Proposed National Policy Statement for Renewable Electricity Generation [2024]

Draft for consultation

[Track changes shown relative to ESEG February 2024 version]

Refer ESEG submission dated 1/6/2023. Mark-up shown:

Deleted text ~~strikethrough~~
New text underlined

Authority

This National Policy Statement is issued by the Minister for the Environment under section 54 of the Resource Management Act 1991.

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New Zealand Government

Contents

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Part 1: Preliminary provisions

1.1 Title

(1) This is the National Policy Statement for Renewable Electricity Generation 2024.

1.2 Commencement

(1) This National Policy Statement comes into force on [to come].

(2) *See* Part 4 for timeframes for complying with this National Policy Statement.

1.3 Interpretation

(1) In this National Policy Statement:

Act means the Resource Management Act 1991

~~**areas with significant environment values** means any or all of the following as mapped, scheduled or identified in a regional policy statement, regional plan or district plan:~~

~~(a) areas with outstanding natural character in the coastal environment:~~

~~(b) outstanding natural features and landscapes, both within and outside the coastal environment:~~

~~(c) areas sites with historic heritage, other than including sites of significance to Māori and wahi tapu:~~

~~(d) significant natural areas, excluding geothermal significant natural areas.~~

Areas of National Importance or ANI means:

(i) Areas of the coastal environment with outstanding natural character as identified or mapped in any operative plan or policy statement ;

(ii) Outstanding water bodies, that are identified or mapped in any operative plan or policy statement, and any water bodies that are included within significant natural areas under (iii) below.

(iii) Significant natural areas as defined in the National Policy Statement for Indigenous Biodiversity 2023 (excluding geothermal SNAs) that are identified or mapped in any operative plan or policy statement.

(iv) Outstanding natural features and landscapes identified or mapped in any operative plan or policy statement;

(v) Sites of historic heritage identified or mapped in any operative plan or policy statement;

(vi) Sites of significance to Māori including wāhi tapu identified or mapped in any operative plan or policy statement.

Allow means:

(i) In the case of a plan or policy statement, to provide for the activity as permitted or controlled, subject to development standards;

(ii) In the case of a notice of requirement, to confirm the requirement subject to conditions imposed, or proposed or agreed to by a requiring authority under s171(1B) of the RMA;

(iii) In the case of a resource consent application, to grant the resource consent, subject to conditions imposed, or proposed or agreed to by an applicant under s104(1)(ab) of the RMA.

commencement date means the date on which this National Policy Statement comes into force, as identified in clause 1.2(1).

community-scale REG means renewable electricity generation supplied to a community where~~:~~

~~(a)~~ the primary purpose is to provide benefits to that community; ~~and~~

~~(b) there is community collective ownership or management of the REG assets used to generate the electricity~~

decision-maker means any person exercising functions or powers in making planning decisions under the Act

~~**effects management hierarchy** means the effects management hierarchy described in clause 3.6~~[

The Effects Management Framework is as follows:

(a) Subject to (b) and (c) below,

(i) Adverse effects are avoided where practicable;

(ii) Where adverse effects cannot practicably be avoided because:

- For new REG activities, there is an operational or functional need for the activities to be on the site proposed in an ANI , or.
- For existing REG activities, they are already in an ANI .

they are mitigated where practicable, or.

(iii) Where adverse effects are not mitigated, they are remedied where practicable; or

(iv) Where more than minor residual adverse effects on ANI's (i) to (iii) are not avoided, remedied or mitigated, offsetting is provided [where possible]; or

(v) Where more than minor residual adverse effects on ANI's (i) to (iii) are not offset, compensation is provided [where appropriate].

(b) For new REG activities, significant residual adverse effects on the ANI's identified in Schedule 1 must be avoided.

(c) The functional or operational need for a new REG activity to be on a site in an ANI:

(i) must be determined by considering the extent to which the site:

- gives access to the renewable energy resource required for the REG activity, at a scale, level or quality needed to sustain the activity proposed;
- enables REG the activity to connect to supporting infrastructure, such as transmission or distribution networks;
- has sufficient land available to enable the effective operation of all activities required to support the generation, storage, transmission or distribution activities; and/or

- is accessible for construction, operation, maintenance, relocation, and upgrading purposes, but

(ii) does not require an assessment of alternative sites either within or outside the ANI.

For the avoidance of doubt, the Effects Management hierarchy as defined in the National Policy Statement for Indigenous Biodiversity 2023 and the National Policy Statement for Freshwater Management 2020 must not be applied to an REG activity.~~means~~

enhance in relation to an existing REG asset means the repowering or upgrading of that asset

existing REG assets means REG assets that have either been established at the time a planning decision is being made, or which can lawfully be established pursuant to a resource consent, designation or other authorisation granted and which remains in force (has not lapsed), at the date of commencement of this policy statement.

functional need means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment

geothermal drilling means the construction, maintenance and upgrading of wells associated with geothermal resource exploration or development, including drilling rigs, well pads, well heads, well testing, drill cutting ponds, accessory buildings, structures and equipment, concrete batching, water intake structures, water supply, temporary ancillary accommodation, storage use and handling of hazardous substances and fencing.

geothermal significant natural area means an SNA that includes one or more geothermal ecosystems [placeholder - as defined in the NPS-IB]

nationally significant benefits means the benefits of renewable electricity generation which include, without limitation, all the following:

(i) avoiding, reducing, and displacing greenhouse gas emissions to enable New Zealand to meet its emission reduction targets. ~~help mitigate climate change and reduce its adverse effects on the environment and the well-being of people and communities:~~

(ii) using renewable rather than finite resources:

(iii) avoiding reliance on imported fuels for the purpose of generating electricity

(iv) contributing to the security, resilience, independence, and diversity of electricity supply at national, regional, and local levels including so as to provide greater resilience to the effects of climate change:

(v) providing for the social, economic, ~~social and~~ cultural, health and well-being of people and communities:

(vi) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies."[1]

operational need means the need for a proposal or activity to traverse, locate or operate in a particular environment because of technical, logistical or operational characteristics or constraints

planning decision means a decision on any of the following:

[1] Text adopted from NPS-REG 2023 clause 3.2.

(a) a resource consent or designation:

(b) a regional policy statement or proposed regional policy statement:

(c) a regional plan or proposed regional plan:

(d) a district plan or proposed district plan

REG activit~~y~~ies means ~~an activity required for~~

(a) the investigation, development, operation, maintenance, or upgrade~~e~~ing and/or repowering, of REG assets,

(b) all other land or resource use activities associated with renewable electricity generation including geothermal drilling, and

(c) the storage or distribution of electricity direct to end users, or through connection to the transmission network.

For the avoidance of doubt, and unless the context otherwise requires, REG activities includes those associated with community and small-scale REG.

REG or renewable electricity generation means the generation of electricity from solar, wind, ~~hydro- electric~~ water, geothermal, biomass, tidal, wave, or ocean current energy sources

REG assets, or renewable electricity generation assets, means the physical components and structures required for renewable electricity generation along with the assets and infrastructure (such as monitoring equipment, cabling, access roads, and tracks) required to generate and store the generated electricity and connect it to transmission or distribution networks or direct to end users. For the avoidance of doubt, and unless the context otherwise requires, REG assets includes those associated with community and small-scale REG.

repowering, in relation to existing ~~wind and solar~~ REG assets generating electricity from wind or solar resources, means their ~~comprehensive~~ whole or partial replacement or upgrade~~e~~ing within an existing site~~, at the end of the asset's operational life or when it becomes cost-effective to replace the existing technology~~ to increase generation output and extend the operational life of the asset.

significant natural area means an area identified in a regional policy statement or plan ~~or through a resource consent process~~ as an area of significant indigenous vegetation or significant habitat of indigenous fauna, following an assessment ~~by a suitably qualified ecologist using ecological significance criteria.~~ [placeholder - in accordance with NPS-IB Appendix 1 methodology], but excludes geothermal significant natural areas].

small-scale REG means renewable electricity generation where the primary purpose is to provide electricity for on-site ~~residential or on-site commercial~~ use, at an individual site or landholding level

upgrading in relation to existing REG assets means increasing the capacity, efficiency, security, reliability, longevity or safety of the REG assets.

(2) Terms defined in the Act and used in this National Policy Statement have the meanings in the Act, unless otherwise specified.

(3) Terms defined in the National Planning Standard issued under section 58E of the

Act and used in this National Policy Statement have the meanings in that Standard, unless otherwise specified.

1.4 Relationship with other National Policy Statements

Planning decisions for REG activities are to be made in accordance with this National Policy Statement, instead of any other National Policy Statement prepared under the Act. ~~Except as otherwise directed in this National Policy Statement, decision makers must consider and apply the provisions of all National Policy Statements in force, when making planning decisions in relation to REG activities, giving such weight to those provisions as they consider appropriate in the circumstances.~~

1.5 Application of section 55(2A) of Act

(1) The change to regional plans required by the following clauses are amendments referred to in section 55(2) of the Act (which, because of section 55(2A), means that the changes must be made without using a process in Schedule 1 of the Act):

(a) …

(b) …

(c) …

Part 2: Objective and Policies

2.1 Objective

The objective of this National Policy Statement is to secure, maintain and significantly increase renewable electricity generation capacity as a nationally significant matter of priority and urgency, to:

(a) Achieve New Zealand's emission reduction targets[2];

(b) Provide greater resilience to the effects of climate change; and

(c) Sustain the social, economic, cultural, health and well-being of people and communities.

2.2 Policies

Policy 1: Planning decisions maintain, secure, protect and enhance existing REG assets and resources including by:

(a) Avoiding reverse sensitivity effects on REG activities; [3]

(b) Avoiding~~ the loss of existing renewable electricity generation output; ~~the loss of~~

[2] The term 'emission reduction targets' could be defined eg with reference to CCRA and ERPs prepared under it.

[3] Based on NPS-REG 2023 Policy 7 (as then proposed to be amended by ESEG).

(c) Avoiding ~~renewable electricity generation output from a region or district, or of~~ any reduction in the potential utilisation of renewable resources resulting from incompatible subdivision, use or development; [4] and

~~(b)~~(d) Enabling the timely and efficient upgrading and repowering of existing REG assets.[5]

Policy 2: Planning decisions and processes are effective and efficient and deliver approvals for renewal of existing, new or enhanced REG activities at the necessary pace and scale to meet the objective.[6]

Policy 3: Planning decisions recognise that ~~and provide for the nationally significant benefits of~~ existing, new or enhanced REG activities at any scale ~~,~~ have nationally significant benefits which must be provided for, giving priority to those benefits over local adverse effects.[7]

~~**Policy 4:** Planning decisions recognise that REG activities may need to be established, enhanced or renewed within areas with significant environmental values, but must be allowed:[8]~~

~~In such areas, where the nationally significant benefits of the activity outweigh the remaining adverse effects after applying the effects management hierarchy;~~
~~In all other areas, provided any adverse are remedied or mitigated to the extent practicable.~~

Policy 4: Managing adverse effects in Areas of National Importance

Planning decisions **Allow** REG activities on sites in **Areas of National Importance**, where the adverse effects of the activity are managed through the **Effects Management Framework** in order to protect such areas, and the nationally significant benefits of the activity outweigh the residual adverse effects;

Policy: 5 Managing adverse effects in other areas

Planning decisions **Allow** REG activities on sites that are not within Areas of National Importance, provided any adverse effects are avoided, remedied or mitigated to the extent practicable.

Policy 6: Relationship with other national direction, policy statements and plans

Planning decisions for REG activities are made in accordance with this national policy statement and any plan or policy statement that gives effect to it, instead of the provisions of any other national policy statement, regional policy statement, or plan[9].

Policy ~~7~~5: Māori interests in relation to REG activities are recognised and provided for,

[4] Items (b) and (c) of this policy are b~~B~~ased on NPS-REG 2023 Policy 8 (as then proposed to be amended by ESEG) , but separated into the distinct components of loss of existing output (e.g. through consent conditions) and reduction in potential resource utilisation (from incompatible uses being established) .
[5] Based on NPS-REG 2023 Policy 9 (as then proposed to be amended by ESEG) .
[6] This policy would feed into proposed implementation clause 3.10 (as included below and within the NPS-REG 2023 version submitted by the ESEG in 2023).
[7] As explained in the supporting rationale, this policy would support policy 4, in confirming that REG at any scale can have nationally significant benefits.
~~[8] This policy combines NPS- REG 2023 Policies 4 and 5. The wording would draw on the functional and operational need definitions and tests inherent to an implementation clause including the effects management hierarchy, as proposed in the separate document **attached**. A definition of 'effects management hierarchy' could be added referring to this clause.~~
[9] Refer supporting rationale for an explanation of these policies, otherwise modelled on Policies 4 and 5 of the NPS-REG 2023 (as then proposed to be amended by ESEG) .

including through early engagement, protection of sites of significance in accordance with this policy statement, and through enabling REG activities.[10]

Part 3: Implementation

3.10 Efficient Decision Making

(1) Local authorities and decision makers must, in giving effect to this National Policy Statement, and in making planning decisions regarding REG activities, adopt and apply options for plan provisions consenting processes and decision making that:

(a) Provide for renewal of existing REG activities as a controlled activity, and new or enhanced REG activities as either a controlled or restricted discretionary activity, or as directed by any relevant national environmental standard.

(b) Provide for resource consent applications for REG activities to be processed and determined without limited or public notification, to the greatest extent permissible under the Act.

(c) Process and determine resource consent applications and designations for REG activities within the statutory timeframes set under the Act, and not waive or extend any such time limit, without the express consent of the applicant or requiring authority.

(d) Ensure that any requests for further information made including under s41 and s 41C or s92 of the Act are reasonable and proportionate to the significance of the activity and its effects on the environment.

(e) Include as default policies that lapsing dates for resource consents and designations for REG activities are set at 10 years, with consent durations being 35 years, or the maximum provided for under the RMA (whichever is the greater) .

Part 4: Timing

4.1 Time by which National Policy Statement to be implemented

(1) This National Policy Statement applies from the commencement date.

(2) Provisions required by this National Policy Statement to be inserted into regional policy statements, regional plans, and district plans must be inserted within six months of gazettal.

~~(3)~~ All other changes to regional policy statements and regional or district plans that are required to give effect to this National Policy Statement must be made as soon as practicable and no later than two years from gazettal. ~~need not be made until the next review of the policy statement or plan.~~

[10] Based on NPS -REG 2023 Policy 3.

Schedule 1

1. Any taxa, habitat, ecosystem or area in the coastal environment covered by Policy 11(a) of the New Zealand Coastal Policy Statement 2010.
2. Any area of outstanding natural character in the coastal environment as identified or mapped in any plan or policy statement.
3. Significant natural areas (excluding geothermal SNAs), as defined in the National Policy Statement for Indigenous Biodiversity2023, that are identified or mapped in any operative plan or policy statement.