SUBMISSION BY MERIDIAN ENERGY LIMITED ON THE DRAFT NATIONAL PLANNING STANDARDS

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EXECUTIVE SUMMARY

The content of planning documents has a significant bearing on how Meridian operates and re-consents its existing assets, and plans for and develops new renewable electricity generation projects.

Meridian is concerned about the implications of the requirement for planning documents to adopt a compartmentalised, theme-based structure. This risks unintended consequences by emphasising or promoting the protection of the environment in those chapters which address natural environment values, in isolation of enabling appropriate use and development. It may also result in the segregation of plan provisions relating to renewable electricity generation, from provisions relating to the resources on which they rely.

The separation of those different elements without proper integration could lead to a fragmented plan framework resulting in provisions which do not clearly articulate how electricity generation activities are to be provided for across different resources and values. That would not provide for social, economic, and cultural wellbeing, a cornerstone of sustainable management.

Meridian proposes the following amendments to the National Planning Standards to achieve appropriate integration for renewable electricity generation activities:

- Provide for energy, including renewable electricity generation, to be contained in its own self-contained chapter in planning documents (refer Attachment 1, section 1). This will better recognise the national significance, benefits, and differences of renewable electricity generation activities under the NPSREG in comparison to other infrastructure.
• Provide greater flexibility for where provisions for infrastructure and energy can be located across the different chapters, and requiring clearer connections to make it apparent what provision takes precedence where there is a conflict between the outcomes sought (refer Attachment 1, section 1). This will avoid the risk of creating a fragmented objective, policy, and rule framework which does not clearly articulate how use and development is to be provided for across different resources and values.

• Provide in the implementation guidance requirements for clear connections between the provisions of each chapter to make it clear what provision takes precedence where there is a conflict between the outcomes sought. This will support the achievement of integrated sustainable management.

• Provide a specific energy generation zone in district plans, recognising the equivalence with other infrastructure that has been afforded a zone under the standards (refer Attachment 1, section 2). This recognises the scale, nature, and intensity of some energy generation activities is such that they go beyond just requiring modification or refinement of the policy approach of the underlying zone. Enabling the creation of a separate energy generation zone would also support inclusion of more targeted provisions for renewable electricity generation.

• Remove designations as a limiting criteria as to when a special purpose zone can be created. This recognises that the use of designations under the RMA is an optional, rather than mandatory tool (refer Attachment 1, section 2).

Changes to definitions will change the scope and application of existing rules in plans. Development of the existing plans has been at considerable cost to participants and the implications, costs and benefits have been thoroughly considered. There is considerable unintended outcome risk and a high wastefulness cost associated with implementation of new definitions over the top of existing plans.

Meridian considers some of the proposed definitions in the definitions standard are unworkable or may result in unintended outcomes. Meridian proposes a number of changes to the definitions so that they are clear, concise, avoid subjectivity, and align with equivalent RMA definitions and case law (refer Attachment 1, section 3). In particular, a new definition of operational need is proposed that will better recognise the characteristics and constraints of activities, which may impact on where they may be located.

The noise and vibration metrics and measurement methods in the standards have been applied in a way which is inconsistent, and creates conflict between the various Acoustic NZ Standards. Meridian proposes changes which will ensure the application of these standards is workable in practice (refer Attachment 1, section 4).

Meridian considers that implementation of the standards is likely to be challenging, and particularly the combining of regional plans where there are currently multiple plans of different vintages, formats, and stages of review and change. Meridian considers that implementation will create an unsettled planning framework. Significant uncertainty would be caused for Meridian who rely on plan stability in order to manage and re-consent its existing assets, and plan and develop new generation capacity.
Meridian proposes the following amendments to the National Planning Standards to address these implementation issues:

- Provide increased flexibility for local authorities to notify their amended planning documents within 10 years of gazettal of the standards, so as to more closely align with the statutory timeframes for commencing plan reviews under section 79 of the RMA.

- Retain the flexibility for regional councils to have separate regional plans for the coastal environment, air quality, and land and water matters based on the new regional plan structure.

The changes will collectively provide greater flexibility as to when councils choose to implement the standards in light of the circumstances of their current planning framework, but ensure this process is not unduly delayed. Meridian considers the benefits and avoided costs of aligning implementation of the standards with normal plan review processes, would outweigh the broader costs associated with a longer implementation timeframe to achieve the benefits from standardisation.

The proposed standards are intended to reduce cost, inconsistencies and complexity that exist with multiple plans being prepared by multiple councils. A related question must logically be whether structural change in local government is an additional or alternative option that would achieve the same objectives and ensure significant other efficiencies in a much wider sphere.

Meridian would like the opportunity to discuss the issues raised in this submission with the Ministry prior to finalisation of the standards.
INTRODUCTION

Meridian Energy Ltd (Meridian) is a publicly listed renewable electricity generator and retailer, majority owned by the New Zealand Government. Meridian is committed to generating electricity from 100% renewable sources – water and wind. The company is the single largest generator of electricity in New Zealand, and generates around 30% of New Zealand’s electricity demand. Meridian owns and manages two hydro power schemes, being the Waitaki Power Scheme (from Lake Pukaki down) and Manapouri Power Scheme, and five wind farms.

The operation, development, and protection of Meridian’s electricity generation assets is influenced by the policy direction contained in the National Policy Statement on Renewable Electricity Generation (NPSREG) and other planning documents prepared under the Resource Management Act 1991 (RMA). It is also directed by other special legislation\(^1\), and resource consents approved by regional and territorial authorities. These provide the objective and policy context and environmental limits within which Meridian is required to operate and develop its generation assets, and the protection afforded to Meridian from other conflicting activities (i.e. reverse sensitivity).

The content of planning documents has a significant bearing on how Meridian operates and re-consents its existing assets, and plans for and develops new renewable electricity generation projects. Meridian invests considerable time and resources engaging in local authority resource management processes to ensure planning documents appropriately recognise and provide for renewable electricity generation activities. This has led to the development of bespoke policy frameworks with considerable input from councils and local communities which recognise Meridian’s existing assets, and provide certainty for their continued operation. Achieving this is challenging given the spread of Meridian’s assets across New Zealand, and the variability in how local authorities prescribe resource management requirements.

The National Planning Standards will direct the structure and content of existing and future local authority planning documents. Meridian is supportive in principle of initiatives to standardise planning documents to achieve greater consistency in how resource management requirements are prescribed throughout the country. However, in doing so, Meridian wishes to ensure that implementation of the standards occurs in a way which avoids unsettling the existing policy frameworks that Meridian relies on. It also wishes to ensure that the standards appropriately recognise and provide for renewable electricity generation activities in a way which recognises its national significance under the NPSREG. This includes assisting the Government to meet renewable electricity generation targets and climate change commitments.

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\(^1\) For example, the Manapouri Te Anau Development Act 1963, and associated lake operating guidelines.
OVERVIEW OF MERIDIAN'S SUBMISSION

Meridian's submission on the Draft National Planning Standards focusses on those aspects of the standards which may impact on the appropriate provision of renewable electricity generation. Meridian's submission is structured as follows:

**Part 1 – Achieving Integrated Management for Electricity Generation**, which identifies how the proposed structure standards may promote a compartmentalised approach to planning documents. This could emphasise protection of the environment in isolation from appropriate enablement of renewable electricity generation activities with its social, economic, and climate change benefits. This would not appropriately achieve integrated sustainable management under the RMA. Options to better achieve integrated management are proposed, including a separate energy chapter in planning documents, providing for flexibility in the location of provisions, ensuring linkages across different chapters, and enabling the creation of an energy generation zone.

**Part 2 – Definitions and Noise and Vibration Metric Standards**, which highlights issues of workability and unintended consequences of a number of proposed definitions, and noise and vibration metrics and measurement standards.

**Part 3 – Implementation of the National Planning Standards**, which identifies how implementation of the standards could present challenges for local authorities. Specifically, it could have the effect of bringing forward plan reviews, and lead to an unsettled and fragmented planning framework if the transition is not sufficiently flexible. This could result in significant uncertainty for resource users such as Meridian who rely on plan stability in order to manage and re-consent their existing assets, and plan for and develop new generation capacity.

**PART 1 - ACHIEVING INTEGRATED MANAGEMENT FOR ELECTRICITY GENERATION**

**Introduction**

Providing for integrated management of renewable electricity generation activities in planning documents is of high importance to Meridian. This means ensuring that planning documents clearly articulate across the whole objective, policy, and rule framework of a plan how electricity generation activities are to be provided for across different resources and values, including values which sometimes compete or conflict with electricity generation activities. This in turn provides reasonable certainty for Meridian in how it operates and re-consents its existing assets and plans for and develops new generation capacity to assist meet New Zealand’s increasing electricity demands, Government targets for renewable electricity generation, and climate change goals and commitments.²

As part of providing for the integrated management of renewable electricity generation activities, planning documents are required to give effect to the NPSREG. The NPSREG recognises the provision of renewable electricity generation is of national significance. The objective of the NPSREG is to provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable

² The Paris Agreement under the United Nations Framework Convention on Climate Change.
energy sources increases to a level that meets or exceeds the Government’s target for renewable electricity generation. The current Government has set a target for 100 percent of electricity generation to be from renewable sources by 2035.

The NPSREG is intended to confront two major energy challenges for New Zealand as it meets growing energy demand. The first is to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy. The second is to deliver clean, secure, affordable energy while treating the environment responsibly. The contribution of renewable electricity generation, towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment. Considerable scope exists to further increase the supply of electricity from renewable resources, to assist New Zealand’s transfer to a low emissions economy. It is critical that any unnecessary barriers and policy incoherence are removed that would prevent that from occurring.

The Draft Standards

The Draft National Planning Standards set out a proposed structure for planning documents that will influence how renewable electricity generation activities are to be provided for in planning documents, including:

- The structure standards for Regional Policy Statements (S-RPS), Regional Plans (S-RP), District Plans (S-DP), Combined Plans (S-CP), and the District Wide Matters Standard (S-DWM) direct the adoption of a compartmentalised structure based on prescribed themes. The Regional Plan (S-RP) structure standard only requires this where the regional council chooses to address matters on a theme basis (i.e. rather than a catchment basis).

- The structure standards for Regional Policy Statements (S-RPS), Regional Plans (S-RP), District Plans (S-DP), Combined Plans (S-CP), and the District Wide Matters Standard (S-DWM) direct that matters relating to energy must be grouped together with infrastructure in an infrastructure and energy chapter.

- The Area Specific Matters Standard (S-ASM) provides spatial planning tools which provide options for recognising and providing for electricity generation activities, including precincts and additional special purpose zones.

Infrastructure and energy matters are to be contained in an infrastructure and energy chapter, except in the case of regional plans where they are otherwise addressed on a catchment basis. The District Wide Matters Standard (S-DWM) requires that chapter in District and Combined Plans to contain provisions which give effect to the NPSREG, and provisions relating to the maintenance, and upgrading, and development of infrastructure, including electricity generation. The chapter must also refer to any relevant special purpose zone in the plan – e.g. for electricity generation.

The structure standards also require that a range of other matters are contained in separate theme based chapters. These include chapters for the coastal environment, landscapes landforms and natural character, ecosystem and indigenous biodiversity, environmental risk, land, and water (as relevant to the type of plan). Some of these chapters relate to natural resources and values for which section 6 of the RMA prescribes the adoption of a more protectionist approach, such as for natural character, outstanding landscapes, and significant indigenous biodiversity.
The draft implementation guidance for the Regional Policy Statements (S-RPS) and Regional Plan (S-RP) standards provides that plan provisions are to be included in the most relevant theme chapter, or within a catchment chapter. For example, rules relating to protecting biodiversity in wetlands, can be located in the water chapter, the ecosystem and indigenous biodiversity chapter, or a relevant catchment chapter. Furthermore, the guidance notes that the infrastructure and energy chapter manages the infrastructure and energy resources of the region, and may include provisions that set clear outcomes for and manage the region's infrastructure and energy resources.

Implications of the Draft Standards for Integrated Management of Renewable Electricity Generation

The outcomes that a planning document seeks for the management of natural and physical resources should be achieved regardless of what structure is adopted. The structure of the document should, in theory, not drive outcomes. Implementation of the structure standards may however, result in that, due to the requirement for planning documents to adopt a compartmentalised, theme-based structure, where provisions are included in the most relevant chapter.

Such a structure could inadvertently emphasise or promote the protection of the environment in those chapters which address natural environment values (e.g. landscapes, landforms and natural character) in isolation of enabling appropriate use and development to provide for social, economic, and cultural wellbeing. For example, a landscapes landforms and natural character chapter which recognises and provides for those matters in sections 6(a) and (b) of the RMA is likely to contain provisions which have a focus on protection and the avoidance of adverse environmental effects.

This would likely be in contrast, and could potentially trump, more enabling provisions for renewable electricity generation activities contained in an infrastructure and energy chapter. This recognises the approach to the interpretation of plan provisions codified in EDS v NZ King Salmon\(^3\), where provisions with a focus on protection and avoiding adverse effects carry more weight in the overall evaluation of the appropriateness of an activity. For example, in Blueskin Energy Ltd v Dunedin City Council\(^4\), relating to a new wind turbine near Dunedin, the Environment Court found that the protective provisions of the district plan were not balanced by sufficiently clear or directive provisions encouraging renewable electricity generation.

In a similar manner, the requirement in the Regional Plan Structure (S-RP) standard for land and water chapters, which are separate from the infrastructure and energy chapter may result in the segregation of plan provisions relating to renewable electricity generation, from provisions relating to the resources on which they rely. For example, the management of hydro-electricity generation, could be separate from provisions for managing water quantity and quality. Practical implications during preparation of a plan may also exacerbate the difficulty of maintaining an integrated approach. For example, each chapter is frequently prepared by different people or teams, and the submissions on each chapter are heard at different times, or even by different hearings panels.

The separation of those different elements without proper integration could lead to a fragmented objective, policy, and rule framework resulting in provisions which do not clearly articulate how electricity

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\(^3\) Environmental Defence Society v The New Zealand King Salmon Company Ltd [2014] NZSC 38.

\(^4\) Blueskin Energy Ltd v Dunedin City Council [2017] NZEnvC 150.
generation activities are to be provided for across different resources and values. This would not achieve integrated sustainable management under the RMA. From Meridian’s perspective the appropriate enablement of renewable electricity generation could be lost, as a result of not being fully articulated through all relevant resource and value chapters. It could result in the unsettling of the existing bespoke policy frameworks in plans which recognise renewable electricity generation activities. This would affect Meridian’s ability to operate and re-consent its existing assets and plan for and develop new generation capacity to assist meet New Zealand’s increasing electricity demands, Government targets for renewable energy generation, and climate change commitments in giving effect to the NPSREG.

The requirement for energy matters to be grouped together with other infrastructure in an infrastructure and energy chapter compounds the integration issues above. Combining energy with infrastructure risks a generic framework being applied to all infrastructure without recognising specific differences of some forms of infrastructure. For example, it would not recognise the national significance and particular benefits and differences of renewable electricity generation under the NPSREG in comparison to other infrastructure. In particular, Policies B and C of the NPSREG recognises a number of practical implications and constraints of operating, upgrading, and developing renewable electricity generation activities to achieve New Zealand’s targets for renewable electricity generation.

Those practical implications and constraints are different from many other types of infrastructure, and therefore a more targeted planning framework is required from that provided for other infrastructure. That may also include spatial recognition of generation activities in plans through zones, precincts, or other methods in order that specific objectives, policies, and rules can be applied to them.

Meridian considers there are a number of options to amend the National Planning Standards to achieve appropriate integration for renewable electricity generation activities, in light of the issues discussed above. These are covered in the following sections.

Inclusion of a Separate Energy Generation Chapter and Providing Flexibility and Connections to Ensure Integrated Management

Meridian considers there is a strong case for energy, including renewable electricity generation, to be contained in its own self-contained chapter in planning documents, separate from other infrastructure.

A separate energy chapter, which incorporates renewable electricity generation, will better recognise the national significance, benefits, and differences of renewable electricity generation activities under the NPSREG in comparison to other infrastructure. In particular, it will better support inclusion of more targeted provisions for renewable electricity generation activities rather than risk them being incorporated in generic provisions which apply to infrastructure more widely. Provisions which are more enabling for renewable generation given its national significance and benefits could be included. This is while continuing to provide appropriate protections for the environment which recognise the practical implications and constraints of operating and developing generation activities.

Meridian has worked closely with councils on the structures of planning documents to ensure that energy related provisions are well integrated across different themes/chapters. It would be inefficient and counterproductive for this to be undermined by the requirement in the standards to segregate provisions between themes. Meridian considers that the standards should also provide greater flexibility for where objectives, policies, methods, and rules can be located across the different compartmentalised theme chapters. This is particularly for those themes which have focus on enabling infrastructure and energy.
versus protection of natural resources and values. Providing greater flexibility should also be supported by implementation guidance requiring clearer connections between the provisions of each chapter, to make it clear what provision takes precedence where there is a conflict between the outcomes sought.

Providing greater flexibility and connections will avoid the risk of creating a fragmented objective, policy, and rule framework which does not clearly articulate how use and development is to be provided for across different resources and values. In particular, it will better ensure the protection of the environment is not considered in isolation of enabling appropriate use and development to provide for social, economic, and cultural wellbeing. This approach will therefore better achieve integrated sustainable management, including for renewable electricity generation activities.

From Meridian’s perspective this will provide it with the ability to more effectively operate and re-consent its existing assets and plan for and develop new generation capacity to assist meet New Zealand’s increasing electricity demands, Government targets for renewable energy generation, and climate change commitments in giving effect to the NPSREG.

Meridian proposes that the Regional Policy Statement (S-RPS), Regional Plan (S-RP), District Plan (S-DP), and Combined Plan (S-CP) standards be amended to include an energy chapter. In addition, it proposes that the District Wide Matters (S-DWM) standard be amended to provide direction on the matters to be included in the new chapter.

Meridian also proposes that the Regional Policy Statement (S-RPS), Regional Plan (S-RP), District Plan (S-DP), Combined Plan (S-CP), and District Wide Matters (S-DWM) standards be amended to provide more flexible direction on where objectives, policies, methods, and rules relating to infrastructure and energy matters can be located across the different compartmentalised theme chapters.

The specific changes proposed are detailed in Attachment 1, section 1.

In addition to the proposed specific changes, Meridian considers the proposed Implementation Guidance for the National Planning Standards, require provision for clear connections between the provisions of each chapter to make it clear what provision takes precedence where there is a conflict between the outcomes sought. This will support the achievement of integrated sustainable management.

**Spatial Tools for Energy Generation**

Meridian considers that a specific zone should be included in the Area Specific Matters (S-ASM), District Plan (S-DP), and Mapping (F-2) standards for energy generation. This would provide another tool for spatial recognition of electricity generation activities in plans, other than the less specific ability to create a special purpose zone, or a precinct.

Energy generation has equivalence with other infrastructure that has been afforded a zone under the standards, specifically ports, airports, and hospitals. While there is the ability to create special purpose zones under the standards for energy generation, the criteria set out in clause 7 of the Area Specific Matters (S-ASM) standard would only allow that where it could not be enabled by another tool such as a precinct or designation.
Under the Spatial Planning Tools (District) (F-4) standard, the precinct tool is to be used to identify an area and apply provisions which modify the policy approach of the underlying zone or refine or modify land use outcomes. The draft implementation guidance, notes that precincts will apply where the purpose of the underlying zone(s) and majority of provisions are still applicable and are relevant. Precincts are therefore dependent on the underlying zone(s) and their policy frameworks. Conversely a zone is to be used to identify or manage an area with common environmental characteristics to achieve an environmental outcome. This is by bundling compatible activities or effects together, and restricting those which are incompatible.

Meridian considers that the scale, nature, and intensity of some energy generation activities is such that they go beyond just requiring modification or refinement of the policy approach of the underlying zone. The majority of the provisions of the underlying zone may not be applicable and relevant. The effects of energy generation activities may predominate over an extensive area where other activities are effectively curtailed, or need to be restricted due to their incompatibility with generation activities. Accordingly, Meridian considers in such situations a specific zone would be appropriate to provide for the spatial recognition of these activities.

Enabling the creation of a separate energy generation zone would also support inclusion of more targeted provisions for renewable electricity generation. For example, provisions which are more enabling for renewable generation given its national significance and benefits could be applied, which recognise the practical implications and constraints of operating and developing generation activities.

Meridian therefore proposes that the Area Specific Matters (S-ASM), District Plan (S-DP), and Mapping (F-2) standard be amended to provide for an energy generation zone. The specific changes proposed are detailed in Attachment 1, section 2.

Meridian also considers that the designation tool should not be included as a limiting criteria as to when a special purpose zone should be created. The use of designations under the RMA is an optional tool to spatially recognise and enable a public works activity. Including designations as a limiting criteria as to when a special purpose zone can be created would have the effect of elevating its status to a mandatory tool in lieu of creating a zone. Furthermore, renewable electricity generation is not a network utility operation, and accordingly is not able to utilise the designation provisions of the RMA. The specific changes to the Area Specific Matters (S-ASM) are detailed in Attachment 1, section 2.

PART 2 – DEFINITIONS AND NOISE AND VIBRATION METRICS STANDARDS

Definitions Standard

The Definitions (CM-1) standard sets standardised definitions for inclusion in planning documents, while retaining flexibility for inclusion of locally defined terms or narrower applications of a term included in the standard. Meridian is generally comfortable with the proposed definitions, with the exception of the following definitions:

- Building
- Drain
- Drinking water
- Functional need
- Reverse sensitivity

Meridian Submission on the Draft National Planning Standards
Meridian’s concerns with the proposed definitions, the changes requested, and reasons for those changes, are set out below:

<table>
<thead>
<tr>
<th>Draft Definition</th>
<th>Changes Requested by Meridian</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building</strong></td>
<td><strong>Building</strong></td>
<td>Meridian considers the reference in the last part of the definition to <em>structures that are similarly enclosed</em> requires a discretion to be applied as to what structures would ultimately be captured. It is therefore uncertain in its intent and would be difficult to apply in practice. Meridian considers that the definitions should meet best practice drafting principles, and therefore be clear, concise, and avoid subjectivity.</td>
</tr>
<tr>
<td>means any structure, whether temporary or permanent, movable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.</td>
<td>means any structure, whether temporary or permanent, movable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.</td>
<td></td>
</tr>
<tr>
<td><strong>Drain</strong></td>
<td><strong>Drain</strong></td>
<td>Meridian considers the reference in the definition to the <em>drainage of surface or subsurface water</em> is uncertain as to whether it captures watercourses that are intended to convey water (e.g. a canal for hydro-electricity generation, or irrigation). Meridian considers that water conveyance infrastructure, which supports the use of water, is distinct from drainage infrastructure, which provides for land drainage. Meridian considers the definition should be made clear that it relates to <em>land</em> drainage.</td>
</tr>
<tr>
<td>means any artificial watercourse, open or piped, that is designed and constructed, or used for the purpose of the drainage of surface or subsurface water.</td>
<td>means any artificial watercourse, open or piped, that is designed and constructed, or used for the purpose of the drainage of surface or subsurface water from land.</td>
<td></td>
</tr>
<tr>
<td><strong>Drinking water</strong></td>
<td><strong>Drinking water</strong></td>
<td>Meridian considers the reference in the definition to <em>water intended to be used</em> requires a discretion to be applied as to what water sources would ultimately be captured. It is therefore uncertain in its intent and would be difficult to apply in practice. Meridian considers that the definitions should meet best practice drafting principles, therefore be clear, concise, and avoid subjectivity.</td>
</tr>
<tr>
<td>means water intended to be used for human consumption, and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.</td>
<td>means water intended to be used for human consumption, and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.</td>
<td></td>
</tr>
<tr>
<td><strong>Functional need</strong></td>
<td>Retain the existing definition of functional need, and add a new</td>
<td>While not opposed to this definition, Meridian considers that it does not sufficiently recognise and capture the <em>operational</em> needs of activities. Operational needs are those characteristics and constraints of an activity.</td>
</tr>
<tr>
<td>means the need for a proposal or activity to traverse, locate, or</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Meridian Submission on the Draft National Planning Standards
| **operate in a particular environment because the activity can only occur in that environment.** | **definition of operational need.**

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

which may impact on where they may be located. Policy C of the NPSREG in particular acknowledges there are practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. These might for example include the need to design and place wind turbines within a windfarm to minimise turbulence effects. Meridian therefore proposes the addition of a definition of "operational need" recognising the need for activities to be located in a particular area owning to their technical or operational characteristics or constraints. Such a definition would be consistent with that included in the Auckland Unitary Plan. |

| **Reverse sensitivity** means the potential for the operation of an existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential, or perceived adverse environmental effects generated by an existing activity. | **Reverse sensitivity**

Means the potential for the operation of an a consented or existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential, or perceived adverse environmental effects generated by an a consented or existing activity.

Meridian is concerned that the definition does not capture consented, but unimplemented activities. Meridian considers it important that consented activities are protected from reverse sensitivity effects caused by the establishment of new adjacent land uses, for the same reasons that existing lawfully established activities are protected. In regard to renewable electricity generation, such protection would give effect to Policy D of the NPSREG which requires decision makers to avoid to the extent reasonably practicable, reverse sensitivity effects on consented and existing renewable electricity generation activities. Recognition of consented activities would also accord with case law which has established that resource consents which have been granted, and are likely to be implemented, form part of the existing environment. |

| **Structure**

means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that | **Structure**

means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that

The proposed definition reflects the definition of structure in the RMA, with the exception that it also captures buildings, equipment, devices, and facilities located on land, and includes a specific exemption for motorised vehicles. These additional references appear to be intended to capture temporary or moveable structures such as caravans or containers that are not fixed to land, while excluding those structures that can move |
can be moved under their own power.

under their own power, such as campervans. Meridian considers there is no need to depart from the RMA definition, and that the RMA definition should be applied within the standards. Flexibility would remain within the standards for local authorities to otherwise define and manage other activities in their plans which do not fall within the definition of structure, such as temporary or portable buildings.

**Noise and Vibration Metrics Standards**

The Noise and Vibration Metrics Standard (CM-2) requires rules in planning documents which manage emission of noise to be consistent with the acoustic New Zealand Standards. Meridian is supportive this requirement, and in particular the inclusion of *New Zealand Standard 6808:2010 Acoustics – Wind Farm Noise* in the standard.

The specific wording of the standard under clause 3 however, only requires any plan rule to manage an emission of noise to be consistent with the noise *measurement methods* of the New Zealand Standards. Accordingly, there is no requirement in the standard for plan rules to adopt the corresponding noise *metrics* contained in the New Zealand Standards. Conversely, while clauses 24 and 32 of the District Wide Matters Standard (S-DSM) require any noise related *metrics* must be consistent with the Noise and Vibration Metrics (CM-2) standard, those clauses do not require the *measurement* methods to be consistent with the standard. These inconsistencies between the various noise related clauses in the Draft standards appears to be unintended, and Meridian proposes they be corrected, as set out in *Attachment 1, section 4*.

Most of the specific noise standards listed in Table 30 of the standard have been developed as they don't fit within the requirements of *NZS6801:2008 Acoustics – Measurement of Sound*, and *NZS6802:2008 Acoustics – Environmental Noise*. The requirement in clause 4 of the standard that any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 rate level, and section 7 LMAX in *New Zealand Standard 6802:2008 Acoustics – Environment Noise*, therefore creates a conflict with the other standards in Table 30. Meridian proposes that clause 4 be deleted, as set out in *Attachment 1, section 4*.

**PART 3 – IMPLEMENTATION OF DRAFT NATIONAL PLANNING STANDARDS**

The National Planning Standards will be required to be implemented within 5 years of gazetted, or 7 years for those local authorities who have completed or are in the advanced stages of completing a review of a planning document. All standards are to be implemented without using the RMA First Schedule process. That is with the exception of the implementation of district plan zonings under the Area Specific Matters (S-ASM) standard, and changes that need to be made to planning documents to avoid duplication or conflict with the standards, but fall outside the scope of consequential amendments.
Each local authority will need to determine how best to go about amending their planning documents, based on the state of their current planning framework, scheduled timeframes for review, resourcing constraints, and outcomes of stakeholder and community engagement.

Meridian considers that implementation of the standards is likely to be difficult for some local authorities. In particular, regional councils under the Regional Plan Structure Standard (S-RP) will be required to combine their regional plans into a single plan, with the option of a separate coastal environment plan. This will be challenging given regional councils often have multiple plans of different vintages, formats, and stages of review. These plans may also be subject to ongoing changes. For example, regional land and water plans may be subject to phased plan changes to give effect to the National Policy Statement on Freshwater Management, which itself has been subject to an ongoing programme of Government changes.

The above issues are demonstrated by the state of Southland region’s current RMA planning framework, as set out in Figure 1 below:

<table>
<thead>
<tr>
<th>Plan</th>
<th>Status</th>
<th>Required Review Commencement Date (Approx.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southland Regional Policy Statement</td>
<td>Operative October 2017</td>
<td>October 2027</td>
</tr>
<tr>
<td>Regional Coastal Plan</td>
<td>Operative March 2013</td>
<td>Review has commenced</td>
</tr>
<tr>
<td>Regional Air Plan</td>
<td>Stage 1 Operative October 2016</td>
<td>October 2026 for stage 1 provisions, and later for stage 2 provisions.</td>
</tr>
<tr>
<td></td>
<td>Stage 2 still be notified (deferred pending review of National Environmental Standard on Air Quality)</td>
<td></td>
</tr>
<tr>
<td>Proposed Regional Land and Water Plan</td>
<td>Subject to appeals. Intended to be operative in 2019. Freshwater Management Unit (FMU) plan changes are intended to be notified between 2019 and December 2025 (as per councils current published NPSFW implementation programme)</td>
<td>Potentially required by 2029, and later for FMU specific provisions</td>
</tr>
<tr>
<td>Southland District Plan</td>
<td>Operative January 2018</td>
<td>January 2028</td>
</tr>
</tbody>
</table>

**Figure 1 – Status of Southland Regional Council’s RMA Planning Framework**

Combining and amending plans in the context of an existing planning framework which is fragmented, and unsettled will be very difficult to achieve. It would almost certainly require the use of an RMA First Schedule process to integrate the plans, particularly where there is currently a lack of alignment between them. Furthermore, given the strong relationship between the definitions of a plan and the related provisions, it is considered that the definitions standard will drive substantial amendment of plan provisions, that would necessitate using a First Schedule process.
The relationship of the regional policy statement to other lower order documents is also an important consideration. Given the hierarchy that applies to RMA planning documents, it is considered that regional policy statements will need to be amended to align with the standards early within the implementation timeframes. This will provide certainty of direction for other planning documents, including the district plans of territorial authorities in each region. The draft standards in their current form do not recognise that distinction, which could lead to fragmented planning within a region where there is a lack of co-ordination between the local authorities.

Meridian considers that the substantial changes needed to implement the standards may drive a behaviour of local authorities bringing forward scheduled reviews of their plans. This will enable the comprehensive change, integration, and amendment of plans to align with the standards. The advantage for local authorities would be to avoid the need for First Schedule processes to first implement the standards, and to then undertake plan reviews again within a relatively short timeframe. That is with its resulting integration, community engagement, and resourcing complications.

These implementation issues present a number of implications for resource users. The substantial changes that will be needed to combine, integrate, and amend planning documents of each local authority to align with the standards, will likely create an unsettled planning framework. The potential bringing forward of scheduled plan reviews to achieve this will also reduce the life span of planning documents under which resource users rely upon to make operational and future development decisions. Un-coordinated implementation of the standard where interrelated planning documents are amended in isolation from one other also could lead to a fragmented planning framework, with a resulting reduced certainty of direction.

Significant uncertainty would be caused for resource users such as Meridian who rely on plan stability in order to manage and re-consent their existing assets, and plan and develop new generation capacity to assist meet New Zealand's increasing electricity demands, Government targets for renewable electricity generation, and climate change goals and commitments.

Given the above, Meridian proposes that the standards should be amended to address the following:

- Require local authorities to notify their amended planning documents within 10 years of the gazetted of the standards, so as to align more closely with the statutory timeframes for commencing plan reviews under section 79 of the RMA.

- Retain the flexibility for regional councils to have separate regional plans for the coastal environment, air quality, and land and water matters based on the new regional plan structure.

The requirement to notify an amended planning document within 10 years is sooner than the requirement to commence a review under section 79 of the RMA, however would set a definite period for implementation of the standards.

The changes will collectively provide greater flexibility as to when councils choose to implement the standards in light of the circumstances of their current planning framework. It would also potentially reduce the need to bring forward plan reviews which would reduce the life span of existing planning documents under which resource users like Meridian rely upon to make operational and future development decisions. Meridian considers the benefits and avoided costs of aligning implementation
of the standards with normal plan review processes, would outweigh the broader costs associated with a longer implementation timeframe to achieve the benefits from standardisation.

Meridian hopes this submission is helpful in determining the final form of the National Planning Standards. Meridian would like the opportunity to discuss the issues raised with the Ministry prior to finalisation of the standards.

Andrew Feierabend

For and behalf of Meridian Energy Limited

17th day of August 2018
**ATTACHMENT 1 – CHANGES REQUESTED BY MERIDIAN TO THE NATIONAL PLANNING STANDARDS**

Section 1 - Changes to Structure of Planning Documents to Ensure Integrated Management

Amend Table 3 in the Regional Policy Statement Structure (S-RPS) standard as follows:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Instruction</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PART 4 – THEMES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure and energy</td>
<td></td>
<td>If infrastructure and energy matters are addressed in the regional policy statement they must be included in the infrastructure and energy chapter, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</td>
</tr>
<tr>
<td>Energy</td>
<td></td>
<td>If energy matters are addressed in the regional policy statement they must be included in the energy chapter, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</td>
</tr>
</tbody>
</table>

Amend Table 4 in the Regional Plan Structure (S-RP) standard as follows:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Instruction</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PART 4 – THEMES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infrastructure and energy</td>
<td></td>
<td>If the local authority chooses to address matters on a theme basis, this part and any part of its relevant accompanying chapters must be used.</td>
</tr>
<tr>
<td>Energy</td>
<td></td>
<td>If the local authority chooses to address matters on a theme basis and energy matters are addressed in the regional plan they must be included in the infrastructure and energy chapter, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</td>
</tr>
</tbody>
</table>
Amend Table 5 in the District Plan Structure (S-DP) standard as follows:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Instruction</th>
</tr>
</thead>
<tbody>
<tr>
<td>PART 4 – DISTRICT WIDE MATTERS</td>
<td>Local authorities must implement the District Wide Matters Standard (S-DWM)</td>
<td></td>
</tr>
<tr>
<td>Infrastructure and energy</td>
<td>Local authorities must consider whether other sections should also be included in this chapter and include them if they are required.</td>
<td></td>
</tr>
<tr>
<td>Energy</td>
<td>Infrastructure and energy matters are addressed in the infrastructure and energy chapters, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If the local authority has a coastal environment, it must provide a coastal environment section in the location identified. The Noise and Vibration Metrics Standard (CM-2) must be implemented through the noise section.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If the local authority chooses to protect trees for heritage or other community value reasons, it must provide a Protected trees section in the location identified.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If the local authority has waterways on which activities occur that require management, it must provide an Activities on the surface of water section in the location identified.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If the local authority has mining activities that require management, it must provide a Mining section in the location identified.</td>
<td></td>
</tr>
</tbody>
</table>

Amend Table 6 in the Combined Plan Structure (S-CP) standard as follows:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>PART 3 – REGIONAL POLICY STATEMENT</td>
<td>If a regional policy statement is part of the combined plan this part must be used.</td>
<td></td>
</tr>
<tr>
<td><strong>Infrastructure and energy</strong></td>
<td>If infrastructure and energy matters are addressed in the regional policy statement on a theme basis they must be included in the infrastructure and energy section, except that matters may be addressed in other sections to the extent required to achieve an integrated plan objective, policy, and rule framework.</td>
<td></td>
</tr>
<tr>
<td><strong>Energy</strong></td>
<td>If energy matters are addressed in the regional policy statement on a theme basis they must be included in the energy section, except that matters may be addressed in other sections to the extent required to achieve an integrated plan objective, policy, and rule framework.</td>
<td></td>
</tr>
</tbody>
</table>

**PART 4 – REGION WIDE MATTERS**

| **Infrastructure and energy** | Local authorities must implement the District Wide Matters Standard (S-DWM) to the extent it is relevant. |
| **Energy** | If the combined plan does not include a district plan, and the local authority chooses to address infrastructure and energy matters on a theme basis, this chapter must be used, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework. |

| **Infrastructure and energy** | If the combined plan includes a district plan then local authorities must implement the District Wide Matters Standard (S-DWM). |
| **Energy** | If the combined plan includes a regional plan, regional plan provisions may be integrated with the implementation of the General District Wide Matters Standard (S-DWM). Infrastructure and energy matters are addressed in the infrastructure and energy chapters, except that matters may be addressed in other chapters to the extent required to achieve an integrated plan objective, policy, and rule framework. The Noise and Vibration Metrics Standard (CM-2) must be implemented through the Noise and Light section. |
Amend the District Wide Matters Standard (S-DWM) as follows:

**Infrastructure and Energy chapter (S-IE)**

21 The Infrastructure and energy chapter must, to the extent relevant contain provisions that give effect to:


22 The Infrastructure and energy chapter must be consistent with the:

   a. Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

23 If relevant to a local authority, the following matters must be addressed in the Infrastructure and energy chapter unless provided in a special purpose zone, requirement or designation, or matters need to be addressed in another chapter to achieve an integrated plan objective, policy, and rule framework:

   a. objectives, policies and methods including rules if any, relating to the operation, maintenance, upgrading and development of infrastructure including where relevant:

      i. state highways and local roads
      ii. railways
      iii. airports
      iv. ports
      v. electricity generation, transmission and distribution
      vi. wastewater, stormwater and drinking water infrastructure
      vii. other network utilities not listed
      viii. bulk storage and transmission of fuel or energy
      ix. street furniture
      x. any buffer corridor area provisions required for the national grid

   b. a statement about the zoning status of roads; eg, the adjoining zoning applies to the centre line of the road
   c. provisions to manage reverse sensitivity effects between infrastructure and other activities.

24 Any noise related metrics must be consistent with the Noise and Vibration Metrics Standard (CM-2).

25 The Infrastructure and Energy chapter must refer to any relevant applied Special Purpose Zone (eg, Airport zone, Port Zone, Hydro-electricity Generation Zone).
Energy Chapter (S-E)

26. The Energy chapter must, to the extent relevant contain provisions that give effect to:

27. The Energy chapter must be consistent with the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

28. The following matters must be addressed in the Energy chapter unless provided in an Energy generation zone, special purpose zone, precinct requirement or designation, or matters need to be addressed in another chapter to achieve an integrated plan objective, policy, and rule framework:
   a. objectives, policies and methods including rules if any, relating to the operation, maintenance, upgrading and development of energy infrastructure including where relevant:
      i. electricity generation, transmission and distribution
      ii. any buffer corridor area provisions required for the national grid and energy generation
   b. provisions to manage reverse sensitivity effects between energy infrastructure and other activities.

29. Any noise related metrics and measurement methods must be consistent with the Noise and Vibration Metrics Standard (CM-2).

30. The Energy chapter must refer to any relevant applied Energy Generation Zone, or Special Purpose Zone.

Section 2 - Creation of a Separate Energy Generation Zone

Amend the Area Specific Matters (S-ASM) standard as follows:

<table>
<thead>
<tr>
<th>Discretionary direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. The local authority must choose at least one of the following zones to use in their Plans. Each zone option contains a purpose statement which the zone provisions must fulfil.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone</th>
<th>Purpose statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy generation zone</td>
<td>The purpose of the energy generation zone is to identify and provide for the operation, maintenance, upgrading, and development of large scale energy generation facilities, buildings, and structures, and the resources which energy generation rely on.</td>
</tr>
</tbody>
</table>

Amend the District Plan Structure (S-DP) standard as follows:

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Instruction</th>
</tr>
</thead>
</table>
**PART 5 – AREA SPECIFIC MATTERS**

<table>
<thead>
<tr>
<th>Special purpose zones</th>
<th>Airport zone</th>
<th>For the zones that the local authority chooses, the zones must follow the order, and the chapter and section headings, set out in this standard.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Port zone</td>
<td>If only one zone is chosen under a chapter heading, the section heading becomes the chapter heading and the provisions are housed there.</td>
</tr>
<tr>
<td></td>
<td><strong>Energy generation zone</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hospital zone</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Education zone</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stadium zone</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Future urban zone</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maori cultural zone</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>[Additional Special Purpose] Zone</strong></td>
<td></td>
</tr>
</tbody>
</table>

Local authorities must implement the Area Specific Matters Standard (S-ASM) as specified below.

Amend the Mapping (F-2) standard to include a symbol, and colour pallet for an Energy generation zone.

**Section 3 - Definitions**

Amend the Definitions (CM-1) standard as follows:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>building</td>
<td>means any structure, whether temporary or permanent, movable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed.</td>
</tr>
<tr>
<td>drain</td>
<td>means any artificial watercourse, open or piped, that is designed and constructed, or used for the purpose of the drainage of surface or subsurface water from land.</td>
</tr>
<tr>
<td>drinking water</td>
<td>means water intended to be used for human consumption, and includes water intended to be used for food preparation, utensil washing, and oral or other personal hygiene.</td>
</tr>
<tr>
<td>operational need</td>
<td>means the need for a proposal or activity to traverse, locate, or operate in a particular environment because of technical or operational characteristics or constraints.</td>
</tr>
<tr>
<td>reverse sensitivity</td>
<td>means the potential for the operation of an a consented or existing lawfully established activity to be compromised, constrained, or curtailed by the more recent establishment or alteration of another activity which</td>
</tr>
</tbody>
</table>
may be sensitive to the actual, potential, or perceived adverse environmental effects generated by an a consented or existing activity.

| structure | means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that can be moved under their own power. |

Section 4 - Noise and Vibration Metrics

Amend clause 3 of the Noise and Vibration Metrics (CM-2) standard as follows:

*Any plan rule to manage an emission of noise must be consistent with the noise related metrics and noise measurement methods in the New Zealand Standards listed in table 30: Acoustic New Zealand Standards below.*

Amend clauses 24 and 32 of the District Wide Matters Standard (S-DSM) as follows:

*Any noise related metrics and measurement methods must be consistent with the Noise and Vibration Metrics Standard (CM-2)*

Delete clause 4 of the Noise and Vibration Metrics (CM-2) standard as follows:

*Any plan rule to manage an emission of noise must be consistent with the assessment methods in section 6 rate level, and section 7 LMAX in New Zealand Standard 6802:2008 Acoustics—Environment Noise.*