



## Attachment 1.2

# Proposed provisions – Amendments to the National Policy Statement for Renewable Electricity Generation 2011

## National direction consultation – Package 1: Infrastructure and development

### **Instrument topic: Proposed amendments to the National Policy Statement for Renewable Electricity Generation (NPS-REG)**

- The proposed provisions are for consultation purposes and do not represent the proposed National Policy Statement (NPS) wording, which will be drafted after the consultation phase.
- The table below provides some illustrative wording (in italics) to help you understand proposed definitions, the policy intent, and scope of the proposed amendments to the NPS-REG. No other existing provisions of the NPS-REG are open to public consultation.
- Terms used have the same meaning as in the Resource Management Act 1991 and National Planning Standards, unless otherwise specified.
- The proposed definitions and policies below are intended to replace all definitions and policies in the operative NPS-REG.
- Amendments to the existing NPS-REG are referenced using the existing policy or other clause number. To help submitters, proposed new objectives and policies are referenced using the following abbreviations: D (definitions), O (objective), P (policy) and IM (implementation measure).

Application	Proposed provisions	Reasons
Where is it intended to apply?	This NPS is proposed to continue to apply to the whole of New Zealand.	Meeting Aotearoa New Zealand's climate and electrification targets including through REG is a nationally significant issue.

  

Definitions	Proposed provisions	Reasons
D1 Act	<i>means the Resource Management Act 1991.</i>	This is an existing definition in the NPS-REG 2011.
D2 Ancillary REG activities	<p>Include a new definition for 'ancillary REG activities' that means:</p> <ul style="list-style-type: none"> <li><i>all supporting and subsidiary activities needed to provide for the investigation, construction, operation, maintenance, upgrading, repowering and decommissioning of REG assets, including but not limited to vegetation clearance, tree trimming, earthworks, the construction, maintenance and upgrading of access tracks and roads, power supply, and telecommunications.</i></li> </ul>	The intent is to ensure that all relevant ancillary activities are captured as part of the overall REG activity.
D3 Community-scale REG	<p>Amend and rename the definition of 'small and community-scale distributed electricity generation' to 'community-scale REG' to:</p> <ul style="list-style-type: none"> <li><i>renewable electricity generation with the primary purpose of supplying electricity to a community.</i></li> </ul>	This amends the current definition by separating 'community-scale REG' and 'small-scale REG'. The intent is to recognise the different nature and benefits of the activities.
D4 Decision-makers	<p>Amend the definition of 'decision-makers' to:</p> <ul style="list-style-type: none"> <li><i>any person exercising functions or powers under the Act.</i></li> </ul>	This amends the current definition of 'decision-makers' by clarifying the role of decision-makers under the NPS-REG.
D5 Electricity networks	Introduce a new definition that has the same <i>meaning as in the proposed National Policy Statement for Electricity Networks.</i>	<p>This definition would cross reference the proposed National Policy Statement for Electricity Networks, which means "<i>the electricity transmission network and the electricity distribution network</i>".</p> <p>It would capture both transmission and distribution networks, which are referred to in a number of policies.</p>
D6 Environmental footprint	<p>Introduce a new definition that:</p> <ul style="list-style-type: none"> <li><i>means the horizontal spatial extent of an existing REG asset and/or activity as defined in any applicable resource consent(s) including all supporting infrastructure and ancillary REG activities.</i></li> </ul>	This definition would assist with implementing P4 (reconsenting, upgrading and repowering existing REG assets) by providing policy direction on repowering of wind farms within the same or similar horizontal footprint, but with greater turbine height.

Definitions	Proposed provisions	Reasons
<b>D7 Existing renewable electricity generation assets (REG assets)</b>	<p>Introduce a new definition that:</p> <ul style="list-style-type: none"> <li><i>means REG assets that, at a time a decision is made, are already:</i> <ul style="list-style-type: none"> <li><i>a) lawfully established and constructed; or</i></li> <li><i>b) authorised by an unimplemented resource consent or designation that has not lapsed.</i></li> </ul> </li> </ul>	<p>The intent is to clarify the definition of ‘existing REG asset’ to assist with implementing policies B (considering cumulative gains and losses of REG capacity), P3 (providing for the operation and maintenance of existing REG assets), P4 (reconsenting, upgrading and repowering existing REG assets) and policy D (protecting existing REG assets from other activities).</p>
<b>D8 Existing renewable electricity generation site (REG site)</b>	<p>Introduce a new definition that:</p> <ul style="list-style-type: none"> <li><i>means the site or sites as defined in any applicable resource consent(s) used for REG assets to generate, store and convey electricity as applicable, including all supporting infrastructure and ancillary REG activities.</i></li> </ul>	<p>The intent is to assist with implementing policies B (considering cumulative gains and losses of REG capacity), P3 (providing for the operation and maintenance of existing REG assets), P4 (reconsenting, upgrading and repowering existing REG assets) and policy D (protecting existing REG assets from other activities).</p> <p>It is also intended to clarify that this definition is distinct from the definition of ‘site’ in the National Planning Standards.</p>
<b>D9 Functional need</b>	<p>Introduce a new definition that:</p> <ul style="list-style-type: none"> <li><i>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.</i></li> </ul>	<p>It is the same definition as in the National Planning Standards. It is included for ease of reference and to assist with implementing policies C1 (operational need and functional need for REG activities to be in particular environments).</p>
<b>D10 Operational need</b>	<p>Introduce a new definition that:</p> <ul style="list-style-type: none"> <li><i>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.</i></li> </ul>	<p>It is the same definition as per the National Planning Standards. It is included for ease of reference and to assist with implementing policies C1 (operational need and functional need for REG activities to be in particular environments).</p>
<b>D11 Renewable electricity generation (REG)</b>	<p>Amend the definition to:</p> <ul style="list-style-type: none"> <li><i>means the generation of electricity from renewable energy sources from solar, wind, water, geothermal, biomass, tidal, wave, or ocean current energy sources.</i></li> </ul>	<p>This amends the current definition by replacing ‘hydro-electricity’ with ‘water’. The intent is to refer to all sources of REG in a consistent manner.</p>
<b>D12 Renewable electricity generation activities (REG activities)</b>	<p>Amend the definition to:</p> <ul style="list-style-type: none"> <li><i>means</i> <ul style="list-style-type: none"> <li><i>a) the investigation, construction, operation, maintenance, upgrade, repowering and decommissioning of REG assets;</i></li> <li><i>b) the storage of generated electricity;</i></li> </ul> </li> </ul>	<p>This amends the current definition. It expands the definition by including the:</p> <ul style="list-style-type: none"> <li>investigation, upgrade, repowering and decommissioning of REG assets;</li> <li>ancillary REG activities associated with REG assets.</li> </ul> <p>It also clarifies where the NPS-REG stops and the NPS-EN starts, based on ownership.</p>

Definitions	Proposed provisions	Reasons
	<ul style="list-style-type: none"> <li>c) <i>the conveyance of generated electricity to electricity networks or directly to end users; and</i></li> <li>d) <i>all relevant ancillary REG activities associated with REG assets; but</i></li> <li>e) <i>does not include electricity network assets owned and operated by Transpower NZ Limited or an electricity distributor.</i></li> </ul>	
<b>D13 Renewable electricity generation assets (REG assets)</b>	<p>Introduce a new definition that:</p> <ul style="list-style-type: none"> <li>• <i>means the physical components and structures for renewable electricity generation and includes:</i> <ul style="list-style-type: none"> <li>a) <i>the supporting infrastructure and assets required to generate and store electricity, such as monitoring equipment, cabling, access tracks and roads; and</i></li> <li>b) <i>the infrastructure required to convey generated electricity to electricity networks or directly to end users.</i></li> </ul> </li> </ul>	The intent is to support implementation by clarifying the physical components and structures covered by the NPS-REG.
<b>D14 Repowering</b>	<p>Introduce a new definition that:</p> <ul style="list-style-type: none"> <li>• <i>means in relation to existing REG assets generating electricity from wind or solar sources, the whole or partial replacement of REG assets within an existing REG site to increase generation output and/or extend the operational life of the REG asset.</i></li> </ul>	The intent is to assist with implementing P4 (reconsenting, upgrading and repowering existing REG assets).
<b>D15 Resilience of renewable electricity generation assets</b>	<p>Introduce a new definition that:</p> <ul style="list-style-type: none"> <li>• <i>means the capacity of REG assets to absorb a shock, including from natural hazards, recover from the disruption, adapt to changing conditions, including climate change, and retain a similar level of essential service as before, even if that means delivering an infrastructure service in a new or different way.</i></li> </ul>	The intent is to clarify the definition of 'resilience' to assist with implementing policy A (national significance and benefits of renewable electricity generation) and P4 (reconsenting, upgrading and repowering existing REG assets).
<b>D16 Reverse sensitivity</b>	<p>Introduce a new definition that:</p> <ul style="list-style-type: none"> <li>• <i>means in relation to REG, the vulnerability of existing REG assets to complaint, burden, or constraint from a new or more intensive activity proposed or located near existing REG assets.</i></li> </ul>	The intent is to assist with implementing policy A (national significance and benefits of renewable electricity generation).

Definitions	Proposed provisions	Reasons
<b>D17 Small-scale renewable electricity generation (small-scale REG)</b>	Amend the definition of ‘small and community-scale distributed electricity generation’ to ‘small-scale REG’ that: <ul style="list-style-type: none"> <li><i>means renewable electricity generation where the primary purpose is to provide electricity for on-site use at an individual site or landholder level.</i></li> </ul>	The intent is to recognise the different nature and benefits of the two activities.
<b>D18 Upgrading</b>	Introduce a new definition that: <ul style="list-style-type: none"> <li><i>means in relation to existing REG activities, increasing the capacity, efficiency, safety, security, resilience or longevity of the existing REG assets.</i></li> </ul>	The intent is to assist with implementing P4 (reconsenting, upgrading and repowering existing REG assets).

Clause	Proposed provisions	Reasons
<b>Objective</b>	Amend the current NPS-REG 2011 objective to: <ol style="list-style-type: none"> <li><i>Renewable electricity generated in New Zealand:</i> <ol style="list-style-type: none"> <li><i>increases in a rate and manner necessary to support the achievement of New Zealand’s emission reduction and energy targets and associated plans under the Climate Change Response Act 2002;</i></li> <li><i>provides greater resilience to disruptions to electricity supply;</i></li> <li><i>provides for the social, economic and cultural well-being of people and communities, and for their health and safety; while managing the adverse effects of REG activities.</i></li> </ol> </li> </ol>	<p>The current objective is outdated and was developed before New Zealand’s targets for reducing emissions became law. Climate action is now an urgent global and domestic issue, and the electrification of the New Zealand economy is the most important enabler for decarbonising New Zealand’s energy system.</p> <p>The intent of the proposed amendments is to:</p> <ul style="list-style-type: none"> <li>strengthen the objective to reflect the significant increase in REG required to support emission reduction targets</li> <li>emphasise the beneficial outcomes of REG (which include improving resilience, security of supply and providing for the well-being of people and communities)</li> <li>highlight that increasing REG must be done in a way that also manages the adverse effects on the environment.</li> </ul>

## GENERAL POLICIES TO IMPLEMENT THIS NATIONAL POLICY STATEMENT

### Amendments to existing policies

Clauses	Proposed provisions	Reasons
<b>Policy A</b> <b>National significance and benefits of renewable electricity generation</b>	<p>Amend policy A as follows:</p> <p>a) <i>Decision-makers must recognise and provide for the national significance and benefits of REG activities at a national, regional and local scale. The benefits of REG activities, include, but are not limited to:</i></p> <ul style="list-style-type: none"> <li><i>i. avoiding and reducing greenhouse gas emissions to provide positive effects for people, communities and the environment;</i></li> <li><i>ii. contributing to the security, resilience and independence of electricity supply at national, regional and local levels through diverse REG sources and locations;</i></li> <li><i>iii. providing for the social, economic and cultural well-being of people and communities and for their health and safety;</i></li> <li><i>iv. increasing resilience and long-term stability by using renewable rather than finite sources of energy;</i></li> <li><i>v. avoiding reliance on imported fossil fuels for the purposes of generating electricity; and</i></li> <li><i>vi. the temporary and reversible adverse effects of some REG technologies on the environment.</i></li> </ul> <p>b) <i>The additional benefits of REG activities that are:</i></p> <ul style="list-style-type: none"> <li><i>i. located close to electricity demand and electricity networks, such as reduced electricity losses, economic efficiencies and environmental benefits;</i></li> <li><i>ii. co-located with other appropriate REG activities and assets and other appropriate infrastructure and activities; and</i></li> <li><i>iii. located where adverse effects on other activities are minimised.</i></li> </ul>	<p>Many of the existing policies in the NPS-REG are not directive enough to achieve the proposed NPS objective. The proposed amendments are intended to:</p> <ul style="list-style-type: none"> <li>strengthen the requirement for decision-makers to consider the national benefits and significance of REG projects in RMA decision-making. This aligns with the proposed objective and ensures greater consideration and weight is given to the national significance and benefits of REG projects;</li> <li>update the list of REG benefits to reflect the strengthened NPS objective. The list retains and strengthens existing benefits of REG activities. It also includes new benefits to acknowledge the benefits of maintaining and upgrading existing assets and of locating REG close to demand and electricity networks. This list is not intended to act as a barrier for REG activities in other locations (ie, these are not criteria that need to be met).</li> </ul>

## GENERAL POLICIES TO IMPLEMENT THIS NATIONAL POLICY STATEMENT

### Amendments to existing policies

Clauses	Proposed provisions	Reasons
<b>Policy B</b> <b>Considering cumulative gains and losses of renewable electricity generation capacity</b>	<p>Amend policy B as follows:</p> <ol style="list-style-type: none"> <li>1) <i>Decision-makers on REG activities must recognise and provide for the importance of:</i> <ol style="list-style-type: none"> <li>a) <i>enabling cumulative increases of REG output at any scale and any location, including small-scale and community-scale REG activities; and</i></li> <li>b) <i>avoiding, where practicable, any loss of REG output from a region, district or existing REG assets.</i></li> </ol> </li> <li>2) <i>When making decisions on policy statements and plans, decision-makers must have regard to a reduction in the potential utilisation of renewable electricity resources from inappropriate subdivision, use and development.</i></li> </ol>	<p>The intent is to strengthen the existing policy and recognise that decreases and increases in generation output, regardless of size, have an impact on meeting New Zealand's REG, emission reduction and energy targets.</p>
<b>Policy C1</b> <b>Operational need or functional need for REG activities to be in particular environments</b>	<p>Amend policy C1 as follows:</p> <ol style="list-style-type: none"> <li>1) <i>Decision-makers must recognise and provide for REG activities that have an operational need or functional need to be in particular environments.</i></li> <li>2) <i>Decision-makers must recognise that the operational need or functional need of REG activities includes the need to:</i> <ol style="list-style-type: none"> <li>a) <i>be located where a renewable resource is located and available at a viable scale and quality to sustain the REG activity;</i></li> <li>b) <i>be accessible to electricity networks and nearby to electricity demand; and</i></li> <li>c) <i>have sufficient and accessible land available to support all associated current and future REG activities at that particular location.</i></li> </ol> </li> </ol>	<p>The intent is to clarify the meaning of 'operational need' and 'functional need' in relation to the location of REG.</p>
<b>Policy D</b> <b>Protecting existing REG assets from other activities</b>	<p>Amend policy D as follows:</p> <p><i>Decision-makers must protect existing REG assets from the adverse effects of new activities near those assets, including by avoiding reverse sensitivity effects to the extent reasonably possible.</i></p>	<p>The intent is to strengthen the requirement for decision-makers to protect existing REG assets from reverse sensitivity effects.</p>

## GENERAL POLICIES TO IMPLEMENT THIS NATIONAL POLICY STATEMENT

### Amendments to existing policies

Clauses	Proposed provisions	Reasons
<b>Policy F</b> <b>Small-scale and community-scale REG activities</b>	<p>Amend policy F as follows:</p> <p><i>Decision-makers must recognise and provide for small-scale and community-scale REG activities.</i></p>	<p>The proposed amendments are intended to:</p> <ul style="list-style-type: none"> <li>• better enable the effective and efficient consenting, operation, maintenance and upgrading of small-scale and community-scale REG projects</li> <li>• recognise the contribution of small-scale and community-scale REG projects, including supporting community well-being, increased electricity resilience, and assisting in meeting New Zealand's emission reduction targets and budgets.</li> </ul>

## GENERAL POLICIES TO IMPLEMENT THIS NATIONAL POLICY STATEMENT

### New policies

Clause	Proposed provisions	Reasons
<b>P1</b> <b>Policies related to Māori interests</b>	<p>Introduce a new policy as follows:</p> <p><i>1) Decision-makers on resource consents, notice of requirements and private plan changes must recognise and provide for Māori interests in relation to REG activities, including by:</i></p> <p><i>a) taking into account the outcome of any engagement with tangata whenua in the preparation of a resource consent, notice of requirements or private plan change;</i></p> <p><i>b) recognising the opportunities tangata whenua may have in developing and operating their own REG activities at any scale or in partnership;</i></p> <p><i>c) providing opportunities for tangata whenua involvement in appropriate circumstances, in relation to sites of significance to Māori and issues of cultural significance;</i></p> <p><i>d) operating in a way that is consistent with iwi participation legislation (as defined in section 58L of the RMA).</i></p>	<p>The proposed amendments are based on those in the current NPS on Urban Development. They are intended to provide direction to decision-makers and applicants on how to provide for Māori values, interests and engagement in decisions about consenting, notice of requirements and private plan changes.</p> <p>Policy d) does not exclude participation under the Marine and Coastal Area Act 2011 or in Mana Whakahono ā Rohe.</p>



## POLICIES FOR ENABLING REG ACTIVITIES WHILE MANAGING ADVERSE EFFECTS ON THE ENVIRONMENT

### New policies

Clause	Proposed provisions	Reasons
<b>P2</b> <b>Enabling REG activities</b>	<p>Introduce a new policy as follows:</p> <p>1) <i>Decision-makers must enable REG activities, provided that adverse effects on environmental values not in section 6 of the RMA or covered by national direction are avoided where practicable, remedied where practicable, or mitigated where practicable.</i></p>	<p>This policy is focused on enabling REG while managing its effects on the environment. It is intended to create a resource management system that is more enabling of REG. The policy must be read alongside any relevant provisions in other national direction, and local plan provisions that address values identified as matters of national importance in the RMA section 6.</p> <p>REG activities that interact with <u>values not listed</u> in section 6 or covered by existing national direction are allowable if adverse effects have been avoided where practicable, remedied where practicable or mitigated where practicable.</p> <p>REG activities that interact with <u>values that are listed</u> in section 6 or in national direction will continue to be managed using existing national direction, regional policy statements and regional and district plan provisions.</p>

## POLICIES FOR ENABLING AND PROTECTING EXISTING REG ASSETS

### New policies

Clause	Proposed provisions	Reasons
<b>P3</b> <b>Providing for the operation and maintenance of existing REG assets</b>	<p>Introduce a new policy as follows:</p> <p><i>Decision-makers must enable the operation and maintenance of existing REG assets, including all relevant ancillary activities and infrastructure.</i></p>	<p>These are new policies. The intent is to strengthen the policy direction to recognise the importance of maintaining existing generation output and to enable the upgrading and repowering of REG assets.</p>
<b>P4</b> <b>Reconsenting, upgrading and repowering existing REG assets</b>	<p>Introduce a new policy as follows:</p> <p>1) <i>Decision-makers on the reconsenting, upgrading and repowering of existing REG assets must:</i></p> <p><i>a) have particular regard to the efficiencies and environmental benefits of increasing REG output within the same or similar environmental footprint;</i></p> <p><i>b) only consider the extent to which the effects of the proposed REG activity are different in scale, intensity, duration and frequency from the effects of existing REG assets; and</i></p>	<p>Upgrading existing electricity generation sites provides an opportunity to increase renewable electricity generation output efficiently using the existing infrastructure within the same or similar environmental footprint. This will generally result in fewer significant adverse environmental effects than developing a new REG site and activity (for example, replacing existing wind turbines with a smaller number of larger ones within the existing footprint compared with building and establishing a new wind farm).</p> <p>The proposed amendments are intended to:</p> <ul style="list-style-type: none"> <li>• promote the efficient use of existing REG sites to help support reductions in emissions and accelerate electrification of the economy</li> </ul>

## POLICIES FOR ENABLING AND PROTECTING EXISTING REG ASSETS

### New policies

Clause	Proposed provisions	Reasons
	<p>c) <i>seek to provide flexibility for changes in consent conditions to enable the upgrading of existing REG assets to adapt to new technologies to increase REG output and improve resilience.</i></p>	<ul style="list-style-type: none"> <li>provide a more consistent, efficient and certain consenting process for re consenting, upgrading and repowering REG. This includes by directing decision-makers to only consider the change in effects from the proposed re consenting, upgrading and/or repowering when assessing and managing the adverse effects</li> <li>provide greater recognition in RMA decision-making of the efficiencies and potential environmental benefits from increasing the generation capacity and output of existing activities.</li> </ul>

## IMPLEMENTATION MEASURES

The following proposals outline requirements for local authorities to give effect to the proposals in this National Policy Statement. This is not intended to be an exhaustive list and would not limit the general obligation under the Act to give effect to the objective and policies in a National Policy Statement.

### Matters to be considered by local authorities when preparing regional policy statements and plans

Implementation measure	Proposed provisions	Reasons
<p><b><u>IM1</u> Giving effect to the NPS-REG in regional policy statements, regional and district plans, and changes to these documents</b></p>	<p>The RMA requires that, if a local authority is preparing a new regional policy statement, regional and district plans, or changes to a regional policy statement or a plan change, NPS objectives and policies must be given effect using the Schedule 1 process in the RMA.</p> <p>With new planning legislation now imminent, as part of the resource management reform programme, it is not proposed to require local authorities to change their regional policy statements or plans within a fixed time frame. Instead, the general RMA requirements for planning documents to give effect to national direction will continue to apply and may be triggered in instances where a local authority undertakes a plan change or processes a private plan change request, or for changes to a regional policy statement.</p>	<p>Manages the cumulative burden on local authorities and others caused from having to meet existing plan requirements under the RMA, while transitioning to a new planning system under the forthcoming Planning Act.</p>

Matters to be considered by decision-makers on resource consent applications and notice of requirements		
Implementation measure	Proposed provisions	Reasons
<b>Relevance of NPS-REG objectives and policies to decisions on resource consent applications and notice of requirements</b>	<p>When the NPS-REG comes into force, its provisions will be relevant to decision-making on resource consent applications and notice of requirements.</p> <p>The exception to this is the threshold assessment under section 104D of the RMA (non-complying activities), which is confined to the objectives and policies in the relevant regional or district plans, or proposed plans</p>	The NPS-REG provisions will support decision-making on consent applications and notice of requirements by providing clear direction on REG, including recognising the benefits of REG, managing its interface with other activities, and recognising and providing for the operational or functional need for REG to locate in particular environments.

Implementation timeframes		
Timeframe proposed	Proposed provisions	Reasons
<b>IT1 Resource consent and notice of requirements decision-making</b>	The NPS-REG is proposed to take immediate effect and decision-makers must have regard to its objectives and policies when making decisions on resource consent applications and notice of requirements from day 1.	Ensuring fast and effective implementation of the NPS-REG is crucial to achieving the Government's goals.
<b>IT2 Given effect to in plans</b>	When objectives and policies are given effect to in regional policy statements and RMA plans, a Schedule 1 process for plan changes must be used (timeframe TBC in alignment with wider national direction package).	<p>When it is appropriate to implement NPS-REG objectives and policies in regional policy statements and RMA plans, a Schedule 1 plan change process can reconcile requirements across plan provisions.</p> <p>Undertaking a Schedule 1 plan change process to implement all national direction requirements in conjunction will support a consistent and cost-effective implementation of the wider national direction policy package.</p>

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