

Notes

- The provisions where the Energy Sector agree with the s42A report are not included in this table.
- The table includes any new provisions sought by the Energy Sector or where a further change are sought to the recommended amendments in s42A report (all new, additional or deleted text shown in red text).

| Provision | Energy Sector Agreed provision | Higher Order Provisions | S32AA Evaluation | S42A Report Writer Comments (Mr Rowan Sapsford) |
|--------------------------|---|--|--|--|
| 2.3.2 Objective - new | Only Contact and Mercury have an interest in this provision. <i>The East Taupō Arterial will continue to act as an 'urban fence' to prevent the establishment or expansion of residential and other sensitive activities compromising rural and industrial activities to the east including renewable electricity generation activities.</i> | NPSREG – Objective, Policy D, Policy C1 WRPS – Objective GEO-01, Policy GEO P1, GEO P2 and Objective EIT-01, Policy EIT-P1 BOPRPS – Objective 7, Policy EI 2B and EI 7B. | Whether the amended objectives are the best way to achieve the purpose of the RMA. The absence of an objective relating to the ETA as an urban fence leaves a policy vacuum and does not give effect to the NPS-REG (particularly Policy D). It therefore does not achieve the purpose of chapter (to provide strategic direction) nor the purpose of the RMA. The new objective is necessary to achieve the purpose of chapter (to provide strategic direction) and the purpose of the RMA. In the absence of the wording proposed by Contact and Mercury, perverse outcomes are likely to arise. The reasonably practicable options for achieving those objectives. The option of including the objective will assist in the achievement of the outcome sought, whereas the absence of those provisions will not. The environmental, social, economic, and cultural benefits and costs of the amended provisions. The environmental and economic benefits of avoiding incompatible land uses on and in the vicinity of a geothermal resource of national significance which is classified as a Development Geothermal System to be used for renewable electricity generation are significant. In contrast, the costs of not protecting the resource and associated renewable electricity generation activities would be significant. This is particularly the case in the circumstances that existing and additional renewable electricity generation activities are required to decarbonize the economy in order to address climate change. The efficiency and effectiveness of the provisions for achieving the objectives. The additional objective will increase the effectiveness of a key aspect of TD2050 by giving it some 'statutory teeth'. The risk of acting or not acting where there is uncertain or insufficient information about the provisions. There is no uncertainty or insufficiency of information. However, the risk of not acting is that the absence of strong policy guidance will result in a greater chance of incompatible activities establishing or expanding in inappropriate locations. | As per my original response, I feel that this matter is appropriately covered with reference to TD2050 in the strategic directions. TD2050 is implemented in the plan through the zoning of land. The identification of areas on Map D3 within the TDP also provide specific direction within this part of the Taupō District. The TDP zoning and associated rules and policy etc, ensure that the TDP is giving effect to higher order provisions including Policy D of the NPS-REG. Those areas referred to in the hearings (Bonshaw Park and Centennial Drive) were established prior to the Taupo District Plan, the first TD2050 document and Variation 19 etc. Such subdivision is non-complying under the TDP as it stands currently. The use of the term 'urban fence' is ambiguous and could be widely interpreted to the detriment of the effective functioning of the plan. The provision can also be interpreted that such activities are anticipated to the west of the ETA where in fact they may encounter similar concerns. |
| 2.4.2 Objective - new | Agreement to not pursue a separate objective and instead seek changes in Objective 1, as below. | | n/a | |
| 2.4.2 Objective 1 | <i>Subdivision, use and development of land in the Taupō District will result in positive climate change outcomes, including through an increase in the generation of electricity from renewable energy resources.</i> | NPSREG – Objective, Policy A WRPS – Objective EIT-01, Policy EIT-P1 BOPRPS – Objective 5, Objective 6, Policy EI 4B. | Whether the amended objectives are the best way to achieve the purpose of the RMA. The amendments recommended to the objective are the most appropriate way to achieve the purpose of the RMA as it provides greater clarity as to the outcome sought while not changing the underlying intent, and it is better to clearly articulate the outcomes sought to be achieved rather than nebulous generalities. The objective gives effect to higher order instruments (NPS-REG) and better integrating s7 (i) and (j) RMA relating to climate change and the use and development of renewable energy, and better integrates with Strategic Direction 5 objectives relating to infrastructure. The amended objective and related policies (see below) sought by the generators are a better way of achieving the purpose of the chapter and the RMA. The environmental, social, economic, and cultural benefits and costs of the amended provisions. There is no cost to the proposed amendment to the provisions notified, and will provide a benefit to both plan users due to increased certainty as to the desired outcome. The efficiency and effectiveness of the provisions for achieving the objectives. The recommended amendment is efficient as it links the relationship between the provision of renewable electricity generation with positive climate change outcomes and will be more efficient when considering the merits of applications of renewable electricity generation activities. The risk of acting or not acting where there is uncertain or insufficient information about the provisions. The risk of not acting is that electrification and decarbonisation of the economy will be more difficult and will not assist in achieving the outcome in the objective. | I do not support the additional detail added to the objective. The objective is to be applied across the district and across all relevant activities (including REG). The suggested amendment refocuses the objective to REG by virtue of the example being present within the objective. I do however recommend the addition of a new policy within 2.4.3 (as discussed below) which reflects the importance of REG as producing positive climate change outcomes. |
| 2.4.3 Policy - New | <i>Recognise and provide for the use and development of the District's renewable energy resources to facilitate decarbonization of the economy, including a reduction in greenhouse gas emissions, increased electricity</i> | NPSET Policies 1 and 2. | Whether the amended provisions are the best way to achieve the purpose of the RMA. In order to provide clear and directive strategic guidance, it is better to clearly articulate the outcomes sought to be achieved rather than nebulous generalities. On that basis the policy sought by the generators (along with the above amended objective) are a better way of achieving the purpose of the chapter and the RMA. | Further to the suggested change to the objective above I feel that it would be more appropriate to have the matter raised as a new policy as follows: |

| Provision | Energy Sector Agreed provision | Higher Order Provisions | S32AA Evaluation | S42A Report Writer Comments (Mr Rowan Sapsford) |
|---------------------------|--|--|---|--|
| | <p><u>generation capacity and improved security of supply including transmission.</u></p> | <p>NPSREG – Objective, Policy E1 to E4, Policy G. WRPS – Objective EIT-01, Policy EIT-P1 BOPRPS – Objective 5, Policy EI 1B. TDC PC38 –SD4 Objective 2.4.2(X)</p> | <p>However, in relation to the 2nd policy sought (<i>Enabling the upgrading...</i>) it is considered that it better achieves objectives in Strategic Direction 5 relating to infrastructure, rather than Strategic Direction 4 as originally proposed in submissions. This policy gives effect to the NPS-REG and NPSET. The reasonably practicable options for achieving those objectives. The inclusion of the provisions proposed by the generators are practicable options for achieving the objectives. The environmental, social, economic, and cultural benefits and costs of the amended provisions. The environmental, social, economic, and cultural costs of not addressing climate change in a tangible way will be significant. That is a key reason why the policy guidance to move the position from mere support and encouragement (akin to supporting your sports team from the sideline) to actually doing something tangible to achieve or at least facilitate the desired outcomes. The efficiency and effectiveness of the provisions for achieving the objectives. The greater level of specificity in the objective and policies proposed by the generators will more efficiently and effectively achieve the objectives. The risk of acting or not acting where there is uncertain or insufficient information about the provisions. There is no uncertainty or insufficiency of information. However, as noted above in relation to the issue of costs, the risk of not acting could result in significant adverse effects (i.e. if climate change is not addressed).</p> | <p><u>Recognise and provide for renewable electricity generation activities to facilitate decarbonisation of the economy and to reduce greenhouse gas emissions.</u></p> <p>The proposed policy includes the direction from the NPS-REG but keeps it focussed on climate change matters to be consistent with its location in section 2.4.3. Wider matters, i.e. electricity supply are best dealt with in the wider plan specifically the new energy chapter to be developed. Given the significant presence of REG in the district, its distribution and importance for climate change, it is appropriate to include this additional reference in the plan. Reference to increased electricity generation is unnecessary in this instance given the focus of the policy on positive climate change outcomes rather than increasing electricity supply.</p> |
| <p>2.4.3 Policy – New</p> | <p>Agree to policy being relevant but consider that it would be more appropriate as a policy within Strategic Direction 5 relating to infrastructure i.e. in section 2.5.3).</p> <p><u>Enable the upgrading and maintenance of existing and development of new renewable electricity generation activities and transmission, including where contributing to one of the following;</u></p> <ul style="list-style-type: none"> • <u>adaptation required to mitigate risks from climate change</u> • <u>provides for increased electricity output, or greater efficiency</u> • <u>continued safe, efficient and secure operation.</u> | <p>NPSET Policy 1 and Policy 2 NPSREG – Objective, Policy C. WRPS – Objective EIT-01, Policy EIT-P1. BOPRPS – Objective 6, Policy EI 5B. TDCP PC38 – SD5 Objective 2.5.2(2).</p> | | <p>Agree that this is a bit of a cross over with the infrastructure section. Recommend that Policy 2.5.3 is revised to reflect key elements in the suggested change and also to ensure that key NPS matters are reflected at an appropriate level within the plan as follows:</p> <p><u>Recognise and provide for the functional and operational needs associated with the use and development, operation, maintenance and upgrading of nationally and regionally significant infrastructure.</u></p> |
| <p>2.4.3 Policy 2</p> | <p>Agree with s42A, i.e. no change to policy.</p> | | <p>n/a</p> | |
| <p>2.5.3 Policy 2</p> | <p><u>Recognise and provide for the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure.</u></p> <p>S42A Report Writer comment - See proposed change to this policy above.</p> | <p>NPS – Objective, Policy C WRPS – Objective EIT-01, Policy EIT-P1. BOPRPS – Objective 6, Policy EI 5B. TDC PC38 – SD5 Objective 2.5.2(2). TDC PC38 – SD5 Objective 2.5.2(3).</p> | <p>Whether the amended provisions are the best way to achieve the purpose of the RMA. The change to the Policy seeks to better achieve the purpose of the objectives by moving the position from one of mere ‘recognition’ to take the next step and actually do something about that recognition, in this case, provide for the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure (to give effect to Policy C1 and the policies in section E of the NPS-REG). The reasonably practicable options for achieving those objectives. Recognition on its own does not achieve any tangible outcome. As noted above, the policy can only achieve the objective if it seeks to do something – in this case provide for the functional and operational needs associated with the use and development of nationally and regionally significant infrastructure. The environmental, social, economic, and cultural benefits and costs of the amended provisions. Any costs are outweighed by the direct benefits to environmental, cultural and social well-being, including economic growth and employment, by recognising and providing for the functional and operational needs associated with nationally and regionally significant infrastructure. The efficiency and effectiveness of the provisions for achieving the objectives. The amendment sought will be more efficient and effective as it seeks to achieve something rather than just recognise it. The risk of acting or not acting where there is uncertain or insufficient information about the provisions. There is no uncertainty or insufficiency of information. However, the risk of not acting is that less, or nothing, is achieved.</p> | <p>Agree and see above as it relates to wider changes suggested to this policy.</p> |

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|--------------------|--|---|---|--|
| 2.5.3 Policy 3 | <p><i>Subdivision, land use and development will not adversely affect or compromise (including reverse sensitivity effects) the effective and safe functioning of infrastructure.</i></p> | <p>NPSET Policy 10</p> <p>NPSREG – Objective, Policy C.</p> <p>WRPS – Objective EIT-01, Policy EIT-P1.</p> <p>BOPRPS – Objective 6, Policy EI 5B.</p> <p>TDC PC38 – SD5 Objective 2.5.2(2).</p> | <p>Whether the amended provisions are the best way to achieve the purpose of the RMA.</p> <p>The change to the policy seeks to better achieve the purpose of the objectives by recognising that activities that compromise the functioning of infrastructure is just as relevant as activities that directly affects infrastructure, and specifically gives effect to Policy 10 of the NPSET.</p> <p>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</p> <p>Any costs are outweighed by the direct benefits to environmental, cultural and social well-being, by recognising and prioritising the safe and effective functioning of infrastructure.</p> <p>The efficiency and effectiveness of the provisions for achieving the objectives.</p> <p>The amendment sought will be more efficient and effective as it recognises that activities can have a significant impact on the functioning of infrastructure. Compromise is more directive in terms of the state and nature of the effect, whereas an adverse effect is more about the state to which it affects something to a greater or lesser degree.</p> <p>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</p> <p>There is no uncertainty or insufficiency of information. However, the risk of not acting is that activities compromise the functioning of infrastructure.</p> | <p>I do not agree that the term ‘compromise’ needs to be added to the proposed policy. This is for the reasons given in my S42A report and that the policy is specifically general as it relates to all (i.e. wider than ET) infrastructure across the district.</p> <p>I have considered the use of the term compromise more, with reference to information provided in the hearing evidence from Transpower.</p> <p>The proposed policy has strong and clear direction i.e. ‘will not adversely affect’. This direction does not anticipate adverse effects, including ones that compromise the transmission corridor etc. If the policy referred to ‘avoiding, remedying or mitigating adverse effects’, then, in my view, there would be a need to include reference to compromise.</p> <p>I acknowledge the use of the term ‘compromise’ in policy 10 of the NPS-ET, especially as it relates to reverse sensitivity effects and the need to protect the transmission corridor. The proposed policy does not restrict a more specific policy being added to the energy chapter in the plan that provides specific direction relating to not compromising ET. As the policy is currently drafted it will provide the protection to ET in a manner that gives effect to the NPS-ET.</p> |
| 2.6.3 Policy - new | <p>The Energy Sector continue to support the inclusion of the policy for the reasons stated in the parties evidence.</p> <p><u><i>Recognise the benefits of offset measures and compensation and provide for their use as feasible alternatives to manage significant residual adverse effects of renewable electricity generation activities and regionally significant infrastructure.</i></u></p> | <p>TDC PC42 – SD6 Objective 2.6.2(3).</p> | <p>Whether the amended provisions are the best way to achieve the purpose of the RMA.</p> <p>The recommended policy is the most appropriate way to achieve the Objectives by providing clarity in relation to the appropriateness of development to achieve the outcomes relating to the protection of natural values. The recommended policy gives effect to the RMA and higher order documents (NPS-REG).</p> <p>The reasonably practicable options for achieving those objectives.</p> <p>The inclusion of the policy is a practical option to help achieve the objectives of the chapter or the RMA. Silence on that matter is not a practical option. The new policy identifies an alternative measure to manage significant residual adverse effects of renewable electricity generation activities.</p> <p>The environmental, social, economic, and cultural benefits and costs of the amended provisions.</p> <p>Policy direction that provides pathways through a policy regime that is dominated by protection, enhancement and restoration will result in environmental, social, economic and cultural benefits by assisting with the consenting and re-consenting of REG activities.</p> <p>The efficiency and effectiveness of the provisions for achieving the objectives.</p> <p>The ability to address environmental effects by way of offsetting and compensation is an efficient and effective way of achieving the objectives of the chapter and the RMA.</p> <p>The risk of acting or not acting where there is uncertain or insufficient information about the provisions.</p> <p>There is no uncertainty or insufficiency of information. However, the risk of not acting is that the policy regime lacks balance and some renewable electricity generation activities may be foreclosed or curtailed.</p> | <p>The policy is proposed to be located in the natural values section. The proposed policy refers to adverse effects generally so wider than natural values. On that basis I do not feel that it is a good fit for the natural values section.</p> <p>The proposed policy goes into a level of detail that is unnecessary within the SD section as it is specifying a method (though recognition) and is silent on the wider hierarchy of effects avoidance and management etc. There is a high level of recognition of REG etc under existing provisions and also those recommended to be amended as a result of this response. Specifically policy 2.5.3 which provides a high level of support for nationally and regionally significant infrastructure generally and will certainly be of use in the consideration of any effects. I note that there is no support for such a provision from higher level documents.</p> |