

**Tasman Resource Management Plan
Efficiency and Effectiveness Evaluation**

Chapter 15:
Strategic Infrastructure and Network Utilities

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Acronyms

CE / CEA	Coastal Environment / Coastal Environment Area
DOC	Department of Conservation
ECD	Environment Court Decision
FENZ	Fire and Emergency New Zealand
GIS	Geographic Information System
LiDAR	Light Detection and Ranging - technology that provides detailed contour data
LTP	Long Term Plan
MagiQ-BI/NCS	Two related Council information systems - used to manage data, including for resource consents and service requests, including complaints.
MHWS	Mean High Water Springs
NCC	Nelson City Council
NES	National Environmental Standards
NES-SW	National Environmental Standards for Stormwater
NES-DW	National Environmental Standards for Sources of Human Drinking Water
NPS	National Policy Statement
NPStds	National Planning Standards
NZCPS	New Zealand Coastal Policy Statement
PC##	Plan Change ##, e.g. Plan Change 66
REG-SE	Regulations on Stock Exclusion
RLMS	Riparian Land Management Strategy
RMA	Resource Management Act
RPS	Tasman Regional Policy Statement
TEP	Tasman Environment Plan
TRMP	Tasman Resource Management Plan

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Executive Summary

Chapter 15 relates to Strategic Infrastructure and Network Utilities. Strategic infrastructure is infrastructure that serves a regional or national function. Strategic infrastructure includes national high-voltage transmission lines, regional airports, regional waste facilities, ports, community dams and some hydro-electricity facilities, telecommunication facilities, roads, water and wastewater reticulation.

Chapter 15 is the newest chapter of the TRMP. It was proposed in 2013 and was very limited in scope – with operative objectives and policies relating only to the Waimea Community Dam. It was intended that further objectives and policies for strategic infrastructure and network utilities would be added over time. In 2019, a plan change introduced policies relating to network infrastructure as a consequence of the Nelson Tasman Land Development Manual (NTLDM) – these changes have not been evaluated as they have not had sufficient time to be implemented.

The evaluation in this report shows that the two objectives relating to the Waimea Community Dam are ‘on track’ to be achieved, with a strong internal policy relationship to the rules. There are minor recommendations for updates to the planning maps and ‘Principle Reasons’ to reflect the final Waimea Dam decision. Future changes may also need to consider expansion of the policies to anticipate demands for public access to the water body.

However, the results from the evaluation also show a strong case for broadening the scope of Chapter 15, beyond just the Waimea Community Dam and network infrastructure. Significant legislative changes have occurred since Chapter 15 was first introduced.

Key legislation now has a particular emphasis on aligning planning outcomes with a broad range of infrastructure. These changes include direct changes to Part 2 of the Resource Management Act 1991 (RMA), changes to the functions of Council, and additional requirements under the Local Government Act 2002 (LGA) to produce 30 year infrastructure strategies. In addition, three relevant National Policy Statements (NPS) have been introduced that have direct implications for strategic infrastructure.

The recommended scope of Chapter 15 changes are set out in the table below. Particular highlights, include increased focus on implementation of infrastructure objectives in the NPS on Urban Development Capacity¹, Renewable Energy and Electricity Transmission.

Further recommendations are to better align objectives in Council’s Long Term Plan Infrastructure Strategy and resource management plan; and provide for a broader range of regionally significant strategic infrastructure including airports and ports.

Any future version of this Chapter will need to have particular regard to the effects of Climate Change and anticipate a need for greater resilience across the strategic infrastructure network.

¹ The NPS on Urban Development Capacity was proposed for change in August 2019. The proposed NPS on Urban Development contains many of the same objectives, but the final version will need to be considered further during the TRMP Plan Review process.

Recommendations

Objective Set	Recommendations
15.1 – Waimea Community Dam	
Objective 15.1.2.1 Creation of a secure supply of water in the Waimea Plains for:	Retain – no need for change as this objective provides context for policies and maps, and any further decisions/variations to consent.
Objective 15.1.2.2 The protection of the Waimea Community Dam site	Retain - no need for change as Objective remains relevant
Policy 15.1.3.1 Identify the location for the Waimea Community Dam	Retain with updates to reflect location secured in Planning maps.
Policy 15.1.3.2 Recognise the benefits to community social, economic and cultural wellbeing of the Waimea Community Dam	Retain – no need for change as policy remains relevant
Policy 15.1.3.3 Assessing resource consent applications for the construction, operation and maintenance of the Waimea Community Dam	Retain - Provides matters for particular regard for resource consent variations or any future consent applications.
Policy 15.1.3.4 To protect the Waimea Community Dam site and to avoid cumulative adverse effects on river ecosystems and natural flows	Retain – no need for change as there is an on-going need for protection and avoidance
15.2 – Network Utilities	NA – These provisions are ‘Proposed’ at time of writing this report. However, feedback has indicated that the Plan could provide a definition of Network Utilities to improve clarity.
Other Actions	<p>Water</p> <ol style="list-style-type: none"> 1. Update to the Principle Reasons in Chapter 15 to account for the 2018 decisions on the Waimea Community Dam. 2. Align and update RPS objectives for Urban Water Network (Water Supply for Urban Development) with TRMP, water supply bylaw, Drinking water standards and upcoming NES on Drinking water sources (where relevant to Strategic Infrastructure). 3. Consider relationships between Significant infrastructure and NPS Freshwater Management (in relation to wetlands etc) <p>Energy</p> <ol style="list-style-type: none"> 1. Investigate the series of further actions recommended in NPS Renewable Energy: TRMP and TRPS Gap Analysis (Appendix 3).

Objective Set	Recommendations
	<p data-bbox="587 264 1385 389">2. Align RPS Energy policies with TRMP, as the TRMP does not directly address RPS issues on energy generation, transmission or use opportunities, such as micro-generation or large scale energy generation.</p> <p data-bbox="587 430 699 456">Electricity</p> <p data-bbox="587 470 1353 658">1. Implement the objectives to the National Policy Statement on Electricity Transmission, following outcomes from the Discussion Document on Electricity Transmission (2018, or subsequent versions). Consider protection of Regionally Significant lines; consistency across zones (Richmond South, East and Richmond West).</p> <p data-bbox="587 672 1273 730">2. Align new plan provisions and avoid duplication with NES Telecommunication Facilities.</p> <p data-bbox="587 770 743 797">Infrastructure</p> <p data-bbox="587 810 1343 904">1. Strengthen the provisions around Reverse Sensitivity – consider how to manage reverse sensitivities when prioritising strategic infrastructure.</p> <p data-bbox="587 918 1369 976">2. Review NPS UD requirements once gazetted for potential changes in Chapter 15.</p> <p data-bbox="587 990 1295 1048">3. Align Infrastructure Strategy and planning outcomes where relevant.</p> <p data-bbox="587 1061 1378 1187">4. Investigate inclusion of other strategic infrastructure policies e.g. for airports, ports, regional landfills, trunk mains etc. Align these with RPS infrastructure Objectives and LGA Strategic Assets (where relevant).</p> <p data-bbox="587 1200 1347 1326">5. Provide clear considerations of NZCPS 2010 policies 7 (strategic planning), 9 (ports), 27 (protection of significant existing development), with potential tie to strategic outcomes from the Coastal Management: Responding to Sea Level Rise project.</p> <p data-bbox="587 1339 1385 1429">6. Provide an ongoing policy relationship with the NTLD, particularly in relation to road hierarchy and protection of functionality of key road corridors.</p> <p data-bbox="587 1442 1362 1500">7. Provide a link in this chapter to designations. Initiate roll over process for requiring authorities early in the Plan Review process.</p> <p data-bbox="587 1514 1369 1572">8. Provide an explicit recognition of the relationship with Appendix II – Designations to improve usability.</p> <p data-bbox="587 1585 1385 1742">9. Provide a Designations schedule that clearly differentiates between the two different types of designations (rollovers vs new). Accessibility to information on designations needs to be improved to include dates and conditions. Appendix II is not working well and needs to be fixed.</p> <p data-bbox="587 1756 1337 1814">10. Provide greater recognition of the need for climate change and natural hazard resilience across infrastructure network.</p> <p data-bbox="587 1827 1369 1886">11. Provide for emergency works in relation to strategic infrastructure to deal with more than minor effects.</p> <p data-bbox="587 1899 1260 1957">12. Ensure policies provide protections for existing strategic infrastructure, not just new infrastructure.</p>

1. Purpose Statement

The purpose of this evaluation of the TRMP is to determine the effectiveness and efficiency of the provisions contained within it. It helps us understand if the TRMP provisions are doing what they're meant to do.

This evaluation process is a fundamental step in the policy review cycle and a requirement of the Resource Management Act. It informs good quality plan-making and helps maintain confidence and integrity in the process.

The results of this evaluation will inform the review of the Tasman Resource Management Plan.

What do the terms mean?

Effectiveness: *"assess the contribution ... provisions make towards achieving the objectives and how successful they are likely to be in solving the problem they were designed to address"*

Efficiency: *"measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of the society"*

(Ministry for the Environment s.32 Guidance)

Key Evaluation Questions

What we need to keep in mind:

- ✓ Are we focused on the right issues?
- ✓ Have we done what we said we'd do?
- ✓ Have we achieved what we said we'd achieve?
- ✓ How do we know our actions led to the outcome observed?
- ✓ Have we achieved that outcome at reasonable cost (could we have achieved it more cheaply)?
(Enfocus, 2008)

2. Scope

2.1 District Plan Provisions Reviewed

Chapter 15 provides policy direction and support for strategic infrastructure and network utilities in Tasman District. Strategic infrastructure is infrastructure that serves a regional or national function. Infrastructure serving a local function may also have regional or national significance. Strategic infrastructure includes national high-voltage transmission lines, regional airports, regional waste facilities, ports, community dams and some hydro-electricity facilities, telecommunication facilities, roads, water and wastewater reticulation.

Chapter 15 was made operative in September 2015, as a result of Plan Change 46 relating to the Waimea Water Management. Further changes were made via Plan Change 55 then Plan Change 69.

The structure of the chapter reflects the sequence of plan changes. Section 15.1 provided objectives and policies relating only to the Waimea Community Dam. The Chapter was designed to enable further objectives and policies for strategic infrastructure to be added at a later stage. Future policies are likely to reflect outcomes sought in the NPS on Electricity Transmission, or changes to the Proposed NPS on Urban Development.

In July 2019, objectives and policies were added for Network Infrastructure Assets via Plan Change 69. The Network Infrastructure Assets section (15.2) was proposed to provide an RMA policy framework for network infrastructure and support the Nelson Tasman Land Development Manual.

Section 15.2 seeks to recognise the importance of efficient, effective and integrated network infrastructure in meeting the needs of communities and environmental objectives. The proposed status of this section means that it has not had time to take effect and therefore has not been assessed to any significant extent for efficiency or effectiveness. Reference to the section 32 report for PC 69 provides some assessment of the anticipated effectiveness and efficiencies of the proposed provisions.

The following table sets out the issues, objectives and policies in Chapter 15.

Table 1: Section 15.1 - Waimea Community Dam

TRMP Issue & Objective	Policies
<p>Issues</p> <p>15.1.1.1 Meeting existing and potential future water demand in the Waimea Plains for abstractive and instream uses and values.</p> <p>15.1.1.2 Providing for the establishment and continued operation and maintenance of the Waimea Community Dam and associated activities while managing the adverse environmental effects of such activities.</p> <p>15.1.1.3 Managing conflicts that potentially arise between land use activities and the establishment and continued operation and maintenance of the Waimea Community Dam.</p> <p>15.1.1.4 Ensuring that the benefits to primary sector production provided by the Waimea Community Dam are not lost through changes in land use, particularly rural residential subdivision.</p> <p>Objectives</p> <p>15.1.2.1 Creation of a secure supply of water in the Waimea Plains for:</p> <ul style="list-style-type: none"> (a) existing and potential demand for rural and urban uses; and (b) protecting and enhancing instream uses and values of the Waimea, Wairoa, Roding and Lee rivers; and (c) allowing for the generation of hydro-electric power. <p>15.1.2.2 The protection of the Waimea Community Dam site from development that is incompatible with the establishment, operation and maintenance of the Waimea Community Dam.</p>	<p>15.1.3.1 To identify the location for the Waimea Community Dam where activities required to construct, operate and maintain the dam are enabled, and to protect this water augmentation opportunity for the Waimea Plains from incompatible activities.</p> <p>15.1.3.2 To recognise the benefits to community social, economic and cultural wellbeing of the Waimea Community Dam and associated facilities while managing the adverse environmental effects.</p> <p>15.1.3.3 In assessing resource consent applications required under Parts II, IV, V and VI of the Plan for the construction, operation and maintenance of the Waimea Community Dam and associated infrastructure, to manage adverse effects arising from activities, including subdivision, the removal of indigenous vegetation, land disturbance, water management, public access and other associated activities, by having particular regard to:</p> <ul style="list-style-type: none"> (i) mitigating adverse effects of land disturbance and construction activities on water quality by requiring adoption of best industry practice; (ii) mitigating the hazard posed by dam break risks by adopting best industry practice in the design, construction and maintenance of the dam, (iii) mitigating or otherwise managing adverse effects on biodiversity through measures including offsets, transplanting and pest control; (iv) managing flow releases from the dam to mitigate adverse effects on: <ul style="list-style-type: none"> (a) recreational value (b) sedimentation and bed stability (c) periphyton growth (d) water quality (e) river ecology (v) providing public access up to the dam structure; (vi) enabling iwi to salvage argillite and timber taonga that would otherwise be covered by water before commencing to fill the dam. (vii) providing for subdivision that supports dam construction while limiting subdivision that could reduce future opportunities to construct a dam. <p>15.1.3.4 To protect the Waimea Community Dam site and to avoid cumulative adverse effects on river ecosystems and natural flows by restricting opportunities for constructing dams on:</p> <ul style="list-style-type: none"> (i) the Wairoa River (including the left and right branches) above its confluence with the Lee River; (ii) the Lee River from its confluence with the Wairoa River to the boundary of the Water Augmentation Infrastructure Area (Waimea Community Dam) (other than for damming that operates in association with the Waimea Community Dam); and (iii) the Roding River from its confluence with the Lee River to the District boundary.

Table 2: Section 15.2 – Infrastructure Design and Construction

TRMP Issue & Objective	Policies
<p>Issue 15.2.1 The design, construction, maintenance, repair and replacement of network infrastructure assets associate with the development of land and use of reserves.</p> <p>Objective 15.2.2 Efficient, effective and integrated provision of network infrastructure assets to meet environmental objectives and the needs of communities for their health and safety, amenity and social-cultural well-being.</p>	<p>15.2.3.1 To ensure that infrastructure is designed and constructed to assist in avoiding, remedying or mitigating the adverse effects of land development.</p> <p>15.2.3.2 To require that the design of network infrastructure takes into account the reasonably foreseeable needs of future communities and growth expectations.</p> <p>15.2.3.3 To support efficient network design that addresses cost and affordability of network infrastructure, including environmental costs and benefits, over the whole of life of the network infrastructure.</p> <p>15.2.3.4 To support an integrated approach to the provision of services and efficient use of land.</p> <p>15.2.3.5 To ensure resilient, durable and robust networks that can reduce the risks associated with flooding and inundation, geotechnical instability and earthquake hazards.</p>

2.2 Timeframe of Evaluation

August – November 2019.

2.3 Summary of Methodology

Broadly, the methodology of this evaluation follows the Plan Outcomes Evaluation process. Plan Outcome Evaluation involves:

1. An examination of the outcomes being sought – what are the objectives trying to achieve?
2. Tracking how the plan has been designed to affect the outcomes – do the intentions in the objectives get carried through to the rules and methods? Are the provisions efficient?
3. Assessing if the provisions have been implemented – what evidence is there that the provisions are being applied to relevant activities?
4. Assessing relevant environmental trends and ‘on the ground’ data to conclude if the Plan has been successful in achieving its intentions. This includes consideration of the external factor influences such as legislative changes, national policy statements, case law, significant economic changes, demographics etc.

Throughout the evaluation, there is an emphasis on attributing the activities enabled or controlled by the TRMP on observed outcomes. However, attributing outcomes to the TRMP must always be viewed in the wider context of changes. These are noted where known, but it is beyond the scope of

this evaluation to capture all of the changes and influences that affect outcomes in our communities and environment.

Limitations with the Plan outcome evaluation approach also arise where environmental outcome data is poor, or where there are multiple factors driving outcomes. Time, resourcing and quality of data also affects the comprehensiveness of the evaluation.

To address some of these limitations, the evaluation process has included a 'rapid assessment' technique. The technique draws on the combined knowledge and expertise of local TDC staff, residents, community leaders, and topic experts to create an understanding of plan implementation, efficiency and outcomes. The rapid assessment outputs are supplemented with:

- Environmental data or expert reports where available.
- Council data (e.g. property and asset information, consenting and compliance database information, models)
- Mapping and imagery (e.g. GIS, aerial imagery, LiDAR)
- Information or reports prepared during plan change processes (e.g. s.32 Reports, Issues and Options papers, technical reports, submissions, community meetings)

The methodology of this evaluation for Chapter 15 differs slightly to other chapters as a result of the Chapter being relatively new. Only section 15.1 is being reviewed as there has been insufficient time for Section 15.2 objectives and policies to be implemented and/or to determine environmental outcomes.

The assessment for this chapter is limited to the policy logic mapping, rapid assessment with expert users, a review of section 15.1, consented decisions and consideration of factors external to the Plan.

The implementation of the policies in 15.1 have primarily been undertaken via the resource consent for the Waimea Community Dam. However, the Dam has not been completed at the time of writing this report so we cannot assess environmental outcomes.

For this topic the following data sources have been used:

Table 3: Data Sources Used

Data Source/s	Details and Notes
Tasman GIS	<ul style="list-style-type: none"> • TRMP zones • Aerial photography
Rapid Assessment	Staff from Consents, Compliance, Policy, and Engineering
Councillor input	See below
Iwi input	See below
External reports	
Council reports	
Council records (MagiQ-BI/ NCS/databases)	<ul style="list-style-type: none"> • Resource consents

2.4 Summary of Consultation

The following consultation has been undertaken during the preparation of this evaluation.

2.4.1 Tasman District Councillors

A workshop with elected Councillors was held on 4 March 2020 discussing key issues and recommendations identified for this chapter. No additional matters were raised.

2.4.2 Tasman Environmental Policy Iwi Working Group

The iwi of Te Tau Ihu, as tāngata whenua, have a unique relationship with Tasman District Council. There are a number of legislative requirements which oblige us to engage more collaboratively with iwi and Māori - including provisions in the Resource Management Act, Local Government Act and Treaty of Waitangi settlement legislation. To support this a separate section 35 report with a focus on iwi/Māori provisions has been prepared. Please refer to that chapter for a record of consultation undertaken.

3. Effectiveness and Efficiency Evaluation

3.1 Context

The primary legislation relating to Chapter 15 – Strategic Infrastructure is the Resource Management Act 1991 and the Local Government 2002. Other relevant legislation includes the Public Works Act 1981 and Local Government Act 1974.

3.1.1 Legislation Changes

Key legislative changes relevant to Chapter 15 include:

Resource Management (Energy and Climate Change) Amendment Act 2004

- Amended the RMA to require local authorities to better provide for the effects of climate change and renewable energy. Inserted s 7 (i), (ba), and (j) into the RMA.

Resource Management Amendment Act 2005:

- Amended s30(1) to add the relevant additional functions for regional councils as follows:

New (fa) – the establishment of rules in a regional plan to allocate the taking or use of water (other than open coastal water); the taking or use of heat or energy from water (other than open coastal water) and from the material surrounding geothermal water;

New (gb) – the strategic integration of infrastructure with land use through objectives, policies and methods.

National Policy Statements

Since the TRMP was notified the following relevant National Policy Statements have come into force:

- a. **National Policy Statement on Urban Development Capacity 2016 (NPSUDC)**
 - Came into effect 1 December 2016. Directs local authorities to provide sufficient development capacity in their resource management plans, supported by infrastructure, to meet demand for housing and business space.
 - NPS-UDC contains objectives and policies that local authorities must give effect to in their resource management decisions. Tasman (Nelson) is identified as a medium growth area with specific policies applying to medium growth areas.
- b. **New Zealand Coastal Policy Statement 2010**
 - Contains provisions for recognizing and providing for infrastructure; renewable energy and energy transmission (policy 6). It also has policy directives for encouraging infrastructure to be located away from areas of hazard risk where practicable (policy 25).
- c. **National Policy Statement for Freshwater Management 2014 (amended 2017) (NPSFM):**
 - Freshwater NPS directs regional councils, in consultation with communities, to set objectives for the state of fresh water bodies in their regions and to set limits on resource use to meet these objectives.
- d. **National Policy Statement for Renewable Energy Generation 2011**
 - Took effect on 13 May 2011. Provides guidance for local authorities on how renewable electricity generation should be dealt with in RMA planning documents.
 - Requires regional councils to make changes to RPS and plan to provide for renewable electricity generation activities.
 - Renewable Energy NPS requires regional councils, unless they have already provided for renewable electricity generation activities, to give effect to its provisions by notifying changes to existing or proposed regional policy statements by 13 May 2013.
 - To notify changes in Plans (where required) to give effect to its provisions by 13 May 2013 where no change is required to RPS; or if a change is required to the RPS within 12 months on the date that that change or variation becomes operative.
- e. **National Policy Statement on Electricity Transmission 2008**
 - Took effect on 10 April 2008. Provides guidance for local authorities on how to recognise the national significance of national grid in planning documents.
 - NPS-ET does not refer to any individual transmission network projects but forms part of the overall policy framework and contains policies that need to be taken into account when individual projects are considered under the RMA.

NB: As at August 2019, central government is proposing to repeal the NPSUDC and replace it with an NPS on Urban Development. This proposed NPS has strong infrastructure relationships. A review of the NPSET is also anticipated.

National Environmental Standards

- Regulations issued under s 43 RMA which prescribe standards for environmental matters. They must be enforced by councils and recognised as set out in s 44A RMA, although in some circumstances where specified by the NES, councils can impose stricter or more lenient standards. The relevant NES in force as regulations are identified below:

National Environmental Standards for Electricity Transmission Activities 2009:

- Took effect 14 January 2010. Sets out a national framework of permissions and consent requirements for activities on existing electricity transmission lines. Activities include operation, maintenance and upgrading of existing lines. Sets out which transmission activities are permitted, subject to conditions to control the environmental effects.

National Environmental Standard for Telecommunication Facilities 2016:

- Came into effect on 1 January 2017 and replace the NESTF 2008.
- NESTF provided a national planning framework that allowed network operators to install some low impact telecommunications infrastructure in road reserves without the need to apply for resource consent, provided they met specified conditions. It was then replaced by the NESTF 2016 which widens the scope of the 2008 framework by providing national consistency for a greater range of low impact telecommunications infrastructure in a range of location and to encourage co-location of technology. The NPS was broadened to capture current technology and allow for future technology.
- A further NES on Drinking Water Sources is anticipated to be released in 2020.

Functions and Duties

Changes to the RMA functions of Regional Councils were introduced in 2005 relating to “the strategic integration of infrastructure with land use through objectives, policies, and methods (s.30(1)(gb))”.

Further changes in 2017, introduced section 30(1)(ba) and 31(1)(aa) relating to provision for sufficient development capacity, with a corresponding meaning of development capacity that included development infrastructure. In that context development infrastructure relates to water, stormwater, wastewater and land transport.

3.1.2 Relevant Plan Changes

The TRMP has had a constant programme of rolling reviews (variations and plan changes) since it was first notified. The changes have been introduced to address unintended outcomes, new issues, new priorities and legislative requirements. The plan changes relevant to this topic are outlined in the table below.

Where a plan change has been recently introduced (i.e. <3 years) its impact will be difficult to determine with any accuracy as:

- there may have been limited uptake of the plan provisions (i.e. not many activities undertaken that trigger the new rule set) and/or
- the impact of existing use rights and previously consented activities continue
- the impacts may not be highly visible until there is a cumulative uptake of the provision.

For those reasons, the implementation of plan changes less than 3 years old (from operative date) have not been fully assessed for effectiveness or efficiency. This includes PC 55 and PC 69.

Table 4: Relevant Plan Changes

Plan Change or Variation	Description of Change and Key Matters
PC 46 Waimea Water Management and Augmentation	<p>PC46 introduced Chapter 15 as a framework for Strategic Infrastructure and Network Utilities on 27/4/2013 primarily for the purpose of Waimea water management and Augmentation. The Chapter was introduced following a recommendation from staff, after determining there was no suitable alternative location for strategic infrastructure policies elsewhere within the plan.</p> <p>The plan change became operative in March 2014.</p> <p>NB: PC46 was part of series of Plan Changes relating to water allocation.</p>
PC 55 Waimea Water (Security of Supply Provision)	Notified in Sept 2015, this plan change was a minor amendment to Chapter 15 references to Lee Valley Dam and Waimea Community Dam; and principle reasons. The Plan was made operative in Sept 2016.
PC 69 Nelson Tasman Land Development Manual	Notified in June 2019 this was a plan change to externally reference the NTLDM, and provide a policy context for infrastructure development. It introduced section 15.2. At the time of writing this assessment, no decisions had been made.
Draft PC – Electricity Transmission	In July 2017, Council released a Discussion Document on implementation of the NPS on Electricity Transmission. The Discussion document was intended to canvas the major issues with operating and hosting the National Grid and Regionally Significant Lines. Feedback was also sought to whether the plan provisions should be extended in some way to cover the Regionally Significant Lines. Feedback was sought from the community, and from the hosting landowners, as to the effects introducing new planning rules would have on their use of land. The plan change work was paused pending completion of other Council priorities. Existing plan changes for Richmond West have a limited set of provisions for the ex-National Transmission Line that runs from Richmond to Golden Bay. Richmond East has provisions for the National Grid lines. The document discusses the role of existing regulations such as the Code of Practice for Electricity Transmission in managing impacts on the national grid.
PC 50 Network Tasman (Private Plan Change Request)	<p>This private plan change request did not directly affect Chapter 15, but relates to the designations in Chapter 17 for an expansion of specific site provisions for the Network Tasman site in Hope. The PPCR was made operative in August 2014.</p> <p>A further PPCR has been received in 2019 for the Network Tasman site (PC70).</p>

3.1.3 Relevant Case law

A number of determinate legal decisions relating to significant infrastructure have been made across New Zealand. In particular, provisions relating to the National Grid and implementation of the NPS ET have generated significant legal challenge across the country. In essence, landowners have challenged the restrictions for activities under and adjacent to the transmission lines. Transpower have contested the planning provisions where they do not agree with Councils proposed provisions.

Decisions relating to infrastructure in the Coastal Marine Area, such as port have also generated significant decisions (most recently in the Port Otago vs Otago Regional Council decision); and national roading decisions such as at Transmission Gully.

3.1.4 Other Factors

Local Government Act

RMA plans need to take into consideration changes to the Local Government Act and increased requirements for Infrastructure planning via Infrastructure Strategies and Activity Management Plans. These LGA plans now cover a 30 year time horizon and consider significant infrastructure issues. These issues may be financial, technical or environmental and ought to be considered for their relationship with TRMP provisions.

Climate Change

Since the TRMP was first introduced, the understanding of risks and vulnerabilities to climate change have increased significantly. Along with changes to the RMA to consider the impact of climate change, national guidance on managing risks, and changes to technical calculations for infrastructure (e.g. rainfall calculations), there have also been internal Council actions to manage climate change risks. Adaptation and resilience are key features of Council's approach to its network infrastructure. Adoption of a Climate Change Action Plan in 2019 will further focus Council on how resilient and adaptive its networks are.

Nelson Tasman Land Development Manual

The design and management of network infrastructure is primarily managed through the Nelson Tasman Land Development Manual (2019) (NTLDM). Previously, Tasman had its own Engineering Standards.

The NTLDM is incorporated by reference into the TRMP, and has a policy relationship through Chapter 15 to manage the environmental impacts from network infrastructure, as well as objectives for integrated, efficient and resilient design.

Designations

Chapter 15 has an implicit relationship with Appendix II – Schedule of Designations. Many of the agencies that provide network infrastructure are 'Requiring Authorities' and are able to hold designations over land for infrastructure or public works purposes.

Codes of Practice

New Zealand Electrical Code for Practice for Electrical Safe Distances 2001 (NZECP 34:2001)

This Electrical Code of Practice (Code) sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from generating stations to end users.

The minimum safe distances have been set primarily to protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards. The minimum distances are also a guide for the design of electrical works within substations, generating stations or similar areas where electrical equipment and fittings have to be operated and maintained.

The Code has been designed to include, in its various sections, requirements that were previously contained in the Electricity Regulations 1997 (the Regulations). Compliance with this Code is mandatory.

Bylaws

Introduced in 2019, Tasman District Council's *Public Water Supply Bylaw*'s purpose is to:

- enable the Council to manage and provide public water supply services; and
- protect the public water supply network from damage, misuse, and interference; and
- protect the environment and the health and safety of the public and persons using the public water supply.

3.2 Internal Consistency of Provisions

There is a strong link between the objectives, policies and rules relating to the Waimea Community Dam. A number of plan relationships are very specific with direct reference to the Waimea Community Dam (previously known as the Lee Valley Dam). The policies and rules anticipate the construction and on-going operation of the Dam; water allocation regime from an operational or non-operational dam; environmental effects; and, associated uses – e.g. renewable energy.

Table 5: Chapter 15 – Strategic Infrastructure and Network Utilities Policy Map

15.1 Waimea Water Augmentation	Policies	Methods	Rules
<p>Issues (4)</p> <p>15.1.1.1 Meeting existing and potential future water demand in the Waimea Plains for abstractive and instream uses and values.</p> <p>15.1.1.2 Providing for the establishment and continued operation and maintenance of the Waimea Community Dam and associated activities while managing the adverse environmental effects of such activities.</p> <p>15.1.1.3 Managing conflicts that potentially arise between land use activities and the establishment and continued operation and maintenance of the Waimea Community Dam.</p> <p>15.1.1.4 Ensuring that the benefits to primary sector production provided by the Waimea Community Dam are not lost through changes in land use, particularly rural residential subdivision.</p> <p>Objectives (2)</p> <p>15.1.2.1 Creation of a secure supply of water in</p>	<p>15.1.3.1 To identify the location for the Waimea Community Dam where activities required to construct, operate and maintain the dam are enabled, and to protect this water augmentation opportunity for the Waimea Plains from incompatible activities.</p> <p>15.1.3.2 To recognise the benefits to community social, economic and cultural wellbeing of the Waimea Community Dam and associated facilities while managing the adverse environmental effects.</p> <p>15.1.3.3 In assessing resource consent applications required under Parts II, IV, V and VI of the Plan for the construction, operation and maintenance of the Waimea Community Dam and associated infrastructure, to manage adverse effects arising from activities, including subdivision, the removal of indigenous vegetation, land disturbance, water management, public access and other associated activities, by having particular regard to:</p> <ul style="list-style-type: none"> (i) mitigating adverse effects of land disturbance and construction activities on water quality by requiring adoption of best industry practice; (ii) mitigating the hazard posed by dam break risks by adopting best industry practice in the design, construction and maintenance of the dam, (iii) mitigating or otherwise managing adverse effects on biodiversity through measures including offsets, transplanting and pest control; (iv) managing flow releases from the dam to mitigate adverse effects on: <ul style="list-style-type: none"> (a) recreational value (b) sedimentation and bed stability (c) periphyton growth 	<p>Method</p> <p>15.1.20.1 Regulatory</p> <p>(a) Identifying a Special Area (Chapter 18) for the construction and operation of the Waimea Community Dam and rules regulating land use activities in the Special Area.</p>	<p>Chapter 18.4: Water Augmentation Area</p> <p>Chapter 31: Water take, diversion, use or damming</p>

<p>the Waimea Plains for:</p> <p>(d) existing and potential demand for rural and urban uses; and</p> <p>(e) protecting and enhancing instream uses and values of the Waimea, Wairoa, Roding and Lee rivers; and</p> <p>(f) allowing for the generation of hydro-electric power.</p> <p>15.1.2.2 The protection of the Waimea Community Dam site from development that is incompatible with the establishment, operation and maintenance of the Waimea Community Dam.</p>	<p>(d) water quality</p> <p>(e) river ecology</p> <p>(v) providing public access up to the dam structure;</p> <p>(vi) enabling iwi to salvage argillite and timber taonga that would otherwise be covered by water before commencing to fill the dam.</p> <p>(vii) providing for subdivision that supports dam construction while limiting subdivision that could reduce future opportunities to construct a dam.</p> <p>15.1.3.4 To protect the Waimea Community Dam site and to avoid cumulative adverse effects on river ecosystems and natural flows by restricting opportunities for constructing dams on:</p> <p>(i) the Wairoa River (including the left and right branches) above its confluence with the Lee River;</p> <p>(ii) the Lee River from its confluence with the Wairoa River to the boundary of the Water Augmentation Infrastructure Area (Waimea Community Dam) (other than for damming that operates in association with the Waimea Community Dam); and</p> <p>(iii) the Roding River from its confluence with the Lee River to the District boundary.</p>		
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3.3 Evidence of Implementation

3.3.1 Waimea Water Management: Waimea Community Dam Resource Consent

The primary mechanism for the implementation of Objectives 15.1 and 15.2 have been via resource consent decisions on the Waimea Community dam. Resource consents were sought and then obtained in 2015 to allow the construction, operation and maintenance of a dam and associated infrastructure on the Lee River in Tasman District, as part of the Waimea Water Augmentation Project (Waimea Community Dam).

The consents enable the capture of river flows (leaving an appropriate residual flow in the river), storage of the water in a reservoir, and then allowing release of that stored water through the dam during periods of high water demand and/or low natural river flows to augment both the instream flow and the amount of water available for use - either directly from the river or via recharging of the groundwater system.

There is clear evidence the consent decision was informed by TRMP Chapter 15 in the following way:

Reflecting on the TRMP provisions, we note that Chapter 15 of the TRMP titled “Strategic Infrastructure and Network Utilities” contains Policy 15.1.3.4, which sets out matters that we are to ‘have particular regard to’ when assessing the Lee Dam applications. Mr Rae helpfully paraphrased that policy as follows:

“... [Policy 15.1.3.4] recognises that there are specific effects arising from the construction, operation and maintenance of the dam and associated facilities that need to be managed appropriately. The policy recognises that some effects may not be able to be avoided, and therefore some form of remediation, mitigation or offset may be appropriate. This includes ensuring that best industry practice is adopted wherever necessary, especially in relation to the design, construction, operation and maintenance of the dam and managing land disturbance effects.”

We have reviewed the relevant provisions of the TRMP ourselves and have had regard to those provisions as we are required to do under s104(1)(b) of the RMA. Unsurprisingly, given the nature of this proposal (the damming of the full flow of a river) there are some provisions of the TRMP that the proposal is inconsistent with. This includes TRMP provisions relating to public access up the Lee River, the biodiversity and natural character of the area to be occupied by the dam and reservoir, the reduction of sediment transported down the Lee River, gravel extraction, and construction activities undertaken in the bed of the Lee River.

However, we note (and discuss further in the sections of this Decision that follow) that the adverse effects that offend the TRMP provisions are either minor, temporary, or able to be adequately avoided, remedied, mitigated, offset, or otherwise compensated for.

We also note in particular that, importantly in our view, Chapter 15 of the TRMP explicitly provides for²⁵ the “establishment and continued operation and maintenance of the Lee Valley Community Dam and associated activities while managing the adverse environmental effects of such activities”.

We are satisfied that there are no policy provisions that should cause us to find that the applications should be declined. However, a number of the issue-specific policies highlighted by the expert planning witnesses have usefully informed our consideration of appropriate conditions of consent

— Decision of Independent Commissioners Rob van Voorthuysen (Chair) and John Lumsden on an application for resource consents by Waimea Community Dam Limited Decision dated 26 February 2015

3.3.2 Designations: Strategic Infrastructure Designated for Network Utilities

The TRMP Appendix 1 sets out a schedule of designations in Tasman District. Many of the network utility operators are ‘Requiring Authorities’ that provide or manage network infrastructure. Land Use activities are broadly permitted within the designated area provided that the activity is in accordance with the designated purpose. Regional rules are still required to be complied with. Some designations have conditions, but few do in Tasman. Designations have a limited life unless acted upon and must be rolled over as part of a plan review.

Issues with implementation have arisen in relation to the administration of the designation schedule. A lack of information and clarity on timeframes and conditions has created some inefficiencies for Council staff and requiring authorities.

3.3.3 Renewable Energy

Small scale solar energy panels, on-site water generation and wind electricity largely a permitted activity provided that setback and height limits are met.

Commentary from staff indicates that there are gaps and deficiencies in the Plan relating to the consenting of larger scale renewable energy. The Plan is focused on small scale generation and lacks direction on larger scale energy production. The planners noted a lack of alignment between the RPS and District Plan objectives and policies relating to renewable energy.

3.3.4 Major Infrastructure

In 2011 the EPA was set up and enabled nationally significant infrastructure projects or big public works to be directly referred to a Board of Inquiry.

By 2019, no projects or plan changes in Tasman had been directed to a Board of Inquiry.

3.4 Effectiveness and Efficiency

This section provides an analysis of the efficiency and effectiveness of the TRMP. It focuses on the achievement of objectives contained within the Plan. The analysis draws on the information in earlier chapters, as well as environmental data, council records, experienced plan users, as well as public and stakeholder opinion.

Table 6: Analysis

Objective	Analysis	Rating of Achievement
15.1.2.1 Creation of a secure supply of water in the Waimea Plains for: (a) existing and potential demand for rural and urban uses; and (b) protecting and enhancing instream uses and values of the Waimea, Wairoa, Roding and Lee rivers; and (c) allowing for the generation of hydro-electric power.	The Waimea Community Dam has been consented to provide water security for urban and rural users. The conditions of the consent set environmental limits for the construction, and operation of the Dam. Associated abstraction limits for water users have been set through the rules to manage instream values and uses of the rivers. The consent includes an option for hydroelectricity generation. The consent process was relatively efficient although Council staff did query if it may have been more efficient to use the Public Works Act (in relation to District Plan matters, and obtaining land, etc).	On track to achieve
15.1.2.2 The protection of the Waimea Community Dam site from development that is incompatible with the establishment, operation and maintenance of the Waimea Community Dam.	Implementation of corresponding rules undertaken via Section 18.14 Water Augmentation Infrastructure Area (Waimea Community Dam) - special area rules. Planning maps show the location assigned for the Dam, but these need to be checked against the final decision (and constructed site) to ensure they are accurate.	On track to achieve

4. Conclusion

Chapter 15 of the Tasman Resource Management Plan is a relatively new chapter, and has limited opportunity for implementation. In relation to the two relevant objectives on the Waimea Community Dam, the plan is on track to achieve the intended outcomes.

A substantial opportunity exists to update and extend the Chapter to provide greater strategic weight to decision makers when considering significant infrastructure projects. Combined with this, is a growing demand from central government, via national policy statements and standards to take a more strategic and integrated approach to infrastructure provision.

Appendix 1: References

Gap Analysis of NPS-REGNPS: REG and the Tasman Regional Policy Statement and Tasman Resource Management Plan. Report To Tasman District Council Environment and Planning Committee 1 Nov 2012 Report 8.4. Tasman District Council, 2012.

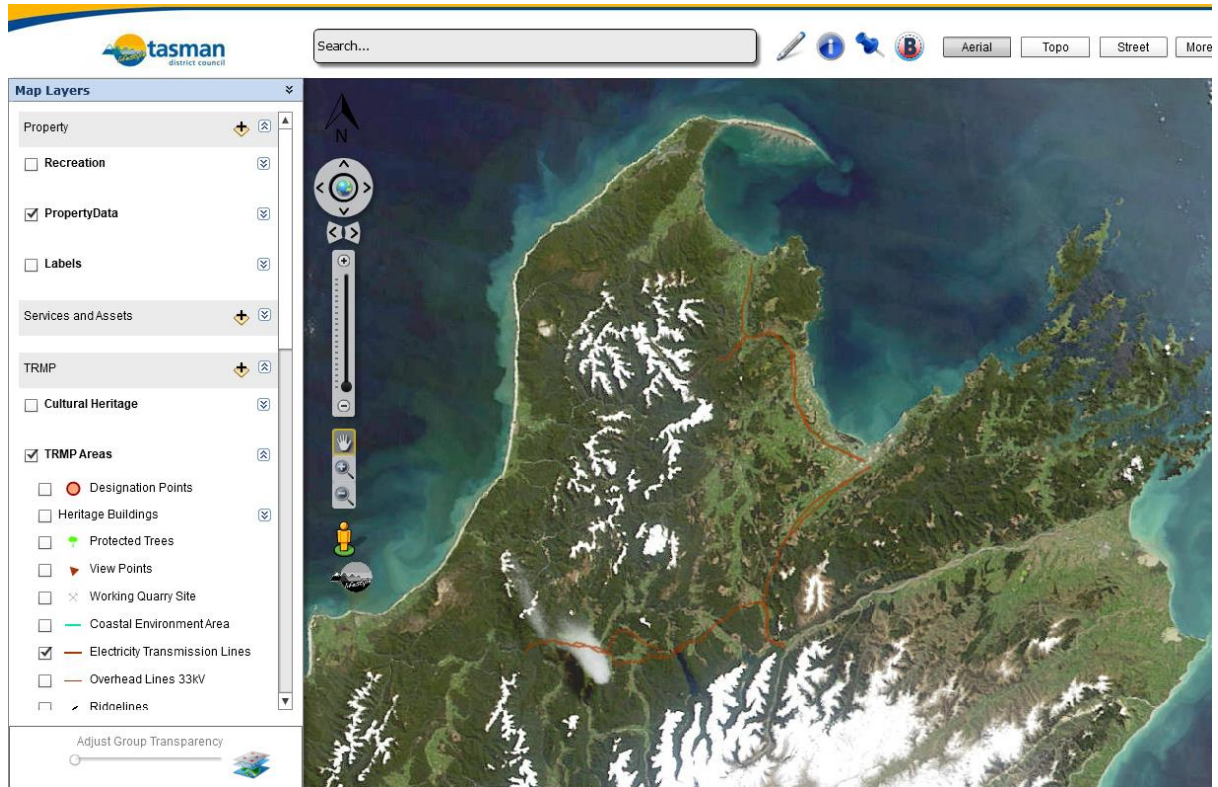
Nelson Tasman Land Development Manual, 2019. Tasman District Council and Nelson City Council publication.

New Zealand Electrical Code for Practice for Electrical Safe Distances 2001 (NZECP 34:2001)

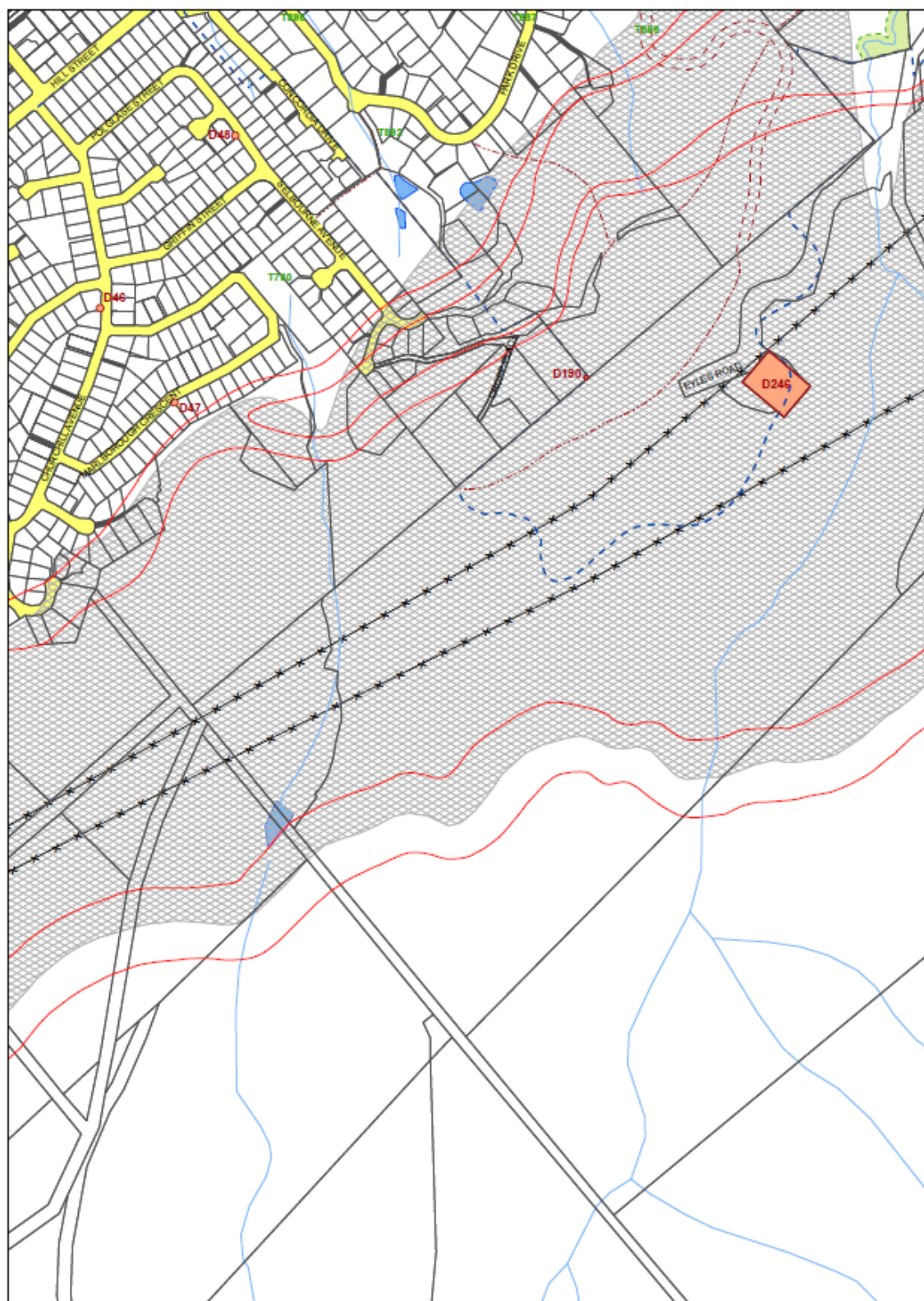
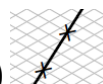
Tasman District Council Public Water Supply Bylaw, 2016.

Appendix 2: Maps

Example 1 — ET2: Electricity Transmission Lines



Example 2 — Planning Map showing National Grid (black line with cross)



AREAS

Map 135

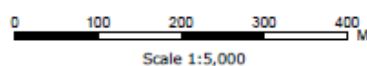
RICHMOND SOUTH EAST



TASMAN RESOURCE MANAGEMENT PLAN

15 June 2019

Operative



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Appendix 3: Gaps Analysis

**Table 1 – Gap Analysis of NPS-REGNPS: REG and the Tasman Regional Policy Statement and Tasman Resource Management Plan
(Report to Tasman District Council EPC 1 Nov 2012, Report 8.4)**

NPS-REG	RPS (2001)	TRMP	Possible RPS/TRMP Response
Overall Objective: To recognise national significance of REG activities by providing for the development of new and on-going use of existing REG activities as part of meeting NZ's target for renewable energy generation			
<i>Policy A: Recognising and providing for the benefits of renewable generation activities</i>	<p>The RPS allows for development of energy resources, and recognises renewable energy of rivers.</p> <p>It seeks:</p> <ul style="list-style-type: none"> Reduced dependence on non-renewable energy sources (Obj 12.2) Management of adverse effects and Promotion of efficient use of energy. <p>(Section 12.2 Intro/Obj 12.1/Policy 12.1)</p> <p>It recognises the :</p> <ul style="list-style-type: none"> need to provide for energy to meet society's needs as regionally significant national rather than local responsibility in encouraging or influencing development of renewable alternatives need to reduce reliance on non-renewable energy sources <p>(Section 12.2 Intro.)</p>	<p>There are no objectives or policies relating specifically to renewable electricity,</p> <p>Renewable energy benefit in relation to hydro-electricity is recognised</p> <p>The need for efficient use of resources including energy and land is provided for.</p> <p>The TRMP includes potential hydro generation as a general value of rivers and as a particular actual or potential value of some identified rivers (schedule 30) and rules (Parts IV and V) require adverse effects on listed values to be accounted for.</p> <p>Maintenance of existing structures and dams is provided for (Parts IV).</p> <p>Water use and river bed activity rules provide for small scale hydro-generation and small dams as permitted activities. (Chapter 31)</p>	<p>The RPS largely gives effect to the NPS as it seeks to reduce reliance on non-renewable sources of energy but issues are not described within a national context and overall target for REG. It generally describes energy related issues with respect to managing adverse effects of REG activities rather than specifically recognising benefits of actively providing for them.</p> <p>The RPS could be improved, however, any amendment in respect of this policy is not strictly necessary as the NPS-REG speaks already.</p> <p>The TRMP generally gives effect to the NPS except that where the TRMP specifically "provides for" renewable generation is not entirely clear. The TRMP could be improved for better alignment.</p> <p>Any resource consent would be considered with respect to this NPS policy without plan changes.</p>

NPS-REG	RPS (2001)	TRMP	Possible RPS/TRMP Response
		Subdivision design requires consideration of road and lot alignment to maximise solar energy potential	
<p>Policy B: <i>Acknowledging the practical limitations of achieving NZ's target for electricity generation from renewable sources</i></p> <p>The Policy requires that decision makers have regard to the protection of existing assets, risk from even minor reductions in generating output and that meeting NZ targets will require new development of REG</p>	<p>Does not acknowledge the NZ's target for renewable electricity generation.</p> <p>It describes the</p> <ul style="list-style-type: none"> • limitations of the major energy supply from South Island hydro-power generation through Kikiwa. • finite capacity of this link, • potential costs of meeting future demand • options for local production <p>It seeks to provide for continuing energy generation and transmission through liaison with energy suppliers and appropriate resource consent decision making.</p>	<p>Does not have specific provisions.</p>	<p>The RPs is consistent with the NPS.</p> <p>Both the RPS and TRMP could be amended to explicitly recognise the value of existing REG as well as addressing identification and the need to provide for new REG (where applicable)</p> <p>However, as with Policy A, the NPS already speaks and any changes to the RPS would provide clarification (but not remove barriers).</p>
<p>Policy C1: <i>Acknowledging the practical constraints associated with the development, operation maintenance and upgrading of new and existing renewable electricity generation activities</i></p>	<p>The RPS recognises;</p> <ul style="list-style-type: none"> • development potential for electricity from a number of renewable sources (hydro, tidal, wind or solar) and • conflicts that might arise where other resource values are affected. <p>It notes (Issue 12.1) the limited number of sites that have economic value for hydro power</p>	<p>The TRMP includes a number of policies (Chapter 6.3) aimed at Council owned and managed urban infrastructure – (water, waste water and roads). Other infrastructure (such as for electricity or telecommunications) is not included.</p> <p>Maintenance of existing structures and dams is provided for (Parts IV).</p> <p>Hydro- generation recognised as a</p>	<p>The RPS gives effect to the NPS.</p> <p>Guidance for identification of the options and the constraints for REG opportunities could be provided in the TRMP as consent considerations.</p> <p>Council could also review existing TRMP policy that manages other critical urban infrastructure to include consideration of renewable electricity generation infrastructure.</p> <p>Suggested TRMP improvements would improve alignment with the NPS but would not be specifically required as the NPS</p>

NPS-REG	RPS (2001)	TRMP	Possible RPS/TRMP Response
	<p>production and that such sites are a significant energy resource.</p> <p>Policy 12.1 specifically seeks the continuation of energy generation transmission or use – and although this is not directed solely at renewable sources it does note the limited stock of such resources, but does not advance a case for protection of them</p>	<p>specific value (actual and potential) of rivers.</p> <p>Water use and river bed activity rules provide for small scale hydro-generation and small dams as permitted activities. (Chapter 31)</p>	<p>would apply when deciding on consent applications anyway. NB.</p> <p>The NPS-REG identifies Farewell spit/Whanganui inlet as a possible wind generation location(as per the maps in the back of the NPS-REG)</p>
Policy C2: <i>The need to have regard to offsetting measures or environmental compensation</i>	<p>No specific provisions.</p> <p>The RPS is mainly focussed on the need to manage adverse effects (avoid remedy or mitigate). Off-setting adverse effects is not a consideration.</p>	<p>The TRMP has no specific provisions but is not a barrier to any proposal to off-set effects.</p>	<p>The RPS gives effect to the NPS.</p> <p>Explicit provision to enable offsets and mitigation measures to be considered could be included in the TRMP rules to more clearly enable this policy to be delivered in consenting. As for C1 these amendments would improve alignment and consent processing but do not necessitate a TRMP amendment.</p>
Policy D: <i>Managing reverse sensitivity effects on renewable electricity generation activities.</i>	<p>No specific provisions.</p> <p>The RPS is mainly focussed on the need to manage adverse effects of the activity (avoid remedy or mitigate).</p>	<p>No specific provisions</p>	<p>New policies in response to NPS policies A and B may address this issue.</p> <p>The extent to which reverse sensitivity is an actual or potential risk to existing REG activities has not been examined, however, it is not considered a high risk to existing operations.</p>
Policy E Provisions (objectives, policies and methods) for renewable electricity generation activities to be included in regional policy statements and regional and district plans.	<p>Limited to domestic solar power promotion.</p>	<p>The TRMP includes in schedule 30A potential hydro generation as a general value of rivers and as a particular actual or potential value of some identified rivers.</p> <p>Rules in chapter 31 (water use) provide for small scale hydro-</p>	<p>Both the RPS and TRMP are not complete in relation to this policy.</p> <p>Meeting this policy requirement needs understanding:</p> <ul style="list-style-type: none"> • of potential REG resources and potential conflicts with other resource values, • to identify sensitive receiving environments and • to identify (and reviewing) existing and potential new performance standards in the TRMP rules

NPS-REG	RPS (2001)	TRMP	Possible RPS/TRMP Response
		generation as a permitted activity. Subdivision design requires consideration of road and lot alignment to maximise solar energy potential.	Removal of barriers requires a more intensive review of electricity generation potential at specific sites and the relationship to other uses and values that may be affected. Some of these issues are considered at a consent level, while other aspects could be addressed within a regional policy level.
Policy F: Provisions (objectives, policies and methods) for small and community-scale renewable electricity generation activities to be included in regional policy statements and regional and district plans.	Domestic solar power promotion is included in Policy 12.2	Rules in chapters 28 (bed activities) and 31 (water use) provide for small scale hydro-generation and small scale dams as permitted activities.	Both the RPS and TRMP are not complete in relation to this policy. For the TRMP it essentially progresses policy E above to the smaller scale and recognises the collective contribution of many smaller sources of REG.
Policy G: Provisions (objectives, policies and methods) for enabling identification of renewable electricity generation possibilities are to be included in regional policy statements and regional and district plans.	No relevant provision	No relevant provision	The RPS and TRMP both should be amended to provide for activities involved in the investigation of new REG opportunities to improve alignment with the NPS. The current provisions in the TRMP do not present substantial barriers to such activities even if they don't specifically provide for them. It requires better understanding about the types of investigation activities that may be required.
Policy H: Time within which implementation is required	If the relevant RPS or proposed RPS does not already give effect to the NPS-REG, changes are required to be notified to the RPS by May 2013.	Changes to the TRMP will be required to be notified using the First Schedule process (RMA), 12 months after the modified RPS becomes operative.	The RPS does not give full effect to the NPS-REG and some amended provisions would sharpen the RPS to improve its alignment with the NPS. Amendments to the TRMP to give effect to the NPS are likely to be required. The exact date by which this should be completed will remain uncertain until the fate of (unitary council) RPSs is confirmed.