

# Proposed Marlborough Environment Plan

## Topic 16: Energy

**Hearing dates:** 19 & 20 February 2019

**S42A Report Writer:** David Jackson

**Conflicts of Interest:** None

**Interim decision:** None

*(Note: A list of conflicts of interest which arose during the process are available to view on the Marlborough District Council Website)*

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**List of Abbreviations**

EECA	Energy Efficiency and Conservation Authority
MDC	Marlborough District Council
NPSREG	National Policy Statement for Renewable Electricity Generation
NZCPS	New Zealand Coastal Policy Statement 2010
PMEP	Proposed Marlborough Environment Plan
RMA	Resource Management Act 1991

**Submitter abbreviations**

Te Ātiawa	Te Ātiawa o Te Waka-a-Māui
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## Structure of Decisions

1. It is important that the topic decision is read as a whole together with the tracked change version of the Plan. The decision on each topic contains the reasons for the Panel's decisions. These comprise either adoption of the reasoning and recommendations of the original Section 42A Report or the replies to evidence, or a specific reasoning by the Panel<sup>1</sup>.
2. The tracked change version of the relevant PMEP provisions forms an integral part of the decision. The source of the change in terms of the topic that the subject matter was dealt with is clearly identified in the track changes version of the plan. This records all amendments (additions and deletions) to the notified PMEP provisions made by the Panel.
3. Where the PMEP provisions **remain as notified**, it is because:
  - (a) The Panel has decided to retain the provision as notified for reasons set out in this decision; or
  - (b) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to retain the provision as notified as recommended in the Reply to Evidence; or
  - (c) The Panel adopted the reasoning and recommendation of the Section 42A Report to retain the provision as notified in the original Section 42A report.
4. Where there is a **change to a provision** within the plan it is because:
  - (a) The Panel has amended a provision for reasons set out in this decision in response to a submission point which the Section 42A report writer(s) does not recommend in their reports; or
  - (b) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to change the provision to that recommended in the Reply to Evidence; or

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<sup>1</sup> (The only exception to that approach relates to the Noise section of the Nuisance topic where the reasoning and recommendations in the responses to Minutes 54 and 59 may have been adopted, rather than the reasoning and recommendations in the Section 42A Report or the Reply to Evidence report. The reasons for that difference in that topic are dealt with in detail at the commencement of the Noise section of the Nuisance topic decision. In respect of that topic the approach to understanding of the individual submission point decisions addressed in paragraphs 13.3 to 13.5 below should be adjusted accordingly to apply references to the Section 42A Report and/or Reply to Evidence in those paragraphs as being references to the responses to Minutes 54 & 59 for that Nuisance topic.)

- (c) The Panel adopted the reasoning and recommendation of the Section 42A Report Writer to change the provision to that recommended in the original Section 42A report; or
  - (d) A consequential change has been necessary following on from a decision in either a), b) or c).
5. Where there is a **different recommendation** between the Section 42A Report and the Reply to Evidence (i.e., the recommendation by the Section 42A report writer(s) has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original report's reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.
  6. There are limited circumstances where the Panel has taken the opportunity to give effect to national policy statements or implement national environmental standards. Where this occurs the relevant decision clearly sets out the nature of the change and the reason for the change.
  7. Finally, there are limited circumstances where the Panel has decided that **alternative relief** is more appropriate than that requested by the submitters, but still within the scope of the relief sought. This is recorded in the Panel's decision.

## Energy

### Introduction

#### Renewable Energy Assessment: Marlborough District

8. The background study commissioned by the Energy Efficiency and Conservation Authority (EECA)<sup>2</sup> identified and assessed the renewable energy potential in the Marlborough District, its aim to assist Marlborough District Council to identify where it can play a role in realising that potential using both regulatory and nonregulatory approaches. The report concluded the renewable potential comprised:

- Remaining hydro potential of about 125MW in mini, small, medium and large scale projects outside Department of Conservation lands and indigenous forest areas, compared to the existing installed capacity of 13.5 MW.
- Wave energy in the thousand megawatt range, ignoring environmental constraints and conflicts with other maritime users.
- About two million litres of ethanol per year for transport fuel from grain crops currently grown in the region. About thirty million litres per year of ethanol or 125 GWh/year of electrical energy from woody biomass derived from low-grade forestry.
- Significant potential for solar thermal hot water systems, considerably less for solar photovoltaic.<sup>3</sup>

### Issue 18A

#### Marlborough requires a secure and efficient supply of energy.

9. Transpower supports the explanatory text to Issue 18A but seeks capitalising the term 'national grid' – National Grid.
10. The Section 42A Report recommends the first paragraph of the explanatory text as a consequential change be amended as follows:

*Similarly, the majority of electricity demand is satisfied from the ~~national grid~~ National Grid which runs through Marlborough.*

#### Decision

11. The Panel amends Issue 18A explanatory text as follows:

*Similarly, the majority of electricity demand is satisfied from the ~~national grid~~ National Grid which runs through Marlborough.*

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<sup>2</sup> *Renewable Energy Assessment: Marlborough District*, report by SKM for EECA, 2006.

<sup>3</sup> Section 42A Report, pages 10-11.

**Objective 18.1****Optimise the use of Marlborough's energy resources.**

12. Trustpower<sup>4</sup> is concerned that Objective 18.1 does not sufficiently reflect the requirements of NPSREG 2011.<sup>5</sup> The company seeks additional words to be added at the end of the objective: *by recognising and providing for development, operation, maintenance and upgrading of new and existing renewable electricity generation activities.*

**Section 42A Report**

13. The report writer identifies that this submission seeks to add more or less the exact wording currently in the single objective of the NPSREG. But he does not consider that the PMEP objective needs to so closely mirror the NPSREG as suggested by Trustpower.
14. The PMEP is required 'to give effect to' any national policy statement or national planning standard.<sup>6</sup> The report writer points out that 'to give effect to' is a strong directive replacing the earlier 'not be inconsistent with' legislative wording in the RMA 2003. The directive 'to give effect to' is affected by the context of what it relates to, in terms of 'what' must be given effect to. The *King Salmon* case held that, '*A requirement to give effect to a policy which is framed in a specific and unqualified way may, in a practical sense, be more prescriptive than a requirement to give effect to a policy which is worded at a higher level of abstraction.*'<sup>7</sup>
15. The PMEP objective therefore needs to closely mirror the NPSREG in order to be given effect to. But the present wording of the objective relates to optimising the use of all Marlborough's energy resources, not just renewables that generate electricity such as wind power, biofuels, wood waste and solar power.
16. The report writer observes that:
- The 2006 EECA Renewable Energy Assessment for Marlborough District identifies the considerable potential that exists in renewable energy resources, not just for those for electricity generation – one of the biggest being wood waste.
  - The objective is required by the wording of the issue to give effect to the broader issue of a secure and efficient supply of (all) energy. The amendment sought by Trustpower would restrict both the objective and the issue to renewable energy generation activities only.

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<sup>4</sup> Trustpower (1201.108).

<sup>5</sup> National Policy Standard for Renewable Electricity Generation 2011.

<sup>6</sup> Section 62(3) for regional policy statements, s 67(3) for regional plans, and s 75(3) for district plans.

<sup>7</sup> *Environmental Defence Soc Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38 [2014] 1 NZLR at [80].

- Succeeding policies can provide a more particular focus to the NPSREG and its requirements sought by Trustpower.
17. The amendment sought by Trustpower was not recommended by the report writer.<sup>8</sup>
  18. In evidence, Trustpower also sought a new Objective 18.3 be added: ‘Recognise the national and regional significance of renewable electricity generation activities by providing for their continued development, operation, maintenance and upgrading’.
  19. The witness also sought the addition of four supporting Policies 18.3.1-18.3.4 and a consequential amendment to avoid duplication with proposed Policy 18.3.4.<sup>9</sup>
  20. The report writer initially considered that these changes are outside Trustpower’s original submission,<sup>10</sup> including a new objective (but similar to Objective 18.1) with four new related policies. Scope was considered a real issue and if there are two objectives as proposed, it would create a structural relationship problem for the existing policies.<sup>11</sup>
  21. In his recommendation the report writer provided an amendment to the original Objective 18.1, but qualified its inclusion by suggesting that the Panel consider the issue as to how directive the wording should be, bearing in mind his reference to the *King Salmon* reference. The amendment he suggests follows:
 

*Objective 18.1 – Optimise the use of Marlborough’s energy resources and recognise and provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities.*
  22. Here the report writer has substituted an ‘and’ at the end of ‘Marlborough’s energy resources’, and provides minor consequential changes which make renewable electricity generation conjunctive with ‘Marlborough’s energy resources’.

### **Consideration**

23. The Panel notes that the suggested amendment to Objective 18.1 responds to the concerns of the report writer. He agrees for it to be within scope of Trustpower’s original submission<sup>12</sup> but it potentially restricts both the wording of the issue and of the objective.

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<sup>8</sup> Section 42A Report, page 14.

<sup>9</sup> Trustpower, Nicola Foran Evidence, pages 5-9.

<sup>10</sup> Amendment to Objective 18.1; amendment to Policy 18.1.1; retention of Policy 18.1.2; amendment to Policy 18.1.3; and addition of two new policies (one to address potential reverse sensitivity impacts; the other to provide for the output from and the maintenance of existing renewable electricity generation systems).

<sup>11</sup> Section 42A Report, Recommendation, Reply to Evidence, page 1.

<sup>12</sup> [Ibid]



24. On the other hand, Trustpower has included 'new' as well as existing renewable electricity generation activities. This enables new generation for that sector also.
25. On reflection, the Panel considers that the notified form wording of the objective does enable new development without amendment.

#### **Decision**

26. Retain Objective 18.1 as notified.

#### **Policy 18.1.1**

##### **Promote and encourage the use and development of renewable energy resources.**

27. Transpower<sup>13</sup> supports Policy 18.1.1 in part, and seeks a minor amendment to the second last sentence on paragraph 1 of the explanation to the policy so that the correct use of the term 'National Grid' is used (as opposed to 'National Electricity Grid').
28. Trustpower<sup>14</sup> also seeks in evidence that in Policy 18.1.1 the words 'Promote and encourage' the use and development of renewable energy resources be changed to 'Provide for the use and development of renewable energy resources'. Trustpower remains concerned that any proposal for a renewable electricity generation activity will still need to be assessed against all relevant provisions of the PMP. An objective or policy that seeks to provide for renewable electricity generation activities would not 'trump' any provisions seeking to manage environmental values and environmental effects.<sup>15</sup> The company claims the policy needs to be strengthened in order to appropriately reflect s 7(j) RMA – 'the benefits to be derived from the use and development of renewable energy'.

#### **Section 42A Report**

29. The change to the identity of the National Grid is supported by the report writer. The second last sentence of paragraph 1 in the explanation to Policy 18.1.1 is recommended to read as follows:

*... improving security of supply and reducing stress on the National Grid.*

30. The report writer is concerned as to how directive the policy would be by amending 'promote' to 'provide for' without qualification. The policy as notified applies to **all** renewable energy resources, not just renewable *electricity generation*. As such, the use and development of renewable energy resources will always be appropriate but does not need to be provided for as a matter of law.

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<sup>13</sup> Transpower (1198.35).

<sup>14</sup> Trustpower (1201.109).

<sup>15</sup> Trustpower, Nicola Foran Evidence, page 14.

31. Section 7(j) RMA does not require renewable energy be ‘provided for’, rather that ‘particular regard be had to the benefits from the use and development of renewable resources’.

**Consideration**

32. We agree with the report writer that as a matter of law it is not necessary for the policy ‘to provide for’ and the Panel prefers the concept of promotion.
33. The Panel is also of the view that the policy does not fail to give effect to NPSREG particularly when other policies are considered as well.
34. Transpower sought amendment of the name ‘National Electricity Grid’ to be ‘National Grid’ and the Panel agrees with that request.

**Decision**

35. The Panel amends the term ‘National Electricity Grid’ in the explanation to read ‘National Grid’ as follows:

*... Renewable sources of energy ensure that electricity can be sourced on an ongoing basis, improving the security of supply and reducing stress on the National Electricity Grid. ...*

**Policy 18.1.3**

**When considering the environmental effects of proposals to use and develop renewable energy resources, to have regard to:**

- (a) the benefits to be obtained from the proposal at local, regional or national levels, including:**
    - (i) maintaining or increasing security of renewable electricity supply by diversifying the type and/or location of electricity generation;**
    - (ii) maintaining or increasing renewable electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;**
    - (iii) for economic, social or cultural wellbeing; and**
  - (b) effects on the immediate and surrounding environment, including effects on air quality, water quality, water quantity, ecosystems, natural character, outstanding landscapes, visual amenities and from noise;**
  - (c) the degree of effect (extent, magnitude) and the degree to which unavoidable adverse effects can be remedied or mitigated, including the relative degree of reversibility of the adverse effects associated with the proposed generation technologies;**
  - (d) where the adverse effects are significant, alternatives to the development in terms of either means, location or scale; and**
  - (e) the environmental values affected or enhanced and whether these are of local, regional or national significance.**
36. Te Ātiawa seeks insertion of a new subclause (c) ‘effects on Maori cultural values’. The iwi submit that it is important to make clear distinction between Māori cultural values and others, such as European cultural values, to clarify the context of the Maori world view in any related

text, hence the amendment sought.<sup>16</sup> Subclause (b) includes a number of natural values to which regard is to be had when considering environmental effects of the use and development of renewable energy resources.

37. Trustpower supports the policy in part seeking an additional clause to give effect to Policy C1 NPSREG as follows:<sup>17</sup> (f) the logistical or technical practicalities associated with locating renewable electricity generation infrastructure.

#### **Section 42A Report**

38. The Section 42A Report identifies that Policy 18.1.3 concerns the consideration of the environmental effects of proposals to use and develop electricity generation.
39. The report writer originally thought that the addition would “disrupt the inherent balance within the policy”.<sup>18</sup> He recommended rejection of the submission for this reason.
40. Ms Foran in her written evidence proposed a new Policy 18.3.1 that would set out a number of matters to ‘recognise and provide for’ new and existing renewable electricity generating activities. One matter which concerns the company is the ‘locational, logistical and technical constraints that are encountered when developing, operating, maintaining and upgrading’ such facilities.<sup>19</sup>
41. The report writer considered the proposed new Policy 18.3.1 was well outside the scope of the original submission, as it sought to include new matters other than the logistical, locational and technical factors first proposed (such as developing, monitoring and upgrading).<sup>20</sup>
42. However, he also reconsidered his original recommendation in the Section 42A Report. In that report, he was concerned about adding a provision specifically for renewable electricity **generation**, when the policy as notified dealt with **all** renewable energy holistically. The report writer noted in his Right of Reply that Policy 18.1.3(a) already includes provisions relating to renewable electricity generation. On reflection, having considered Trustpower’s evidence and reviewing the existing policy, he concluded the amendment originally sought by Trustpower in submission was appropriate.
43. The report writer recommends amending Policy 18.1.3 by adding a new clause:

<sup>16</sup> Te Ātiawa (1186.98). Ian Shapcott, Evidence, page 11.

<sup>17</sup> Trustpower (1201.111). Nicola Foran, Evidence, paragraph 5.21.

<sup>18</sup> Section 42A Report page 16.

<sup>19</sup> Ibid.

<sup>20</sup> Section 42A Report, Reply to Evidence, pages 3-4.

*(f) the logistical or technical practicalities associated with locating renewable electricity generation infrastructure*

44. As to Te Ātiawa’s submission, clause (b) of the policy includes a number of natural resources and values to which regard must be had when considering the environmental effects of the use and development of renewable energy resource. This is an inclusive list, but the report writer’s suggestion is the HNZ List focuses on the biophysical which could lead to a lack of consideration of cultural values. He supports expansion of the List as requested.

**Consideration**

45. It is appropriate that reference to the cultural values of Marlborough’s Tangata Whenua iwi is included in the policy. It is acknowledged that that there are specific policies in Chapter 3 that will achieve the same end as the recommended addition. However, there are a range of matters already listed in the policy and effects on cultural values are a glaring omission given Section 6(e) of the RMA.
46. The Panel also agreed with the report writer with respect to the relief requested by TrustPower. Ms Foran conceded, in response to questioning from the Panel, that there was an issue with scope in respect to the amended request in evidence. For this reason, the Panel did not consider that request further. However, the relief originally sought aligns with Policy c1(b) of the NPSREG.<sup>21</sup> For this reason, the Panel accepts the submission.

**Decision**

47. Policy 18.1.3 clause (b) is amended as follows:

*(b) effects on the immediate and surrounding environment, including effects on air quality, water quality, water quantity, ecosystems, natural character, outstanding landscapes, visual amenities, the cultural values of Marlborough’s tangata whenua iwi and from noise; ...*

48. A new (f) is added to Policy 18.1.3 as follows:

*(f) the logistical or technical practicalities associated with locating renewable electricity generation infrastructure.*

49. Insert a new paragraph three to the explanation to Policy 18.1.3 as follows:

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<sup>21</sup> NPSREG 2011, page 5.

C. Acknowledging the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities

Policy C1 Decision makers shall have particular regard to the following matters:

(a) ...

(b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;

(c) ...

*... It is acknowledged that regard must be had to the objective and policies of the NPSREG.*

*(f) of the policy recognises that the development of some renewable electricity generation activities are constrained by functional requirements such as where the resource is located and proximity of the development to the National Grid or distribution network. ...*

*Consideration can also be given to matters (a) to (e) when determining the status of activities involved in developing and operating renewable energy projects. ...*

### **Method 18.M.2 Incentives**

**Provide incentives for the preferential uptake of renewable solar thermal technologies, including a payback scheme for the installation of solar water heating through a targeted property rate.**

#### **Section 42A Report**

50. As noted above under Policy 18.1.2, Save the Wairau River supports a policy, seeking more emphasis on photovoltaic generation (PV) and selling back to the grid.<sup>22</sup> The report writer agrees with the submission as being appropriate, under this heading. For the method as written relates just to solar thermal technologies such as solar water heating units or passive solar heating.<sup>23</sup>
51. The report writer observes that use of PV is becoming more prevalent, and consequently it would be equitable for Council to support indirect use of solar energy for PV generation. He recommends the method be amended to widen its scope.

#### **Decision**

52. The Panel accepts the recommendation as written to widen the scope of renewable solar thermal activities. Method 18.M.2 is amended as follows:

*Provide incentives for the preferential uptake of renewable solar thermal and photovoltaic (PV) technologies, including a payback scheme for the installation of solar water heating or PV through a targeted property rate.*

#### **Two new policies**

53. Two new policies were submitted by Trustpower to be included in Chapter 18.<sup>24</sup> These were initially inadvertently omitted from the report writer's report of 11 November 2017 but included in an Addendum to the Section 42A Report identified in Annexure A Erratum to Address Missed Submissions 1201.112, 1201.113 by Trustpower, dated 15 February 2018.

<sup>22</sup> Save the Wairau River (1142.3).

<sup>23</sup> Section 42A Report, page 17.

<sup>24</sup> Trustpower (1201.112 and 1201.113).

54. Ms Foran said in her Skype evidence that in terms of the Erratum recommendations, the Panel could either decide to take on board the two policies from their original submission, or the policies she has proposed in her evidence.<sup>25</sup>
55. The report writer addresses two policies from Ms Foran's original submission.

**[New] Policy 18.1.5**

56. The suggested wording and consequential amendments to the new policy are as follows:

*'Avoid reverse sensitivity effects by not allowing subdivision, use and development to occur in a location or form that constrains the use, operation, maintenance and upgrading of consented and existing renewable electricity generation activities.'*

57. Trustpower submits that this policy is needed in order to avoid effects on renewable generation and to give effect to NPSREG Policy D. This provision provides that 'decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effect on consented and existing renewable electricity generation activities'. Trustpower seeks to ensure that new land use or resource use activities do not impinge on the full operation of infrastructure critical to Marlborough and/or New Zealand'.

**Section 42A Report**

58. The report writer supports the addition of a new policy (Policy 18.1.5) but on the basis that his concerns about the word 'avoid' in the light of the strong and directive provision in the *King Salmon* decision as stated above are taken into account. He also identifies other difficulties as:
- This wording goes further than Policy D NPSREG. It has lost the qualification 'to the extent reasonably practicable'.
  - It seeks to apply the policy to 'upgrading of existing generation activities': the meaning of the term 'upgrading' is not clear – it could involve improvements to an activity, but much of this could be covered by 'maintenance'.
  - It could involve increase in expansion or increase in output from the activity.
  - It is unreasonable and to a large extent impracticable, to restrict other activities through the use of the word 'avoid' around an existing renewable generation facility.
  - It is impossible to determine in advance the reverse sensitivity effects of an as yet unknown upgrade.

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<sup>25</sup> Nicola Foran, Evidence, pages 1-7.

- The policy could be used to argue for very large setbacks to protect activities that never occur.

59. The report writer recommends a new policy that more closely reflects the intent of the NESREG Policy D. As a consequential change, an explanatory text is needed to accompany the new policy. He recommends as follows:

[New] Policy 18.1.5 – Manage the effects of other activities to the extent reasonably practicable, to avoid effects on consented or existing renewable electricity generation activities.

This policy, consistent with the National Policy for Renewable Electricity Generation 2011, recognises the national significance of renewable electricity generation activities, and that even minor reductions in generation output can cumulatively have significant adverse effects on national and regional output.

**Consideration**

60. The Panel in Chapter 1 set out the constraints around the word ‘avoid’ in *King Salmon*. That word should not affect the requirements of this policy in the way it does into the outstanding landscapes under the NZCPS where development is not allowed. The word ‘avoid’ in this policy as notified, however, relates to its commonplace or statutory meaning, opening it up to a solution through remedy as an example.
61. Important, too, is the suggestion of the report writer that an amended policy more closely aligns with the intent of the NESREG but we do not agree to the word ‘cumulatively’ in the second to last line of the explanation. It should be deleted.
62. The Panel agree with the report writer’s policy but with an amended explanatory wording to similar effect.
63. There should also be explicit reference to reverse sensitivity effects in order to properly give effect to Policy D of the NPSREG.

**Decision**

64. A new policy is included as follows:

[R, C, D]

Policy 18.1.5 - Manage other activities to the extent reasonably practicable to avoid reverse sensitivity effects on consented or existing renewable electricity generation activities.

65. A new explanatory statement is included as follows:

*This policy recognises the national significance of renewable electricity generation activities and the potential for other activities to adversely affect those generation activities. Even minor reductions in generation output can collectively have a significant impact on national and regional electricity output. This policy seeks to such avoid such reverse sensitivity effects to the extent that is reasonably practicable, as required by Policy D of the National Policy Statement for Renewable Electricity Generation 2011.*

**[New] Policy 18.1.6**

66. Trustpower sought provision for the on-going generation of electricity from existing renewable energy generation infrastructure by the insertion of a new policy as follows:

*Provide for the on-going generation of electricity from existing renewable energy generation infrastructure by:*

- 1. Maintaining the output from existing renewable electricity generation schemes; and*
- 2. Enabling the maintenance and upgrading of existing renewable electricity generation schemes.*

67. Trustpower submits<sup>26</sup> that the policy is needed to specifically recognise the importance of protecting existing renewable electricity generation resources, to facilitate maintenance and upgrading, and to enable re-consenting.

**Section 42A Report**

68. Trustpower advanced the submission in support of this new policy in both the Rural and Energy topics. In respect of the Rural topic, it advanced a wording that identified these renewable electricity generation activities were most likely to occur in a rural location. It also advanced the same type of policy in the Energy topic. The result was that the Section 42A Report writers in each topic concluded that the concept of such a policy warranted its recommendation. However each of the two reports recommended a different wording.

69. The Panel preferred the wording recommended in the report on the Energy topic, albeit it made some amendments to that wording, as discussed below. Hence, the Panel's comments from here on when referring to the Section 42A Report or report writer is referring to the Energy topic Section 42A Report.

70. The report writer reiterates the concerns he has under new Policy 18.1.5 about 'enabling the maintenance and upgrading of existing schemes (emphasis added)'.<sup>27</sup> Upgrading may not

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<sup>26</sup> Trustpower (1201.113)

<sup>27</sup> Section 42A Report, Annexure A: Erratum to Address Missed Submissions 1201.112 and 1201.113 (Trustpower), pages 3-4.



always be consistent with other objectives within the PMEP and provision, for example, related to water scarcity or water quality in the case of hydro schemes.

71. While he supports the inclusion of a new policy, the report writer proposes a qualifier to be added ‘where the adverse effects on the environment are avoided, remedied or mitigated to an acceptable level’.
72. The report writer recommends the inclusion of a new Policy 18.1.6 and explanatory text<sup>28</sup> as follows:

*Policy 18.1.6 - Provide for the on-going generation of electricity from existing renewable energy generation infrastructure by having particular regard to:*

- (a) Maintaining the output from existing renewable electricity generation schemes; and*
- (b) Enabling the maintenance of renewable electricity generation schemes, and their upgrading where the adverse effects on the environment can be avoided, remedied or mitigated to an acceptable level.*

*This policy recognises the national significance of renewable electricity generation activities, and that even minor reductions in generation output can cumulatively have significant adverse effects on national and regional output. It recognises that upgrades of existing schemes can contribute to a nationally significant goal, subject to addressing adverse environmental effects.*

#### **Consideration**

73. The Panel agrees with the new policy but prefers a differently worded explanation to similar effect which relates to the national objective which is now set out in the National Policy Statement for Renewable Electricity Generation 2011. The Panel considers the use of the term ‘to an acceptable level’ creates a level of subjectivity that is not appropriate in this Plan process. Rather than utilising the recommended word ‘cumulatively’ which is already captured in the definition of effects in the RMA the Panel preferred to capture the concept by using the phrase ‘in combination’.

#### **Decision**

74. A new Policy 18.1.6 is included as follows:

Policy 18.1.6 - Provide for the on-going generation of electricity from existing renewable energy generation infrastructure by having particular regard to:

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<sup>28</sup> Section 42A Report, Reply to Evidence, page 9: ‘That the methods under Objective 18.2 be renumbered, so that they follow on sequentially from the last method (18.M.7) under Objective 18.1: 18.M.1 becomes 18.M.8 etc’

- (a) Maintaining the output from existing renewable electricity generation schemes; and*
- (b) Enabling the maintenance of renewable electricity generation schemes, and their upgrading where the adverse effects on the environment can be avoided, remedied or mitigated.*

75. A new explanation statement to Policy 18.1.6 is included as follows:

*[R, C, D]*

*This policy recognises the national significance of renewable electricity generation activities. Even minor reductions in generation output can collectively have significant impact on national and regional electricity output. The policy also recognises that upgrades of existing schemes can contribute to a national objective, as set out in the National Policy Statement for Renewable Electricity Generation 2011.*

### **Methods of Implementation**

76. Method 18.M.2 (under Policy 18.2.1) relates to the liaison the Council will do with central government, particularly EECA. It should be noted that the Methods under Objective 18.2 are wrongly numbered in the PMEP as notified. The methods repeat the numbering of methods under Objective 18.1, and therefore do not have unique identifiers. The report writer considers Method 18.M.2 should be 18.M.8, and 18.M.3 should be 18.M.9 etc, but this is in error. Method 18.M.1 should be 18.M.8 etc.
77. The Panel recommend the numbering be corrected either when the PMEP is made operative or the substantive portion of the decision is incorporated into the PEMP.