

New Zealand Institute of Landscape Architects
Tuia Pito Ora Incorporated (NZILA)

**Submission on: Strengthening
national direction on renewable
electricity generation and
electricity transmission**

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Tuia Pito Ora
New Zealand Institute
of Landscape Architects

New Zealand Institute of Landscape Architects Tuia Pito Ora Incorporated

Submission on: Proposed National Policy Statement for Renewable Electricity Generation [2023]¹ (NPS-REG); Proposed National Policy Statement on Electricity Transmission [2023]² (NPS-ET); Proposed National Environmental Standards for Electricity Transmission Activities (NES-ETA); and Proposed National Environmental Standards for Renewable Electricity Generation (NEW-REG)

Strengthening national direction on renewable electricity generation and electricity transmission.

1 June 2023

Introduction

1. This submission has been prepared by the New Zealand Institute of Landscape Architects Tuia Pito Ora Incorporated (NZILA). The NZILA is the internationally recognised professional body of qualified landscape architects in Aotearoa New Zealand. We represent over 1,100 members.
2. Incorporated in 1972, we have, for over fifty years, represented the profession throughout Aotearoa, including through the development and administration of our own Registration system, Continuing Professional Development system, Accreditation Procedures for academic landscape architecture education programmes and Code of Conduct for members.
3. Our members work across both the public and private sectors, including:
 - a. In-council policy writing, plan drafting, urban realm development, consent processing, compliance management;
 - b. Advisory services for and within councils, Government agencies, iwi, utility providers, education providers and the private sector, providing resource planning, land-use design, management assessment services at all scales across built and rural environments;
 - c. Collaborating with local communities and non-governmental organisations, specifically involving iwi, in landscape management and design alongside the representation of submitters in Resource Management Act 1991 (RMA) plan development and consenting processes; and
 - d. Education and research within three tertiary education providers (Lincoln, Victoria and Unitec).

¹ Draft for consultation V 7.4 as at 30/3/2023

² Draft for consultation v3.1, 30/3/23

4. The NZILA supports the Government's commitment towards achieving net zero carbon emissions by 2050 by achieving: a target that 70% of total energy consumption in Aotearoa New Zealand will come from renewable sources by 2035; and the aspirational target of 100% renewable electricity generation by 2050. This intent aligns with and is consistent with the NZILA's adopted Climate Action Policy, which ratifies the International Federation of Landscape Architects' Climate Action Commitments.
5. We acknowledge the need for interim direction instruments under the RMA framework for around 7 – 10 years until the new resource management system becomes operative, in order to achieve the renewable energy generation targets identified above.
6. While we understand the intent behind the Government's focus on strengthening the national direction on renewable electricity generation and transmission under the RMA, through proposed changes to the current national policy statements for renewable electricity generation and transmission (by providing a consenting process that is more efficient, certain and environmentally sustainable), we do not fully support the currently drafted proposed changes, as detailed in our submission below³.

Te Tangi a te Manu⁴

7. As a profession, we adopted and published Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines (Te Tangi a te Manu) in July 2022. These guidelines are the result of deep and broad consultation within NZILA and have benefitted from input from Te Tau a Nuku, a group of Māori Landscape Architects acting under the umbrella of Ngā Aho (the national organisation of Māori design professionals in Aotearoa).
8. Te Tangi a te Manu was in part developed in response to an expressed need for a more consistent approach to Landscape Assessment and is now recognised by resource management decision-makers and is contributing towards more efficient and consistent consideration of landscape assessment matters.
9. As landscape architects, we appreciate that enabling positive landscape outcomes requires understanding and responding to the inherent relationships between people and place. Our landscapes shape us and are shaped by us. Through Te Tangi a te Manu, we appreciate such relationships are expressed as landscape characteristics and values, all of which are necessarily ascribed by people and recognised by communities. This understanding extends beyond places of national importance and across ordinary everyday landscapes where we live, work and play. Our submission therefore focusses on the importance of recognition of landscape character and values throughout the proposed legislation.

Definitions

10. To assist with clarity in the proposed legislation, we suggest the following definitions be adopted from Te Tangi a te Manu and incorporated into the Section 1.3 Interpretation / Definition sections of the NPS documents:

³ Our submission relates to all proposed changes, but focusses on a response to the proposed NPS-REG.

⁴ 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines', Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022

Landscape

Landscape embodies the relationship between people and place. It is the character of an area, how the area is experienced and perceived, and the meanings associated with it.

Natural character

An area's distinct combination of natural characteristics and qualities, including degree of naturalness.

Outstanding natural features and landscapes

Natural features and natural landscapes of outstanding value in a district or region in terms of their physical, associative, and/or perceptual attributes.

Coastal environment

As defined in New Zealand Coastal Policy Statement (NZCPS) 2010 Policy 1

Support for NZCPS to be the dominant provisions for the coastal environment

11. We support Section 1.4 of the NPS-REG and Section 1.4 of the NPS-ET which state that the NZCPS will prevail when there is conflict with the proposed provisions.

Consideration of natural character beyond the coastal environment

12. We note that the currently drafted proposed provisions relating to the consideration of natural character would only apply for proposals located within the coastal environment. Section 6(a) of the RMA, when directing the preservation of natural character (through protection from inappropriate subdivision, use and development), also applies to "...wetlands, and lakes and rivers and their margins..." in addition to "...the coastal environment...". We recommend that the proposed provisions be amended so that they are consistent, given the potential for renewable electricity generation infrastructure to locate close to wetlands, lakes and rivers.

Clarification of thresholds for natural character

13. All parts of the coastal environment, wetlands, and lakes and rivers and their margins, have natural character. The provisions as drafted (and with the inclusion of our suggestion from the discussion above) would therefore automatically classify these as being "areas with significant environment values". We question whether that is the intent of the provisions and suggest that some form of threshold may be required – for example, some District and/or Regional Plans identify areas as having High Natural Character or Outstanding Natural Character.

Better recognition of the landscape values of ONFLs in the provisions

14. We believe it will be important to ensure that the direction for renewable energy generation and transmission is compatible with the direction in both the current Section 6 and 7 RMA provisions; and also, the likely future provisions under the Natural and Built Environments Act and the Proposed National Planning Framework for the protection and enhancement of Outstanding Natural Features and Landscapes (ONFLs). The current proposals reflect well the direction for protection and enhancement of Significant Natural Areas (SNAs), however direction around ONFLs and landscape values is less clear. We consider acknowledgment of landscape values and how these values could be protected from, or are considered compatible with, renewable energy generation and transmission, important and that this should be reflected further within the proposals.

15. We note that there is no reference to “landscape values” in Subpart 2 Section 3.6 of the NPS-REG when discussing areas with significant environment values and at Section 3.7 “Areas that are not areas with significant environment values” refers repeatedly to “amenity values”. Clarity in the wording of the provisions is essential in order to avoid confusion and misinterpretation. We suggest that what is meant in section 3.7 is not local amenity values but visual amenity values. Te Tangi a Te Manu acknowledges that “Visibility and change are not effects in and of themselves”. We believe that this is what Policies 3.7(2)(a) (NPS-REG) and 3.9(2)(a) (NPS-ET) are trying to acknowledge and that, if so, the policies needs to be amended to be more explicit.

Appropriateness of the Effects Management Hierarchy as a tool

16. The effects management hierarchy is the suggested tool in the preferred options for managing adverse effects. This is a blunt instrument that suggests adverse effects can be offset or compensated for. Offsetting and compensation are not methods that have relevance to adverse effects on the landscape, as such these will not and cannot apply⁵. For ONFLs, the focus should continue to be on avoiding adverse effects and on recognising, maintaining, enhancing and restoring landscape character and values. We suggest that an alternative effects management hierarchy, different from that proposed for SNAs and more akin to the current process, needs to be developed which is fit for purpose when considering adverse effects on the landscape, including ONFLs, particularly the avoidance of adverse effects.
17. It is also highly likely that there are features and landscapes across Aotearoa New Zealand that have ONFL potential but which have yet to be assessed and categorised as Outstanding by their local communities, so that they have not yet been captured and mapped in either a Regional or District Plan. Additionally, some Plans protect the landscape via other mapped and policy mechanisms, such as scenic / amenity areas, or the like. This represents a potential pitfall in the proposed approach, which seeks to draw a distinction at that level, without any clear direction that an assessment of such vulnerable landscapes would first be required in order to inform applicants and decision makers.
18. We also suggest that it is important to ensure that large scale renewable electricity generation infrastructure be sited in appropriate locations. The Government’s direction⁶ for future spatial planning to occur, which we support, is one way to ensure this outcome and to avoid inappropriate ad hoc development occurring without such strategic spatial direction.

Specific feedback on sections of Consultation Document

Section 2: Enabling renewable electricity generation in areas with significant environment values

19. This section of the Consultation Document sets out options for assessing and managing interactions between proposed REG developments and environmental values, including landscape values. The policy options listed in the Consultation Document are all to varying degrees in favour of enabling development at the expense of environmental values. Ranking these options is therefore an exercise in choosing the lesser of various outcomes in terms of effects on environmental values⁷.
20. Option 2A would seem to have slightly better outcomes for landscape in that it appears to apply to all significant environmental values (including ONFLs), albeit that, ultimately, REG activities must be enabled if the national significance and benefits of the REG activities outweigh the residual adverse effects.

⁵ Landscape values are unique and specific to their place and the people that inhabit them (historically or currently). When landscapes are changed, the impacts can be irreversible and irreconcilable.

⁶ Through the formation of Spatial Plans as required by the proposed Spatial Planning Bill.

⁷ Policy 4 of the proposed NPS-REG; and Policy 5 of the proposed NPS-ET.

21. Option 2B gives greater protection to SNAs but not to any other areas with significant environment values, including ONFLs. We therefore do not support Option 2B.
22. Option 2C provides even less protection to environmental values. We do not support Option 2C. Our ranking of the options provided is, in order of decreasing preference Option 1, followed by Options 2A, 2B and 2C.
23. While the intent behind Option 2A is understood, we do not support its adoption without additional amendments and strengthening to better reflect the need to enable development in appropriate locations and in an appropriate manner in response to the values of a particular landscape and identified localised opportunities and constraints of a particular site within its context (for example avoiding steep slopes and the requirement to address inappropriate earthworks / land modification when designing proposals).
24. We also acknowledge that Option 2A has greater environmental protections built in than Option 2B and 2C, requiring significant adverse effects to be avoided on all areas with significant environment values. However, overall, we are of the opinion that neither Option 2A or 2B will provide a robust and consistent approach to managing environmental effects, as they are not consistent with the purpose of the RMA. In our view, the maintenance and enhancement of the amenity values of local people need to be properly acknowledged when considering the sustainable management of natural and physical resources when assessing the appropriateness of all proposed energy developments.
- 25. We therefore currently prefer Option 1** because this provides for the greatest level of environmental protection for areas with significant environment value and aligns more consistently with the NZCPS and proposed NPS Indigenous Biodiversity.
26. We realise that our position is at odds with the Government's preferences and confirm that we are open to engage in further discussion to refine the proposed options such that they continue to achieve the intent, while providing improved recognition of landscape character and values (both within and outside identified ONFL) to ensure appropriate landscape management outcomes. We believe that the legislation should require any application for renewable energy activities in an area with significant environment values to have an assessment carried out which considers the effects of the proposal on landscape values. The legislation should require that such assessments are undertaken by a Registered NZILA Landscape Architect.

Section 3: Enabling REG in other areas including where there are effects on local amenity values

27. As discussed above, for Regions and Districts which have not yet undertaken assessments / identification of ONFLs this policy would not provide the safeguards against inappropriate development and adverse landscape effects. Applications for renewable energy activities in locations that are outside areas with significant environment values should still be required to assess the effects of the proposed development on landscape values. The legislation should require that such assessments are undertaken by a Registered NZILA Landscape Architect.

Section 4 - Support for recognising and providing for Māori interests

28. We support the proposal that Māori interests in relation to REG and ETN activities be recognised and provided for, as described in proposed Policy 3 and Section 3.5 of the proposed NPS-REG and Policy 4 and Section 3.4 of the NPS-ET.

29. Te Tangi a te Manu deliberately advocates for recognition of mātauranga Māori in relation to landscape assessment and resource management processes and of the role of Pūkenga as holders of traditional knowledge of relevance to consideration of environmental effects including landscape and whenua.
30. Early and meaningful engagement and collaboration with tangata whenua on matters of interest to iwi / hapū / whānau (depending on the scale) are therefore vital elements towards achieving optimal, informed resource management outcomes. Adequate resourcing in order to help build capacity is a key component towards achieving such outcomes.

Section 5: Upgrading and repowering existing wind and solar generation

31. We support, in principle, this section of the Consultation Document, provided appropriate expertise (including landscape assessment and design expertise) is involved in the process.
32. Consideration of upgrading and repowering of existing facilities needs to include an evaluation of the effectiveness of existing activities in achieving the resource management outcomes (particularly adverse effects) enabled and anticipated in the original consents.
33. Upgrading with the benefit of hindsight may well provide valuable opportunities for further avoiding, minimising, mitigating and remedying adverse effects arising from existing consented activities.

Section 6: Reconsenting existing hydro-generation assets

34. We support the provisions of this section but would reserve the opportunity to provide more detailed comment in the event of more specific development proposals being proposed.

Section 7: Small scale and community-scale renewable electricity generation

35. We are supportive of the enabling of small and community scale energy generation, at Policies 3 and 6 of the NPS-REG. Allowing for diversification of scale in generation has the potential to reduce the pressure on the development of large-scale REG activities within areas of high landscape value, and in turn reduce the need for new infrastructure corridors (which typically affect our 'other landscapes').
36. We also note that communities are often more accepting of such facilities in the local landscape if they are for local benefit which has been proven on studies into renewables developments internationally.

Section 8: Other Issues

37. We support broadening the scope of a new NES-REG to include nationally consistent rules for new larger-scale wind and solar PV generation.
38. We support amending the NPS-REG and NPS-ET to better recognise the national significance of electricity storage, including BESS connected to the electricity network.

Section 9: Recognising and providing for the national significance of electricity transmission

39. We support, in principle, the strengthening of policy direction to recognise and provide for the national significance of the electricity transmission network.

Section 10: Managing the environmental and amenity effects of electricity transmission

40. We are supportive of a more enabling framework for minor electricity transmission network activities as defined at page 81 of the Consultation Document, provided that adverse effects are avoided or mitigated where practicable.
41. With regard to new electricity transmission projects and more than minor upgrades ('ETN development activities') we support the proposal that these activities be defined and a separate policy framework be applied to them (compared to 'minor ETN activities').

42. We support draft Policy 4 as set out in the Consultation Document which recognises and provides for Māori interests in relation to ETN activities, including through early engagement and protection of sites of significance.
43. We agree that the options for ETN development activities should be consistent with the options for REG as set out in Section 2. For the same reasons as indicated for REG (above) we prefer Option 1, followed by, in order of decreasing preference, options 2A, 2B and 2C.
44. With regard to electricity transmission, past experience has demonstrated that there are better and worse ways of identifying transmission corridors and minimising landscape effects (including visual effects) associated with electricity transmission through timely, efficient and effective design and planning including utilising appropriate landscape architectural expertise.

Section 11: Amending the NES-ETA

45. We are supportive of a more enabling framework for transmission network activities which have mainly visual effects, such as overhead conductors, earthwires, telco cables and circuits, underground lines and line support structures, as described in the Consultation Document. Activities which relate to maintenance and upgrading of existing transmission lines as described are unlikely to result in landscape and visual effects which are more than minor.

Section 12: High-voltage electricity lines not owned or operated by the National Grid

46. We support Option 1 (as shown at page 98 of the Consultation Document) and agree that 110kv is an appropriate threshold for determining high-voltage transmission.

Section 13: Impact Assessment

47. We agree that the proposed amendments are likely to substantially increase the amount of renewable energy consented through increasing the efficiency and consistency of renewable energy generation and transmission. The extent to which the potential adverse effects on the environment (including ONFLs and the wider landscape generally) will be appropriately managed will depend primarily on the option selected (in relation to Sections 2, 3, 4 and 10 as set out in the Consultation Document), acknowledging that further work is required in this space, including the requirement to engage with local communities.

Section 14: Implementation

48. We are supportive of the development of best practice guidelines for REG. Landscape Architects should be involved in establishing these guidelines and they should apply to all developments, including for areas that do not have significant environment values. We suggest that the guidelines need to have some form of statutory weight (for example, applicants must provide proof that a Registered NZILA Landscape Architect has been involved in opportunities/constraints analysis and design refinement).
49. The NZILA would welcome the opportunity to contribute to the preparation of such a set of best practice guidelines as suggested at page 110 of the Consultation Document.

Section 15: Monitoring and review

50. We agree that some sort of on-going monitoring and support of these important resource management tools would be appropriate, especially in terms of the effectiveness of the balance struck between enabling REG and ET on the one hand, and avoiding, remedying and/or mitigating adverse environmental effects, including adverse effects on landscape.

Submission Authors

51. This submission was prepared by members of the NZILA as outlined below. It was ratified by the NZILA Executive Committee on 30th May 2023.

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