

**BEFORE THE HEARINGS PANEL
APPOINTED BY THE OTAGO REGIONAL COUNCIL**

UNDER THE	Resource Management Act 1991 (the Act)
IN THE MATTER	the Proposed Otago Regional Policy Statement 2021 (Non-freshwater parts)

**MEMORANDUM OF COUNSEL ON BEHALF OF MANAWA ENERGY LIMITED IN
RELATION TO IMPLICATIONS OF THE NPS IB FOR FRESHWATER ISSUES**

18 AUGUST 2023

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MAY IT PLEASE THE PANEL

1. This memorandum is lodged on behalf of Manawa Energy Limited (**Manawa**) in accordance with the Panel's Minute 7, which afforded submitters the right to respond to ORC's evidence and supporting submissions on the implications of the NPS IB for freshwater issues.
2. Manawa's position is that it agrees with submissions for ORC that there is scope to give effect to at least some of the NPS IB through this process.
3. Manawa also agrees with ORC that the NPS IB will have limited effect on the freshwater provisions of the PORPS, and that the area where it will have some effect is in relation to the wetland provisions.
4. Ms Styles (Manawa's planning witness) has addressed these points in a short supplementary statement of evidence (**attached**), and Manawa will provide a response in relation to the implications for the non-freshwater parts of the PORPS according to the separate timetable the Panel has set for those aspects.
5. As Ms Styles highlights, the NPS IB exempts renewable electricity generation and transmission from its application, with the reason being that:

It is preferable to provide certainty in the regulatory environment for renewable electricity generation and electricity transmission until the consultation process concludes and amended regulations are confirmed by Cabinet"¹.
6. While the officer, Ms Boyd, notes the exemption in her evidence, she does not discuss the implications of this exemption for the PORPS.
7. In counsel's submission the exemption, and the reason for it, are an entirely relevant matter to be considered by the officer and by this Panel. Manawa's requests for greater certainty and enabling of renewable electricity generation should be considered in this frame.

¹ Recommendations and Decisions Report on the National Policy Statement for Indigenous Biodiversity, 2023, recommendation 12w), page 102. [Draft NPSIB recommendations report \(environment.govt.nz\)](https://environment.govt.nz)

8. Further, the NPS IB approach is consistent with Manawa's position that the PORPS should contain a clear and certain set of provisions that foster and encourage the uptake of renewable energy generation at the pace and scale needed to decarbonise Aotearoa.

DATED 18 AUGUST 2023

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a long horizontal stroke.

Lara Burkhardt
Counsel for Manawa Energy Limited