

**SUBMISSION ON THE PROPOSED REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION
PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE & SECTION 79 OF THE RESOURCE MANAGEMENT ACT 1991**

To: Greater Wellington Regional Council
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Submission on: Proposed Regional Policy Statement for the Wellington Region 2009 ('PRPS')

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Hearing Attendance: TrustPower Limited wishes to be heard in support of its submissions and if others make a similar submission TrustPower would be prepared to consider presenting a joint case with them at any hearing

Introduction

TrustPower Limited ('TPL') is New Zealand's fourth largest electricity retailer and fifth largest electricity generator. TPL is a predominantly New Zealand owned, listed company, employing approximately 400 people and serving around 220,000 customers. The majority of TPL customers are regionally based residential and small commercial customers. However, TPL also provides electricity to a number of major industrial customers nationwide.

TPL's generation portfolio, which it both owns and operates, is derived solely from renewable energy sources and is valued at approximately two billion dollars. The company's portfolio consists of eighteen hydroelectric power schemes (many of which are predominantly utilised for local electricity supply), and the New Zealand's largest wind farm (being the Tararua Wind Farm), which was consented and constructed in three stages.

TPL's assets are embedded in the local energy supply network and form a vital element in sustainable energy supply within New Zealand. TPL differs from a number of other large electricity generators and retailers in that its assets, particularly its hydroelectric assets, are typically small to medium in scale and output and are geographically spread throughout the North and South Islands. These schemes provide a number of benefits both to TPL's customers, and to New Zealand as a whole.

TPL generally supports the provisions of the Proposed Regional Policy Statement for the Wellington Region 2009 (PRPS) but has a number of concerns as discussed in the following sections of this submission. In particular, TPL considers there should be more explicit recognition of the national importance of renewable energy generation consistent with the proposed National Policy Statement for Renewable Electricity Generation (PNPS) and, increased recognition of the region's regionally significant renewable energy resources.

Submission Point 1

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

1.3 The resource management policy framework

2. This section (p3) acknowledges that the proposed provisions for infrastructure and energy are drawn from, among other things, the National Policy Statement on Electricity Transmission. The PRPS acknowledges the Proposed National Policy Statement on Renewable Electricity Generation ('PNPS') is currently being prepared but the PRPS does not draw on any aspect of the PNPS. While the PNPS is yet to have statutory effect, TPL considers it would be appropriate for the PRPS to contain policies broadly consistent with the objective and policies of the PNPS, which will be determined later this year.

The single objective of the PNPS that TPL considers should be acknowledged in the PRPS is:

To recognise the national significance of renewable electricity generation by promoting the development, upgrading, maintenance and operation of new and existing renewable electricity generation activities, such that 90 percent of New Zealand's electricity will be generated from renewable sources by 2025 (based on delivered electricity in an average hydrological year).

In addition, TPL considers the following Policy (One) of the PNPS should also be acknowledged in the PRPS:

The benefits of renewable electricity generation activities, at any scale, are of national significance. Decision-makers must have particular regard to the national, regional and local benefits relevant to renewable electricity generation activities. The benefits may include, but are not limited to:

- i. maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions*
- ii. maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation.*

3. Relief sought:

(i) Amend section 1.3 as follows (changes shown underlined):

Two other National Policy Statements have also been proposed. One concerns renewable electricity generation, the other is about freshwater management. Both have been released for public consultation and Boards of Inquiry have been appointed to hear submissions. Consistent with the Region's significant renewable energy potential, the Regional Policy Statement seeks to provide a framework for both recognising and providing for the national benefits of renewable electricity generation activities consistent with the proposed National Policy Statement for Renewable Electricity Generation.

(ii) Any similar provisions with like effect.

(iii) Any consequential amendments that stem from the amendments to Section 1.3 as proposed in this submission.

Submission Point 2

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

2.3 Community outcomes for the Wellington Region

2. TPL seeks additional explanatory text in this section to recognise that the promotion and development of renewable energy generation also reduces greenhouse gas emissions by reducing the use of fossil fuels.

3. Relief sought:

(i) Amend section 2.3 (p10) as follows (changes shown underlined):

Council and the region's city and district councils to support the achievement of this region's community outcomes. We can aim to reduce greenhouse gas emissions by reducing the use of fossil fuels for transport – for example, by investing in better public transport, encouraging more walking and cycling, reducing the need for travel, and steering development to achieve more integrated land use. In addition, renewable energy generation also reduces gas emissions by reducing the use of fossil fuels.

- (ii) Any similar provisions with like effect.
- (iii) Any consequential amendments that stem from the amendments to Section 2.3 as proposed in this submission.

Submission Point 3

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
3.2 Coastal Environment (including public access) Issues (p19)
2. TPL supports the specific acknowledgement on p19 of the Wellington Regions "significant wind and marine energy resource".
3. **Relief sought:**
 - (i) Retain 3.2 (p19) as stated
 - (ii) Any similar provisions with like effect.
 - (iii) Any consequential amendments that stem from the retention of Section 3.2 as proposed in this submission.

Submission Point 4

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
3.2 Coastal Environment (including public access) Objective 3
2. As currently worded this objective could be read to suggest that all parts of the coastal environment contain significant habitats and features and should be protected. TPL requests that Objective 3 be modified to clarify that not all parts of the coastal environment necessarily have significant values.
3. **Relief sought:**
 - (i) Amend Objective 3 as follows (changes shown underlined):
A number of habitats and features in the coastal environment are protected because of their significant indigenous biodiversity, recreational, cultural, historical, or landscape values.
 - (ii) Any similar provisions with like effect.
 - (iii) Any consequential amendments that stem from the amendments to Objective 3 as proposed in this submission.

Submission Point 5

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

3.3 Energy, infrastructure and waste Issues (pp27-29)

2. TPL has a number of general comments:

- The PRPS lists the existing energy generation 'sites' in the Wellington Region. However, this list fails to include the Makara Windfarm and the wind turbine in Brooklyn (Wellington City) and does not acknowledge that a number of additional sites are under investigation in the region for renewable energy generation. In addition, TPL considers the reference to 'sites' inappropriate as there are many potential energy generation 'sites' in the Wellington Region. Alternatively, TPL suggests the term existing 'developments' be used.
- TPL seeks that increased recognition of the benefits of renewable energy generation should be included in this section as provided for in the PNPS. There is no mention of the PNPS in this section.
- The PRPS refers to the potential for small-scale hydro in the region. However, the PRPS does not define 'small scale hydro generation'. Accordingly, TPL seeks clarification over what is intended in the reference to 'small scale hydro generation' and suggests that the Electricity Market Rule of <10MW be considered 'small scale'.
- The PRPS states *"tidal currents are also significant renewable energy resources, but technological advances are required to realise this potential"*. TPL requests that this be slightly amended to refer to tidal currents being 'potentially' significant renewable energy resources – so that actual renewable energy resources of wind and hydro remain the focus renewable energy sources in the region for the immediate future.
- TPL considers it is important that the PRPS specifically recognise that energy generation facilities are significant physical resources, which the PRPS does not currently do.
- TPL requests an amendment to the stated issue for energy to give further support to the need to provide for renewable energy generation developments.
- TPL supports the stated issue for infrastructure.

3. Relief sought:

(i) Amend the statements on p27 as follows (changes shown underlined):

...The New Zealand Energy Strategy (2007), the New Zealand Energy Efficiency and Conservation Strategy (2007) and the New Zealand Transport Strategy (2008) outline New Zealand's actions on energy and climate change. The objectives, policies and methods on energy in this Regional Policy Statement will assist with making progress towards national targets. There are, however, a number of targets – such as reducing carbon dioxide-equivalent emissions from transport – where the Regional Policy Statement has limited influence.

In addition, the benefits of renewable energy need to be recognised and provided for consistent with the Proposed National Policy Statement for Renewable Energy Generation...

(ii) Amend the first paragraph on p28 as follows (changes shown underlined):

...There is also the potential for small scale renewable energy generation (up to 10MW) ~~including small scale hydro in the region~~. Tidal currents in Cook Strait and, to a lesser extent, wave action in Cook Strait and off the Wairarapa coast are also potentially significant renewable energy resources, but technological advances are required to realise this potential...

(iii) Amend the list of significant physical resources on p28 as follows (changes shown underlined):

The transport network, airports, the port, telecommunication and renewable energy generation facilities, the rail network and other utilities, including energy transmission and distribution networks, are significant physical resources.

- (iv) Amend issue 1 as follows (changes shown underlined):

The Wellington region is dependant on externally generated electricity and overseas-sourced fossil fuels and is therefore vulnerable to supply disruptions and energy shortages. However, significant renewable energy resources exist within the region and these can be developed to help meet the socioeconomic needs of current and future generations.

- (v) Any similar provisions with like effect.

- (vi) Any consequential amendments that stem from the amendment of Section 1 as proposed in this submission.

Submission Point 6

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

3.3 Objective 9

2. TPL requests that this objective be modified so that it specifically promotes renewable energy generation developments.

3. Relief sought:

- (i) Amend Objective 9 sub-clause (b) as follows (changes shown underlined):

The region's energy needs are met in ways that: ...

(b) promotes renewable energy developments of a diverse ~~diversify~~ type and scale of renewable energy development;

Or retain sub-clause (b) as stated and add a new sub-clause as follows (changes shown underlined):

The region's energy needs are met in ways that: ...

(f) promotes development of renewable energy generation

- (ii) Any similar provisions with like effect.

- (iii) Any consequential amendments that stem from the amendments to Objective 9 as proposed in this submission.

Submission Point 7

1. The specific provisions of the Proposed RPS that TPL's submission relates to are as follows:

3.3 Objectives 10 & 11

2. TPL supports these objectives.

3. Relief sought:

- (i) Retain objectives as currently worded

- (ii) Any similar provisions with like effect.

- (iii) Any consequential amendments that stem from the retention of Objectives 10 and 11 as proposed in this submission.

Submission Point 8

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
 - 3.4 **Freshwater (including public access) Issue 3**
2. TPL requests an amendment to Issue 3 to ensure that this issue acknowledges that water take and use for renewable energy generation activities may be appropriate.
3. **Relief sought:**
 - (i) Amend Issue 3 as follows (changes shown underlined):

There is a limited amount of water in rivers and groundwater aquifers available for human use and demand is increasing. The amount of water taken for farm pasture irrigation has more than doubled over the last 10 years. Increasing populations in the region's urban areas also means increased demand for water, reducing the availability of water for other uses with national or regional benefits such as renewable energy developments.
 - (ii) Any similar provisions with like effect.
 - (iii) Any consequential amendments that stem from the amendments to Issue 3 as proposed in this submission.

Submission Point 9

1. The specific provisions of the Proposed RPS that TPL's submission relates to are as follows:
 - 3.7 **Landscape Issues & Objectives**
2. TPL generally supports this section including the general statement, resource management issue, and objective 17, which recognise that landscape change is inevitable and inappropriate modification and destruction of outstanding natural features and landscapes, and significant amenity landscapes is causing a loss of the values associated with those landscapes and features. However, TPL considers that there should be some acknowledgement of the potential renewable energy resources of the region's landscape within the introductory text.
3. **Relief sought:**
 - (i) Amend third and fourth paragraphs on p 47 as follows (changes shown underlined):

Within all communities in the region there is an increasing awareness of the distinctive character of local landscapes and natural features, and their importance to our quality of life. Landscapes influence our sense of identity and our experiences of the places we live. Landscape is regarded as a physical resource that shapes and is shaped by many of our activities such as farming, tourism, renewable energy generation, energy development, forestry and urban development. For Maori it provides earthy links with ancestors and tribal history, and is intrinsic to the wellbeing of the people of that place. The rohe, or tribal area for tangata whenua, is often associated with landscapes and features and therefore they have powerful cultural significance.

Landscape change is inevitable, even without human action. However, the degree of change caused by human activities has been accelerating. The distinctive aspects of the Wellington region's landscapes are at risk of being lost or degraded by inappropriate activities that do not efficiently use the region's renewable resources.
 - (ii) Any similar provisions with like effect.
 - (iii) Any consequential amendments that stem from the amendments to the introductory text as proposed in this submission.

Submission Point 10

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
Policy 3: Discouraging development in areas of high natural character in the coastal environment
2. TPL requests that this policy is modified to recognise that some new development of regionally significant infrastructure could potentially be appropriate in the coastal environment (particularly wind farms). Such recognition is already supported in the explanation below this policy, which states *"although a matter of national importance to preserve the natural character of the coastal environment, the RMA does not preclude use and development in the coastal environment"*.
3. **Relief sought:**
 - (i) Amend Policy 3 as follows (changes shown underlined):
Discouraging inappropriate development in areas of high natural character in the coastal environment – district and regional plans
District and regional plans shall include policies, rules and/or methods that discourage: ~~(a) inappropriate new subdivision, use, and/or development; and (b) inappropriate use; on land in the coastal environment with high natural character.~~
 - (ii) Amend explanatory text as follows:
Policy 3 requires district and regional plans to discourage inappropriate new subdivision, use, and development, and inappropriate use in areas considered to have 'high' natural character. Councils must assess land in the coastal environment to ascertain which areas have high natural character, in order to discourage inappropriate new subdivision, use and development in these areas, and to determine what potentially would be inappropriate development and use on this land, depending on the attributes associated with an area's high natural character.
Potentially appropriate development and use should include those activities with regional and/or national benefits that have been carefully designed to avoid, remedy or mitigate any actual or potential adverse effects on the coastal environment.
 - (ii) Any similar provisions with like effect.
 - (iii) Any consequential amendments that stem from the amendment of Policy 3 as proposed in this submission.

Submission Point 11

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
Policy 4: Identifying the landward extent of the coastal environment
2. TPL supports this policy in part as the coastal environment should be identified in the RPS in addition to district plans.
3. **Relief sought:**
 - (i) Retain Policy 4 as currently worded but give additional effect by changing Method 49 as requested below.
 - (ii) Any similar provisions with like effect.
 - (iii) Any consequential amendments that stem from the amendment of Method 49 as proposed in this submission.

Submission Point 12

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

Method 49: Prepare a regional landscape character description

2. TPL supports this method in part as the coastal environment should be clearly identified in the RPS in addition to district plans.

3. **Relief sought:**

- (i) Amend Method 49 as follows (changes shown underlined):

Method 49: Prepare a regional landscape character description and identify the extent of the coastal environment

Develop and disseminate a regional landscape character description that describes and categorises the region's landscapes to assist with identifying outstanding natural features and landscapes, and significant amenity landscapes, including the identification of the extent of the coastal environment on District Plan Maps as well as a Map in the Regional Policy Statement...

- (ii) Any similar provisions with like effect.
- (iii) Any consequential amendments that stem from the amendment of Method 49 as proposed in this submission.

Submission Point 13

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

Policy 6: recognising the benefits from regionally significant infrastructure and renewable energy

2. TPL requests that this policy be modified to recognise that renewable energy generation developments should be promoted, as opposed to just recognising the benefits. In terms of Policy 6 sub-clause (b), TPL considers there are a number of additional benefits of renewable energy that the PRPS should recognise, particularly as these are supported by the Proposed National Policy Statement on Renewable Electricity Generation and by recent case law.

TPL supports the definition of regionally significant infrastructure provided in the explanatory text, in terms of *facilities for the generation and transmission of electricity where it is supplied to the national electricity grid.*

3. **Relief sought:**

- (i) Amend Policy 6 as follows (changes shown underlined):

Recognising and providing for the national benefits of ~~from~~ regionally significant infrastructure and renewable energy development

District and regional plans shall include policies that recognises and provide for:

- (a) *the social, economic, cultural and environmental benefits of regionally significant infrastructure including:*
 - (i) *people can travel to, from and around the region efficiently;*
 - (ii) *public health and safety is maintained through the provision of essential services, supply of potable water and the collection and transfer of sewage;*
 - (iii) *people have access to energy so as to meet their needs; and*
 - (iv) *people have access to telecommunication services.*

- (b) that renewable electricity energy generation is a key issue for New Zealand and there are the social, economic, cultural and environmental benefits from any scale of energy generated from renewable energy resources. Recognised benefits include:
- (i) security of supply and diversification of our energy sources;
 - (ii) reducing dependency on imported energy resources and the national grid;
 - (iii) reducing greenhouse gas emissions;
 - (iv) efficient use of natural resources.
 - (v) reduction in transmission losses
 - (vi) reliability
 - (vii) development benefits; and
 - (viii) contribution to the renewable energy target.
- (ii) Retain the definition of regionally significant infrastructure in relation to "facilities for the generation and transmission of electricity where it is supplied to the national electricity grid" as stated in the explanatory text.
- (iii) Any similar provisions with like effect.
- (iv) Any consequential amendments that stem from the amendment of Policy 6 as proposed in this submission.

Submission Point 14

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
- Policy 7: Protecting regionally significant infrastructure**
2. TPL supports the intent of this policy to protect regionally significant infrastructure from inappropriate land-uses. However, TPL seeks to amend this policy to include areas nearby, as opposed to 'under, over, or alongside'.
3. **Relief sought:**
- (i) Amend Policy 7 as follows (changes shown underlined):
District and regional plans shall include policies and rules that protect regionally significant infrastructure from incompatible new land uses or activities under, over, ~~or alongside~~ or in close proximity.
 - (ii) Any similar provisions with like effect.
 - (iii) Any consequential amendments that stem from the amendment of Policy 7 as proposed in this submission.

Submission Point 15

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
- Policy 10: Promoting energy efficient design and small scale renewable energy generation**
2. TPL supports this policy to promote small scale renewable energy development. However, unless TPL's requested amendments to Policy 6 above are accepted, Policy 10 is the only policy in the PRPS that specifically

promotes the development of renewable energy generation. TPL proposes additional explanatory text accordingly.

3. **Relief sought:**

(i) Amend explanatory text as follows (changes shown underlined):

...District Plans should promote the use and development of renewable energy generation, including small scale renewable energy generation activities ...

(iii) Any similar provisions with like effect.

(iv) Any consequential amendments that stem from the amendment of Policy 10 as proposed in this submission.

Submission Point 16

1. The specific provisions of the Proposed RPS that TPL's submission relates to are as follows:

Policy 6: recognising the benefits from regionally significant infrastructure and renewable energy

AND

Policy 10: Promoting energy efficient design and small scale renewable energy generation

2. An alternative to the relief sought in relation to policies 6 and 10 is to address the matters raised in the above submission points 13 and 15 by adding a new policy that specifically addresses the issue of promoting renewable energy generation developments and use.

3. **Relief sought:**

(i) Insert an additional new Policy and explanatory text as follows (changes shown underlined):

Recognising and providing for the benefits of renewable energy generation development and use – regional and district plans

District and regional plans shall recognise that renewable electricity energy generation is a key issue for New Zealand and therefore shall include policies that recognise and provide for the social, economic, cultural and environmental benefits at any scale of energy generated from renewable energy resources. Recognised benefits include:

(i) security of supply and diversification of our energy sources;

(ii) reducing dependency on imported energy resources and the national grid;

(iii) reducing greenhouse gas emissions;

(iv) efficient use of natural resources;

(v) reduction in transmission losses;

(vi) reliability;

(vii) development benefits; and

(viii) contribution to the renewable energy target.

(ii) Add supporting explanatory text as follows:

Climate change and renewable electricity generation are key issues for the Region. New Zealand has a target of providing 90% of our energy use by renewable sources by 2025. Policy xxx (to be inserted) seeks to ensure that planners and decision-makers actively take into account the recognised national benefits of renewable energy generation consistent with the proposed National Policy Statement on Renewable Energy Generation.

- (iii) Any similar provisions with like effect.
- (v) Any consequential amendments that stem from the insertion of the new policy proposed in this submission.

Submission Point 17

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

Policy 11: Maintaining and enhancing aquatic ecosystem health in water bodies

2. TPL requests an amendment to this policy to reduce the high level of weighting given to protecting aquatic ecosystems and to clarify what 'other identified purposes' include. TPL seeks to ensure that renewable energy generation is identified as a potentially appropriate other purpose.

3. **Relief sought:**

- (i) Amend Policy 11 as follows (changes shown underlined):

Regional plans shall include policies, rules and/or methods that:

(a) *require, as a minimum, that water quality, flows and water levels, and the aquatic habitat of all water bodies are to be managed in such a way that ensures for the purpose of the maintenance and enhancement of maintaining or enhancing aquatic ecosystem health is given particular regard; and*

(b) *manage water bodies for other identified purposes including:*

- (i) *Water supply*
- (ii) *Renewable energy generation*
- (iii) *Contact recreation*
- (iv) *Groundwater supply*
- (v) *Trout fishery*
- (vi) *Cultural purposes*

- (ii) Amend explanatory text as follows (changes shown underlined):

... Some water bodies may also be managed for other purposes – such as trout fishery, contact recreation, water supply, renewable energy generation, groundwater protection, or cultural purposes. Where they are identified in regional plans, management purposes will establish limits and guide decisions on water quality, flows and water levels, and managing aquatic habitat.

Where a water body is assigned more than one management purpose in a regional plan, water quality, river flows and water levels shall not be less than the limits established for aquatic ecosystem health.

- (iii) Any similar provisions with like effect.
- (v) Any consequential amendments that stem from the amendment to Policy 11 as proposed in this submission.

Submission Point 18

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
Policy 14: Minimising the effects of earthworks and vegetation disturbance
2. TPL supports this policy.
3. **Relief sought:**
 - (i) Retain policy as currently worded
 - (ii) Any similar provisions with like effect.
 - (iii) Any consequential amendments that stem from the retention of Policy 14 as proposed in this submission.

Submission Point 19

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
Policy 16: Maintaining and enhancing aquatic ecosystem health in water bodies
2. TPL requests that a new sub-clause and supporting explanatory text be added to this policy to recognise that some disturbances to water bodies may be appropriate, particularly if it is required for developing regionally significant infrastructure including renewable energy developments.
3. **Relief sought:**
 - (i) Amend Policy 16 as follows (changes shown underlined):
Regional plans shall include policies, rules and/or methods that...
(g) recognise that some disturbance to waterbodies may be appropriate, particularly in developing new regionally significant infrastructure including renewable energy developments.
 - (ii) Add to explanatory text as follows (changes shown underlined):
While disturbances to waterbodies should be discouraged, some disturbances may be appropriate if they are required for the development of regionally significant infrastructure and are designed to avoid, remedy and mitigate any actual or potential adverse effects of waterbodies including their ecological function.
 - (iii) Any similar provisions with like effect.
 - (iv) Any consequential amendments that stem from the amendment to Policy 16 as proposed in this submission.

Submission Point 20

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
Policy 18: Using water efficiently
2. TPL requests that the explanatory text to this policy be amended to ensure that non-consumptive activities that enable water to be used and reused, for example hydro generation activities, can be identified as efficient uses of water.
3. **Relief sought:**
 - (i) Amend explanatory text as follows (changes shown underlined):

Using water efficiently and water harvesting when it is in abundant supply will make more water available when there is a shortage.

Non consumptive uses of water shall be recognised in Regional Plans as efficient uses, as water is able to be reallocated for a future use.

- (iii) Any similar provisions with like effect.
- (v) Any consequential amendments that stem from the amendment of the explanatory text to Policy 18 as proposed in this submission.

Submission Point 21

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

Policy 19: Prioritising water abstraction for the health needs of people

2. TPL requests that this policy be amended to enable prioritisation for water abstraction activities to also be given to regionally significant infrastructure, particularly where it is non-consumptive such as hydroelectricity generation.

3. **Relief sought:**

- (i) Amend Policy 19 as follows (changes shown underlined):

Regional plans shall include policies and/or rules that give priority to the abstraction of water for the health needs of people, including:

- (a) *the taking of water by any statutory authority that has a duty for public water supply under any Act of Parliament;*
- (b) *the taking of water for reticulation into a public water supply network; ~~and~~*
- (c) *the taking of water for domestic and community supplies; and*
- (d) *the taking of water for regionally significant infrastructure, particularly where it is non-consumptive.*

- (ii) Amend explanatory text as follows (changes shown underlined):

This policy recognises the need to prioritise the taking of water. The Resource Management Act, in section 14, gives priority for water to be taken for firefighting purposes and an individual's reasonable domestic needs or the needs of an individual's animals for drinking water, provided there are no adverse effects on the environment. This policy gives the same priority to the abstraction of water by public authorities for public water supply over other takes of water. This policy also includes a priority for regionally significant infrastructure, particularly where it is non-consumptive (such as hydroelectricity generation) above other takes of water. Non consumptive uses of water shall be recognised in Regional Plans as efficient uses, as water is able to be reallocated for a future use.

- (iii) Any similar provisions with like effect.
- (iv) Any consequential amendments that stem from the amendment of Policy 19 as proposed in this submission.

Submission Point 22

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
Policy 22: Identifying indigenous ecosystems and habitats with significant biodiversity values

2. TPL requests that the identification of indigenous ecosystems and habitats with significant biodiversity values is undertaken in accordance with best practice ecological assessment criteria under the RMA and include a two-tier assessment consistent with Environment Court case law. As currently drafted, the criteria do not take into account the condition or sustainability of a site when determining significance (this includes considerations such as whether its ecological processes are largely intact). TPL also seeks clarification that any assessments undertaken to identify indigenous ecosystems and habitats with significant biodiversity values using the criterion in Policy 22 include field verification.

3. Relief sought:

- (i) Amend Policy 22 as follows (changes shown underlined):

District and regional plans shall identify indigenous ecosystems and habitats that have been assessed as having ~~with~~ significant indigenous biodiversity values in accordance with the that meet one or more of the following best practice ecological significance criteria:

Primary Assessment Criteria

(a) Representativeness: high representativeness values are given to particular ecosystems and habitats that were once typical and commonplace in a district or in the region, and:

(i) are no longer commonplace; or

(ii) are poorly represented in existing protected areas.

(b) Rarity: the ecosystem or habitat has biological physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare.

(c) Diversity: the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area.

(d) Ecological context of an area: the ecosystem or habitat:

(i) enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or

(ii) provides seasonal or core habitat for threatened indigenous species.

Secondary Assessment Criteria

(e) Key ecological processes remain viable or still influence the site; and key ecosystems within the site are known to be or are likely to be resilient to existing or potential threats under some realistic level of management activity.

(~~e~~f) Tangata whenua values: the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to tangata whenua, identified in accordance with tikanga Maori.

- (ii) Amend explanatory text as follows:

Policy 22 will ensure that indigenous ecosystems and habitats with significant biodiversity values are identified in district and regional plans in a consistent way. Wellington Regional Council, and district and city councils are required to assess indigenous ecosystems and habitats against ~~all~~ the relevant criteria. To be identified as having significant biodiversity values, an indigenous ecosystem or habitat must meet at least one fit-one-or-more of the Primary Assessment Criteria-listed criteria (Representativeness,

Rarity, Diversity and Ecological Context). These criteria are consistent with Environment Court accepted and best practice criteria. Any assessment of indigenous ecosystems and habitats undertaken under Policy 22 should include field verification of sites for inclusion.

- (iii) Any similar provisions with like effect.
- (iv) Any consequential amendments that stem from the amendment of Policy 22 as proposed in this submission.

Submission Point 23

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

Policy 23: Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values

2. TPL requests that the explanatory text for this policy is amended to recognise that in some situations some disturbance to indigenous ecosystems and habitat with significant indigenous biodiversity values may be appropriate, particularly if it is required for developing regionally significant infrastructure (including renewable energy developments).

3. **Relief sought:**

- (i) Amend explanatory text as follows (changes shown underlined):

Policy 23 applies to provisions in regional and district plans and seeks to ensure that indigenous ecosystems and habitat with significant indigenous biodiversity values throughout the region are protected from inappropriate subdivision, use and development. Policy 23 does not seek to prevent subdivision, use and development in these areas and recognises that disturbances associated with regionally significant infrastructure activities may be appropriate.

- (ii) Any similar provisions with like effect.
- (iii) Any consequential amendments that stem from the amendment to the explanatory text for Policy 23 as proposed in this submission.

Submission Point 24

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

Policy 25: Protecting outstanding natural features and landscape values

2. TPL generally supports this policy and explanatory text but requests a minor modification to the explanatory text to provide a more appropriate weighting to maintaining and enhancing outstanding natural features and landscape values.

3. **Relief sought:**

- (i) Retain policy as currently worded
- (ii) Amend explanatory text to policy 25 as follows (changes shown underlined):

...Policies 25 and 27 are not intended to prevent change, but rather to ensure that change is carefully considered, has demonstrated regional or national benefits and is appropriate in relation to the landscape values identified in policy 24...

- (iii) Any similar provisions with like effect.

- (iv) Any consequential amendments that stem from the amendment to the explanatory text to Policy 25 as proposed in this submission.

Submission Point 25

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

Policy 27: Maintaining and enhancing significant amenity landscapes

2. TPL opposes this policy as it is inconsistent with Part II of the RMA.

3. **Relief sought:**

- (i) Delete Policy 27 and the relating explanatory text:
- (ii) Any similar provisions with like effect.
- (iii) Any consequential amendments that stem from the deletion of Policy 27 as proposed in this submission.

Submission Point 26

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

Policy 28: Avoiding subdivision and development in areas at high risk from natural hazards

2. TPL requests an amendment to this policy and explanatory text to ensure that activities in areas prone to high risk from natural hazards will not be considered prohibited activities. This will ensure that potential appropriateness can be assessed on a case by case basis. In this regard, it could be feasible for activities associated with the development and operation of regionally significant infrastructure (including renewable energy generation) to be located within areas of high risk of natural hazards. Such development may be appropriate, provided it is designed in consideration of the risks from identified natural hazards.

3. **Relief sought:**

- (i) Amend Policy 28 as follows (changes shown underlined):

District plans shall:

- (a) *identify areas at high risk from natural hazards; and*
- (b) *include policies and rules to avoid inappropriate subdivision, use and development in those areas.*

- (ii) Amend explanatory text as follows (changes shown underlined):

... Examples of how this may be achieved include: fault rupture avoidance zones 20 metres either side of a fault trace; setback distances from an eroding coastline; hazard areas on floodplains; or, requirements for a geotechnical investigation before development proceeds on a hill slope identified as prone to failure.

Notwithstanding the above, this policy does not seek to prohibit development in areas of high risk to natural hazards as some types of development and use, such as regionally significant infrastructure may be appropriate.

- (ii) Any similar provisions with like effect.
- (iii) Any consequential amendments that stem from the amendments to Policy 28 as proposed in this submission.

Submission Point 27

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
Policy 33: Avoiding activities on contaminated land
2. TPL requests that this policy be modified to lessen the weighting given to the need to avoid developing and using contaminated land, as use of contaminated land should not necessarily have to be avoided.
3. **Relief sought:**
 - (i) Amend Policy 33 as follows (changes shown underlined):
Policy 33: Avoiding inappropriate activities on contaminated land – district plans
District plans shall include policies and rules that prevent ~~do not allow~~ activities on contaminated land if that activity could be adversely affected by the contamination.
 - (ii) Any similar provisions with like effect.
 - (iii) Any consequential amendments that stem from the amendments to Policy 33 as proposed in this submission.

Submission Point 28

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
Policy 34: Preserving the natural character of the coastal environment
2. TPL requests that this policy be amended to:
 - Recognise that some forms of development may be appropriate in the coastal environment, particularly where they have demonstrated national or regional benefits.
 - Provide reference to maintaining an 'appropriate' level of amenity of the coastal environment
 - Change the reference of 'minimising significant adverse effects' to more appropriately align with the intent of the relevant RMA provisions in terms of 'avoiding, remedying and mitigating adverse effects'.
3. **Relief sought:**
 - (i) Amend Policy 34 as follows (changes shown underlined):
When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, particular regard shall be given to preserving the natural character of the coastal environment by:
 - (a) *minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded;*
 - (b) *protecting as far as practicable the special values of estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them, so that healthy ecosystems are maintained;*
 - (c) *maintaining or enhancing an appropriate level of amenity – such as, open space and scenic values – and opportunities for recreation and the enjoyment of the coast by the public;*
 - (d) *avoiding, remedying, or mitigating ~~minimising~~ any significant adverse effects from use and enjoyment of the coast by the public;*
 - (e) *safeguarding the life supporting capacity of coastal and marine ecosystems;*
 - (f) *maintaining or enhancing biodiversity and the functioning of ecosystems;*

- (g) protecting as far as practicable scientific and geological features; and*
- (h) restricting coastal development to those activities with recognised regional benefits.*
- (ii) Any similar provisions with like effect.
- (iii) Any consequential amendments that stem from the amendments to Policy 34 as proposed in this submission.

Submission Point 29

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
Policy 35: Discouraging development in areas of high natural character in the coastal environment
2. TPL requests that this policy be amended to ensure 'inappropriate' activities are discouraged as opposed to any new subdivision and development in the coastal environment.
3. **Relief sought:**
 - (i) Amend Policy 35 as follows (changes shown underlined):
Policy 35: Discouraging inappropriate development in areas of high natural character in the coastal environment – consideration
When considering a notice of requirement or a change, variation or replacement to a district or regional plan, particular regard shall be given to discouraging inappropriate ~~new~~ subdivision, ~~and~~ development, and ~~inappropriate~~ use, on land in the coastal environment with high outstanding natural character...
 - (ii) Amend explanatory text as follows:
Discouraging inappropriate ~~new~~ subdivision, ~~and~~ development, and inappropriate use in places, sites or areas with high outstanding natural character in the coastal environment is also a matter of regional importance.
 - (iii) Any similar provisions with like effect.
 - (iv) Any consequential amendments that stem from the amendment to Policy 35 as proposed in this submission.

Submission Point 30

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:
Policy 36: Safeguarding life-supporting capacity of coastal ecosystems – consideration
2. TPL requests that this policy and explanatory text be amended to ensure it recognises that some disturbance to coastal ecosystems may be necessary and appropriate particularly for the development of regionally significant infrastructure.
3. **Relief sought:**
 - (i) Amend Policy 36 as follows (changes shown underlined):
When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, particular regard shall be given to safeguarding the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing as far as practicable:

(a) any area within the intertidal or subtidal zone that contains unique, rare, distinctive or representative marine life or habitats;

(b) areas used by marine mammals as breeding, feeding or haul out sites;

(c) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;

(d) habitats, corridors and routes important for preserving the range, abundance, and diversity of indigenous and migratory species;

(e) any area that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification – such as, estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems and salt marshes; ~~and~~

(f) the integrity, functioning and resilience of physical and ecological processes; and.

(g) the national or regional benefits of the proposed activity.

(ii) Amend the explanatory text as follows (changes shown underlined):

This policy describes habitats and types of areas that are typically sensitive and vulnerable to development pressures. Because some of these areas and habitats straddle the land and water interface, they will need to be controlled through both regional and district plans. Plans will need to control activities that affect these habitats, species and areas.

The integrity, functioning and resilience of habitats and processes in the coastal environment includes having particular regard to activities that affect the dynamic processes and features arising from the natural movement of sediment, water and air, the natural movement of biota, the composition of the natural substrate, and the natural biodiversity, productivity and biotic patterns.

Notwithstanding the above, this policy recognises that some disturbance to coastal ecosystems may be necessary and appropriate, such as regionally significant infrastructure designed that avoids, remedies or mitigates any significant adverse effects on the coastal environment.

(iii) Any similar provisions with like effect.

(v) Any consequential amendments that stem from the amendment to Policy 35 as proposed in this submission.

Submission Point 31

1. The specific provision of the Proposed RPS that TPL's submission relates to is as follows:

Policy 38: Recognising the benefits from regionally significant infrastructure and renewable energy

2. Similarly to Policy 6, TPL supports this policy and explanatory text in part but requests that the policy be amended to recognise the national importance of renewable energy generation consistent with the proposed National Policy Statement on Renewable Energy Generation, and the additional benefits of renewable energy generation.

In addition, TPL requests that this Policy be retained in the RPS to ensure the matters contained in Policy 6 and 38, in regard to recognising the benefits of regionally significant infrastructure and renewable energy generation, will always have hierarchal status in the Regional Policy Statement in the consideration of any Notice of Requirement, Resource Consent Application or District Plan Change.

3. **Relief sought:**

(i) Amend Policy 38 as follows (changes shown underlined):

When considering an application for a resource consent, notice of requirement or a change, variation or replacement to a district or regional plan, particular regard shall be given to:

- (a) the social, economic, cultural and environmental benefits of regionally significant infrastructure and/or energy generated from renewable energy resources;*
 - (b) the nationally significant wind and marine renewable energy resources within the region and the need for electricity generation facilities to locate where these resources exist; and*
 - (c) the need to appropriately balance the national benefits of regionally significant infrastructure and/or energy generated from renewable energy resources alongside local adverse effects.*
- (ii) Amend explanatory text as follows (changes shown underlined):
- The benefits of energy generated from renewable energy resources include:*
- security of supply and diversification of our energy sources;*
 - reducing dependency on imported energy resources and the national grid;*
 - reducing greenhouse gas emissions;*
 - efficient use of natural resources;*
 - reduction in transmission losses;*
 - reliability;*
 - development benefits; and*
 - contribution to the renewable energy target.*
- (iii) Amend explanatory text as follows:
- ~~*Policy 38(a) shall cease to have effect once policy 6 is given effect in a relevant district or regional plan.*~~
- (iv) Any similar provisions with like effect.
- (v) Any consequential amendments that stem from the amendments to Policy 38 as proposed in this submission.

Submission Point 32

1. The specific provisions of the Proposed RPS that TPL's submission relates to are as follows:
Policy 43: Managing water takes to ensure efficient use
AND
Policy 44: Using water efficiently
2. TPL supports these policies.
3. **Relief sought:**
 - (i) Retain Policies 43 and 44 as stated.
 - (ii) Any similar provisions with like effect.
 - (iii) Any consequential amendments that stem from the retention of Policies 43 and 44 as proposed in this submission.

Submission Point 33

1. The specific provisions of the Proposed RPS that TPL's submission relates to are as follows:

Policy 46: Managing effects on indigenous ecosystems and habitats with significant indigenous biodiversity values – consideration

2. TPL supports the intent of Policy 46 as an interim assessment framework prior to the identification of ecosystems, habitats and areas with significant indigenous biodiversity values in accordance with Policy 22 and the adoption of plan provisions for protection of these areas in accordance with Policy 23. However, TPL is concerned at the 'maintaining water bodies in their natural state' condition as this duplicates other policies in relation to protecting significant waterbodies as outlined in Appendix 1 (Table 16). In addition, TPL considers that conditions (d) and (f) unnecessarily duplicate each other and we suggest these be removed. TPL also seeks clarification as to how Policy 46 relates to ecological sites already identified in district plans.

3. **Relief sought:**

- (i) Amend Policy 46 as follows (changes shown underlined):

When considering an application for a resource consent, notice of requirement, or a change, variation or replacement to a district or regional plan, a determination shall be made as to whether an activity may adversely affect indigenous ecosystems, habitats or areas with significant indigenous biodiversity values. In determining whether the proposed activity is inappropriate particular regard shall be given to:

(a) maintaining connections within, or corridors between, habitats of indigenous flora and fauna, and/or enhancing the connectivity between fragmented indigenous habitats;

(b) providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;

~~*(c) maintaining water bodies in their natural state;*~~

~~*(cd) avoiding the incremental loss of indigenous ecosystems and habitats;*~~

~~*(de) providing seasonal or core habitat for specific indigenous species;*~~

~~*(f) avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;*~~

~~*(eg) protecting the life supporting capacity of indigenous ecosystems and habitats;*~~

~~*(fh) remedying or mitigating adverse effects on the indigenous biodiversity values where avoiding adverse effects is not practicably achievable; and*~~

~~*(gi) the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats.*~~

- (iii) Any similar provisions with like effect.

- (iv) Any consequential amendments that stem from the amendment of Policy 46 as proposed in this submission.

Submission Point 34

1. The specific provisions of the Proposed RPS that TPL's submission relates to are as follows:

Appendix 3: Definitions

2. TPL supports the definitions of 'Infrastructure' but seeks to amend the definitions of 'Regionally significant infrastructure' as listed in the definitions, in order to align with the RMA interpretations.

3. **Relief sought:**

- (i) Retain the definition of 'Infrastructure' as stated.
- (ii) Amend the definition of 'Regionally significant infrastructure' as follows (changes shown underlined):
 - *the national electricity grid, as defined by the Electricity Governance Rules 2003~~2~~*.
- (iii) Any similar provisions with like effect.
- (iv) Any consequential amendments that stem from the retention of the definition of 'Infrastructure' and amendment of 'Regionally significant infrastructure' as proposed in this submission.



Signature

Robert Schofield for and on behalf of TrustPower Limited

Date

5 June 2008