

**BEFORE THE INDEPENDENT HEARINGS PANELS APPOINTED TO HEAR AND MAKE  
RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS ON PROPOSED CHANGE 1  
TO THE REGIONAL POLICY STATEMENT FOR THE WELLINGTON REGION**

**UNDER** Schedule 1 of the Resource Management  
Act 1991 (the Act)

**IN THE MATTER OF** Hearing Submissions and Further  
Submissions on Proposed Change 1 to the  
Regional Policy Statement for the  
Wellington Region

---

**STATEMENT OF REBUTTAL EVIDENCE OF JEROME GEOFFREY  
WYETH**

**ON BEHALF OF WELLINGTON REGIONAL COUNCIL**

**HEARING STREAM THREE**

**CLIMATE CHANGE – ENERGY, WASTE AND INDUSTRY**

**22 August 2023**

---

## TABLE OF CONTENTS

INTRODUCTION.....	3
QUALIFICATIONS AND EXPERIENCE .....	3
RESPONSES TO EXPERT EVIDENCE .....	3
Policy 2 .....	4
Policy 7 – Recognising the benefits from renewable energy and regionally significant infrastructure – district and regional plans.....	4
Policy 11: Promoting and enabling energy efficient design and small and community scale renewable energy generation – district plans .....	12
Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration .....	14
Policy 65 .....	18
Other issues raised in evidence .....	20

## **INTRODUCTION**

- 1 My full name is Jerome Geoffrey Wyeth. I am a Principal Planning and Policy Consulting at 4Sight Consulting – Part of SLR.
- 2 I have read the respective planning evidence, legal submissions and statements of:
  - 2.1 Kāinga Ora Homes and Communities (Kāinga Ora).
  - 2.2 Meridian Energy Limited (Meridian).
  - 2.3 Oil New Zealand Limited, Mobil Oil New Zealand Limited, and Z Energy Limited (the Fuel Companies) and Powerco Limited (Powerco) – joint hearing statement.
  - 2.4 Porirua City Council (PCC).
  - 2.5 Spark, Chorus and One NZ.
  - 2.6 Transpower NZ Limited (Transpower).
  - 2.7 Upper Hutt City Council (UHCC).
  - 2.8 Wairarapa Federated Farmers (WFF).
  - 2.9 Waka Kotahi.
  - 2.10 Wellington International Airport Limited (WIAL).
  - 2.11 Wellington Water.
  - 2.12 Winstone Aggregates.

## **QUALIFICATIONS AND EXPERIENCE**

- 3 My qualifications and experience are set out in paragraph 15-23 of my section 42A report for this topic, dated 31 July 2023. I repeat the confirmation given in that report that I have read and agree to comply with the Code of Conduct for Expert Witnesses.

## **RESPONSES TO EXPERT EVIDENCE**

- 4 This rebuttal evidence responds to submitter evidence in relation to the provisions in this topic. The recommended amendments to the Change 1 provisions in my section 42A report are shown in red underlined ~~marked-out~~ below and further recommended

amendments in this rebuttal evidence are shown in ~~blue underlined marked out~~. These are set out below as applicable and in full in Appendix 1 of this evidence.

**Policy 2 – Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter – regional plans**

5 Policy 2 is addressed in the hearing statement of Ms McGruddy for WFF and the planning evidence of Mr Smeaton for PCC who both support my section 42A recommended amendments to delete the Change 1 amendments to Policy 2. Accordingly, I provide no further comment on Policy 2 in this evidence.

**Policy 7 – Recognising the benefits from renewable energy and regionally significant infrastructure – district and regional plans**

6 Policy 7 is addressed in the evidence of Meridian, PCC, UHCC, Transpower, Wellington Water, WFF, WIAL and Winstone Aggregates. In addition, Ms Heppelthwaite on behalf of Waka Kotahi and Mr Anderson on behalf of Spark, Chorus and One NZ support my section 42A recommended amendments to Policy 7.

Meridian

7 Ms Foster supports some of my section 42A recommended amendments to Policy 7. However, Ms Foster considers that these do not go far enough to enable the rapid change in renewable electricity generation required to mitigate climate change. Ms Foster suggests a range of amendments to Policy 7 that build on my section 42A recommendations, including:

7.1 Amendments so that the benefits of both regionally significant infrastructure and renewable electricity generation are *“recognised and enabled”*.

7.2 A new clause (c) that requires district and regional plans to insert policies and/or methods to manage the effects of regionally significant infrastructure (including renewable electricity generation) in accordance with the Regional Policy Statement.

Porirua City Council

8 Mr Smeaton generally agrees with my section 42A recommended amendments to Policy 7. However, Mr Smeaton continues to request that the chapeau of Policy 7 refer to both objectives and rules in addition to policies and methods. Mr Smeaton also recommends

some minor changes to Policy 7(a)(i), amendments to recommended clause (c), and requests an additional clause (d) to recognise and protect regionally significant infrastructure.

#### Upper Hutt City Council

- 9 Ms Rushmere supports some of my section 42A recommended amendments to Policy 7, particularly the deletion of the reference to “*low and zero carbon regionally significant infrastructure*” in clause (a) and the insertion of clause (c). However, Ms Rushmere is concerned that Policy 7 fails to recognise the inability of district plans to influence some of the measures proposed in clauses (a)(i) to (a)(v). Ms Rushmere suggests minor wording amendments to reframe Policy 7 with respect to what territorial authorities can control, that is, the use and management of land and to replace ‘recognise’ with ‘support’.

#### Wellington Water

- 10 Ms Horrox supports my section 42A recommended amendments to delete the words in Policy 7(a) ‘*low and zero carbon regionally significant infrastructure*’. Ms Horrox reiterates the concerns of Wellington Water that there is a need for Policy 7 to be more directive and enabling of the benefits of all types of regionally significant infrastructure. Ms Horrox considers that the rationale to strengthen the wording in Policy 7 is supported by Policy 39 which requires “*particular regard shall be given to ... (b) benefits of energy generated from renewable energy resources and/or regionally significant infrastructure....*”. Ms Horrox considers that this “*particular regard*” language requires more active consideration of a matter than the need to “*recognise*” a matter.
- 11 To achieve this intent, Ms Horrox recommends amendments to Policy 7(a) to require district and regional plans to not only recognise but also ‘*support*’ or “*promote*” the benefits of regionally significant infrastructure. Ms Horrox submits that both of these terms have been used throughout the RPS and Change 1 where a policy a required a more directive/enabling focus without any specific examples provided.

#### Transpower

- 12 Transpower supports my section 42A recommended amendments to Policy 7 and in particular, the inclusion of new clause (iv) on the basis that this gives effect to Policy 1 of the National Policy Statement for Electricity Transmission 2008 (NPS-ET). Notwithstanding this support, Transpower considers that there is merit in providing more directive wording

in clause (a) of Policy 7 as follows “*recognise and provide for*”. Transpower considers that this would give effect to the NPS-ET and National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG).

#### WFF

- 13 Ms McGruddy for WFF requests that Policy 7 be expanded to include the benefits of rural water supply, or alternatively a new Policy 7A be added as follows: “**Policy 7A: recognising the social, economic, cultural and environmental benefits from rural water supply infrastructure to contribute to security of supply for primary production – district and regional plans**”.

#### WIAL

- 14 Ms Hunter supports the recommendation to remove the term “*low and zero carbon regionally significant infrastructure*” from Policy 7(a) but is concerned with my recommended clause (c) to “*recognise the benefits of regionally significant infrastructure to reduce greenhouse gas emissions*”. Ms Hunter is of the view that this new clause continues to create uncertainty as it is unclear how it would be assessed and what weight it would be given in decision-making. Ms Hunter is therefore of the opinion that my recommended clause (c) should be deleted.

#### Winstone Aggregates

- 15 Mr Heffernan is concerned my section 42A report for this topic does not adequately address the interconnectedness of renewable energy, infrastructure, and mineral resources. Mr Heffernan is concerned that a ‘silo’ approach has been taken by excluding significant mineral resources and focusing on the benefits of renewable energy generation and regionally significant infrastructure.
- 16 Mr Heffernan notes in his evidence that that the Natural Resources Plan specifically protects significant mineral resources from incompatible uses as it was agreed during the Natural Resources Plan process that renewable energy generation, regionally significant infrastructure and quarrying activities have similar characteristics. While this does not dictate what should be included in an RPS, Mr Heffernan is of the opinion that Winstone’s submission is valid in seeking protection of significant mineral resources as they have a place in the climate change response. To provide for this relief, Mr Heffernan requests

Policy 7 be amended to add a new subclause as follows: *(v) a secure supply of aggregate is available for development within the region*".

#### Analysis and recommendations

- 17 In terms of strengthening the wording of clause (a) in Policy 7 to "*recognise and provide for*" to be consistent with clause (b), it is important to note that my recommended amendment to clause (b) is intended to ensure the benefits of renewable energy generation are better provided for. I consider that this is appropriate to recognise the importance of renewable energy generation in helping to achieve the proposed climate change objectives in Change 1 and to better give effect to the NPS-REG, which directs decision-makers to "*recognise and provide*" for the national significance and benefits of renewable electricity generation (Policy A).
- 18 In terms of the direction to "recognise" or "recognise and provide for" the matters in Policy 7, I note that the legal submissions for Greater Wellington Regional Council in Hearing Stream 2 addressed key terms used in the RMA and its planning documents, and made the following statement:

*The direction to 'recognise' is a direct one, but the direction to 'recognise and provide for' is more directive. To recognise and provide for something requires the decision maker to both recognise a factor, and then make provision for the factor. Some action is required, as one does not 'provide for' a factor by considering and then discarding it.<sup>1</sup>*

- 19 The distinction in language between how the benefits of regionally significant infrastructure are "*recognised*" in clause (a) and how the benefits of renewable energy generation are "*recognised and provided for*" in clause (b) is intended to be consistent with the scope and focus of Change 1. In my opinion, not all regionally significant infrastructure warrants the stronger "*recognise and provide for*" direction as this definition covers a large list of infrastructure not all of which support reduction in GHG emissions and the climate change objectives of Change 1. This list of regionally significant infrastructure is also not recognised as being of national significance unlike renewable electricity generation is through the NPS-REG (the notable exception being the National Grid through the NPS-ET). Giving greater weight to all types of regionally significant infrastructure through

---

<sup>1</sup> Legal submissions on behalf of Wellington Regional Council – key terminology used and consideration policies in Hearing Stream 2, 23 June 2023, paragraph 4.4.

amendments to clause (a) of Policy 7 would therefore not be consistent with the scope and focus of Change 1 in my opinion.

- 20 I accept the point made by Transpower that the electricity transmission network is an essential component of being able to connect renewable energy output to the National Grid. However, in my opinion, this alone does not warrant more directive language for all activities that fall into the definition of regionally significant infrastructure. Instead, I have recommended in my section 42A report that the electricity transmission be referenced explicitly in Policy 7(a)(iv) to ensure these benefits are specifically recognised in decision-making. I also agree with the points made in the hearing statement from Transpower that the NPS-ET (existing or proposed) still needs to be given effect to in full by the RPS, which will provide means to address this relief in a more fulsome and targeted manner.
- 21 In response to Ms Hunter’s concern on behalf of WIAL that the term “recognise” does not provide enough certainty or clarity as to how the benefits of regionally significant infrastructure would be assessed in clause (c), it is important to clarify that this new clause is intended to replace “*low and zero carbon regionally significant infrastructure*” with clearer policy direction that retains the general intent. The intent of my recommended clause (c) is to ensure the GHG emission reduction benefits of certain types of regionally significant infrastructure are clearly considered when giving effect to Policy 7 in light of the climate change imperatives in Change 1. This may assist in demonstrating the benefits of particular infrastructure projects through planning processes and I do not envisage implementation issues from this policy direction.
- 22 With respect to requests for the use of alternative language, such as “support” or “promote” as alternatives to “recognise” and “recognise and provide for” (as raised by Ms Horrox and Ms Rushmere), I understand from their evidence that the requested words are intended to provide stronger, more directive policy. Based on my experience and general understanding of the RPS, words like support, promote and encourage are typically used in relation to non-regulatory policies and methods, including in Change 1 (e.g. Policy 65 and Method CC.8). These words are also typically used in situations where it is acknowledged that local authorities and associated RMA plans are only one part of the solution to addressing climate change effects and their role can only be to ‘support’ (e.g. supporting climate education and behaviours change under Method CC.1). For a regulatory policy such as Policy 7, I consider it more appropriate to use language such as “recognise” and



“recognise and provide for” as these terms have specific, and generally understood, meaning in a statutory context under the RMA that has been established through case law.

23 For similar reasons, I disagree with the additional suggestions from Ms Foster on behalf of Meridian to amend the language of Policy 7(a) and (b) to “*recognise and enable*”. While I understand and generally support the intent of this language in relation to renewable energy generation, I have concerns that it is too enabling and goes beyond the scope of the amendments proposed to Policy 7 through Change 1. Arguably, this direction is also more enabling than the proposed NPS-REG 2023 recently consulted on. The proposed NPS-REG provides clear direction for renewable electricity generation to be enabled **subject to** effects management requirements (or consenting pathways) within and outside areas with significant environmental value.

24 I note that this is addressed to some extent by clause (c) recommended by Ms Foster “*while managing adverse effects the effects of regionally significant infrastructure (including renewable electricity generation) in accordance with this Regional Policy Statement*”. However, I still have some concerns that the requested amendments change the scope of Policy 7 from recognising the benefits of renewable energy generation and regionally significant infrastructure to enabling this infrastructure subject to other RPS chapters. I also consider that the requested clause (c) seems unnecessary and may create uncertainty given that such statements are not used in other RPS “enabling” policies.

25 Further, I note that the proposed NPS-REG recently consulted on is proposing to direct local authorities to directly insert provisions into policy statements and plans that will provide specific consent pathways for renewable electricity generation (i.e. enabling these activities subject to specific requirements). While the timing and exact nature of these provisions is not certain, I consider that this is a more appropriate mechanism to provide comprehensive enabling direction for renewable energy generation rather than changing the scope of the policy direction in Policy 7 through Change 1.

26 With respect to Mr Smeaton’s recommendation that the chapeau of Policy 7 refers to both objectives and rules in addition to policies and methods, I firstly note that this is operative RPS wording and consistent with language used in other regulatory policies in Section 4.1. Secondly, I consider rules to be a type of method, so in my opinion, it is unnecessary to explicitly refer to rules<sup>2</sup>. Thirdly, in my opinion, the absence of any reference to

---

<sup>2</sup> This is reflected in section 62(1)(e) of the RMA which states an RPS can include methods (excluding rules).

“objectives” in the chapeau of Policy 7 (and other RPS policies) does not preclude local authorities from including objectives in regional and district plans to give effect to Policy 7 where this is deemed to be appropriate (subject to section 32 evaluation requirements). Rather, my understanding of this wording is that it does not require regional and district plans to include additional objectives when giving effect to the Chapter 4.1 policies in the RPS, which I consider is appropriate.

- 27 With respect to Mr Smeaton’s suggested amendments to clause (a)(i) of Policy 7, Mr Smeaton has not provided any specific evidence or rationale to support these amendments, rather it appears to be a preference in wording choice. I prefer the wording recommended in the section 42A report as it refers to a transition to low or zero-carbon multi modal transport modes, which is appropriate in this context. However, I agree with replacing the word ‘travel’ with ‘transport’ as this better aligns with provisions in Climate Change - Transport topic and is what I recommended in my section 42A report. I support the retention of the words ‘multi-modal’ for the same reason.
- 28 With respect to Mr Smeaton’s requested amendments to clause (c) of Policy 7, I agree is should be amended as follows *‘(c) recognise the benefits of regionally significant infrastructure to support reductions in greenhouse gas emissions’* as I consider this wording better reflects the ability of certain types of infrastructure to *support* reductions in GHG emissions. However, I consider the word “potential” as suggested by Mr Smeaton is unnecessary and is inconsistent with other clauses in Policy 7. The intent is to recognise GHG emission reduction benefits of certain infrastructure and, in my opinion, “potential benefits” do not need to be recognised in the same way.
- 29 Finally, I disagree with Mr Smeaton that an additional clause is required in Policy 7 to protect regionally significant infrastructure from inappropriate subdivision, use and development as this issue is sufficiently, and more appropriately in my opinion, addressed in operative Policy 8 of the RPS.
- 30 Ms Rushmere on behalf of UHCC has raised concerns with the ability of district plans to influence some of the measures proposed in clauses (a)(i) to (a)(v) of Policy 7. Firstly, I note that the first part of clause (a)(i) is an operative RPS provision, i.e. the direction to recognise the benefit of people and goods being able travel to, from and around the region efficiently and safely. In my opinion, Ms Rushmere does not provide sufficient evidence that this existing RPS provision wording is currently causing implementation issues for district councils that warrant any amendments.

- 31 I also disagree with Ms Rushmere’s assertion that district plans cannot influence travel choice or the provision of public transport. This issue is addressed in detail in the Climate Change – Transport topic and does not need to be addressed in detail here. I also consider that it is unnecessary to add the words “the use and management of land” in clause (a) to reflect the role of territorial authorities and district plans in achieving clause (a)(i) of Policy 7. In my opinion, these words are redundant and do not provide any additional clarity to the policy. Rather, I consider that it is well understood that regional councils and territorial authorities need to give effect to RPS provisions within the scope of their respective section 30 and 31 RMA functions and RPS provisions do not need to restate this in the manner requested by Ms Rushmere.
- 32 I disagree with Ms McGruddy on behalf of WFF that Policy 7 be expanded to include the benefits of rural water supply, or that a new policy be added to achieve the same outcome. As stated in my section 42A report for this topic (paragraph 107), I consider that water storage infrastructure is captured in the definition of regionally significant infrastructure and does not warrant specific reference in the manner requested by Ms McGruddy. Ms McGruddy also provides no specific reasons why this policy is needed in her hearing statement or any evaluation to demonstrate that this policy is an effective and effective way to achieve the relevant RPS objectives. Accordingly, I do not recommend any amendments to Policy 7 in response to the relief sought by Ms McGruddy.
- 33 Finally, I also disagree with Mr Heffernan that my section 42A report for this topic does not adequately address the interconnectedness of renewable energy, infrastructure, and mineral resources. I do not consider that Mr Heffernan has made a case that the protection of significant mineral resources has the same importance in the context of responding to climate change as renewable energy generation or regionally significant infrastructure. As set out in my section 42A report, Chapter 3.11 of the RPS includes specific provisions relating to mineral extraction and supply in the region. In my opinion, it is not necessary to repeat the content of these provisions in Policy 7 and Policy 39 which are focused on the benefits of renewable energy generation and regionally significant infrastructure. I also disagree with any statement that this is a ‘siloes’ approach, noting my recommendation in Hearing Stream 2 to include a reference to minerals in integrated management Objective A.
- 34 My recommended amendments to Policy 7 are set out in Appendix 1 of this evidence. These additional recommendations are minor in nature (a small amendment to clause (c))

and consistent with the policy intent as assessed in the section 32 report for Change 1 and the section 32AA evaluation in section 42A report for this topic (paragraph 108). As such, I consider my analysis above provides the necessary section 32AA evaluation for my amendments to Policy 7.

**Policy 11: Promoting and enabling energy efficient design and small and community scale renewable energy generation – district plans**

35 Policy 11 is addressed in the evidence of Meridian, UHCC and WFF.

Meridian

36 Ms Foster supports my section 42A recommendations to Policy 11 to enable community scale energy generation and to delete the limit of 100kW generation capacity. However, Ms Foster disagrees with my amendments to the associated definition of “small and community-scale renewable energy generation” on the basis that these amendments are unnecessary and will result in a misalignment between Change 1 and the NPS-REG. Ms Foster considers that the RPS should use whatever definition is used in the operative NPS-REG, including if it is amended as per the proposed NPS-REG recently consulted on.

Upper Hutt City Council

37 Ms Rushmere has no concerns with the majority of my section 42A recommended amendments to Policy 11. However, Ms Rushmere disagrees with my assertion that Policy 11 is fully within the scope of what can be achieved through a district plan. Her key concern relates to the requirement to promote and enable energy efficient alterations to existing buildings, which she considers to be problematic for the following reasons:

37.1 There is no threshold proposed, which means energy efficient alterations may be required for a very minor breach of permitted activity standards in a district plan.

37.2 Without an evidence-based threshold to limit the applicability of Policy 11, this policy will place additional and unnecessary burden on landowners and will, in some cases, be inconsistent with existing use rights in section 10 (1)(a)(ii) and 10 (1)(b)(ii) of the RMA.

38 To address these concerns, Ms Rushmere recommends amendments to Policy 11 to remove reference to enabling energy efficient alterations to existing buildings until such

time as an evidence-based threshold has been established, and to replace all references to “promote” or “promoting” with “enable” or “enabling” as applicable.

#### WFF

- 39 The hearing statement of Ms McGruddy for WFF requests a new Policy 11A as follows:  
*“Policy 11A: Promoting and enabling small and community scale rural water storage and distribution infrastructure”.*

#### Analysis and recommendations

- 40 Ms Foster raises some concerns about my recommended amendments to the definition of “small scale and community scale renewable energy generation” in Change 1. For clarity, my recommended amendments to the definition of ‘small-scale’ (in relation to electricity generation) in Change 1 were simply to:

- 40.1 Change the title to refer to small and community scale renewable energy generation rather than just small scale to be consistent with NPS-REG.
- 40.2 Remove the reference to the “has the same meaning as NPS-REG” at the start of the definition.
- 40.3 Replace “electricity” with “energy” to be more consistent with Policy 11 and other RPS policies.

- 41 I remain of the view these amendments are appropriate and are unlikely to create any alignment issues with the NPS-REG as stated by Ms Foster. These are minor amendments to notified Change 1 definition to better fit with the RPS language, without changing the intent. This definition may then be updated to align with the proposed definitions of small and community-scale renewable electricity generation in the proposed NPS-REG at an appropriate time.

- 42 Ms Rushmere is concerned that Policy 11(a) contains new direction that district plans shall include policies and/or rules and other methods that promote and enable energy efficient design and energy efficient alterations to existing buildings. I do not agree that the addition of these words is problematic. Firstly, as stated in my section 42A report (paragraph 125), there is no change to the intent or wording of Operative RPS Policy 11 – the Change 1 amendments are simply a structural change to the wording.

43 Secondly, I consider that Ms Rushmere’s concern that the wording will result in minor breaches of permitted activity standards being required to implement energy efficient design to be overstated and unrealistic. The direction to “promote” and “enable” in Policy 11(a) gives territorial authorities considerable flexibility in how they implement the policy and I expect this would involve enabling provisions for energy efficient design rather than onerous requirements on landowners. I also do not consider that it is the role of a RPS to dictate a particular threshold over which a building alteration will need to implement any energy efficiency requirements (noting the direction to “promote and enable” rather than “require”). Further, as noted above, this is an operative RPS policy, and I am not aware of any evidence that this policy is creating implementation issues or resulting in overly onerous energy efficiency requirements for landowners.

44 I disagree with Ms McGruddy that a new policy to promote and enable small and community scale rural water storage and distribution infrastructure is required. In my opinion, Ms McGruddy has provided no evidence that this type of policy is required or to demonstrate that this requested policy is an efficient and effective way to achieve the relevant RPS objectives. I also note that rural water security/reliance is being considered in the rebuttal evidence of the Climate Change - Agricultural Emission and Natural Hazards topics. Consequence, I recommend no further changes to Policy 11 in response to the submitter evidence outlined above.

**Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration**

45 Policy 39 is addressed in the evidence of Fuel Companies and PowerCo, Meridian, PCC, Transpower, WIAL, Winstone Aggregates and WFF as summarised below. In addition, Ms Horrox on behalf of Wellington Water, Ms Woodbridge on behalf of Kāinga Ora, Mr Anderson on behalf of Spark, Chorus and One NZ, and Ms Heppelthwaite on behalf of Waka Kotahi all support my section 42A recommended amendments to Policy 39.

Fuel Companies and PowerCo

46 The Fuel Companies and PowerCo note in their joint hearing statement that they support my section 42A recommended amendments to Policy 39(a) to state “~~in particular~~, including where it contributes to reducing greenhouse gas emissions”. However, they are concerned that the explanation to Policy 39 continues to state “...~~particularly to contribute to reducing~~”

*greenhouse gas emissions*” and that this is inconsistent with the recommended amendment to the policy. They request a minor amendment to address this inconsistency.

#### Meridian

47 Ms Foster supports my section 42A recommendation to replace the “have regard to” wording with “recognise and provide for” in Policy 39(b) and requests a similar change to the title of Policy 39 for consistency. Ms Foster considers that the strength of my suggested wording is sufficient, given the “consideration’ role of Policy 39. However, Ms Foster considers that clause (a) should include a specific reference to the emission reduction benefits of renewable energy generation.

#### Porirua City Council

48 Mr Smeaton largely agrees with my section 42A recommended amendments to Policy 39. However, Mr Smeaton considers two further amendments are required:

48.1 The chapeau of Policy 39 needs to be clear that it applies to both resource consents and notices of requirement but not a change, variation or review of a district or regional plan.

48.2 The words “have particular regard to” in clause (c) should be deleted and replaced with stronger direction as follows: *‘Protect regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to infrastructure’*.

#### Transpower

49 Transpower support my section 42A recommended amendments to Policy 39 to “recognise” the benefits of regionally significant infrastructure and the cross-reference to the listed benefits in Policy 7. However, Transpower considers that there is still merit in explicitly referring to the electricity transmission network to support the transmission of the renewable energy resource in clause (d) of Policy 39. Transpower also considers that there is merit in providing more directive wording in clause (b) to “recognise and provide for” for all regionally significant infrastructure. Transpower considers that this would give effect to the NPS-REG and NPS-ET.

#### WIAL

50 Ms Hunter generally supports my section 42A recommended amendments to Policy 39 but has a strong preference for this policy direction to be sufficiently enabling to support regionally significant infrastructure transition to a low carbon economy. To achieve this, Ms Hunter recommends clause (b) of Policy 39 is amended as follows:

*recognise and provide for the social, economic, cultural and environmental benefits of other regionally significant infrastructure, and enable activities which support their ability to respond to the changing needs of the climate and/or contribute to reducing greenhouse gas emission.*

#### Winstone Aggregates

51 Mr Heffernan raises the same issues for Policy 39 as for Policy 7. Specifically, Mr Heffernan requests that Policy 39 be amended to recognise the regional benefits of significant mineral resources and to ensure a balanced holistic approach is taken to address the challenges and opportunities presented by climate change.

#### WFF

52 The hearing statement of Ms McGruddy for WFF requests a Policy 39 be expanded to cover rural water infrastructure or a new Policy 39B as follows **“Policy 39B: recognise and provide for the social, economic, cultural and environmental benefits of rural water supply infrastructure; recognise and provide for the operational and functional need of rural water supply infrastructure to be in particular locations where the water resources exist.”**

#### Analysis and recommendations

53 I agree with the point made by the Fuel Companies and PowerCo that there is now an inconsistency between my recommended amendments to Policy 39(a) and the associated explanation. I recommend amending the explanation to Policy 39 to address this inconsistency as set out in Appendix 1 of this evidence.

54 In terms of the requested amendment from Ms Foster that the title of Policy 39 should be amended to match the amended “recognise and provide for” wording in clause (a), I agree to an extent but then this would then create an inconsistency with clauses in the policy. My preference is to retain the operative title of Policy 7 and 39 acknowledging that there are differences in the direction within each policy. I do not consider it is necessary to note the GHG emission reduction benefits of renewable energy generation in clause (a) of Policy 39



as these benefits are clearly articulated in Policy 7 (and referred to in the explanation of Policy 39) and are not in dispute.

- 55 For the reasons I have set out in in relation to Policy 7, I disagree with Ms Hunter and Transpower that clause (b) should be amended to “recognise and provide for” the benefits of all types of regionally significant infrastructure. Given the climate change focus of Change 1 and the need to give effect to the NPS-REG, I consider it appropriate that benefits of renewable electricity generation have the stronger “recognise and provide for” direction rather than all types of regionally significant infrastructure.
- 56 With respect to Mr Smeaton’s evidence, I understand the rationale for Policy 7 and Policy 39 to be directed at planning and consenting processes respectively to avoid duplication between the two policies. However, the consideration policies in Chapter 4.2 of the RPS (including Policy 39) have immediate legal effect and are intended to apply to all relevant planning and consenting decisions, particularly where the corresponding policies in Chapter 4.1 (including Policy 7) have not been fully given effect to. While I agree that Policy 39 is primarily relevant to the consideration of resource consent applications and notices of requirements, it may also be relevant to other RMA plan change or variation processes that are not directly giving effect to Policy 7. For example, a large private plan change where it will be relevant and appropriate for the local authority to consider the extent to which this proposal recognises the benefits of renewable energy generation and regionally significant infrastructure. As such, I do not recommend that the words “*or a change, variation or review of a district or regional plan*” are deleted from the chapeau of Policy 39.
- 57 I also disagree with Mr Smeaton’s suggestion that clause (c) of Policy 39 requires further strengthening by replacing “have particular regard to” with strong “protect” direction. The intent of the wording in clause (c) is to retain the existing direction in Operative Policy 39. While I recognise the importance of protecting infrastructure from incompatible activities, this was not a focus of Change 1 and I am not aware of any submissions seeking this relief. I also consider that this level of direction is appropriate in the context of Policy 39 as a “consideration” policy compared to Policy 8 which is a more directive policy to insert policies and rules into regional and district plans to protect regionally significant infrastructure from incompatible activities.

58 I agree with Transpower that there would be benefit in providing an explicit reference to the electricity transmission network in clause (d)<sup>3</sup> of Policy 39. This aligns with my section 42A recommendation to add a similar explicit reference to the electricity transmission network in clause (a)(iv) of Policy 7. My recommended amendment to clause (d) of Policy 39 to achieve this is set out in Appendix 1 of this evidence.

59 Ms Hunter’s evidence for WIAL recommends that Policy 39 be amended to use the word “enable” with respect to activities that support regionally significant infrastructure respond to the changing climate and/or reduce GHG emissions. I consider the policy direction to “enable” in the context of Policy 7 above and consider the same rationale applies here. Further, I consider that the requested direction from Ms Hunter to enable any activity than supports regionally significant infrastructure to adapt to climate change or reduce GHG emissions is potentially very broad and enabling. For these reasons, I do not recommend any changes to clause (b) in Policy 39 in response to the evidence of Ms Hunter.

60 Mr Heffernan and Ms McGruddy both raise the same issues for Policy 39 as for Policy 7 relating to the benefits of significant mineral resources and rural water supply infrastructure respectively. I do not recommend any changes to address the issues raised and relief sought for the same reasons set out in relation to Policy 7.

61 My recommended amendments to Policy 39 are set out in Appendix 1 of this evidence. These additional recommendations are minor in nature (a small amendment to clause (d)) and consistent with the policy intent as assessed in the section 32 report for Change 1 and the section 32AA evaluation in section 42A report for this topic (paragraph 151). As such, I consider my analysis above provides the necessary section 32AA evaluation for my recommended amendments to Policy 39.

**Policy 65 – Supporting and encouraging efficient use and conservation of resources – non regulatory**

62 Policy 65 is addressed in the evidence of Meridian and PCC.

Meridian

63 Ms Foster agrees with my section 42A recommended amendments to Policy 65 in principle. However, Ms Foster prefers the wording requested in the original submission

---

<sup>3</sup> Now clause (e) with the section 42A recommended amendments to Policy 39.

from Meridian as follows: *'increasing the proportion of electricity generated from renewable sources'*.

#### Porirua City Council

64 Mr Smeaton is generally supportive of my suggested amendments to Policy 65. However, Mr Smeaton recommends some minor amendments to improve the clarity of the policy in his opinion. Mr Smeaton recommends:

64.1 The chapeau of Policy 65 is amended to state "**Support** the conservation and efficient use of resources by **encouraging**:"

64.2 Amending clause (d) relating to efficient municipal landfill gas systems to delete the term "require" as that implies that the policy must be implemented.

64.3 Simplifying new clause (e) to state "using energy from renewable sources".

#### Analysis and recommendations

65 I agree that the wording in new clause (e) of Policy 65 can be improved in line with that recommended by Ms Foster. I recommend that this best achieved through a combination of both terms as follows: *"increasing the proportion of energy **generated and used** from renewable sources"*. I prefer this combination wording to the simplified wording suggested by Mr Smeaton ("using energy from renewable sources").

66 With respect to the remainder of Mr Smeaton's suggested amendments to Policy 65, I do not agree with his suggested amendment to the chapeau text. The rationale for this wording change is not clearly explained and seems to simply be a wording preference. I agree that there is an error in clause (a) that needs to be addressed. Finally, I agree that the "require" should be removed from clause (d) and replaced with encourage on the basis that this is a non-regulatory policy and does not align with the intent of Policy 65 to support and encourage. These amendments to Policy 65 are set out in Appendix 1 of this evidence.

67 My recommended amendments to Policy 65 are set out in Appendix 1 of this evidence. These additional recommendations are minor in nature to clarify intent and are consistent with the policy intent as assessed in the section 32 report for Change 1 and the section 32AA evaluation in section 42A report for this topic (paragraph 167). As such, I consider

my analysis above provides the necessary section 32AA evaluation for my recommended amendments to Policy 65.

### **Definitions**

68 Mr Smeaton on behalf of PCC supports my amendments to the definitions that are relevant to this topic, in particular the deletion of the 'large scale generators' definition and amending the definition of 'Small scale (in relation to electricity generation)'.

69 Ms Foster on behalf of Meridian also supports the deletion of the 'large scale generators' definition on the basis that it is no longer required now amendments to Policy 2 are recommended to be removed. However, if the definition of 'large scale generators' is retained, Ms Foster considers it important that the definition makes it clear this relates to devices designed to burn fossil fuels. There is no submitter evidence requesting that the amendments to Policy 2 in Change 1 are retained therefore no further amendments to the definition of large-scale generator are required.

**DATE:**

**22 August 2023**

**Jerome Wyeth**

**Principal Planning and Policy Consultant,  
4Sight Consulting – Part of SLR**

## Appendix A: Recommended amendments to provisions – Climate Change – Energy, Waste and Industry

Section 42A amendments shown in red underlined and ~~marked-up~~ text and rebuttal evidence recommendations shown in blue underlined and ~~marked-up~~ text.

### Policy 2: Reducing adverse effects of the discharge of odour, smoke, dust and fine particulate matter, ~~and reducing greenhouse gas emissions~~ – regional plans

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

(a) protect or enhance the amenity values of neighbouring areas from discharges of odour, smoke and dust; and

(b) protect people's health from discharges of dust, smoke and fine particulate matter ~~;~~ ~~and~~

~~(c) support industry to reduce greenhouse gas emissions from industrial processes, and~~

~~(d) phase out coal as a fuel source for domestic fires and large-scale generators by 2030.~~

**Explanation:** Policy 2 seeks to protect neighbouring areas and people's health from discharges of contaminants into the air. ~~In addition, it seeks to support industry to reduce discharges of greenhouse gas emissions from industrial processes, and to phase out coal as a fuel source for domestic fires and large-scale industrial boilers by 2030<sup>4</sup>.~~

### Policy 7: Recognising the benefits from renewable energy and regionally significant infrastructure – district and regional plans

District and regional plans shall include policies and/or methods that ~~recognise~~:

(a) recognise the social, economic, cultural and environmental benefits of *regionally significant infrastructure*, ~~and in particular low and zero carbon regionally significant infrastructure~~ including:

(i) people and goods can travel to, from and around the region efficiently and safely and in ways that support the transitioning to low or zero carbon multi modal ~~transport travel~~ modes;

(ii) public health and safety is maintained through the provision of essential services: - supply of potable water, the collection and transfer of sewage and stormwater, and the provision of emergency services;

(iii) people have access to energy, and preferably ~~low or zero carbon~~ renewable energy, so as to meet their needs;

(iv) the provision of an efficient, effective and resilient electricity transmission network; and

(iv) people have access to telecommunication services.

(b) recognise and provide for the social, economic, cultural and environmental benefits of energy generated from renewable energy resources including:

(i) avoiding, reducing and displacing greenhouse gas emissions<sup>5</sup>;

(ii) contributing to the security of supply, resilience, independence and diversification of ~~our~~ energy sources;

(iii) reducing dependency on imported energy resources; ~~and~~

(iiiiv) reducing greenhouse gas emissions using renewable resources rather than finite resources; and

(v) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies.

(c) recognise the benefits of regionally significant infrastructure to support reductions in greenhouse gas emissions.

**Explanation:** ~~Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community,~~ Policy 7 recognises that renewable energy generation and regionally significant infrastructure these activities can provide a range of local, regional and national benefits ~~both within and outside the region~~, including helping to reduce greenhouse gas emissions and provide essential services for the well-being of people and communities ~~particular if regionally significant infrastructure is a low or zero carbon development~~.

### **Policy 11: Promoting and enabling energy efficient design and small and community scale renewable energy generation – district plans**

District plans shall include policies and/or rules and other methods that:

(a) promote and enable energy efficient design and ~~the~~ energy efficient alterations to existing buildings;

(b) enable the development, operation, maintenance and upgrading of installation and use of domestic scale (up to 20 kW) and small and community scale distributed renewable energy generation (up to 100 kW); and provide for energy efficient alterations to existing buildings.;

**Explanation:** Policy 11 promotes energy efficient design, energy efficient alterations to existing buildings, and enables the development of installation of domestic small and community scale and renewable energy generation (up to 100kW).

Energy efficient design and alteration to existing buildings can reduce total energy costs (i.e., heating) and reliance on non-renewable energy supply.

---

<sup>5</sup> Note the Climate Change – General Section 42A Report recommends a new definition of ‘greenhouse gas emissions’ to replace the two definitions of ‘emissions’ and ‘greenhouse gases’ proposed in Change 1.

~~Small scale distributed renewable electricity generation means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network. (from NPS-REG 2011).~~

~~Small and community-scale renewable energy generation provides a range of benefits, including increasing local security of supply, energy and community resilience, and providing for the well-being of people and communities. Small and community-scale renewable energy generation also plays an important role in reducing greenhouse gas emissions and meeting national and regional emission reduction targets.~~

### **Policy 39: Recognising the benefits from renewable energy and regionally significant infrastructure – consideration**

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

- a) ~~recognise and provide~~ for the social, economic, cultural, and environmental benefits of energy generated from renewable energy resources; and
- b) ~~recognise the social, economic, cultural, and environmental benefits of other and/or regionally significant infrastructure, in particular including where it contributes to reducing greenhouse gas emissions;~~ and
- ~~(bc)~~ have particular regard to protecting regionally significant infrastructure from incompatible subdivision, use and development occurring under, over, or adjacent to the infrastructure; and
- ~~(cd)~~ recognise and provide for the operational need and functional ~~the need for~~ of renewable electricity generation activities to be in particular locations, including the need to facilities to locate where the renewable energy resources exist; and
- ~~(de)~~ recognise the benefits of utilising the significant wind, solar and marine renewable energy resources within the region and the development of the electricity transmission network to connect the renewable energy resource to distribution networks and end-users.

### **Explanation**

~~Notwithstanding that renewable energy generation and regionally significant infrastructure can have adverse effects on the surrounding environment and community,~~ Policy 39 recognises that ~~renewable energy generation and regionally significant infrastructure these activities~~ can provide a range of environmental, economic, social and cultural benefits locally, regionally and nationally, particularly to including where it contributes to reducing greenhouse gas emissions as sought by Objective CC.3. These benefits are outlined in Policy 7.

### **Policy 65: Supporting and encouraging Promoting efficient use and conservation of resources – non-regulatory**

~~To promote~~ Support and encourage the conservation and efficient use of resources by:

- (a) applying the 5 Rs (3Reduceing, Reuseing, Recycleing, Recover, recycling and Residual waste management);
- (b) reducing organic waste at source from households and commercial premises;
- (c) increasing the diversion of wastewater sludge from wastewater treatment plants before deposition to municipal landfills;
- (d) requiring encourage efficient municipal landfill gas systems;
- (e) increasing the proportion of energy generated and used from renewable sources;
- (ef) using water and energy efficiently; and
- (fg) conserving water and energy.

**Explanation:** Policy 65 supports and encourages promotes the efficient use of resources to waste and to reduce greenhouse gas emissions. The policy endorses the waste hierarchy and also promotes similar principles for efficient water and energy use.

**Method 17: Reducing waste and greenhouse gases emissions from waste streams Information about waste management**

Work in partnership with mana whenua / tangata whenua and with city and district councils, the waste management sector, industry groups and the community to:

- (a) reduce organic matter at source, and
- (b) work towards implementing kerbside recovery of organic waste from households and commercial premises, and
- (c) encourage development opportunities for increasing the recovery of biogas from municipal landfills, and
- (d) increase the diversion of organic waste (sludge) from the waste stream before deposition to municipal landfills.

Implementation: Wellington Regional Council, iwi authorities, city and district councils.

**Method 33: ~~Identify sustainable energy programmes~~**

~~Identify sustainable energy programmes, to improve energy efficiency and conservation, reduce emissions of carbon dioxide and minimise the region's vulnerability to energy supply disruptions or shortages.~~

~~Implementation: Wellington Regional Council\* and city and district councils~~

**Method 56: ~~Assist the community to reduce waste and use water and energy efficiently~~**

~~Assist the community to adopt sustainable practices to:~~

- ~~(a) reduce, reuse or recycle waste;~~
- ~~(b) use water and energy efficiently; and~~
- ~~I conserve water and energy.~~



*Implementation: Wellington Regional Council and city and district councils*

## **Definitions**

### **Large scale generators**

Any boiler, furnace, engine or other device designed to burn for the primary purpose of energy production having a net heat or energy output of more than 40Kw, but excluding motor vehicles, trucks, boats and aircraft. This definition excludes domestic fires.

### **Organic waste**

Wastes containing carbon compounds that are capable of being readily biologically degraded, including by natural processes, such as paper, food residuals, wood wastes, garden and plant wastes, but not inorganic materials such as metals and glass or plastic. Organic wastes can be decomposed by microorganisms into methane, carbon dioxide, nitrous oxide, and simple organic molecules (plastic contains carbon compounds and is theoretically organic in nature, but generally is not readily biodegradable).

### **Small scale and community scale renewable energy (in relation to electricity generation)**

Has the same meaning as in the National Policy Statement for Renewable Energy Generation 2011: small and community scale distributed electricity generation  
mMeans renewable energy electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.