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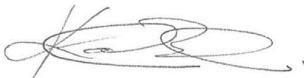
Tēnā koe

**FEEDBACK ON PROPOSED NATIONAL POLICY STATEMENTS FOR RENEWABLE ELECTRICITY
GENERATION AND ELECTRICITY TRANSMISSION**

Thank you for the opportunity to comment on the proposed National Policy Statement for Renewable Electricity Generation (2023) and the proposed National Policy Statement for Electricity Transmission (2023). For the most part, our comments respond to whether the drafting is clear, and if there are any unintended consequences arising from the drafting. Our feedback on each policy statement is summarised in the attached appendices.

Again, many thanks for the opportunity to provide feedback on these proposed changes prior to them coming into effect.

Ngā mihi,



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APPENDIX ONE - FEEDBACK ON PROPOSED NATIONAL POLICY STATEMENTS FOR RENEWABLE ELECTRICITY GENERATION (NPS-REG)

Ref	What	Issue/Comment
1.3	Interpretation – areas with significant environment values	<p>This definition is ambiguous, particularly in reference to natural character of the coastal environment.</p> <p>The NZCPS policy 13 explicitly requires the avoidance of adverse effects in <i>areas with outstanding</i> natural character, and the avoidance of significant adverse effects on natural character <i>in all other areas</i> of the coastal environment. Case law has well established that coastal locations all have a degree of natural character – the natural character spectrum. We consider that subclause (a) of the ‘areas with significant environmental values’ definition needs to be amended to read: “<i>areas of significant natural character in the coastal environment</i>” to better align with policy direction in the NZCPS.</p> <p>Additionally, the practicality of protecting these areas is potentially challenging as not all areas in the given definition have been identified, mapped and protected in plans. However, it’s also impractical to require them to be identified at the time of consent – see comments below regarding significant natural areas.</p>
1.3	Interpretation – REG activity	<p>“Repowering” should be included in the definition of REG activity as it is a REG activity and is applicable to other types of REG. Additionally, it is separately defined in the interpretation and used separately from “upgrade” in Policy 9 and section 3.9.</p>
1.3	Interpretation – repowering	<p>The definition of “repowering” should not be limited to wind and solar REG as it is applicable to other types of REG (such as hydro-generation) and needs to include other types of REG to meet the objective of the NPS.</p>
1.3	Interpretation – significant natural area	<p>We do not support this definition insofar as it potentially results in ad-hoc assessment and identification of SNA’s in the context of one-off resource consent applications which could be for earthworks, a temporary diversion of water or similar.</p> <p>Given the significant amount of work that has gone into the development of the NPS-IB and previous work on SNA’s in the Act, the definition should be amended to be consistent with the exposure draft of the NPS-IB or a subsequent gazetted version.</p>
1.3	Interpretation – large-scale REG	<p>For reasons outlined below we consider it appropriate to include a definition of large-scale REG.</p>
1.5	Application of section 55(2A) of Act	<p>Given the need to rapidly develop and expand the renewable electricity sector we support the application of section 55(2A) of the Act.</p>
2.2 and 3.5	Policy 3 and section 3.5	<p>The use of the word “interests” in policy 3 and its supporting implementation guidance in section 3.5 potentially undermines the objective of the Proposed National Policy Statement. “Interests” need to be clearly articulated and defined at a national level rather than being left to be determined on a consent-by-consent basis. “Interests” is too broad and could potentially include interests such as commercial or amenity interests that the NPS is otherwise seeking to manage and prioritise.</p>

		<p>Clarification is further required as the use of “interests” has the potential to impact on the uptake of small and community-scale REG.</p> <p>If clarification is not provided for the use of “interests” the context of “early engagement...” needs to be clarified. It is anticipated that this is in relation to large-scale REG, however as drafted has the potential to have unfettered impact on the uptake of small and community-scale REG.</p>
2.2 and 3.6	Policy 4 and section 3.6	<p>We are concerned that policy 4 and section 3.6 enable REG to trump identified areas of particular significance (except in rare situations where, under condition (f) 2B compensation is not appropriate).</p> <p>We suggest some refinement so that areas identified as ‘significant natural areas’ or ‘outstanding natural features and landscapes’ in district or regional plans are excluded from this policy and protected from more than minor adverse effects from REG activities. These areas are developed through public processes and specified criteria should be provided with higher levels of protection. Protection of these significant and outstanding areas is a matter of national significance and given the availability of alternative locations for REG, significant areas should be protected.</p> <p>With this exclusion of significant areas from the policy, Clause (f) options may need to be reworked as option 2B is no longer necessary.</p> <p>Also, we note that where a plan is silent about the effects of hydro-generation on specific water bodies values, Policy 4 and 5 would apply. Section 1.4 of the NPS-REG makes it essential that Regional Councils specifically address management of hydroelectric power in freshwater plans.</p>
2.2 and 3.7(1)	Policy 5 and section 3.7(1)	<p>We consider the inclusion of “on the values of those areas” redundant as effect is defined in section 3 of the Act.</p> <p>Additionally, the use of ‘to the extent practicable’ is unclear and suggests it may be considered impracticable for adverse effects to be avoided, remedied or mitigated.</p>
2.2 and 3.9	Policy 9 and section 3.9	<p>This policy and the subsequent implementation guidance should not be limited to existing wind and solar generation and should be expanded to other REG, such as hydro-generation, to give full effect to the objective of this NPS.</p> <p>Additionally, given sections 3.2, 3.4, 3.5, 3.6 and 3.7 are required to be included in every regional policy statement, regional plan and district plan we consider it appropriate for section 3.9 (or words to the same effect) to be included in every regional policy statement, regional plan and district plan to further assist with achieving the objective of this NPS.</p>
3.3	Consideration of cumulative increased and losses in generation output	<p>Given sections 3.2, 3.4, 3.5, 3.6 and 3.7 are required to be included in every regional policy statement, regional plan and district plan we consider it appropriate for section 3.3 (or words to the same effect) to be included in every regional policy statement, regional plan and district plan to further assist with achieving the objective of this NPS.</p>

3.4	Consideration of operational and functional needs of REG assets	<p>Clarification as to the intent of section 3.4 is required. As currently drafted it implies that regional council should be planning for the development of REG and identifying areas suitable for REG development based on criteria a – c. However, if the intention is that section 3.4 is limited to the time of consent then it requires amending.</p> <p>Additionally we consider 3.4 (1)(b) to be inconsistent with the intent of the proposed definitions of small and community-scale REG. In section 7.2 of the discussion document these definitions have been uncoupled from their ability to connect to the distribution network as it is determined that this is not a defining feature of these activities. However, in section 3.4 consideration must be given to the need for REG assets “to be accessible to electricity transmission or distribution networks”. To better reflect what we believe to be the intent of this guidance we consider it appropriate to include large-scale REG in section 3.4(1)(b) and potentially 3.4(1)(c).</p>
3.8	Small-scale and community scale REG	<p>Additionally given sections 3.2, 3.4, 3.5, 3.6 and 3.7 are required to be included in every regional policy statement, regional plan and district plan we consider it appropriate for section 3.8 (or words to the same effect) to be included in every regional policy statement, regional plan and district plan to assist with achieving the objective of this NPS.</p>
	Relationship with the NZCPS	<p>The discussion document recognises the significant renewable energy resources in the coastal environment and also acknowledges that the NPS does not overcome the “avoid adverse effects” policies in the New Zealand Coastal Policy Statement (policies 11, 13 and 15), and that establishing REG activities in the coastal environment will continue to be more challenging. The NPS as drafted side-steps those challenges – challenges that we consider the NPS ought to confront. We consider it necessary to highlight the need to urgently overcome this issue to give full effect to the objective of this NPS.</p> <p>Though a separate piece of work is being progressed looking at the broader regulatory settings for offshore renewable energy this is unlikely to address development challenges in the inland coastal environment (i.e. above the mean high water springs mark and in nearshore environments).</p>

APPENDIX TWO - FEEDBACK ON PROPOSED NATIONAL POLICY STATEMENTS FOR ELECTRICITY TRANSMISSION (NPS-ET)

Ref	What	Issue/Comment
1.3	Interpretation – areas with significant environment values	<p>This definition is ambiguous, particularly in reference to natural character of the coastal environment.</p> <p>The NZCPS policy 13 explicitly requires the avoidance of adverse effects in areas with <i>outstanding</i> natural character, and the avoidance of significant adverse effects on natural character <i>in all other areas</i> of the coastal environment. Case law has well established that coastal locations all have a degree of natural character – the natural character spectrum. We consider that subclause (a) of the ‘areas with significant environmental values’ definition needs to be amended to read: “<i>areas of significant natural character in the coastal environment</i>” to better align with policy direction in the NZCPS.</p> <p>Additionally, the practicality of protecting these areas is potentially challenging as not all areas in the given definition have been identified, mapped and protected in plans. However, it’s also impractical to require them to be identified at the time of consent – see comments below regarding significant natural areas.</p>
1.3	Interpretation – minor ETN activities	It is unclear when ETN activities become more than minor and should require consent. A threshold is required for activities such as vegetation clearance.
1.3	Interpretation – significant natural area	<p>We do not support this definition insofar as it potentially results in ad-hoc assessment and identification of SNA’s in the context of one-off resource consent applications which could be for earthworks, a temporary diversion of water or similar.</p> <p>Given the significant amount of work that has gone into the development of the NPS-IB and previous work on SNA’s in the Act, the definition should be amended to be consistent with the exposure draft of the NPS-IB or a subsequent gazetted version.</p>
1.5	Application of section 55(2A) of Act	Given the need to rapidly develop and expand the renewable electricity sector and the role electricity transmission plays in achieving this, we support the application of section 55(2A) of the Act.
2.1	Objectives	As currently drafted the objective fails to recognise that electricity transmission is integral to achieving New Zealand’s emission reduction targets, emissions budgets, energy targets and associated commitments.
2.2 and 3.4	Policy 4 and section 3.4	The use of the word “interests” in policy 4 and its supporting implementation guidance in section 3.4 potentially undermines the objective of the Proposed National Policy Statement. “Interests” need to be clearly articulated and defined at a national level rather than being left to be determined on a consent-by-consent basis.
2.2 and 3.8	Policy 5 and section 3.8	We are concerned that policy 4 and section 3.6 enable ET to trump identified areas of particular significance (except in rare situations where, under condition (f) 2B compensation is not

		<p>appropriate).</p> <p>We suggest some refinement so that areas identified as ‘significant natural areas’ or ‘outstanding natural features and landscapes’ in district or regional plans are excluded from this policy and protected from more than minor adverse effects from REG activities. These areas are developed through public processes and specified criteria should be provided with higher levels of protection. Protection of these significant and outstanding areas is a matter of national significance and given the availability of alternative locations for REG, significant areas should be protected.</p> <p>With this exclusion of significant areas from the policy, Clause (f) options may need to be reworked as option 2B is no longer necessary.</p>
2.2 and 3.9(1)	Policy 6 and section 3.9(1)	<p>We consider the inclusion of “on the values of those areas” redundant as effect is defined in section 3 of the Act.</p> <p>Additionally, the use of ‘to the extent practicable’ is unclear and suggests it may be considered impracticable for adverse effects to be avoided, remedied or mitigated.</p>
3.5	Considerations for ETN development activities	<p>Given sections 3.2, 3.3, 3.4, 3.8 and 3.9 are required to be included in every regional policy statement, regional plan and district plan we consider it appropriate for section 3.5 (or words to the same effect) to be included in every regional policy statement, regional plan and district plan to meet the objective of this NPS.</p>
3.6	Facilitating planned development of electricity transmission network	<p>Given the NPS is utilising section 55(2A) to provide specific policy guidance for other sections of the NPS, we consider it appropriate for the NPS to provide more detailed direction for facilitating planned development.</p>
3.7	Minor ETN activities	<p>Given sections 3.2, 3.3, 3.4, 3.8 and 3.9 are required to be included in every regional policy statement, regional plan and district plan we consider it appropriate for section 3.7 (or words to the same effect) to be included in every regional policy statement, regional plan and district plan to meet the objective of this NPS.</p>