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*in the matter:* of a submission on the Plan Change 4 to the Canterbury  
Land and Water Regional Plan under clause 6 of the  
First Schedule of the Resource Management Act 1991

*to:* Environment Canterbury

*submitter:* Meridian Energy Limited

Brief of evidence of **Jane Whyte**

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Dated: 29 January 2016

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## BRIEF OF EVIDENCE OF JANE WHYTE

### QUALIFICATIONS AND EXPERIENCE

- 1 My full name is **Margaret Jane Whyte**
- 2 I hold the degrees of Bachelor of Arts and Master of Regional and Resource Planning, both from the University of Otago. I am a full member of the New Zealand Planning Institute.
- 3 I am a Director of ResponsePlanning Consultants Limited, a consultancy specialising in planning and resource management. I have been a Director of this company since 2004. Prior to this I was the Environmental Services Manager at Banks Peninsula District Council. I have over twenty three years planning and resource management experience working as both a local government planner and as a consultant.
- 4 I have worked throughout New Zealand. Since 1997 I have been based in Christchurch and much of my work has been within the Canterbury Region.
- 5 A core area of my planning and resource management practice is policy development and the evaluation of statutory planning documents prepared under the Resource Management Act. I have written, and been involved in the preparation of district plans, plan changes and variations (including privately requested plan changes). I have also evaluated a number of Regional Policy Statements, Regional Plans and District Plans. I have prepared submissions, further submissions and evidence on these. I am engaged for this work by both private clients and local authorities. Some examples of projects I have worked on are:
  - 5.1 Evaluating and preparing submissions on the Proposed Canterbury Regional Policy Statement, the Proposed Waikato Regional Policy Statement, the draft and Proposed Southland Regional Policy Statement and Proposed Plan Changes to the Clutha District Plan.
  - 5.2 Preparing submissions, further submissions and presenting evidence for nine of the Canterbury local authorities on the Proposed Canterbury Natural Resources Regional Plan, and the Proposed Canterbury Land and Water Regional Plan.
  - 5.3 As part of a three person team completing an evaluation of the effectiveness and efficiency of the Christchurch City Plan. As the sole author undertaking a similar project addressing four resource management topics in the Banks Peninsula District Plan.
- 6 Another area of my practice is the preparation and evaluation of assessments of effects and resource consent applications. This has provided me with the experience of implementing statutory planning documents, including Regional Policy Statements, Regional Plans and City and District Plans. I have worked on a range of projects and have sought and obtained land use consents, subdivision consents, water permits and discharge consents, including air discharge permits. I have experience with renewable electricity generation projects. I have provided advice and are working on projects involving both hydro and wind generation activities. Some of these projects were on sites with significant indigenous vegetation and habitats of significant indigenous fauna which involved consideration of biodiversity offsets. I have also completed applications on areas identified as outstanding natural features and landscapes.

- 7 I am well versed in the challenges of preparing effective statutory plans and the difficulties of implementing statutory documents that have not been properly prepared, ultimately increasing costs for applicants, submitters and councils.
- 8 I am a certified hearings commissioner the holding a Chair endorsement. I have acted as a Commissioner on Resource Consent and Plan Change applications.
- 9 I have read the Code of Conduct for Expert Witnesses and agree to comply with it. I confirm I have complied with it in the preparation of this statement of evidence.
- 10 I provide the following declaration of conflict of interest. My husband is an employee of Meridian Energy. This relationship has not had any influence on my evidence and my opinion as an Independent Expert.
- 11 In preparing my evidence I have reviewed:
  - 11.1 The Canterbury Land and Water Regional Plan (LWRP)
  - 11.2 Plan Change 4 to Canterbury Land and Water Regional Plan (PC4) and the Supporting Section 32 documentation;
  - 11.3 The Summary of Decisions Requested Report;
  - 11.4 Section 42A report;
  - 11.5 The submission and further prepared by Meridian Energy Limited;
  - 11.6 The National Policy Statement on Electricity Transmission 2008 (NPSET), the National Policy Statement on Renewable Electricity Generation 2011 (NPSREG) the National Policy Statement Freshwater Management 2014 (NPSFM).
  - 11.7 The Operative Canterbury Regional Policy Statement (RPS).

## **SCOPE OF EVIDENCE**

- 12 I have been asked by Meridian Energy Limited (*Meridian*) to prepare this statement of evidence. I address the submissions of Meridian in relation to the following matters:
  - 12.1 Policy 4.85A Activities in Beds of Lakes and Rivers
  - 12.2 Rules relating to Vegetation Clearance (Rules 5.163, Rule 5.167, Rule 5.168)
  - 12.3 Rules relating to Structures (Rules 5.140A, 5.141A and 5.148A).
- 13 Meridian lodged a further submission opposing the submission of Whitewater NZ (Inc) and others (submission 65910). The original submission has been formally withdrawn which resolves any issues.

## **EVALUATION OF MATTERS ADDRESSED**

- 14 I have sought to ensure that my evidence is succinct and focussed on the points I address. However, I record that in undertaking my evaluation of the individual evidence points I have

considered the relevant matters in the Resource Management Act including but not limited to Part II, Sections 9, 15, 13, 17, 30, 32 and 63-70B. I have also considered the other provisions in the LWRP and the provisions of the Canterbury Regional Policy Statement.

- 15 I have considered the National Policy Statement for Freshwater Management (NPSFM). This is focused on water quality and quantity matters which, while important, is not a key consideration to the matters I address in my evidence.
- 16 I have also considered the Canterbury Water Management Strategy as particular regard is to be had to the vision and principles in making decisions on regional plans. The primary principles are sustainable management, regional approach and tangata whenua. Supporting principles are natural character, indigenous biodiversity, access, quality drinking water, recreational opportunities, and community and commercial use. I have had regard to the vision and principles in preparing my evidence. However, I have placed greater emphasis on the provisions of the RPS which Change 5 must give effect to.

#### **Policy 4.85A**

- 17 Meridian lodged a submission opposing in Part new Policy 4.85A which addresses activities in beds of lakes and rivers. The Policy as notified in PC4 is:

*4.85A Indigenous biodiversity, habitats of indigenous fauna and flora, and the natural character of Canterbury's braided river systems is preserved through:*

- (a) preventing encroachment of activities into the beds and margins of lakes and rivers; and*
- (b) limiting vegetation clearance within the bed, banks and margins of lakes, rivers, wetlands or coastal lagoons*

*Unless the vegetation clearance is for the purpose of pest management, habitat restoration, flood control purposes, the operation, maintenance or repair of structures or network utilities, or maintenance of public access.*

- 18 Meridian is concerned the policy as proposed did not adequately recognise that Meridian's Waitaki Power Scheme assets are located and influences the braided river environment in the Waitaki Catchment. The submission identified that the activities occurring within the braided river environments are wider than recognised in the policy, including erosion and gravel management. It is concerned that policy approach of preventing activities and vegetation clearance in the bed, banks, and margins of lakes and rivers imposes an inappropriately high management response.
- 19 Meridian seeks modification of the policy. The submission focusses on three matters. The first is to provide greater clarity by ensuring the appropriate statutory consideration is being applied to the management of biodiversity, protection of habitats and preservation of natural character. Secondly, it sought a moderated approach to the management of activities in the beds and margins of lakes and rivers. Thirdly, it sought better recognition for activities associated with renewable electricity generation activities. The policy wording Meridian sought is:

4.85A ~~Canterbury's braided river systems~~ Indigenous biodiversity, and habitats of indigenous fauna and flora is protected, and the natural character is preserved of Canterbury's braided river systems is preserved through:

- (a) ~~preventing~~ restricting encroachment of activities into the beds and margins of lakes and rivers; and
- (b) limiting vegetation clearance within the bed, banks and margins of lakes, rivers, wetlands or coastal lagoons

~~Unless the vegetation clearance activity is for the purpose of pest management, habitat restoration, flood control purposes, the operation, maintenance or repair of structures, renewable hydro-electricity generation activities or network utilities, or maintenance of public access.~~

- 20 The Section 42A report recommendation on page 112 is to amend the policy to read:

4.85A *Indigenous biodiversity, habitats of indigenous fauna and flora, and the natural character of Canterbury's braided river systems is preserved through:*

- (a) preventing **further** encroachment of activities into the beds and margins of lakes and rivers; and
- (b) limiting vegetation clearance within the bed, banks and margins of lakes, rivers, wetlands or coastal lagoons

*Unless the vegetation clearance is for the purpose of pest management, habitat restoration, flood control purposes, the operation, maintenance or repair of structures or **network utilities infrastructure**, or maintenance of public access.*

- 21 The recommended changes do address the concerns Meridian raised with respect to vegetation clearance. Meridian sought amendments to the final part of the policy seeking to amend the reference to "vegetation clearance" to "activity" and to also provide a specific exemption for renewable hydro-electricity generation activities. The Section 42A report does attempt to address the concerns of Meridian with respect to vegetation clearance in a different manner by including the term "infrastructure" (which would include hydro-generation activities) as a specific exclusion in this Policy. Further, the recommendation made in relation to other submissions changing the definition of "vegetation clearance" would provide further assurance that vegetation clearance activities undertaken by Meridian would not be captured by this policy. However, this does not address the issues in the submission with respect to activities in the beds and margins of lakes and rivers. On this basis the recommended changes do not satisfactorily resolve the concerns in the submission.

- 22 This policy is strongly worded as it seeks these braided river systems be preserved and in relation to clause (a) seeks to prevent encroachment of activities into the beds and margins of lakes and rivers. The recommended change in the Section 42A report is the prevention referred to in clause (a) be amended so prevention only applies to the further encroachment of activities. While this is an improvement over that notified I am not satisfied this amended policy is the most appropriate to implement the objectives. In addition, the wording is unclear as to how the term 'further' is to be applied when it comes to the Waitaki Hydro Power Scheme. There is still uncertainty with the policy drafting and this will not lead to effective implementation of this provision.

- 23 In my experience there are two ways I could interpret the Section 42A recommended change to Policy 4.85A clause (a) – both having different outcomes.
- 24 The first interpretation is the policy seeks to preserve in time the exact status quo. While each individual activity or structure currently existing is not further limited by this policy, any change at all to these existing activities that results in further encroachment, which I take to mean any change in the location, scale, intensity or nature of the activity, would be prevented. If this is the valid interpretation then this does not sufficiently address the concerns of Meridian, which I elaborate upon later in my evaluation.
- 25 The second interpretation is clause (a) does not apply to any existing activity, with such activity being the wider activities occurring such as the operation and maintenance of the Waitaki Hydro Electric Power Scheme. Under this interpretation it is the existence of this wider activity that is recognised by the policy and it is only further activities (in Meridian's case not associated with the operation and maintenance of the Waitaki Hydro Electric Power Scheme) that would be subject to this policy. Were this the correct interpretation it would overcome the particular concerns expressed in the submission of Meridian with respect to its ongoing activities associated with the Waitaki Hydro Electric Power Scheme. However, it will not address some of the wider matters I elaborate on later in my evaluation.
- 26 Good policy should be clear in its potential meaning and interpretation should not be subject to different interpretations leading to different outcomes. I do not support either the notified or recommended wording for Policy 4.85A.
- 27 The Section 42A report justifies the policy with the following statement "*a number of water conservation orders, specific recognition of the Canterbury Water Management Strategy, recognition of the braided river systems as Outstanding Natural Features or Landscapes and specific recognition within the RPS. On this basis, the superior documents policy support for protection of braided rivers is, in my opinion, not in dispute<sup>1</sup>.*" Later within the same discussion it is stated "*in my opinion, the Policy is necessary to support the definitions and rules providing protection of braided river systems.<sup>2</sup>*" I am concerned that this evaluation has failed to consider all matters relevant and has not correctly interpreted the objectives, policies and statutory matters in the higher order documents referred to. My concern with the evaluation of the submissions, including Meridian's are:
- 27.1 The discussion has failed to consider the actual policy context relating to braided river systems being Outstanding Natural Features or Landscapes. Protection of these matters is not absolute but rather it is from inappropriate subdivision use and development<sup>3</sup> and as such requires consideration of a wider range of values than has currently occurred.
- 27.2 The discussion has not considered the relevant objectives and policies in these higher order documents applying to renewable electricity generation or other utility activities and as such these provisions<sup>4</sup> have not been appropriately addressed when evaluating the changes sought by submitters to the policy.

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<sup>1</sup> Section 42A report paragraph H-47 Page 100-101

<sup>2</sup> Section 42A report paragraph H-49 Page 101

<sup>3</sup> Canterbury Regional Policy Statement Objective 12.2.1, Policy 12.3.2

<sup>4</sup> Canterbury Regional Policy Statement Objective 16.2.2, Policy 16.3.3 and Policy 16.3.5

- 27.3 The discussion on this policy in the Section 42A report references the protection of braided rivers. However, the policy recommended does not focus on protection, rather it seeks preservation and prevention. Therefore, there is disconnect between the evaluation in the Section 42A report and the policy recommended.
- 28 The drafting of the Policy recommended in the Section 42A report through requiring preservation and prevention imposes a higher statutory basis than is afforded indigenous biodiversity, habitats of indigenous fauna and flora in either Part 2 or Section 30 of the Resource Management Act.<sup>5</sup>
- 29 Canterbury's braided river systems are important. However, the policy approach of preventing any further encroachment of activities into the beds and margins of lakes and rivers is not a desirable outcome when considering the full range of values present within these river systems.
- 30 The Policy imposes a stricter approach than would be expected when giving effect to the Canterbury Regional Policy Statement. Consideration is to be given to the document as a whole and all of the provisions; however in the context of Policy 4.85A the provisions in Chapter 10 are most relevant. I have also considered the provisions in Chapter 9 Ecosystems and indigenous biodiversity. I have already considered Chapter 12 Landscape (paragraph 28.1) and Chapter 16 Energy which is relevant to the Waitaki Hydro Electric Power Scheme (paragraph 27.2). I have referenced the most relevant provisions in my evidence and have reproduced them in Attachment 1 to this evidence for ease of reference.
- 31 Chapter 10 is the chapter of the RPS addressing Beds of Rivers and Lakes and Riparian Zones. In reading these provisions I do not find support or an expectation that activities occurring in the beds of lakes and rivers in braided river catchments are to be prevented. Rather I find the provisions are generally enabling of activities occurring, subject to appropriate management. Provisions of relevance are Objective 10.2.1 Provision of activities in beds and riparian zones and protection and enhancement of bed and riparian zone values, Policy 10.3.1 Activities in the river and lake beds and their riparian zones, Policy 10.3.2 Protection and enhancement of areas of river and lake beds and their riparian zones, Policy 10.3.3 Management for flood control and protecting essential structures and Policy 10.3.4 Removal of vegetation and bed material from riverbeds.
- 32 Providing a preservation outcome in relation to vegetation also does not give effect to the objectives and policies in Chapter 9<sup>6</sup>. These provisions focus on protecting areas identified as significant to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of activities. For areas not significant the objective is focused on halting the decline in the quality and quantity of ecosystems and indigenous biodiversity. These RPS provisions do not seek preservation.
- 33 The changes to the policy Meridian seeks are to apply the appropriate statutory consideration to the resource being addressed. It is for this reason that the preservation focus within the policy is to apply to natural character (consistent with Section 6(a) of the Act). For indigenous biodiversity and habitats of indigenous fauna and flora the focus is to be on protection. With

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<sup>5</sup> Resource Management Act Section 6(c), Section 7(f), Section 30(ga)

<sup>6</sup> Canterbury Regional Policy Statement Objective 9.2.1, Objective 9.2.3, policy 9.3.1(3)

respect to activities in the beds or margins of lakes and rivers the focus is on restricting, not preventing activities. This approach is more consistent with the relevant RPS provisions than either the notified or the Section 42A version.

- 34 Meridian has particular interests in the Waitaki River System and specific concerns associated with ensuring the continued effective operation of the Waitaki Hydro Electric Power Scheme. I will address a number of the concerns of particular relevance to Meridian but will also provide some further examples issues effecting resources and uses beyond Meridian's particular interests.
- 35 I consider that prevention in relation to the encroachment activities in the beds in margins of lakes and rivers is not an appropriate outcome for the Waitaki River system and it may not be an appropriate outcome for a number of other braided river systems either.
- 36 Turning now to the specific matters associated with the Waitaki River. It is not clear to me when reading the policy how it applies to the Waitaki River system, in that does it apply to the whole Waitaki River system (from source to sea) or only to sections which currently are braided rivers. Even if this policy approach only applies to those parts of the Waitaki River System which retains its braided characteristics the policy approach of the prevention of further encroachment of activities will result in undesirable and inappropriate outcomes. The impact is greater if the policy is to be interpreted in the manner I have described in paragraph 24 of my evidence.
- 37 I illustrate some of the potential issues that would arise using part of the Waitaki River system is an example.
- 38 The Upper Ohau River would be characterised as a braided river system. Within this area Meridian undertakes a range of activities including erosion control activities; operation and maintenance of a weir structure; operation and maintenance of syphons and pipes, operation and maintenance of a fish pass structure, operation and maintenance of a local transmission line and Meridian also undertakes activities associated with water defences including armouring, maintenance of a groyne, artificial shaping, gravel removal and diversion activities. These activities are all undertaken within the beds in margins of the river. In Attachment 3 I have illustrated the location of some of these activities.
- 39 While some of the physical structures such as the weir and artificial bypass structure are fixed a number of the other activities vary in their and the extent depending on the circumstances. In particular, erosion control is a constant and important activity within this area and within the entire Waitaki catchment affected by the Waitaki Hydro Electric Power Scheme. The specific location and the type of erosion control undertaken is not constant. Under the notified and recommended policy it is conceivable that some of these activities would be considered further encroachment of activities into the beds and margins of lakes and rivers. The policy position is these activities are prevented.
- 40 In addition, while Meridian has a number of existing structures it is likely over time there will be a need for additional structures and activities, for example additional gravel traps needed to protect existing infrastructure. The policy approach in PC4 is that these activities are to be prevented.



- 41 Preventing activities such as erosion control associated with the Waitaki Hydro Electric Power Scheme is not a tenable outcome. Nor is there any need or justification for a policy approach of avoiding any additional structures and activities that may be required to ensure the effective ongoing operation of the scheme.
- 42 The Waitaki Hydro Electricity Scheme, including that part operated by Meridian is both nationally and regionally significant infrastructure. The RPS defines Regionally Significant Infrastructure<sup>7</sup> as including "National, regional and local renewable electricity generation activities of any scale". The NPSREG identifies the matters of national significance to which this national policy statement applies are a) the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and b) the benefits of renewable electricity generation. The NPSREG contains an objective and policies of relevance in particular the objective (which recognises the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities), and Policies A, B and C. I have reproduced the key provisions in Attachment 1 to my evidence. I note in the Section 32 report supporting PC4 it states "The NPS-ET and the NPS-REG are not relevant to PC4"<sup>8</sup>. I disagree that the NPSREG is not relevant to the consideration of Policy 4.85A.
- 43 Beyond the activities undertaken by Meridian there are also a range of other activities within the Waitaki River System, including in those sections of the river having a braided characteristic. Again within the Upper Ohau River within the bed of the river there is a Transpower Transmission Line and the intake structure for the Benmore Irrigation Company. Were any of these activities to result in further encroachment of activities then the policy approach is these be prevented.
- 44 Based on various work I have undertaken for clients over the last 12 years, including work undertaken for territorial local authorities, I am aware there are a range of activities (both existing and proposed), including bridges, culverts, utility lines, water intakes (both community and private), flood protection works and discharge points occurring within the beds and margins of lakes and rivers, including braided rivers. In considering the full range of activities and values that occur I do not find any support for a policy approach seeking to prevent further encroachment of activities into the beds and margins of lakes and rivers for Canterbury's braided river systems.
- 45 The policy position of prevention is extremely significant and if it remains either as notified or as recommended in the Section 42A report will, at best, lock in the status quo and will not enable any new activities regardless of scale that encroach into the beds and margins of lakes and rivers.
- 46 I support the submission of Meridian seeking this policy be changed. Preventing the encroachment of activities into the beds and margins of lakes and rivers is not an outcome supported by the high level documents including the RPS and the NPSREG.
- 47 When I look at the rules purportedly implemented from this policy I find the policy takes a disproportionate and inappropriate approach to the management of braided river systems and

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<sup>7</sup> Definition of Regionally Significant Infrastructure page 198

<sup>8</sup> Section 32 Evaluation Report for Plan Change 4 (Omnibus) to the Canterbury Land and Water Regional Plan – Page 4.

the beds and margins of lakes and rivers. When considering the full range of objectives and policies currently within the LWRP, Policy 4.85A is not necessary and could be deleted. This is because the objectives and policies in the LWRP<sup>9</sup> already address these matters including natural character of freshwater bodies, including braided rivers and their margins; biodiversity and indigenous vegetation and habitat values; regionally significant infrastructure and activities in Beds of Lakes and Rivers. These provisions already provide a sufficient basis for the new or amended rules addressed in PC4.

- 48 I recognise Meridian has not sought the policy in its entirety be deleted. Therefore I generally support the amended wording sought by Meridian. I support the change sought to the first part of the policy to make it clear that the preservation outcome relates to natural character matters not indigenous biodiversity, and habitats of indigenous fauna and flora. I support removing the focus on "preventing" encroachment of activities into the beds and margins of lakes and rivers from clause (a). Rather than using the word 'restricting' in clause (a) as expressed in the Meridian submission I would use the word 'limiting' which provides a consistent approach to vegetation clearance and activities in the beds and margins of lakes and rivers. I also support the change sought to the latter part of the policy to amend the focus for the exemptions from only applying to vegetation clearance, but to also include activities. These approaches are consistent with in particular Objective 3.3 in the LWRP which is enabling for nationally and regionally significant infrastructure. This is more appropriate than either the notified or recommended vision.

- 49 If Policy 4.85A is to remain then it should be reworded as follows:

*4.85A Indigenous biodiversity, and habitats of indigenous fauna and flora is protected, and the natural character of Canterbury's braided river systems is preserved, through limiting through:*

- (a) ~~restricting the~~ encroachment of activities into the beds and margins of lakes and rivers; and*
- (b) ~~limiting~~ vegetation clearance within the bed, banks and margins of lakes, rivers, wetlands or coastal lagoons*

*Unless ~~the vegetation clearance is~~ for the purpose of pest management, habitat restoration, flood control purposes, the operation, maintenance or repair of structures, infrastructure, or maintenance of public access.*

#### **Rules Relating to Vegetation Clearance (Rules 5.163, Rule 5.167, Rule 5.168)**

- 50 Meridian lodged submissions that a number of the rules (as notified) will negatively impact on the ability to maintain and operate the Waitaki HEPS. The key concern is with rules 5.163 (condition 9), 5.167 (condition 6) and 5.168 (condition 5).
- 51 The type of activities Meridian undertakes includes maintenance activities related to the Waitaki HEPS. The activities involve removal of vegetation which would reduce the area and potential diversity of vegetation (both exotic and indigenous). These activities are and will continue to be a core component of the maintenance and operation of the Waitaki HEPS.

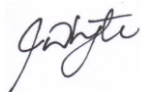
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<sup>9</sup> For example Objectives 3.3, 3.17, 3.19 and Policies 4.86-4.92

- 52 Rules 5.163 (condition 9), 5.167 (condition 6) and 5.168 (condition 5) mean the maintenance activities undertaken by Meridian will no longer be able to occur as a permitted activity. This is not an appropriate approach when addressing the Waitaki HEPS which is nationally and regionally significant infrastructure.
- 53 The issue raised in submissions of Meridian has been accepted within the Section 42A report (page 111). The recommendation is for the definition of vegetation clearance to be amended rather than the rule. The recommended change to the definition to specifically exclude "clearance of the establishment or maintenance of utilities, **infrastructure**, or structures" from the definition of vegetation clearance will achieve the outcomes sought in the submission by Meridian and I support this outcome. . I do note however it is a more unusual technique to amend a definition such as "vegetation clearance" rather than to specifically amend the rule capturing inappropriate activities. I have not considered whether this change in definition would have wider implications for provisions beyond those within PC4.
- 54 Provided the definition is changed as recommended then the specific amendments to the rules sought by Meridian are not required. If the panel determines not to amend the definition any specific changes sought by Meridian to the rules would be necessary.
- 55 I support the submission of Meridian and the recommendation in the Section 42A report in relation to these rules.

**Rules relating to Structures (Rules 5.140A, 5.141A and 5.148A)**

- 56 Meridian lodged submissions supporting Rules 5.140A, 5.141A and 5.148A.
- 57 Rule 5.140A provides for structures for the purpose of monitoring, measuring or taking samples from any surface waterbody and the excavation and disturbance associated with them. The Section 42A report recommendation (page 91) is for the rule to be amended through accepting some other submissions. I have reviewed these changes and they do not affect the support Meridian has provided for the rule.
- 58 Rule 5.141A provides for temporary discharges associated with the activities provided for under Rule 5.140A. The Section 42A report recommendation (page 149) is this rule be retained without amendment. This recommendation is consistent with Meridian's submission.



**Jane Whyte**

29 January 2016

## Attachment 1

### National Policy Statement for Renewable Electricity Generation Key Provisions

#### Objective

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.

#### A. Recognising the benefits of renewable electricity generation activities

POLICY A Decision-makers shall recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities. These benefits include, but are not limited to:

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

#### B. Acknowledging the practical implications of achieving New Zealand's target for electricity generation from renewable resources

POLICY B Decision-makers shall have particular regard to the following matters:

- a) maintenance of the generation output of existing renewable electricity generation activities can require protection of the assets, operational capacity and continued availability of the renewable energy resource; and
- b) even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output; and
- c) meeting or exceeding the New Zealand Government's national target for the generation of electricity from renewable resources will require the significant development of renewable electricity generation activities.

#### 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) the need to locate the renewable electricity generation activity where the renewable energy resource is available;
- b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;
- c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;
- d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and
- e) adaptive management measures.

POLICY C2 When considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, decision-makers shall have regard to offsetting measures or environmental compensation including measures or compensation which benefit the local environment and community affected.

D. Managing reverse sensitivity effects on renewable electricity generation activities

POLICY D Decision-makers shall, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on consented and on existing renewable electricity generation activities.

E. Incorporating provisions for renewable electricity generation activities into regional policy statements and regional and district plans

E2 Hydro-electricity resources

POLICY E2 Regional policy statements and regional and district plans shall include objectives, policies, and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing hydro-electricity generation activities to the extent applicable to the region or district.

## **Attachment 2**

### Canterbury Regional Policy Statement Key Provisions

#### Chapter 9 Ecosystems and indigenous biodiversity

##### Objective 9.2.1 – Halting the decline of Canterbury’s ecosystems and indigenous biodiversity

The decline in the quality and quantity of Canterbury’s ecosystems and indigenous biodiversity is halted and their life-supporting capacity and mauri safeguarded.

##### Objective 9.2.3 – Protection of significant indigenous vegetation and habitats

Areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and their values and ecosystem functions protected.

##### Policy 9.3.1 – Protecting significant natural areas

- 1) Significance, with respect to ecosystems and indigenous biodiversity, will be determined by assessing areas and habitats against the following matters:
  - (a) Representativeness
  - (b) Rarity or distinctive features
  - (c) Diversity and pattern
  - (d) Ecological context

The assessment of each matter will be made using the criteria listed in Appendix 3.

- 2) Areas or habitats are considered to be significant if they meet one or more of the criteria in Appendix 3.
- 3) Areas identified as significant will be protected to ensure no net loss of indigenous biodiversity or indigenous biodiversity values as a result of land use activities.

#### Chapter 10 Beds of rivers and lakes and their riparian zones

##### Objective 10.2.1 – Provision for activities in beds and riparian zones and protection and enhancement of bed and riparian zone values

Enable subdivision, use and development of river and lake beds and their riparian zones while protecting all significant values of those areas, and enhancing those values in appropriate locations.

##### Policy 10.3.1 – Activities in river and lake beds and their riparian zones

To provide for activities in river and lake beds and their riparian zones, including the planting and removal of vegetation and the removal of bed material, while:

- (1) recognising the implications of the activity on the whole catchment;
- (2) ensuring that significant bed and riparian zone values are maintained or enhanced; or
- (3) avoiding significant adverse effects on the values of those beds and their riparian zones, unless they are necessary for the maintenance, operation, upgrade, and repair of essential structures, or for the prevention of losses from floods, in which case significant adverse effects should be mitigated or remedied.

##### Policy 10.3.2 – Protection and enhancement of areas of river and lake beds and their riparian zones

To preserve the natural character of river and lake beds and their margins and protect them from inappropriate subdivision, use and development, and where appropriate to maintain and/or enhance areas of river and lake beds and their margins and riparian zones where:

- (1) they exist in a degraded state and enhancement will achieve long-term improvement in those values;
- (2) they have ecological values for which protection and/ or enhancement will assist in the establishment or re-establishment of indigenous biodiversity or ecosystems, particularly for ecosystems that are threatened or unrepresented in protected areas;
- (3) they have existing significant trout or salmon habitat;
- (4) maintenance and/or enhancement will improve or establish connections between habitats and create corridors for indigenous species and trout and salmon and their movement between areas;

- (5) riparian zones provide a buffer from activities that may adversely affect bed values;
- (6) opportunities exist to create habitat corridors for plants and animals; or
- (7) riparian zones provide spawning or other significant habitats for at risk or threatened species, such as inanga or Canterbury mudfish.

#### Policy 10.3.3 – Management for flood control and protecting essential structures

To manage activities in river and lake beds and their banks or margins to:

- (1) avoid or, where this is not practicable, to remedy or mitigate adverse effects on vegetation that controls flood flows or protects river banks or lake margins from erosion; and
- (2) avoid adverse effects on the stability, performance, operation, maintenance, upgrade and repair of essential structures that are located in, on, under or over a river or lake bed or its bank or margin.

#### Policy 10.3.4 – Removal of vegetation and bed material from river beds To manage the use and removal of vegetation and bed material in river beds and their margins to ensure:

- (1) the maintenance of flood-carrying capacity of rivers
- (2) the protection of essential structures; and
- (3) erosion control and prevention. provided its management does not adversely affect:
  - (a) the instream and other values of the beds including habitat and associated ecosystems; or
  - (b) the stability, performance, operation and maintenance, upgrade and repair of essential structures.

### Chapter 12 Landscape

#### Objective 12.2.1 – Identification and protection of outstanding natural features and landscapes

Outstanding natural features and landscapes within the Canterbury region are identified and their values are specifically recognised and protected from inappropriate subdivision, use, and development.

#### Policy 12.3.2 – Management methods for outstanding natural features and landscapes

To ensure management methods in relation to subdivision, use or development, seek to achieve protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.

### Chapter 16 - Energy

#### Objective 16.2.2 – Promote a diverse and secure supply of energy

Reliable and resilient generation and supply of energy for the region, and wider contributions beyond Canterbury, with a particular emphasis on renewable energy, which:

- (1) provides for the appropriate use of the region's renewable resources to generate energy;
- (2) reduces dependency on fossil fuels;
- (3) improves the efficient end-use of energy;
- (4) minimises transmission losses;
- (5) is diverse in the location, type and scale of renewable energy development.
- (6) Recognises the locational constraints in the development of renewable electricity generation activities; and
  - (a) avoids any adverse effects on significant natural and physical resources and cultural values or where this is not practicable, remedies or mitigates; and
  - (b) appropriately controls other adverse effects on the environment.

#### Policy 16.3.3 – Benefits of renewable energy generation facilities

To recognise and provide for the local, regional and national benefits when considering proposed or existing renewable energy generation facilities, having particular regard to the following:

- (1) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;

- (2) maintaining or increasing the security of supply at local and regional levels, and also wider contributions beyond Canterbury; by diversifying the type and/or location of electricity generation;
- (3) using renewable natural resources rather than finite resources;
- (4) the reversibility of the adverse effects on the environment of some renewable electricity generation facilities;
- (5) avoiding reliance on imported fuels for the purposes of generating electricity; and
- (6) assisting in meeting international climate obligations.

Policy 16.3.5 — Efficient, reliable and resilient electricity generation within Canterbury

To recognise and provide for efficient, reliable and resilient electricity generation within Canterbury by:

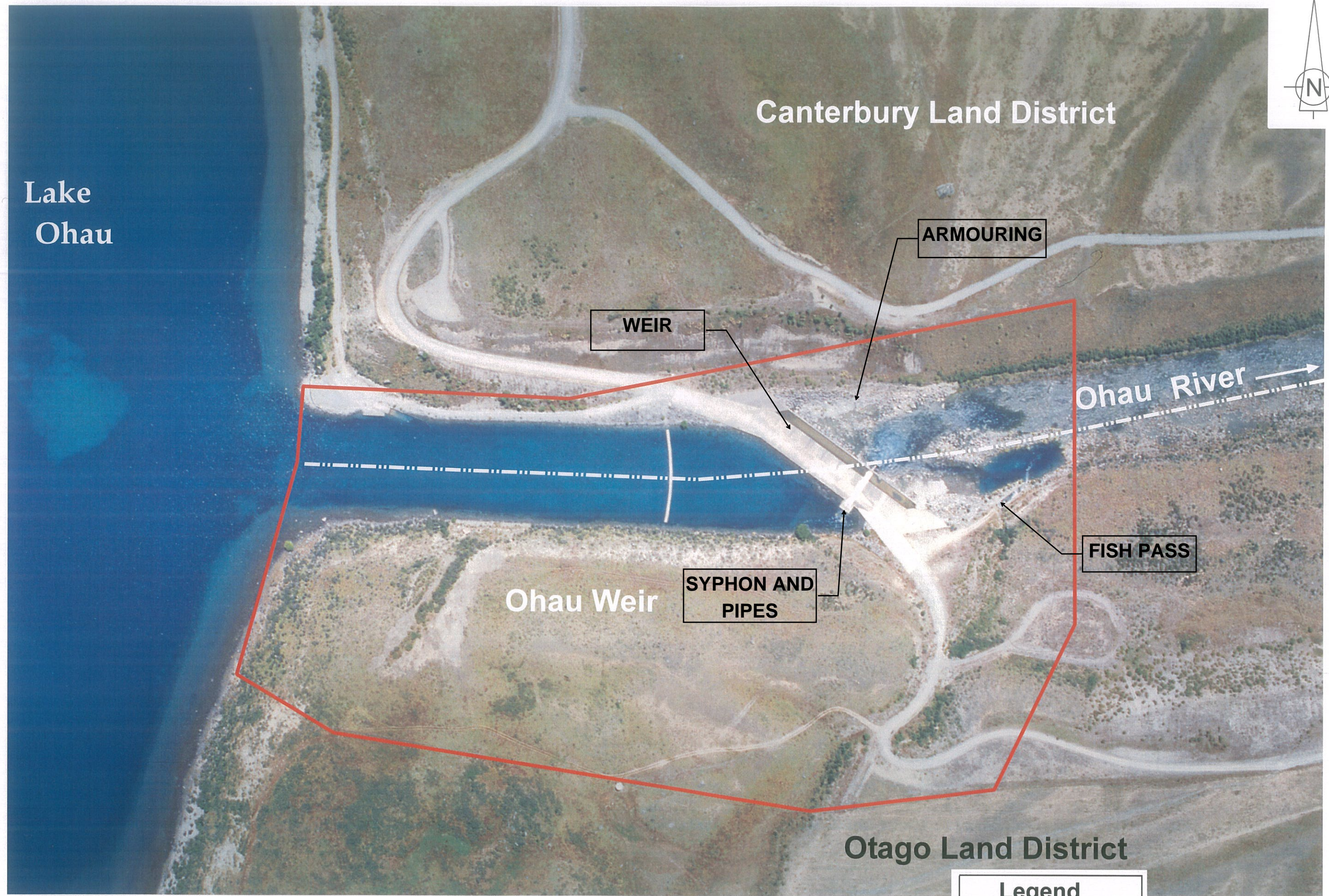
- (1) avoiding subdivision, use and development which limits the generation capacity from existing or consented electricity generation infrastructure to be used, upgraded or maintained;
- (2) enabling the upgrade of existing, or development of new electricity generation infrastructure, with a particular emphasis on encouraging the operation, maintenance and upgrade of renewable electricity generation activities and associated infrastructure:
  - (a) having particular regard to the locational, functional, operational or technical constraints that result in renewable electricity generation activities being located or designed in the manner proposed;
  - (b) provided that, as a result of site, design and method selection:
    - (i) the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable remedied, mitigated or offset; and
    - (ii) other adverse effects on the environment are appropriately controlled.
- (3) providing for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation;
- (4) maintaining the generation output and enabling the maximum electricity supply benefit to be obtained from the existing electricity generation facilities within Canterbury, where this can be achieved without resulting in additional significant adverse effects on the environment which are not fully offset or compensated.



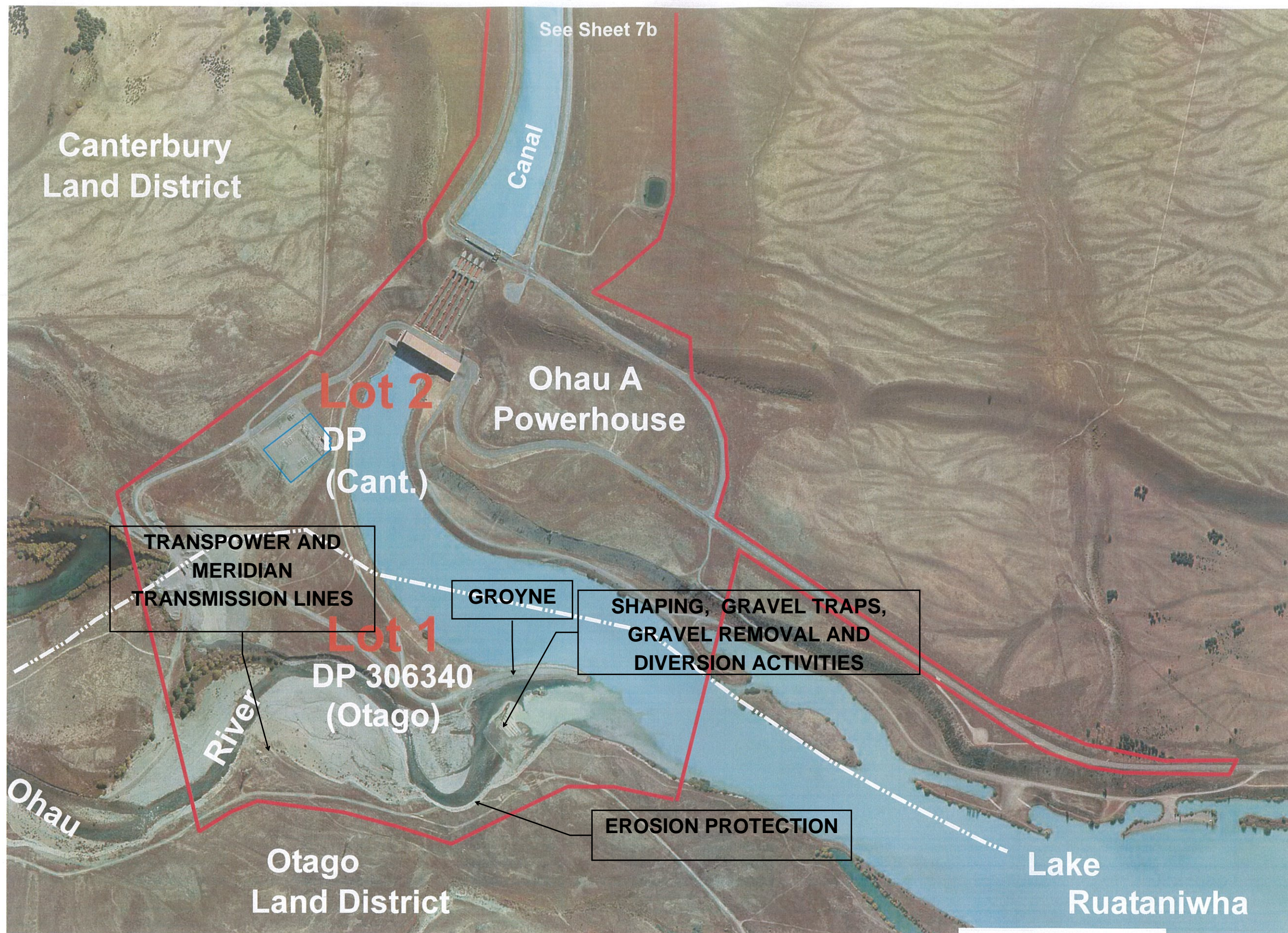
### **Attachment 3**

#### Ohau River Diagrams









**Legend**

- Core Area
- Switch Yard
- Public Access Easement

Photography Flown Feb 2002

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