

### **Attachment 3.8 Resource Consents**

*An assessment of the project against any relevant national policy statement, any relevant national environmental standards and, if relevant, the New Zealand Coastal Policy Statement.*

1. An assessment of the project against any relevant national policy statement, any relevant national environmental standards is provided below. It is noted the Government has signaled its intent to change all the relevant national directions assessed below, with replacement national directions anticipated in early-mid 2026.

#### **National Policy Statement for Renewable Electricity Generation (NPS-REG)**

2. The CPH is a new large scale renewable electricity generation activity (hydro) that will contribute a range of nationally significant benefits. Approving the project under fast track will be consistent with the Objectives and relevant Policies of the NPS-REG:
  - a. Recognising the benefits of renewable electricity generation activities
  - b. Acknowledging the practical implications of achieving New Zealand's target for electricity generation from renewable resources
  - c. Acknowledging the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities
3. Policy D protects, to a reasonably possible extent, existing REG from other activities that might create reverse sensitivity effects. While the CPH will inundate the existing Lake Onslow dam structure (controlled/operated by Pioneer Energy and the Teviot Irrigation Company respectively), the CPH is not anticipated to create any material reverse sensitivity effects – on the basis that the quality and quantity of water utilised by the existing REG will be maintained. Similarly, no impacts on any downstream REG (for example Talla Burn) are anticipated.

#### **National Policy Statement for Freshwater Management (NPS-FW)**

4. The NPS-FW has a single objective that includes a 'hierarchy of obligations' to support the fundamental concept of te mana o te wai. The objective is: "To ensure that natural and physical resources are managed in a way that prioritises: (a) first, the health and well-being of water bodies and freshwater ecosystems; and (b) second, the health needs of people (such as drinking water); and (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future." Raising the levels of Lake Onslow and the resulting adverse effects will conflict with parts of the Objective (prioritising the health and well-being of the adversely affected wetlands and rivers but be consistent with the second two priorities). Irrespective, the RMA has been amended recently to direct that decision makers on resource consent applications cannot have regard to the hierarchy of obligations.

5. The Objective is supported by 15 policies and numerous implementation provisions. The project will likely conflict to varying degrees with policy 5 (managing freshwater bodies to be maintained or improved, policy 6 (protecting the extent and values of natural inland wetlands), policy 7 (protecting the extent and values of rivers), policy 9 (protecting habitats of indigenous freshwater species), and policy 10 (protecting the habitat of trout and salmon). However, the project will be consistent with policy 11 (efficient use of freshwater), and accord with parts of policy 15 (enabling communities to provide for their social, economic, and cultural wellbeing in a way that is consistent with the NPS).
6. The NPS also includes some specific provisions relating to ‘specified infrastructure’, which includes renewable electricity generation activities (hydro), such as pathways for activities that may not be able to achieve some of the policies, for example Clause 3.22 providing a pathway for specified infrastructure to result in the loss of extent or values of a natural inland wetland; and Clause 3.24 providing a pathway for specified infrastructure to result in the loss of extent or values of a river.
7. The NPS-FW objective and policy directives, including in relation to the practical application of te mana o te wai in Otago, have to some extent been particularised at the regional level through the operative Otago RPS, with specific provisions that attempt to help reconcile the competing directives and tensions between the protection of waterbodies and the provision for hydro-electricity generation. As assessed in this application (in response to section 2.6.2.12 of the application form), the proposal is both consistent and inconsistent with respective provisions of the RPS, but the RPS provides a pathway for nationally significant infrastructure proposals such as the CPH.

#### **National Policy Statement for Electricity Transmission (NPS-ET)**

8. The NPS-ET provides direction in relation to the provision for maintaining and upgrading the National Grid, with policy direction for management of activities that might adversely impact the National Grid (reverse sensitivity effects). The CPH will not compromise the National Grid. While the National Grid includes some transmission infrastructure that will be affected by raising the Lake Onslow lake levels, this infrastructure can (and will need be) modified or realigned before the lake can be flooded as part of the CPH project. The CPH will connect to and integrate with the National Grid as a separate project/consenting matter.

#### **National Policy Statement for Freshwater Management (NPS-HPL)**

9. Otago Regional Council is yet to identify/map Otago’s Highly Productive Land and a small portion of the application site (along the terrace above the Clutha River margins) contains some Class III Soils. Consequently, the project may have some impact on some ‘highly productive land’. However, the NPS-HPL includes a pathway for ‘specified infrastructure’ on Highly Productive Land and it is anticipated the CPH can be designed or approved in a way that is provided for in the NPS-HPL.

### **National Policy Statement for Indigenous Biodiversity (NPS-IB)**

10. The NPS-IB provides a consenting pathway.

### **Other National Policy Statements deemed not relevant**

11. The project is not affected by the other following National Policy Statements:

- a. NPS for Urban Development
- b. New Zealand Coastal Policy Statement 2010

### **National Environmental Standard for Freshwater (NES-FW)**

12. The NES-FW provides a consenting pathway for specified infrastructure. The CPH requires approval under the NES-FW, for specified infrastructure that includes earthworks and vegetation clearance and inundation of natural inland wetlands.

### **National Environmental Standard for (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-Soils)**

13. Given the extent of earthworks proposed it is possible that that part of the application site to be disturbed may contain potentially contaminated land and this can and will be addressed through detailed onsite investigations and standard remediation practices, in accordance with the NES-Soils.

### **Other National Environmental Standards deemed not relevant**

14. The project is not directly affected by or can easily comply with the other following National Environmental Standards:

- a. National Environmental Standards for Sources of Human Drinking Water
- b. National Environmental Standards for Telecommunication Facilities
- c. National Environmental Standards for Plantation Forestry 2017
- d. National Environmental Standards for Air Quality 2004
- e. National Environmental Standard for Marine Aquaculture 2020
- f. National Environmental Standard for Storing Tyres Outdoors 2021