurity consultants who provide expert advice to a range of clients including all levels of government (national, regional and territorial councils), government organisations (the Department of Conservation, MfE etc.), energy companies, the quarrying industry and land developers. Our practitioners hold registrations in their specific disciplines and represent their specialist expertise in decision-making forums such as hearings and the Environment Court. A number are also accredited decision-makers under MfE's Making Good Decisions programme.

Our practitioners are involved in field assessments of indigenous biodiversity, and in the interpretation of the application of national, regional, and territorial legislation, policy and regulations as well as helping shape Aotearoa's future environments. We have first-hand knowledge and experience of the management of indigenous biodiversity throughout New Zealand, as well as the implementation of the effects management hierarchy. We work with many guiding documents, scientific literature, planning frameworks, mentors, and our own experiences.

Feedback from Boffa Miskell

We begin this submission by noting that from a practitioner's perspective that policies need to be directive and clear and distinct from each other without duplication or overlap. The following is a refinement of the policies (based on the specific comments below) that steps clearly through the issues:

Benefits of REG

1. Recognise that renewable electricity generation at any scale provides local, regional, and national benefits.

Enabling REG

2. Planning decisions:
 - a) recognise and provide for the national significance of renewable electricity generation activities;
 - b) enable REG activities to develop and operate in an efficient way; and
 - c) recognise and provide for the operational and functional needs of REG activities.

Māori interests

3. Māori interests in relation to REG activities are recognised and provided for, including through early engagement, protection of sites of significance, and through enabling small and community-scale REG activities.

Managing effects

4. If REG activities need to take place in areas with significant environment values, enable the development and operation of REG activities where the benefits of the REG activities outweigh residual adverse effects remaining after applying the effects management hierarchy.
5. Enable REG activities, outside areas of significant environmental value, where all adverse effects are avoided, remedied, or mitigated to the extent practicable.

Reverse sensitivity

6. Reverse sensitivity effects on REG activities are avoided where practicable.

Existing generation

7. Avoid the loss of REG generation output by ensuring protection of REG assets, operational capacity and continued availability of the renewable energy resource.
8. Enable upgrade and repowering of existing wind and solar REG activities.

New REG investigation

9. Provide for activities associated with the investigation, identification and assessment of potential sites and REG energy sources.

Specific Comments

In the table on the following pages, we provide our responses and feedback to the specific consultation questions about the provisions in the Proposed NPS-REG and the discussion in the consultation document. We have not responded to all the consultation questions but have included all of these in the table for completeness.

Concluding Comments

Boffa Miskell is grateful for the opportunity to provide feedback on the Proposed NPS-REG and CD given the importance of this policy statement for the consenting of new, and re-consenting of existing, renewable electricity generation throughout New Zealand.

We would be happy to participate in any further workshops or advisory groups to further develop the NPS-REG and any future guidance documents.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kerry Gupwell', with a stylized flourish above the name.

Kerry Gupwell
Chief Executive
Boffa Miskell Ltd

Introduction: Addressing the energy challenge for a low-emissions economy

0.1 To what extent do you agree with the problems and opportunities identified in this section?

Response

We agree with the key issues identified that the current NPS-REG:

- does not have a significant impact on planning outcomes,
- is less directive and given less weight,
- makes no difference to consenting time/cost, and
- does not provide clear direction on resolving competing interests and managing interactions with other issues.

However, the wording of the Proposed NPS-REG does not appear to be any more clear, directive or weighty. It does not emphasise the importance of all REG, and from an implementation perspective, the phrase 'It is important that new renewable electricity capacity is developed in a balanced way that achieves a 'win-win' for both a low-emissions economy and the natural environment' causes concern. Whilst we agree that effects on the environment need to be managed to minimise loss and achieve a gain where possible, this cannot always be achieved. There is a clear need to rapidly reduce our use of fossil fuels, and there will be a price to pay for that. Conversely, there is an environmental price to be paid in doing nothing.

0.2 To what extent do you agree with the policy objectives of the proposals?

Response

We agree with the policy objectives but there is potentially conflict between providing 'more enabling policy direction for renewable electricity generation and electricity transmission projects to significantly increase generation output to support New Zealand's emissions reduction targets and renewable electricity goals' and 'better managing competing interests with other Part 2 RMA matters, particularly environmental outcomes which are listed in section 6 as "matters of national importance".'

We suggest that this has led to the development of a Proposed NPS-REG that is not strong enough to 'significantly increase' generation output in a meaningful way, subject to clarifications on the implementation of policy – as sought below.

0.3 To what extent do you agree with the scope of the proposals?

Response

We agree.

Regarding offshore wind, the consultation document states that the proposed NPS-REG does not propose any specific policies relating to offshore renewable electricity generation. However, the policy proposals could inform future decision-making on offshore renewable electricity generation governed both by the RMA (within New Zealand's territorial waters) and the Exclusive Economic

Zone (beyond 12 nautical miles). We support the government continuing to investigate and develop appropriate regulation for offshore wind.
0.4 Please provide any comments about this section.
<p>Response</p> <p>No response.</p>
Part A: High-level options to address the identified problems
0.5 To what extent do you agree the preferred option will best address the problem and meet the policy objectives?
<p>Response</p> <p>We generally agree that it is a priority to amend the NPS-REG to resolve the problems set out in Part 1 of the discussion document.</p> <p>We support stronger national direction and consistency to providing for and supporting the renewal of REG activities. However, in our experience, non-statutory national guidance is less helpful as discussed later in this document.</p> <p>We would also support consideration of other processing options e.g. call in / fast track option with specialist panel focussed on the issue of consenting new and re-consenting existing NPS-REG, given its importance in managing climate change impacts.</p>
0.6 Do you agree that the NPS-REG and NPS-ET amendments are of higher priority than progressing the NES-ETA amendments and a new NES-REG?
<p>Response</p> <p>Yes, but we do note that delaying the NES-REG will lengthen the time to resolve inconsistencies. It would assist with consenting processes if the proposed NES-REG was developed as soon as possible.</p>
0.7 Please provide any comments about this section.
<p>Response.</p> <p>No response.</p>
Part B: Strengthening national direction for renewable electricity generation
Section 1: Recognising and providing for the national significance of renewable electricity generation
1.1. To what extent do you agree with the problem statement for this section?
<p>Response</p>

A missing element is that the problem statement does not discuss the key issue of not giving sufficient recognition to the national significance of all REG. It is important to recognise this 'problem', so it can be addressed in the Proposed NPS-REG.

The NPS-REG does not clearly state that all scales and types of REG are nationally significant and make an important contribution to achieving New Zealand's climate change policies. It would greatly assist in implementing the NPS-REG if this was made clear within the NPS itself by way of a description in the introduction.

1.2. To what extent do you agree that the proposal appropriately addresses the problem and the policy objectives?

Response

The Objective is broad in its application and likely deliberately so, as it does not refer to specific measurable targets such as the current emissions reduction targets as these can change over time. In our opinion, the objective would benefit from specifically addressing transitioning to 100% REG by 2030 to support the urgent need to increase REG.

Policy 1: The benefits of increasing renewable electricity generation at any scale are realised at a national, regional, and local level.

Policy 1 focuses on increasing generation but does not specifically protect existing REG assets and capacity or provide for operation / maintenance / repair of existing REG (as separate from new). This could imply that existing REG is not nationally significant and does not need to be protected. Furthermore, the term "realise" means 'to understand' or 'cause to happen'. From an implementation perspective, this is almost meaningless and does not provide clear guidance.

Policy A in the NPS-REG 2011 provides much greater direction and clarity as to what is being sought and the benefits of REG. Some aspects of that policy should be retained, and Policy 1 amended as follows:

Recognise the national significance of renewable electricity generation activities of any scale, including their national, regional and local benefits, which include, but are not limited to:

- a) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;*
- b) maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;*
- c) using renewable natural resources rather than finite resources;*
- d) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies;*
- e) avoiding reliance on imported fuels for the purposes of generating electricity.*

Policy 2: Planning decisions:

- (a) recognise and provide for the national significance of REG activities; and
- (b) enable REG activities to occur in a timely and efficient way; and
- (c) recognise and provide for the operational and functional needs of REG assets.

Policy 2 only requires 'planning decisions' to recognize and provide for the national significance of REG activities. Whilst it appears that all REG is recognised/accepted as being nationally significant, this could be more strongly re-enforced within the NPS as discussed above. Otherwise, it could imply that planning decisions do not have to recognise and provide for regionally and locally significant REG.

We suggest that it is essential to achieving the objective, to state that all REG is nationally significant. Otherwise, the importance of small-scale schemes will be lost, and any enabling policies and provisions may be unavailable i.e. Policy 4, which refers to 'the national significance and benefits of the REG activities outweighing those remaining residual effects'.

Policy 2 could provide greater direction to decision-makers as to what is intended to occur in a timely manner by using more directive language.

We therefore seek that Policy 2 is amended as follows:

Planning decisions:

- a) recognise and provide for the national significance of any scale of REG activities;*
- b) enable REG activities to occur develop and operate in a timely and efficient way; and*
- c) recognise and provide for the operational and functional needs of REG activities.*

Policy 8: The loss of renewable electricity generation output from a region or district is avoided to the extent practicable, unless it can be readily replaced in the region or district.

This Policy poses some challenges both to decision makers and applicants as it requires knowledge that is unlikely to be available at the time of decisions being made e.g. decisions on rules in a regional plan that reduce capacity at re-consenting, or decisions on resource consents that put in place conditions that reduce output for a renewal. The Policy wording is also unclear as to whether it is seeking to address the no net loss of capacity, enabling an aggregated form of evaluation.

In our opinion, this approach would require knowledge of all options for replacing REG across a region or district and this is not something that an applicant should have to provide, or a decision maker would be able to know. It would also require the establishment of a baseline from which any loss is determined, for example i.e. no loss of output from when the NPS is adopted.

We are also concerned how this policy would be implemented. For example, would this Policy override other policies in the NPS-REG such as Policy 4 (REG in areas with significant environment values) or those in other NPS i.e. the NPS-FM and if not, we question if it can actually be achieved.

Reconsenting existing hydro-generation

We understand that the NPS-REG does not amend the policy in the current NPS-REG for consenting existing hydro-generation and that it will be brought (unamended) into the proposed NPS-REG. Consenting issues facing new hydro will be addressed through the National Planning Framework. We also acknowledge that the discussion document discusses the consenting of existing hydro-generation assets. Therefore, we seek that the Policy is amended to reflect the wording of the NPS-REG 2011, recognising existing uses:

Avoid the loss of REG generation output by ensuring protection of existing REG assets, operational capacity and continued availability of the renewable energy resource.

Clause 3.2: Consideration of national significance and benefits of renewable electricity generation

The clause, as worded, suggests that it does not apply to schemes that have regional or community significance, or as discussed above, is the intent that all REG is nationally significant. If so, this is unclear within the NPS-REG as proposed.

Clause 3.3: Consideration of cumulative increases and losses in generation output

It is understood that clause (1) affects decisions relating to the establishment of new REG, re-consenting existing REG and the reverse sensitivity effects on other activities affecting REG. Applying the policy to all three situations is considered problematic and unworkable.

Part (1) (a) states ‘the cumulative increase in renewable electricity generation output, at any scale and in any location, is important for achieving the objective of this National Policy Statement and should be enabled’. From an implementation perspective, this is problematic when applied to the situation of a new REG as it would potentially override the policies and clauses that apply to areas with significant environmental values. However, when applied to any “other activity” that may affect an established REG, it is considered much more effective.

Likewise, part (b) provides an interesting consenting challenge when considered alongside the NPS-FM, the provisions of which override this proposed NPS-REG — *the cumulative effect of the loss of renewable electricity generation, at any scale and in any location, is detrimental to achieving the objective of this National Policy Statement and should be avoided to the extent practicable.*

We therefore seek that 3.3 be clearer as to whether it is being applied to new REG or existing REG, and that the resulting change be carried through into the national planning framework or any associated NPS guidance.

1.3. Are there other benefits from REG activities that have not been identified?

Response

The ability to use land for both REG and other activities such as primary production and the restoration of indigenous biodiversity.

1.4. Are there any relevant provisions from the existing NPS-REG that in your view should be retained?

<p>Response</p> <p>Yes, as discussed above some wording in the NPS-REG 2011 should be retained.</p>
<p>1.5. Please provide any evidence or examples to support your view.</p>
<p>Response</p> <p>We recognise that some level of descriptive language at an objective level can be acceptable where the ambiguity is then translated or clarified through policies. However, this has not occurred in the proposed NPS-REG.</p> <p>An example of this was the questions that the hearings panel for the Proposed Otago RPS asked a number of submitters. These sought clarity on what are the targets for NZ, what are the timeframes, what is needed for new REG to meet those, etc, in other words, information to support their decision making.</p>
<p>1.6. Please provide any comments about this section.</p>
<p>Response</p> <p>No response.</p>
<p>Section 2: Enabling renewable electricity generation in areas with significant environment values</p>
<p>2.1. To what extent do you agree with the problem statement for this section?</p>
<p>Response</p> <p>We agree with the problems identified but as proposed, the NPS-REG does not sufficiently address them.</p>
<p>2.2. Are you aware of specific problems with the assessment of alternatives through consenting processes under the RMA? Is there a way to specify how practicable alternatives should be assessed? How could the assessment be locationally constrained (for example, within a region or district; or within a specific distance from the proposed point of connection)?</p>
<p>Response</p> <p>We suggest that nationally, early discussions with councils and iwi are encouraged to determine if sites are appropriate or if key issues would make consenting REG extremely difficult. This would assist with implementation of the NPS-REG by enabling timely consenting of new, and re-consenting of existing, REG.</p>
<p>2.3. To what extent do you agree that the proposal appropriately addresses the problem and the policy objectives?</p>
<p>Response</p>

Policy 4 It is recognised that REG activities may need to take place in areas with significant environment values and, where adverse effects remain after applying the effects management hierarchy, REG activities are enabled if the national significance and benefits of the REG activities outweigh those remaining adverse effects.

We consider that Policy 4 needs to be a framework for the approach set out in clause 3.6 and not have the enabling intent taken away by other policies and approaches.

We seek that Policy 4 is amended as follows:

~~*It is recognised In recognising that REG activities may need to take place in areas with significant environment values and, where adverse effects remain after applying the effects management hierarchy, REG activities are enabled if the national significance and benefits of the REG activities outweigh those remaining adverse effects.*~~ *enable the development and operation of REG activities where the benefits of the REG activities outweigh any residual adverse effects remaining after applying the effects management hierarchy.*

Clause 3.6

The proposed wording of Clause 3.6, part (1)(a) refers to ‘that area’ (in the Proposed NPS) and ‘the area’ (in the discussion document), which presumably means ‘an area with significant environmental values.’ However, it would be efficient to clarify that understanding.

With regard to functional or operational need, we consider that REG could meet both or either of these tests. However, when implementing the NPS-REG, will it be as simple as saying that a good location with the right requirements for REG and good connections to transmission infrastructure equates to operational need, or will there be an expectation of a higher test of need?

Part (1)(b) appears to only allow nationally or regionally significant REG activities in areas with significant environmental values. This implies that small-scale and community schemes cannot be provided for in an such areas.

Alternately, given the separate policy that relates to small-scale and community-scale REG, is it intentional that Clause 3.6 does not apply to such activities? We consider that it is unclear and would benefit from clarification to ease consenting processes.

Effects management hierarchy

It is noted that the wording of the Options in the Discussion document and the Proposed NPS are different. The discussion below is based on the wording in the Proposed NPS.

Terminology – all the options use the terms:

- ‘more than minor’ and ‘significant’, and
- ‘all/any effects’ and ‘residual effects’

interchangeably. It is unclear if this is deliberate i.e. to describe different outcomes, or unintentional and would benefit from clarification. For example:

Clause 3.6 (e) states: *'if offsetting of more than minor adverse effects is not practicable, compensation is provided; then..'*

Clause 3.6 (f) Option 2A (same rule for all): *'if compensation is not appropriate to address any residual adverse effects'*

Clause 3.6 (f)(i) Option 2A (same rule for all) *'the REG activities must be avoided if the residual adverse effects are significant; but...'*

Furthermore, the term 'minimised' is only used in this clause and 'mitigate' is used elsewhere in the rest of the document and policies. We seek consistency in the use of terminology as it assists applicants and decision-makers alike by removing interpretation issues.

Offsetting and Compensation.

Regarding (f)(ii) Option A and clauses (f) (i)(B) and (f)(ii) Option B, the wording of these clauses could result in confusion as, and the clauses refer to 'any residual adverse effects', which in our opinion should be amended to 'significant residual adverse effects' as the RMA Is not a 'no effects' statute.

If clause (f) is only triggered by residual 'significant' adverse effects, then REG must be avoided as without offsetting or compensation, the residual adverse effects will remain significant. Unless clause (f) (ii) is intended to apply to all activities (even if residual effects are not significant). We consider this to be inappropriate as it does not appear to align with the policy wording that has been proposed.

Clause (f) also refers to the national significance and benefits of REG, whereas clause 3.6(1)(b) refers to nationally and regionally significant REG. Is the terminology in clause f(ii) deliberate i.e. only nationally significant projects should be provided for? Again, clarity would assist with preparing and processing applications.

With regard to implementation, we question whether offsetting or compensation is always appropriate, and if it is, how the nature, scale and appropriateness of any compensation or offsetting package will be defined and considered. We are concerned that each processing authority will apply different parameters i.e. no national consistency. Furthermore, there is no cross reference or connection between different NPS especially the NPS-FM and future NPS such as the NPS-IB.

We also note clause (3) which refers to 'other relevant nationally or internationally recognised principles.' This could result in uncertainty for both applicants and decision-makers as it essentially could be a moving target.

2.4. Please rank the options in order of preference (Option 1, Option 2A, Option 2B, Option 2C or status quo)

Response

No response – please see comments above as have identified issues with all of the options.

2.5. In your view, does the effects management hierarchy for REG in option 2 work for all significant environment values?

Response

The effects management hierarchy has been applied (generally) to significant residual ecological effects for some time, and it is understood and readily applied. However, whilst we understand that offsetting and compensation in outstanding natural landscapes and areas with natural character has been applied, its use is much less widespread. We suggest that if applied, it would be useful if statutory guidance was prepared on how to apply these tools in ONL and areas with natural character to assist with achieving national consistency in their application.

2.6. To what extent do you agree that the terrestrial coastal area should be a key area for future REG development potential?

Response

No response.

2.7. To what extent do you agree that the New Zealand Coastal Policy Statement poses particular challenges for consenting REG activities onshore in the coastal environment?

Response

We strongly agree.

Definition: areas with significant environment values means any or all of the following:

- (a) areas with natural character in the coastal environment:**
- (b) outstanding natural features and landscapes, both within and outside the coastal environment:**
- (c) areas with historic heritage, including sites of significance to Māori and wahi tapu:**
- (d) significant natural areas.**

The definition of areas with significant environmental values includes 'areas with natural character in the coastal environment' which is extremely broad (as almost all areas will have some natural character). This inclusion of all natural character does not recognise that the NZCPS targets the highest level of protection to areas of the coastal environment with outstanding natural character (NZCPS policy 13(1)(a)) and after that avoiding significant adverse effects and managing other effects on natural character in the rest of the coastal environment. Raising all areas of natural character to be areas with significant environmental values does not align well with the other parts of this definition which appear more akin to section 6 values.

In clause (b) there does not appear to be a need to use the words "both within and outside the coastal environment".

Further, from an implementation perspective, is the definition intended to only apply to 'identified' areas that are assessed and mapped in a planning document (district or regional plan) and

therefore accepted as being significant or does it relate to unassessed areas as well i.e. those identified through a consenting process.

2.8. Please provide any evidence or examples to support your view.

Response

No response.

2.9. Please provide any comments about this section.

Response

No response.

Section 3: Enabling renewable electricity generation in other areas including where there are effects on local amenity values

3.1. To what extent do you agree with the problem statement for this section?

Response

Strongly agree.

3.2. To what extent do you agree that the proposal appropriately addresses the problem and the policy objectives?

Response

Policy 5: In areas that are not areas with significant environment values, REG activities are enabled provided any adverse effects on the values of those areas, including on local amenity values, are avoided, remedied, or mitigated to the extent practicable.

Policy 5 applies to all REG activities regardless of whether they are nationally significant or not. We consider that insufficient consideration has been given to the statement from the Board of Inquiry March 2010: "When addressing local environmental values, the national significance of the proposed REG activity and its benefits should be given greater weight than the adverse effects on the amenity values of the proposed site and surrounding area".

Furthermore, Clause 3.7 (1) does not align with Policy 5 at it states that 'changes in amenity values are not, of themselves, an adverse effect' and yet the policy direction is to avoid, remedy and mitigate adverse effects on amenity values, to the extent practicable. In addition, decision makers must recognise that different people have different views i.e. a change in a view or seeing an object does not in itself constitute an adverse effect. This is already recognised by decision makers who often need to address a broad range of views and we support the change to being outcome focused.

However, the discussion document appears to limit amenity to visual amenity rather than its broader definition that can include traffic and noise for example, but clarification of this would

assist implementation. Furthermore, Policy 5 as proposed, refers to 'values of those areas' implying a broader consider than just amenity values i.e. landscape values outside of ONL's.

We also note that this matter is addressed in a similar manner to the NPS-UD and it would be consistent to apply the same policy approach to amenity values across NPS.

We therefore seek to amend clause 3.7(2) as follows:

"(2) When considering changes in local amenity values from REG activities, recognise that changes in amenity values are not, of themselves, an adverse effect, and that have particular regard to the following matters:

- ~~(a) changes that may detract from local amenity values appreciated by some people may result in amenity values appreciated by other people; and~~
- ~~(b) the changes are likely to have wider benefits to the wellbeing of people and communities, including future generations."~~

(a) that REG activities may involve significant changes to an area, and those changes:

(i) may detract from visual amenity values appreciated by some people but maintain or improve visual amenity values appreciated by other people, communities, and future generations, including by providing increased security of electricity supply; and

(ii) are not, of themselves, an adverse effect.

3.3. Please provide any evidence or examples to support your view.

Response

No response.

3.4. Please provide any comments about this section.

Response

No response.

Section 4: Recognising and providing for Māori interests

No comments.

Section 5: Upgrading and repowering existing wind and solar generation

5.1. To what extent do you agree with the problem statement for this section?

Response

We generally agree with the problems identified, but the section focuses on upgrading rather than repowering.

Questions on NPS proposal

5.2. To what extent do you agree that the NPS proposal appropriately addresses the problem and the policy objectives?

Response

Definition of repowering: in relation to wind and solar REG assets, means their comprehensive replacement or upgrade, within an existing site, at the end of the asset’s operational life or when it becomes cost-effective to replace the existing technology to increase generation output.

The definition is confusing as it refers to upgrade, but upgrading and repowering are considered separately in the NPS-REG. So, we question whether upgrading is also repowering? If not, we consider that upgrading requires its own definition.

It would also be helpful to have some parameters around what is defined as an upgrade, so that there is clarity on where a large-scale upgrade essentially becomes a new development and where a small-scale upgrade is operation and maintenance, and where upgrading differs from repowering.

We therefore seek that a new definition of upgrade is included, and the definition of repowering is amended as follows:

Definition of repowering: in relation to wind and solar REG assets, means their comprehensive replacement ~~or upgrade, within an existing site., at the end of the asset’s operational life or when it becomes cost-effective to replace the existing technology to increase generation output.~~

Policy 9. The timely and efficient upgrade and repowering of existing wind and solar REG assets is enabled.

The policy is not clear and directive, we seek that the Policy is reworded as follows: *Enable the upgrade and repowering of existing wind and solar REG activities.*

5.3. To what extent do you agree that the upgrade provisions should be extended to cover unimplemented consents as of the date the provisions come into force?

Response

No response

5.4. Should this apply only to wind farm consents, or are other technologies also affected?

Response

From a practical and effects perspective, we suggest that this approach could apply to hydro generation which also has turbines within structures and could take advantage of new technology to get better capacity out of the same volume of water with no additional or increase in ‘consented’ adverse effects.

Questions on NES proposal

5.5. To what extent do you agree that the NES proposal appropriately addresses the problem and the policy objectives?

Response

It is unclear why, from a consenting perspective, upgrading and repowering are treated differently, when essentially the effects will be the same. For example, why is like for like replacement not permitted, when the effects are unlikely to be greater than those generated by the consented/operating REG.

If repowering requires upgrading, then presumably the upgrading provisions are triggered. We consider the terminology and definitions are overly restrictive and complicate consenting processes.

5.6. Do you agree the NES should enable planning decisions to apply a more lenient application of the rules relating to the upgrading and repowering of wind and solar generation?

Response

No, not if we want a nationally consistent approach.

5.7. Do you think that the indicative thresholds, standards and matters of discretion for minor, intermediate and major upgrades are generally appropriate? How can these be improved or refined?

Response

We question why functional, technical and operational need are required to be considered when upgrading an existing facility. It could unnecessarily complicate consenting processes.

5.8. Please provide any evidence or examples to support your view.

Response

No response.

5.9. Please provide any comments about this section.

Response

The 2011 version of the NPS-REG includes “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.”

From a consenting and enabling perspective, we seek that this approach is included in the NPS-REG as follows:

Provide for activities associated with the investigation, identification and assessment of potential sites and REG energy sources.

Section 6: Reconsenting existing hydro-generation assets
6.1. To what extent do you agree with the problem statement for this section?
<p>Response</p> <p>We agree that there is a fundamental disconnect between recognition of the existing hydro resource and the issues of concern raised by many parties.</p>
6.2. To what extent do you agree with retaining the status quo for now?
<p>Response</p> <p>We are very concerned about the retention of the status quo for now as it will perpetuate the situation of potentially conflicting guidance between the NPS-REG and NPS-FM for an unknown period. It is likely that during this time many hydro schemes will need to be reconsented and this may result in protracted consenting processes.</p>
6.3. Please provide any evidence or examples to support your view.
<p>Response</p> <p>No response.</p>
6.4. Please provide any comments about this section.
<p>Response</p> <p>The NPS- REG 2011 provides for hydro development, operation, maintenance etc but the proposed NPS-REG does not clearly provide for hydro and defers to the NPS-FM which is not the current situation. Whilst we understand that the national planning framework may address this issue, in the meantime, and from a consenting perspective, this generally leaves hydro (especially reconsenting) in a complex policy framework when considered in terms of the NPS-FM, but conversely Policy 8 seeks to avoid the loss of existing REG. We consider that there is some tension in the policy framework.</p> <p>The discussion document states that MfE propose to retain (for now) the existing ‘Hydro-electricity resources’ policy (Policy E2) in the NPS- REG 2-11, and the intent of the preamble in that policy statement relating to water allocation. However, these have not been included in the proposed NPS-REG. Furthermore, the degree to which the preamble is meaningful has also been queried during the Otago deemed permit plan change process as it is not technically law.</p> <p>We are also concerned from a workability perspective, that there is no clear pathway for the ongoing operation, maintenance and renewal of existing hydro especially small-scale schemes despite this forming the backbone of New Zealand’s current REG.</p> <p>This means that the proposed policy direction of protecting existing capacity (Policy 8) may not be achievable given the directions for freshwater, and therefore the overall output of existing hydro</p>

may well decrease. This in turn means that the gap between what New Zealand has and what it needs may increase requiring more new generation to reach the Government's targets.

In accepting that new development of hydro is not likely to be achievable, we question whether the operation, maintenance and renewal of existing hydro needs to be subservient to the NPS-FM.

7.1. To what extent do you agree with the problem statement for this section?

Response

We agree with the problem statement.

Questions on NPS proposal

7.2. To what extent do you agree that the NPS proposal appropriately addresses the problem and the policy objectives?

Response

Clause 3.8: Small-scale and community-scale REG

From an implementation perspective, it is unclear whether small-scale and community-scale REG is subject to clause 3.6 (REG in areas with significant environment values) as this clause only seems to provide for 'nationally and regionally significant' REG. This wording reinforces previous discussion in this submission that all REG is not clearly recognised as nationally significant.

If this is the case, then it implies that small and community-scale REG cannot locate in areas with significant environmental values. Alternatively, Clause 3.6 does not apply to small and community-scale REG and such activities would only need to avoid/remedy/mitigate adverse effects to the extent practicable – no offsetting or compensation, no avoidance of residual significant effects. We also note that there appears to be consideration of the benefits of such REG that is not provided for other types.

We therefore seek clarity on the management of small and community-scale REG in areas with significant environment values.

7.3. To what extent do you agree with the proposed definitions of small-scale and community-scale renewable electricity generation activities?

Response

There is no definition of community i.e. a housing development of 250 dwellings could be defined as a community as could the entire population of Blenheim. Therefore, the scale of a community development could be the same as a 'commercial' development. From an effects basis, we suggest that the provisions should seek to manage the scale of the REG rather than its ownership as this could delay consenting processes.

7.4. To what extent do you agree that run-of-river hydro, instream hydro and micro hydro will play a role in the future electricity generation network?

<p>Response</p> <p>Agree but from a consenting perspective, the intent to provide for small scale hydro (run of river etc) may not be achieved if the NPS-FM prevails as those scales of hydro will not get the 'specified infrastructure' pathway under the NPS-FM and so will be very difficult to consent.</p>
<p>Questions on NES proposal</p> <p>7.5. To what extent do you agree that the NES proposal appropriately addresses the problem and the policy objectives?</p>
<p>Response</p> <p>They do enable small scale and community REG, however, please refer to the comments below.</p>
<p>7.6. Are the thresholds, standards and rules for control and discretion appropriate as set out in the draft rules?</p> <p>Can you suggest any improvements? Please provide evidence for your suggested changes.</p>
<p>Response</p> <p>From an implementation perspective and creating an appropriate permitted baseline, we question why a free-standing wind turbine on a 4ha lifestyle block could not be permitted. The proposed one per 20 hectares requires a very large site and likely limits the number of turbines that can be established as of right i.e. generally rural or large-scale industrial properties.</p> <p>Furthermore, there is a discrepancy between a property owner that can cover a roof in solar panels but cannot have one free standing panel in a residential area or can cover 300m² of roof in a rural zone but only have 200m² of free-standing panels. It is unclear why there is this difference, as we suspect any effects will be similar.</p> <p>There is also no consideration of whether sites are in areas with significant environment values. We seek clarification as to how small-scale REG is provided for in such areas to assist with nationally consistent implementation of NPS provisions.</p>
<p>7.7. Is 20m and 30m appropriate as a permitted and controlled activity standard for small and community-scale wind turbine height respectively?</p>
<p>Response</p> <p>We seek clarification of the activity status that applies to free standing wind turbines in residential areas. As proposed, these are not addressed at all.</p>
<p>7.8. Should the rules relating to small-scale free-standing and roof-mounted wind and solar apply to all zones, or should they exclude residential zones?</p>
<p>Response</p> <p>We seek that they should apply in all zones to provide a consenting baseline.</p>

7.9. Do you agree the NES should enable planning decisions to apply a more lenient application of the rules relating small and community scale wind and solar generation?
Response No, not if we want a nationally consistent approach.
7.10. Please provide any evidence or examples to support your view.
Response No response.
7.11. Please provide any comments about this section.
Response No response.
Section 8: Other issues
Questions on nationally-consistent rules for large-scale wind and solar generation
8.1. Should the NES-REG provide nationally consistent rules for large-scale wind and solar generation? If so, what is an appropriate activity status and what would be relevant matters of discretion?
Response No response.
Questions on battery storage
8.2. To what extent do you agree it is necessary to include a definition for electricity storage activities as separate from its inclusion in the definition of REG activities?
Response No response.
8.3. Are specific policies needed to support storage associated with the wider electricity network?
Response No response.
Questions on lapse periods for unimplemented consents
8.4. What do you think is an appropriate lapse period for consents for renewable electricity generation activities (3 years, 5 years, 7 years, 10 or more years)?

<p>Response</p> <p>No response.</p>
<p>8.5. What is the expected time to start building a large wind farm or large solar farm once resource consent has been approved?</p>
<p>Response</p> <p>No response.</p>
<p>8.6. Please provide any evidence or examples to support your view.</p>
<p>Response</p> <p>No response.</p>
<p>8.7. Please provide any comments about this section.</p>
<p>Response</p> <p>No response.</p>
<p>Part C: Strengthening national direction for electricity transmission</p>
<p>Response</p> <p>No response.</p>
<p>PART D: IMPACT ASSESSMENT</p>
<p>13.1. To what extent do you agree with the preliminary impact analysis of these options?</p>
<p>Response</p> <p>No response.</p>
<p>PART E: IMPLEMENTATION, MONITORING AND REVIEW</p>
<p>Section 14: Implementation</p>
<p>14.1. Do you support the use of section (552A) to direct local authorities to insert relevant provisions from national policy statements into regional policy statements, regional plans and district plans without using the standard plan-making process in Schedule 1 of the RMA?</p>
<p>Response</p> <p>Yes, as it enables the provisions to be implemented in an efficient manner.</p>

14.2. Do you support providing non-statutory guidance for developing and maintaining renewable electricity generation?

Response

From a practitioner's experience, there can be some benefit from having non-statutory guidance, but it is limited as it is just that: 'non-statutory guidance' i.e. a document that has no weight in terms of decision-making. In other words, guidance does not mean that the provisions of the NPS will be consistently applied or that different interpretations will not occur. Furthermore, it must be ensured that the guidance document reflects the intent and provisions of the NPS-REG.

14.3. Do you support further central government or other institutional support for councils in making their consenting decisions?

Response

No response.

14.4. Are there any implementation risks the government should be aware of?

Response

No response.

14.5. Please provide any evidence or examples to support your view.

Response

No response.

14.6. Please provide any comments about this section.

Response

No response.

Section 15: Monitoring and review

15.1. Do you agree with the proposed monitoring and evaluation arrangements?

Response

We support the intent of Mfe to develop an evaluation plan to assess the effect and implementation of the proposals in achieving the objectives and the purpose of the RMA in accordance with the Minister for the Environment's functions under section 24(f) of the RMA. This is important to enable changes to occur to address issues that arise.

15.2. To what extent do you agree councils should be required to monitor specific aspects of their implementation of the NPSs and NESs?

<p>Response</p> <p>No response.</p>
<p>15.3. Do you agree that information for energy related consents (REG and ET) should be made publicly available and maintained as such on local authority websites?</p>
<p>Response</p> <p>No response.</p>
<p>15.4. What is the key information to be collected, reported and/or published?</p>
<p>Response</p> <p>No response.</p>
<p>15.5. To what extent do you agree standard conditions should be developed for energy related consents (REG and ET), including requirements for monitoring specific environmental indicators.</p>
<p>Response</p> <p>No response.</p>
<p>15.6. Please provide any evidence or examples to support your view.</p>
<p>Response</p> <p>No response.</p>
<p>15.7. Please provide any comments about this section.</p>
<p>Response</p> <p>No response.</p>