

**IN THE MATTER** of the Resource  
Management Act  
1991

**AND**

**IN THE MATTER** of the submissions  
by **GENESIS**  
**POWER LIMITED** on  
the Horizons  
Regional Plan One  
Plan

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**STATEMENT OF EVIDENCE OF RICHARD JOHN MATTHEWS**

**31 July 2008**

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## 1. INTRODUCTION

- 1.1 I hold a Master of Science (Hons) degree, and have been working as a resource management adviser for more than twenty-nine years, initially in the local government sector and since 1999 in private practice with the environmental consulting practice, Mitchell Partnerships. I am a partner in this practice.
- 1.2 My specialist area of expertise is in the application of the Resource Management Act 1991, and other relevant environmental management legislation, the development of Regional and District Plans and the acquisition and assessment of resource consent applications. I have been providing advice on these matters for more than twenty-seven years.
- 1.3 In relation to statutory planning, I have been involved in the preparation and audit of plans and policy statements since the passing of the Resource Management Act in 1991 ("**RMA**"). This has involved detailed analyses of plan provisions, assisting Councils to prepare planning documentation, preparation of submissions, presentation of evidence at hearings, and provision of advice regarding the lodging and resolution of Environment Court references. I have participated in several Council hearings relating to policy and plan development, and have attended a number court-assisted and council initiated mediation sessions.
- 1.4 I have been asked to present evidence to this hearing in relation to the Genesis Power Limited (trading as "**Genesis Energy**") submissions and further submissions in respect of the Horizons Regional One Plan ("**One Plan**").

### **Scope of Evidence**

- 1.5 In my evidence I will:
- Background Genesis Energy's interest in biodiversity in the Horizons Region.
  - Discuss the overall RMA framework within which the specific Genesis Energy submissions should be considered, with particular reference to the recognition and provision for renewable energy;

- Introduce the matters covered by the Genesis Energy submissions on the One Plan;
- Discuss the matters Genesis Energy has raised in its submissions relating to the One Plan that are addressed in Horizons Planning Evidence and Recommendations Report (the “**Officer’s Report**”); and
- Conclude my evidence.

1.6 One preliminary matter concerns the landscape and natural character section of the Living Heritage Chapter of the One Plan. I note that Section 1 (Structure of Report) of the Officer Report refers to planning evidence and recommendations on submissions to the landscape and natural character section of the One Plan. However, it is my understanding those matters will be addressed separately at a later date. As such, I do not refer to those matters in this evidence. I also note that this evidence primarily relates to the biodiversity provisions of the One Plan, rather than those relating to historic heritage.

1.7 I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions I express.

## **2. BACKGROUND TO SUBMISSION**

2.1 As discussed by Mr Weir in his evidence to the Panel on the Overall One Plan<sup>1</sup>, Genesis Energy depends on the utilisation of natural and physical resources (water, land, air and structures) for the generation of hydro, thermal, and wind powered electricity, and for the transmission of that electricity to end users. With specific reference to biodiversity, as noted by Mr Speedy, the interests of Genesis Energy with respect to the management of biodiversity in the Horizons Region relate to:

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<sup>1</sup> Presented 1 July 2008

- The biodiversity values of the catchments which contribute to the Tongariro Power Scheme (“TPS”), and in particular the associated man-made wetland and lake habitats that form part of the TPS; and
- The potential for new renewable generation projects to be established in the region, which could affect biodiversity values.

2.2 As noted in my previous evidence, Genesis Energy has made a number of submissions and further submissions on the provisions of the One Plan, including in relation to biodiversity issues, from the perspective of assessing the policy implications for TPS, as well as in relation to future renewable energy proposals.

2.3 In particular, the overarching theme of the submissions, as discussed in my previous evidence<sup>2</sup>, is that when considering the specific biodiversity provisions within the overall framework of the One Plan, that any provisions adopted must promote the purpose of the RMA, and more specifically that they should provide an appropriate framework for the management of natural and physical resources such as land, water, air, and existing infrastructure that are of importance to the nation and the region. In particular, the Genesis Energy submissions seek the recognition of the role of the use of natural and physical resources and their contribution to enabling people and communities to provide for their social, economic, and cultural well being. My earlier evidence<sup>3</sup> identifies ways in which these matters can be provided for in an overall sense, but equally importantly the individual provisions within the One Plan must also take into account these matters.

### **3. RMA PART II FRAMEWORK**

3.1 I discussed in my earlier evidence<sup>4</sup> regarding the “Overall Plan” the requirements the RMA imposes with respect to the One Plan, in terms of providing for future renewable energy generation, and existing energy infrastructure.

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<sup>2</sup> Presented 1 July 2008

<sup>3</sup> Presented 1 July 2008

<sup>4</sup> Presented 1 July 2008

- 3.2 I do not propose to re-canvass that evidence here, other than to note my principal conclusion that the overall framework of the One Plan must not just address the “natural environment”. It must also address the socio-economic wellbeing that is derived from the use and development of resources, recognising the role of resource use in the Horizons Region, and specifically, the importance of electricity generation in the region. It must also have particular regard to the benefits derived from the use and development of renewable energy, noting also that the existing renewable electricity infrastructure is a physical resource that is to be sustainably managed.
- 3.3 I also note the earlier evidence<sup>5</sup> of Mr Weir, which quantified the critically important role of the TPS with respect to energy generation in the Horizons Region, and the future demand that will need to be met by new infrastructure. In this context, I note the conclusion of my earlier evidence<sup>6</sup> that the One Plan needs to protect the significant investment already made in existing infrastructure such as that of the TPS described by Mr Bowler<sup>7</sup>, and that it must also provide for the development of new renewable electricity generation and transmission infrastructure. In terms of the biodiversity provisions, it is important to note the significant ecological improvements that are being achieved through the implementation of the resource consents granted for the TPS.
- 3.4 I note that in a general sense, subject to the matters discussed in more detail later in this evidence and my earlier evidence<sup>8</sup>, the biodiversity provisions of the One Plan, read in combination with the other sections of the One Plan, provide an overall balance which, in my opinion, does not require substantial amendments to recognise the benefits of resource use and to provide for the development of renewable energy and existing infrastructure such as the TPS. However, the provisions do require some alteration, for them, and the overall One Plan, to recognise the way in which existing infrastructure was established and is operated, and to ensure that new developments are not unnecessarily restricted while providing for biodiversity issues.

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<sup>5</sup> Presented 1 July 2008

<sup>6</sup> Presented 1 July 2008

<sup>7</sup> Presented 1 July 2008

<sup>8</sup> Presented 1 July 2008

3.5 In particular, to reflect the provisions of Part II of the RMA, in my opinion changes are required to the objectives, policies and rules within the biodiversity provisions of the One Plan so it gives sufficient regard to the following matters:

- The recognition of the importance of a reliable and secure energy supply system as a pivotal component to the sustainable management of natural and physical resources.
- The incorporation of policy directions which recognise that in some instances the use and development of renewable resources will carry similar weight to (and sometimes take precedence over) other values.
- The recognition of the renewable energy resource base of the region, including the important role already played by current infrastructure utilising this resource, such as TPS.

3.6 I discuss through the amendments I consider are needed in the remainder of my evidence.

#### **4. SUBMISSIONS MADE BY GENESIS ENERGY**

##### **Introduction**

4.1 As noted above, the policies, objectives, methods and rules contained within the biodiversity provisions of the One Plan, when read in the context of the overall One Plan, provide an overall framework that in my opinion are capable of promoting the sustainable management of natural and physical resources, providing a few adjustments are made.

4.2 Genesis Energy's submission on the One Plan detailed the specific changes it considers need to be made. In particular, the submissions noted that the current wording that excludes "*habitat created and maintained in association with hydroelectric power generation*" from the biodiversity provisions, needs revising. In my opinion, the current wording could result in parts of the "artificial habitat" created as part of the TPS being included as Schedule 5 habitat (in accordance with section

6(c) of the RMA, and being subject to inappropriate protection, and restriction on its use.

- 4.3 More specifically, as detailed by Mr Speedy, the “man made” lakes Otamangakau, Te Whaiiau and Moawhango of the TPS have arguably been managed by Genesis Energy such that they are now of sufficient quality, and possess sufficient natural values, that they could be termed a “rare and threatened habitat” under Schedule E of the One Plan. They are also arguably not “created and maintained in association with”; rather they are part of and are operated and managed as integral parts of the TPS. As discussed by Mr Speedy, these lakes have significant ecological values, but fundamentally they are integral parts of the TPS.
- 4.4 Rule 12-8 makes activities within a “rare and threatened habitat” a non-complying activity. Based on the above, this could include the extensive activities undertaken by Genesis Energy and other stakeholders, to proactively manage the TPS resources specifically for protection of their biodiversity values, rather than for the primary purpose of the scheme (i.e. electricity generation). The non-complying activity status is a very stringent one, which requires an additional layer of assessment be passed, specifically section 104D of the RMA, before the activity can be considered on its merits under section 104.
- 4.5 If these water bodies are classified as “rare and threatened” habitats, this would require any activity undertaken within one of the man made lakes of the TPS, to either (i) have minor effects, or (ii) not be contrary to the objectives and policies of the One Plan. With regards the latter, considering the strong protection afforded by the One Plan to “rare and threatened habitats” in Objective 7-1 and Policy 7-2, which seek the protection of the regions “rare and threatened habitats” from activities which may affect in an adverse manner the values of “rare and threatened habitats”, this second gateway test would be a very tough one to pass. It essentially creates a circular argument whereby for an activity to be undertaken within this habitat, it must have no more than minor effects. In my opinion such a tough assessment is not appropriate for the habitats of the TPS considering the circumstances, when in fact those habitats only exist in their current form because of the TPS.
- 4.6 The One Plan needs to provide more explicit recognition that man-made habitat, which is created and managed in association with infrastructure which has been

developed with the primary purpose of providing for the socio-economic wellbeing of the community, should be exempt from the extensive restrictions placed on the use, management, and protection of naturally occurring habitats which hold similar natural values. This is important, as any additional restrictions on the operation of the TPS, to those already considered to be warranted, and imposed by the Court during the recent process of consenting TPS ( which was outlined by Mr Bowler in his earlier evidence<sup>9</sup>), could upset the balance of positive and negative effects considered by the Court to represent sustainable management. Not only could additional restrictions reduce the contribution of the TPS to the socio-economic wellbeing of the region (and New Zealand), but could also limit the extensive mitigation measures being undertaken, in that there would be no incentive to create habitat that could later restrict the generation activities undertaken.

4.7 I recognise that it may have been the intention in establishing the One Plan exclusion for *“habitat created and maintained in association with hydroelectric power generation”* that such features of the TPS would not be captured by the biodiversity provisions. I note that the Officers Report generally agrees that the artificial lakes of the TPS should be excluded from consideration as “rare and threatened habitat” as contemplated by the One Plan. However, I consider that the exclusion should be provided for more explicitly in the plan than how the Officers Report (and the Proposed One Plan as written) proposes.

4.8 The Officers Report proposes that manmade habitats such as Lakes Otamangakau, Te Whaiiau and Moawhango of the TPS are already excluded from Schedule E, and the biodiversity protection provisions under Objective 7-1, Policy 7-2 and Rule 12-8:

*Man-made hydro lakes are already excluded from Schedule E under the classification in Table E.2 of lake and wetland habitat in (b)(vii).*

4.9 In my opinion a significant overhaul of the relevant objectives, policies and rules is not required; rather a minor change of wording to the list of habitats excluded would be appropriate. In this regard, I consider that the exclusion should be worded as follows:

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<sup>9</sup> Presented 1 July 2008



*“habitat created and maintained in association with **or as part of any hydroelectric power generation scheme, or in relation to the implementation of any resource consent conditions or agreements relating to the operation of any hydroelectric power scheme**”*

4.10 In addition, the specific exclusion of Lakes Otamangakau, Te Whaiu, and Moawhango should be recorded as a footnote to this provision, or by way of the explanatory notes.

4.11 One additional matter concerns Policy 7-4 which outlines the non-regulatory provisions of the One Plan relating to managing biodiversity in the best examples of “rare and threatened habitat” located on private land. In my opinion it should be made explicit that where examples of such “rare and threatened” habitats involve activities associated with the exercise of resource consents, any management plans relating to their protection must only be prepared with the agreement of the consent holder. In some instances the consent holder responsible for the habitat may not necessarily be the landowner.

4.12 The Officers Report proposes that such explicit recognition is not required:

*Submissions which seek to amend the policy to make it clear that management plans could be amended, or that consent holders only contribute with their agreement, or to include assessment criteria, are useful, but I do not think the policy needs to be changed to explicitly state these things; they are true and inherent in the policy without it being specifically stated.*

4.13 Whilst it may be the opinion of the Council Officer that these matters are inherent in the policy, in my opinion, it is preferable that such matters are explicit rather than implied so that there is no question in subsequent years when personnel have changed and memories have faded. A degree of certainty is required in drafting plans, and I believe this is one such case where a degree of certainty should be afforded.

4.14 I consider that the wording of Policy 7-4 should be amended as follows:

*The Regional Council will aim to improve the health and function of the best representative examples of rare and threatened habitats\* and at-risk habitats\* by working in partnership with relevant landowners, **and with the agreement of relevant consent holders** to establish a plan for the proactive management of each of these areas by 2016.*

## 5. Further Submissions

- 5.1 In addition to comments made above with respect to the submission of Genesis Energy that man-made habitat should be excluded from consideration under the rules, objectives and policies governing “rare and threatened habitats”, which I will not address further, the Officers Report also makes comments regarding several further submissions made by Genesis Energy. I address these in turn below.
- 5.2 As noted Schedule E is the manner in which the One Plan identifies habitats of “significance” in accordance with section 6(c) of the RMA. As discussed above, the One Plan contains stringent objectives, policies and rules to protect these habitats. Trust Power (submission numbers 358 52 and 358 57) and Meridian Energy (submission number 363 210) opposed Schedule E in its current form. They submitted that it should either be deleted, or amended, such that it provides increased justification for the habitats and species included as ecologically significant, and that provisions should only include habitats and species that are appropriately identified in the Plan.
- 5.3 Genesis Energy supported these submissions in further submissions (further submission numbers X 525 82, X 525 252 and X 525 254). In particular, while Genesis Energy did not submit that Schedule E should be deleted, they did submit that habitats and species included as ecologically significant need improved justification, and that provisions should only be made for “appropriately identified” examples.
- 5.4 I note the Officers Report accepted this point in part; noting that additional specificity was warranted in defining what constitutes an ecologically significant species or habitat but declined to go further and identify them specifically:

*... a mapping led approach is not possible in the Horizons Region at this time due to the lack of ground-truthed information and the cost of doing a ground survey. Mapped schedules also have some other disadvantages. There can be an unintentional message sent by the use of a map schedule, that all areas that are not mapped are unimportant and therefore expendable. This may not be true, as a ground survey, particularly at a Regional scale is bound to have gaps. Maps of sites are often unpopular with landowners, as has been discovered in a number of*

*districts, who are unhappy to have areas of their land specifically identified in the plan.*

*A vegetation clearance rule is very often used as a proxy rule where site assessments have not been carried out. These types of rules generally identify a number of native tree species, and state that any specimens over a certain height and/or certain diameter (both as a proxy for age and significance) cannot be cut down, or that only a certain amount can be cut down at any one time (e.g. 1 ha per year).*

*The approach used in the POP is new, but I believe it is an 'evolution' of the vegetation clearance rule which is commonly used in district plans. POP uses the best technology and modelling tools (including use of the LENZ tool, as detailed in Fleur Maseyk's evidence) to identify the types of habitats which are significant in our Region. It then sets a threshold for the size of those habitats that is significant (i.e. an area of forest greater than .5 ha) and controls activities which may have an adverse effect on them. This has several advantages over the traditional vegetation clearance rule:*

- The types of habitats identified are known to be significant in terms of s6(c) rather than using species as a proxy for significance. This assessment is set out in more detail in Fleur Maseyk's evidence.*
- The size of the habitat is the trigger, not the size of the area of disturbance or clearance. This means areas of forest that are insignificant because of their small size are not controlled by the rule and that the rule does not allow clearance at a scale that would significantly impact on a habitat.*
- The rules can cover activities other than clearance which may have an adverse effect on a habitat e.g. discharges of contaminants and diversions of groundwater.*

5.5 Whilst I can see the merits of the approach identified in the Officers Report, in my opinion additional specificity, and certainty is required to provide greater clarification to prospective users of the regions resources the value the Council is likely to hold in specific areas of vegetation. Such certainty is generally provided for in District Plans through the use of planning maps identifying significant areas of vegetation that should be protected, or through the identification of specific areas of particular value. It is not helpful to a potential developer of a wind farm, for example, to find that after monitoring the wind resource for several years to identify a prospective resource and identifying the development potential for a site that the Council requires it to be protected for other values not defined at the outset of the investigation.

5.6 Such greater certainty would assist potential users of the resource to avoid areas of high value and would provide certainty to other parties that such areas would not be subject to the same level of development pressure.

- 5.7 Trust Power (submission numbers 358 58) submitted that Policy's 7.2 and 7.3 be revised to provide adequate balance for recognising the benefits of renewable energy. Genesis Energy (submission number X 525 255) submitted in support of this matter. I agree with these submissions, and note that avoiding all adverse effects that are more than minor, is not appropriate in rare and threatened habitats, without affording any consideration to the other positive effects of the activity may have. In this respect, I note my earlier statement that the plan must incorporate objective and policy provisions that recognise in some instances the use and development of renewable resources for the socio-economic benefit of the local, regional and national community, may take precedence over other values.
- 5.8 In addition, there are situations where development can be allowed to occur, while adverse effects are mitigated in other ways. The Blue Duck mitigation undertaken as part of the TPS resource consent agreements is an example of this, where it is acknowledged that the scheme has an adverse effect on the Blue Duck in some parts of the scheme but mitigation works undertaken elsewhere provide far greater ecological benefits than simply avoiding the site specific adverse effects. Such mitigation opportunities should not be precluded by narrow wording of the policies and objectives of the One Plan.
- 5.9 I note that the Council Report has accepted this submission in part stating that:

*The main issue raised by submissions on this policy then becomes: is avoidance of all adverse effects that are more than minor appropriate in rare and threatened habitats? I have discussed the appropriateness of a high level of protection when dealing with rare and threatened habitats in section 4.5.2 of this report. In that section I also discussed the appropriateness of providing for some change within the habitats. This is particularly so if the activity is for something which will contribute to the communities' wellbeing, or if it can be adequately mitigated. I believe it is appropriate to provide for mitigation, or offset by financial contributions in a limited number of circumstances, similar to, but more restricted than, that provided in Policy 7-3(d) for at-risk habitats. The circumstances in which this mitigation may be appropriate should be limited to situations where the activity is necessary to provide for infrastructure of regional or national importance, the effect on the habitat is not significant and cannot reasonably be avoided, and where the mitigation ensures there is a net conservation gain as a result of the activity and mitigation.*

*A situation where this might be relevant would be where a development of a new renewable energy generation scheme (windfarm or hydro generation for example) required a new access road. The only road that could reasonably be built would require the removal of some trees from*

*the edge of a bush remnant of threatened habitat that was otherwise unprotected (no fencing or legal protection). Appropriate mitigation for the loss of the trees could be considered to be provided by the physical and legal protection of the remnant and an adjoining one. This would provide a net conservation benefit to offset the adverse effect of the loss of the trees.*

- 5.10 The Officers Report subsequently amended Policy 7-2 to include provision for some adverse effects under strict circumstances:

***Policy 7-2: Activities in Rare and Threatened Habitats***

- (a) *Rare and threatened habitats\* are identified in accordance with Schedule E.*
- (b) *Rare and threatened habitats\* shall be protected by generally not allowing any of the following activities unless the provisions of subsection (c) or (d) or (e) apply:*
  - (i) *vegetation clearance\* or land disturbance\* within these areas*
  - (ii) *discharges of contaminants to land or water, or drainage or diversion or takes of water, within or near these areas.*
- (c) *The activities described in subsection (b) will be allowed where they are for the purpose of pest control or habitat maintenance or enhancement.*
- (d) *The activities described in subsection (b) may be allowed where the activity is for the purpose of providing or maintaining infrastructure of regional or national importance as identified in Policy 3-1 and*
  - (i) *There will be no significant adverse effect on the factors which contribute to the significance of the area as assessed in accordance with table 7.1, and*
  - (ii) *Any more than minor adverse effects are avoided as far as practicable, and*
  - (iii) *Any more than minor (but less than significant) adverse effects are adequately remedied or mitigated, including through the use of financial contributions to adequately compensate or offset the adverse effects, and*
  - (iv) *The remedy, mitigation or financial contribution identified in (ii) above results in a net conservation gain to the habitat type in the Region*
- (e) *The activities described in subsection (b) may be allowed for other purposes where there are no more than minor adverse effects on the representativeness, rarity and distinctiveness or ecological context of the rare and threatened habitat\*, as assessed in accordance with Table 7.1-Schedule E.*

5.11 In my opinion these provisions do not go far enough, and additional recognition of the opportunities for real environmental gains through mitigation should be explicitly recognised and provided for in the policies. This is especially important as activities within “rare and threatened habitats” are currently attributed non-complying activity status.

5.12 This could be achieved through a simple amendment of the provisions recommended in the Officer’s report:

- (d) *The activities described in subsection (b) may be allowed where the activity is for the purpose of providing or maintaining infrastructure of regional or national importance as identified in Policy 3-1 and **where***
  - ~~(i) There will be no significant adverse effect on the factors which contribute to the significance of the area as assessed in accordance with table 7.1, and~~
  - (ii) *Any more than minor adverse effects are avoided as far as **where** practicable, and*
  - (iii) *Any more than minor ~~(but less than significant)~~ adverse effects are adequately remedied or mitigated, including through the use of financial contributions to adequately compensate or offset the adverse effects, and*
  - ~~(iv) The remedy, mitigation or financial contribution identified in (ii) above~~ ***in a way that** results in a net conservation gain to the **species affected or the** habitat type in the Region.*

5.13 Trust Power (submission number 358 64) also submitted that they should be involved or represented on any Regional Projects outlined in Section 7.5 Methods which affect waterways, to recognise the hydro-electricity interests that are inherent in these waterways. Genesis Energy submitted that they should also be involved in any projects that involve waterways of interest to them. This is particularly important with respect to the habitats which are either directly or indirectly affected by the TPS, as Genesis Energy is already heavily involved in pro-actively managing these areas, as was outlined by Mr Bowler in his evidence for the Overall Plan hearing<sup>10</sup>, and by Mr Speedy in relation to this hearing.

5.14 The Officers Report disagrees with this submission and proposes that should any project be planned for waterways with hydro interests on them then the relevant generation company would be involved. Again, rather than the method imply that

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<sup>10</sup> Presented 1 July 2008

any relevant generation interests may be involved (presumably only by invitation of the Council if they consider it appropriate), in my opinion a degree of certainty is required, and this should be explicitly stated in the relevant methods, to provide clarity to all parties, including other stakeholders.

5.15 It is possible, for example, for the Council not to be aware of the development potential of a particular water body, or the potential interest in a water body, and to therefore initiate projects that compromise such opportunities before they have been fully considered. Given the demand for new renewable generation resources (which may come from hydro generation) as outlined by Mr Weir in his evidence for Genesis Energy for the Overall Plan hearing<sup>11</sup>, there is a need to ensure that any opportunities are fully assessed before any restrictions are placed on them.

5.16 In particular, the proposed projects for “*Wetlands – Biodiversity*”; “*Sites of Significance – Aquatic; Inanga Spawning and Native Fishery Sites – Biodiversity*”; and “*Biodiversity (Terrestrial and Aquatic) Research, Monitoring and Reporting*”; may affect hydroelectric power generators (and Genesis Energy in particular). These projects should involve or require significant interaction with hydroelectric generators as a matter of course. As noted previously, such operators are not necessarily the landowners involved, so would not be covered by the wording outlined in the Proposed One Plan.

5.17 I consider that the wording for each of these projects should be amended to read:

*The Regional Council and other agencies will work with landowners, hyrdoelectric power generation companies and other consent holders to...*

## 6. CONCLUSION

6.1 Mr Weir in his earlier evidence<sup>12</sup> contextualised fundamental importance of the role TPS fills in New Zealand’s electricity generating network, and the importance of developing additional generation capacity in the Horizons Region. Similarly, Mr

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<sup>11</sup> Presented 1 July 2008

<sup>12</sup> Presented 1 July 2008

Bowler in his earlier evidence<sup>13</sup> provided significant detail on the ecological and biodiversity values associated with the TPS and how they are being managed and enhanced.

- 6.2 Mr Speedy has outlined the crucial role the man-made lakes Otamangakau, Te Whaiiau and Moawhango play in the operation of the TPS, and the extensive proactive management that Genesis Energy currently undertakes of these lakes, which has resulted in them possessing values which now could be considered akin to those habitats afforded “rare and threatened habitat” status in the One Plan.
- 6.3 In my evidence I have assessed how I believe the biodiversity provisions of the One Plan, as drafted, could compromise the proactive management of these man-made lakes, and in turn the TPS infrastructure. In my opinion, as drafted, the biodiversity provisions of the One Plan do not provide adequate protection to the man-made lakes of the TPS, and in turn, does not provide adequate protection to the security of New Zealand’s electricity supply. I have also identified several areas of the One Plan which require additional clarification, and more certainty in its wording.
- 6.4 I have identified relative minor, but important changes to the wording of some aspects of the biodiversity provisions that would enable the use and development of the resources of the region while protecting, and enabling the enhancement of, the biodiversity values of the region.

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<sup>13</sup> Presented 1 July 2008