



Mackenzie
DISTRICT PLAN REVIEW
TOMORROW'S MACKENZIE
KA AWATEA HŌU

Section 42A Report: Plan Change 26 – Renewable Electricity Generation and Infrastructure

Report on submissions and further submissions

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- 1 Recommended Amendments to Definitions Chapter FULL
- 2 Recommended Amendments to Infrastructure Chapter
- 3 Recommended Amendments to Renewable Electricity Generation Chapter
- 4 Recommended Amendments to Section 19 - Ecosystems and Indigenous Biodiversity
- 5 Recommended Mapping Changes

List of submitters addressed in this report:

Submitter Ref	Further Submitter Ref	Submitter Name	Abbreviation
1		Fire and Emergency New Zealand	FENZ
2		Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group, One New Zealand Group Limited and Spark New Zealand Trading Limited	The Telcos
3		Department of Conservation	DOC
4		Helios Energy	Helios
5		Tekapo Landco Ltd & Godwit Leisure Ltd	TLGL
6	FS9	Nova Energy	Nova
7	FS3	Transpower New Zealand Limited	Transpower
8	FS1	NZ Transport Agency NZTA	NZTA
9		Simpson Family Holdings Ltd	Simpson Family
10		Environmental Defence Society	EDS
12	FS11	Te Rūnanga o Ngāi Tahu	TRoNT
13		Forest and Bird	F&B
14		Ministry of Education	MoE
15	FS4	Genesis Energy Ltd	Genesis
16	FS10	Opuha Water Ltd	OWL
17		Alpine Energy Ltd	Alpine
18	FS2	Meridian Energy Ltd	Meridian
19	FS6	Canterbury Regional Council	CRC
21		Grampians Station Ltd	Grampians Station
22	FS7	New Zealand Defence Force	NZDF
23		Ant Frith	A. Frith
	FS5	Mackenzie Guardians Inc	
	FS8	Milward Finlay Lobb	MFL

Abbreviations used in this report:

Abbreviation	Full Text
CRPS	Canterbury Regional Policy Statement
District Plan	Mackenzie District Plan
EIB Chapter	Section 19 - Ecosystems and Indigenous Biodiversity
INF Chapter	Infrastructure Chapter
LTMA	Land Transport Management Act 2003
LUI	Lifeline Utility Infrastructure
MDC	Mackenzie District Council
MDPR	Mackenzie District Plan Review
NESCF	National Environmental Standard for Commercial Forestry
NESETA	National Environmental Standards for Electricity Transmission Activities
NESTF	National Environmental Standards for Telecommunication Facilities
NPSET	National Policy Statement on Electricity Transmission
NPSFW	National Policy Statement for Freshwater Management
NPSHPL	National Policy Statement for Highly Productive Land
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSREG	National Policy Statement for Renewable Electricity Generation
NP Standards	National Planning Standards
PC13	Plan Change 13 – Rural Zone – Mackenzie Basin
PC18	Plan Change 18 – Indigenous Biodiversity

PC20	Plan Change 20 – Strategic Direction Chapters
PC23	Plan Change 23 - General Rural Zone, Natural Features and Landscapes, Natural Character
PC24	Plan Change 24 - Sites and Areas of Significance to Māori
PC26	Plan Change 26 - Renewable Electricity Generation and Infrastructure
PC27	Plan Change 27 - Subdivision, Earthworks, Public Access and Transport
REG activities	Renewable electricity generation activities
REG Chapter	Renewable Electricity Generation Chapter
RMA	Resource Management Act 1991
RSI	Regionally Significant Infrastructure
SNAs	Significant indigenous vegetation and significant habitats of indigenous fauna
WPS	Waitaki Power Scheme

1. Purpose of Report

1. This report is prepared under s42A of the RMA in relation to Plan Change 26 Renewable Electricity Generation and Infrastructure (PC26) to the District Plan. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this plan change and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and deciding on the submissions.
2. In preparing this report I have had regard to the Strategic Direction Chapters, the provisions introduced through PC18 (contained in the EIB Chapter (Section 19 – Ecosystems and Indigenous Biodiversity)) and the other plan changes (PC23, PC24, PC25 and PC27) which have also been notified as part of Stage 3 of the MDPR.
3. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and Experience

4. My full name is Elizabeth (Liz) Jane White. I am an independent planning consultant, and have been self-employed (trading as Liz White Planning) for three years. I hold a Master of Resource and Environmental Planning with First Class Honours from Massey University and a Bachelor of Arts with Honours from Canterbury University. I am a full member of the New Zealand Planning Institute.
5. I have over 17 years' planning experience, which includes experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of plan provisions and accompanying s32 evaluation reports, and preparing and presenting s42A reports. I also have experience undertaking policy analysis and preparing submissions for clients on various RMA documents and preparing and processing resource consent applications and notices of requirements for territorial authorities. I am assisting MDC in the MDPR process and was the main author of the PC26 provisions and s32 report.
6. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I have complied with it when preparing this report. I have also read and am familiar with the Resource Management Law Association / New Zealand Planning Institute "Role of Expert Planning Witnesses" paper. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel.

3. Scope and Format of Report

7. This report considers the submissions and further submissions that were received in relation to PC26. It includes recommendations to either retain provisions without amendment, delete, add to or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendices 1 - 4** to this Report, or, in relation to mapping, through recommended spatial amendments to the mapping set out in **Appendix 5**. Footnoted references to the relevant submitter(s) identify the scope for each recommended change. Where recommendations are made to either delete or add a provision, new provisions are numbered X, and no renumbering has occurred to reflect any additions or deletions. I anticipate that any renumbering requirements will be done in the Hearing Panel's decision version of the provisions.
8. The assessment of submissions generally follows the following format:
 - a. An outline of the relevant submission points;
 - b. An analysis of those submission points; and
 - c. Recommendations, including any amendments to plan provisions (and associated assessment in terms of s32AA of the RMA where appropriate).
9. Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the PDP arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.
10. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.

4. Plan Change Overview

11. PC26 relates to the management of REG activities and infrastructure throughout the District. PC26 proposes to delete the current framework contained in the Utilities Chapter (Section 16 of the District Plan) and replace it with two new chapters, one relating to REG activities and one relating to all other types of infrastructure. Both chapters sit within the 'Energy, Infrastructure, and Transport' section of the Plan, in Part 2 – District-Wide Matters.
12. PC26 therefore proposes to include a separate chapter, and specific direction relating to REG activities. This reflects that while these activities are a sub-set of infrastructure, they are subject to a specific National Policy Statement (the NPSREG), the District contains existing nationally significant assets, and there is a separate Strategic Objective relating to renewable electricity (ATC-O4). PC26 therefore includes specific objectives and policies pertaining to REG activities. At a rule level, the Operative District Plan includes a suite of rules applying to the Waitaki Power

Scheme (WPS). These are largely carried forward into the PC26 provisions, subject to improvements to their efficiency.

13. The INF Chapter includes objectives and policies which are along the same lines as those in the Operative District Plan, but which are intended to provide more directive policy guidance on how the effects of infrastructure are to be managed. The rule framework managing infrastructure activities has also been updated to better reflect changes in technology and to the planning context.
14. New direction is also included in PC26 on how the effects of other activities on key infrastructure is to be managed. Within the rule framework, the latter is implemented through restrictions on activities locating within specified distances of electricity transmission and distribution infrastructure.
15. PC26 also proposes to amend the EIB Chapter, by adding two new restricted discretionary rules for the clearance of indigenous vegetation associated with: infrastructure (Rule 1.2.4); and investigation activities, small-scale REG Activities or the construction and operation of any new REG Activities (Rule 1.2.5).
16. The Operative District Plan also includes a Special Purpose Zone relating to the Opuha Dam (in Section 9) which includes a suite of provisions largely focussed on the establishment of the dam. Through PC23 it is proposed that the Special Purpose Opuha Dam Zone be rezoned General Rural Zone, but the operation, maintenance, upgrade and any future development of the dam, including its hydroelectricity component, would be managed under the INF and REG chapters.

Relationship with Wider MDPR

17. While PC26 is largely a standalone chapter, applying on a district-wide basis, there are some provisions in other chapters which will continue to apply to infrastructure and REG activities. These are set out in the Introduction to both the INF and REG chapters. This is a matter raised in a number of submissions and therefore discussed in detail in this report.

5. Procedural Matters

18. At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

6. Statutory Framework

19. The assessment under the RMA for this Plan Change includes whether:
 - a. it is in accordance with the Council's functions (s74(1)(a));
 - b. it is in accordance with Part 2 of the RMA (s74(1)(b));

- c. it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- d. the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
- e. the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).

20. In addition, assessment of the plan change must also have regard to:

- a. any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
- b. the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
- c. in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect (s76(3)).

21. The assessment of the plan change must also take into account any relevant iwi management plan (s74(2A)).

22. Specific provisions within the RMA and in other planning documents that are relevant to PC26 are set out in the Section 32 Report. These documents are discussed in more detail within this report where relevant to the assessment of submission points.

23. The assessment of submission points has also been undertaken in the context of the Section 32 report prepared for PC26. All recommended amendments to provisions since the initial Section 32 evaluation was undertaken must be documented in a subsequent s32AA evaluation and this has been undertaken, where required, in this report.

7. Assessment of Submissions

Overview of Submissions

24. 20 submissions and 11 further submissions were received on PC26.

25. No submitters support or oppose PC26 as a whole.

26. A number of submitters support various provisions within the INF and REG chapters, while seeking changes to others. The key changes sought in submissions (which are discussed in more detail in the following sections of the report) relate to:

- a. What provisions in other chapters of the Plan should (or should not) apply to infrastructure and REG activities, particularly in terms of areas identified in the Plan as being significant or outstanding.

- b. The policy direction on how infrastructure in sensitive or significant areas should be managed, including whether the direction should be more stringent, or whether specific types of infrastructure should be exempted from aspects of the policy direction.
- c. The policy direction and related rule framework for how REG activities are managed, including whether the policy direction should be more enabling of REG activities, or whether REG activities should be precluded in specified locations / circumstances.
- d. Clarifying the relationship between REG-P5 and REG-P6.
- e. What activity status should apply to various REG activities in what circumstances.

Structure of Report

- 27. The assessment in this report begins with the consideration of what other chapters in the Plan apply to activities managed in the INF and REG chapters. The assessment then addresses submissions on the INF Chapter, followed by those in the REG Chapter, based on groups of provisions as follows:
 - a. the Introduction section and broad submissions on the whole chapter;
 - b. objectives;
 - c. policies;
 - d. rules; and
 - e. standards and matters of discretion.
- 28. The last two sections then address submissions on:
 - a. definitions introduced by PC26; and
 - b. the planning maps.

Further Submissions

- 29. Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. Individual recommendations on further submissions are not set out in this report. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:
 - Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary

submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.

- Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.
- Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.

8. Provisions where no Change Sought

30. The following provisions included within PC26 were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified (unless a clause 10(2)(b) or clause 16(2) change is recommended):

Section	Provision	Supporting Submissions
Infrastructure	INF-O2	FENZ (1.03), the Telcos (2.05), Transpower (7.12), NZTA (8.08), TRoNT (12.02), MoE (14.02), Genesis (15.37), OWL (16.06), Meridian (18.12), NZDF (22.05)
	INF-P1	The Telcos (2.07), Transpower (7.14), NZTA (8.1), MoE (14.03), Genesis (15.39), OWL (16.08), Alpine (17.03), Meridian (18.14), Grampians Station (21.07), NZDF (22.05)
	INF-P8	The Telcos (2.14), Transpower (7.20)
	INF-P9 ¹	Transpower (7.21), MoE (14.10)
	INF-P10	Alpine (17.05)
	Note for Plan Users	Transpower (7.22)
	INF-R1	The Telcos (2.15), Transpower (7.23), NZTA (8.17), Genesis (15.46), OWL (16.14), Meridian (18.21), NZDF (22.06)
	INF-R11	Transpower (7.28), NZTA (8.24), OWL (16.24) ² , Grampians Station (21.11)
	INF-R12	The Telcos (2.22)
	INF-R13	The Telcos (2.23)
	INF-R14	The Telcos (2.24)
	INF-R15	The Telcos (2.25)
	INF-R16	The Telcos (2.26)
	INF-R17	Transpower (7.29), Grampians Station (21.12)
	INF-R18	Transpower (7.30), Meridian (18.26), Grampians Station (21.12)

¹ Noting a minor consequential change is recommended in response to a broader submission.

² Support is conditional to changes sought to INF-R3 and INF-R7 being accepted.

	INF-R19	Transpower (7.31), Grampians Station (21.12)
	INF-R20	Transpower (7.32), Grampians Station (21.12)
	INF-R21	Transpower (7.33), Grampians Station (21.12)
	INF-R23	Transpower (7.35), Grampians Station (21.12)
	INF-R24	Transpower (7.36), MoE (14.11)
	INF-R25	Transpower (7.37)
	INF-R26	Transpower (7.38)
	INF-R27	Transpower (7.39)
	INF-R28	Alpine (17.08), Grampians Station (21.13)
	INF-R29	Alpine (17.08), Grampians Station (21.13)
	INF-R30	MoE (14.12), Alpine (17.08), Grampians Station (21.13)
	INF-R31	Alpine (17.08)
	INF-S1	The Telcos (2.28), Transpower (7.40), NZTA (8.25), TRoNT (12.05), Genesis (15.48), OWL (16.25)
	INF-S2	Transpower (7.41), OWL (16.25)
	INF-S4	Transpower (7.42), Meridian (18.27)
	INF-MD3	No submissions received

31. I note that INF-R10 was supported by OWL (16.23) and Grampians Station (21.11). However, in response to a submission received on PC24 (and set out in the s42A report relating to that plan change), changes have been recommended to the rule. However, these do not alter its effect. I therefore recommend that these submission points are accepted in part.

32. The following definitions were included in PC26, as well as in PC23, PC24, PC25, and/or PC27. While no submissions were received on these definitions in relation to PC26 (or any submissions received sought their retention), any submissions on the definition made via another plan change are also considered to be within the scope of that same definition in this plan change. Reference should therefore be made to the s42A Reports for the other plan changes with respect to potential changes to these definitions.

Definition	Supporting Submissions
earthworks	Genesis (15.02), Meridian (18.02), OWL (16.01)
functional need	Genesis (15.03), Meridian (18.03), OWL (16.01)
National Grid yard	Transpower (7.04)
network utility operator	OWL (16.01)
sewage	
subdivision	

33. Several operative definitions contained in the District are currently limited in their application to the commercial and mixed use and general industrial zones, with PC26 proposing to extend their application to the chapters introduced through PC26, where the term is used in those chapters. The only submissions received in relation to such definitions are from Genesis (15.07) and Meridian (18.07), who both support the definition of 'operational need' and seek that it is applied throughout the Plan. I therefore recommend that the definitions proposed to be applied

to the PC26 provisions, including ‘operational need’ are applied (where relevant) to the provisions contained within the PC26 provisions and that the submission points from Genesis (15.07) and Meridian (18.07) are accepted.

34. PC26 also proposes to make consequential amendments (largely deletions) to Section 3, Section 7 and Section 9, and to delete Section 16 (Utilities) in full. Meridian (18.51) specifically supports deletion of Schedule A, rules 13.1.1, 13.2.1 and 13.3.1 and assessment matter 16.3.j. in Section 7, subject to the relief set out in their submissions being adopted. While noting Meridian’s support is conditional on their other submission points being accepted, in absence of any other submitters opposing the deletions, I recommend that the deletions are accepted, because these existing rules are effectively superseded by the new REG Chapter and to retain them would result in confusion. I recommend that this submission point (18.51) be accepted in part, because the submitters support is contingent on other changes, and as set out further in this report, not all of which are recommended to be made. As no submissions were received opposing the changes to Sections 3, 9 and 16 I recommend that the deletions and amendments proposed to these sections through PC26 are accepted.
35. I note that some provisions (REG-O3, REG-P2 and REG-P3) are from the Operative District Plan and were introduced by PC13. These provisions are to be carried over into the REG Chapter but are not within the scope of PC26. Any submission points received on these provisions are outside the scope of PC26,³ notwithstanding that they are in support of these provisions.

9. Relationship Between INF / REG Chapters and Other Chapters

36. The Introduction to each of the INF and REG chapters sets out the relationship between the provisions in the INF/REG Chapter, and those contained in other parts of the District Plan. The approach taken is that the INF and REG chapters are largely standalone, with provisions across the remainder of the District Plan not applying, unless explicitly stated in the Introduction.
37. This section of the report relates to submissions received on this approach. Other submissions relating to the Introduction sections of each chapter are addressed in subsequent sections of this report.

Submissions

38. The Telcos (2.03) and Transpower (7.10) support the Introduction to the INF Chapter being clear that the provisions applying to infrastructure are standalone, except where explicitly stated. The Simpson Family (9.01) supports the approach to only apply the provisions listed in the Introduction to REG activities.
39. DOC (3.03, 3.07) seek that the entirety of the EIB Chapter is applied to infrastructure and REG activities, stating that there is no justification for limiting its applicability to the objectives and rules, when policies and methods may also be relevant (in terms of the INF Chapter) or excluding the application of Policies 2 and 3 (REG Chapter). With respect to REG activities, it considers

³ TRoNT (12.09).

that policies 2 and 3 set the overall approach to maintaining indigenous biodiversity and note that regardless of the NPSIB not applying to REG activities, s6(c) and s31(1)(b)(iii) of the RMA still apply.

40. TRoNT (12.01, 12.08) seek that the introductions are amended so that the SASM Chapter applies to infrastructure and REG activities. It states that while the introduction to the INF Chapter acknowledges the impact that infrastructure can have on mana whenua values, it does not include the SASM Chapter as a chapter that applies to these provisions. With respect to REG activities, it states that the landscape features within Te Manahuna/Mackenzie District are of cultural importance to Kāi Tahu whānui, and the cultural values and culturally significant landscapes must be protected from further inappropriate development. As such, they consider that all provisions in PC24 should applied to REG activities.
41. F&B (13.01) seek that the entirety of the EIB Chapter is applied to REG activities, as well as the NFL and NATC chapters and all zone chapters. It considers that the REG provisions on their own are inadequate or would be contrary to achieving the outcomes of the other chapters. It also notes that the rules refer to requirements in zone chapters which they consider is contrary to the introduction.
42. OWL (16.04) supports the approach taken for infrastructure activities in certain overlays to be managed in the INF Chapter rather than in the chapters addressing the overlay matters. However they have concerns that unlike in other chapters, the relationship between the rules in the INF Chapter and other chapters is only addressed in the introduction section and not in the advisory notes for the rules table and considers it more beneficial for a consistent approach to be taken.
43. With respect to the REG Chapter, Genesis (15.12) and Meridian (18.29) consider that it is unclear what provisions do or do not apply to REG activities, stating that what is listed are topics, not provisions. With respect to the provisions in the EIB Chapter which apply, they consider that this should be narrowed to only specific policies and rules. With regard to provisions that are to be reviewed in Stage 4 of the MDPR, they consider that the currently operative provisions should be identified in the interim, and the REG Chapter introduction amended through future plan changes.
44. TLGL (5.03) support the provisions in the Earthworks Chapter not applying to earthworks associated with infrastructure. However, they consider that for this to have legal effect, it needs to be included in a rule, rather than being set out in the Introduction to the chapter. Genesis (15.13) and Meridian (18.30) also seek that the introduction paragraph in the REG Chapter referring to earthworks be deleted, as they consider the construction of new roads or access tracks are fundamental to developing REG activities and should be addressed through matters of discretion.

Analysis

45. The Introductions to the INF and REG chapters set out the relationship between the provisions in the INF / REG Chapter, and those contained in other parts of the Plan. The approach taken is that the INF and REG chapters are largely standalone, with provisions across the remainder of the Plan not applying, unless explicitly stated in the introduction. As notified, this includes: Natural Hazards; Historical Heritage; Notable Trees; Activities on the Surface of Water; Light; Noise; and Signs. In terms of the application of the EIB Chapter, for the INF Chapter, this includes the objective and rules in EIB Chapter; and for the REG Chapter, this includes all of the EIB Chapter except policies 2 and 3.
46. With respect to earthworks, the Introduction notes that the provisions in the Earthworks Chapter do not apply to earthworks that form part of the activities managed in each chapter (unless specified within the rules in the chapter) but do apply to the construction of new roads and access tracks associated with any infrastructure / REG activities.
47. Within both the INF and REG chapters, there are however provisions which address matters traversed in other chapters. For example, while the provisions in the NFL and SASM chapters do not apply, INF-P5 provides direction on how infrastructure in defined 'sensitive areas' - which include specifically identified SASMs and areas within the Mackenzie Basin ONL – is to be managed. In my view, this aligns with INF-O2, which seeks to ensure that the adverse effects of infrastructure on the surrounding environment are managed according to the sensitivity of the environment and the functional needs or operational needs of the infrastructure, and with INF-O1 in terms of providing for the development of infrastructure to meet needs. Similarly, REG-P6 provides direction on how REG activities in specific areas, including ONLs and SASMs and SNAs are to be managed. In my view, this aligns with REG-O2, which seeks to ensure that the adverse effects of REG activities are appropriately managed. However, this is to be achieved in a manner that also maintains or increases the output from REG activities (REG-O1). Reflecting the outcomes sought in the objectives for each chapter, the approach seeks to manage infrastructure and REG activities in these areas in a different manner than other activities, and I consider this to be appropriate to achieve the outcomes sought.
48. With respect to the SASM Chapter, I do not agree with applying the SASM Chapter in its entirety, because as noted above, the INF and REG chapters already seek to manage the impacts of infrastructure and REG activities on SASMs. In the INF Chapter, this includes a consent requirement for most infrastructure where located within a Māori Rock Art Protection Site⁴ or Silent File Area. In the REG Chapter, this includes a fully discretionary consent requirement for most new REG activities in any SASM (REG-R7), and greater restrictions on the scale of investigation activities within Māori Rock Art Protection Areas⁵ or Silent File Areas (REG-R5.3-4). However, on review of the SASM Chapter, I note that there are some provisions that apply to specific infrastructure activities – namely irrigation within MRAPAs (SASM-R5) and

⁴ Noting that in the s42A Report for PC24, some changes are recommended in relation to MRAPAs for the reasons set out in that report.

⁵ As above.

wastewater treatment plants (SASM-R6). I consider it appropriate that the Introduction to the INF Chapter therefore be amended to note that these SASM rules do apply; but this is not necessary in respect to the REG Chapter, as none of the rules in the SASM Chapter would in any case apply to REG activities. I therefore recommend that TRONT's submission point relating to the INF Chapter Introduction (12.01) be accepted in part and that relating to the REG Chapter Introduction (12.08) be rejected.

49. With respect to applying the entirety of the EIB Chapter provisions, I note that the EIB Chapter includes a policy (Policy 5) which is specific to the WPS, National Grid and Opuha Scheme. It therefore does not provide direction with respect to other infrastructure and new REG activities. If the EIB Chapter is applied in full, the direction in policies 2 and 3 would apply. I consider that it is more appropriate to apply to specific direction contained in INF-P7 and REG-P6. I consider that this approach still aligns with achieving the overall goal in the EIB Chapter, while better ensuring achievement of INF-O1, INF-O2, REG-O1 and REG-O2. With respect to the distinction between the INF and REG chapters (the former excluding all policies in the EIB Chapter and the latter only excluding policies 2 and 3), I agree that some of the policies should or do apply to infrastructure (including Policies 4, 6 and 7, and Policy 5 with respect to the National Grid). I therefore agree with amending the INF Chapter introduction to align with that of the REG Chapter. I therefore recommend that DOC's submission (3.03, 3.07) be accepted in part.
50. With respect to applying the NFL and NATC chapters and all zone chapters, this would effectively nullify the need for a separate REG Chapter. As noted above, there is specific policy direction proposed in the REG Chapter relating to areas managed in the NFL and NATC chapters. Applying the zone chapters – which do not include any permitted activity rules relating to REG activities – would result in resource consent being required in all cases. In my view, such an approach would be highly inefficient and far less effective at achieving the outcomes sought in the REG Chapter and in ATC-O4 than the approach proposed. I consider that the reliance on requirements contained in the zone chapters can instead be managed through a minor amendment being made to the introduction to clarify this. I therefore recommend that this submission point by F&B (13.01) is accepted in part, to the extent that clarification is provided in relation to the application of zone provisions within the INF and REG chapter rules.
51. In considering the above submissions, I have noticed that there is a policy included in the Rural Lifestyle Zone (RLZ) Chapter which explicitly refers to infrastructure (RLZ-P4.3). I consider that this is at odds with the approach taken in the INF Chapter, which essentially states that the provisions in the RLZ do not apply. I therefore recommend, as a clause 10(2)(b) amendment relating to those submissions supporting the standalone approach, that reference to infrastructure be removed from RLZ-P4.3. This change is included in **Appendix 2** to the s42A report for PC25.
52. With respect to the note being included in the Introduction section, I consider this to be more appropriate than only including such a note in the Rules section – otherwise it would not be clear that the objectives and policies in the INF and REG chapters supersede those in other

chapters. I do not consider this to be inconsistent with the approach taken in other chapters, as the approach taken in the INF and REG chapters (i.e. to have a mostly standalone chapter) does not apply in other cases. I therefore recommend that the submission point by OWL (16.04) be rejected.

53. I accept that the Introduction currently lists topics, rather than provisions. While the intent is that once the MDPR is completed, these topics would be whole chapters (reflecting the requirements of the NP Standards), this is not currently the case, with natural hazards and noise provisions, for example, currently sitting in the zone chapter provisions. While this issue would be resolved once the Stage 4 chapters are notified, in the interim period, the note as currently drafted could be unclear. However, to avoid having to immediately amend the INF and REG chapters in Stage 4, my preference would be for the Introduction to be drafted in a manner that is future proofed. I consider that this could be achieved by using a table to set out provisions, listing both the location of the current provisions, while also referring to where the provisions will sit once the provisions are reviewed. I recommend that Genesis (15.12) and Meridian (18.29) submission points be accepted in part, with the introduction amended to identify those specific provisions will apply. I note that my recommended text differs slightly from that provided by the submitters, in terms of the specific provisions which I have identified.
54. With respect to the legal effect of the Introduction, I do not agree that setting out what provisions do or do not apply in this section (including those relating to earthworks) does not have legal effect. I note that a similar statement is made at the start of the Takapō / Lake Tekapo Precinct (PREC1) Chapter, setting out the relationship between the provisions in PREC1 Chapter and those in the relevant zone chapter, so the approach taken is consistent with the drafting used elsewhere in the District Plan. I consider that in any case, the inclusion of a rule relating to earthworks in the INF Chapter would need to cross-reference back to the relevant rules in the Earthworks Chapter (to avoid duplication of several rules and standards) and therefore be somewhat inefficient. I therefore recommend that TLGL's submission point (5.03) be rejected.
55. My concern with new roads or access tracks not being subject to the provisions in the Earthworks Chapter, is that this would permit the creation of new roads and tracks relating to: the development of new REG activities associated with an existing hydroelectric power station (REG-R4); any investigation activities (REG-R5); and small-scale REG activities (REG-R6). As such, the effects of the construction of such tracks would not be able to be addressed through the matters of discretion as stated by the submitters. My recommendation is that new roads or access tracks continue to be subject to the Earthworks Chapter provisions, but I note that an alternative would be to apply the earthworks rules only to new roads or access tracks constructed as part of REG-R4, REG-R5 and REG-R6. I recommend that the submission points by Genesis (15.13) and Meridian (18.30) be rejected.
56. Because I consider that the changes, I have recommended do not alter the general intent of what was notified, I recommended that the Telcos (2.03), Transpower (7.10) and Simpson Family (9.01) submission points be accepted.

Recommendation

57. I recommend, for the reasons given above, that the Introduction to each of the INF and REG chapters is amended to:
 - a. include a note that provisions in other chapters do apply where specified in the provisions within the INF and REG chapters; and
 - b. include a table setting out the specific provisions relating to each topic which apply to the activities managed in these chapters.
58. The amendments recommended to the Introduction sections are set out in **Appendix 2** (INF Chapter) and **Appendix 3** (REG Chapter).
59. The scale of change does not require a section 32AA evaluation because it does not alter the general approach taken, to provide a largely standalone chapter for these activities with other provisions only applying where specified. The specific changes will, however, provide greater clarity as to exactly what other provisions apply and therefore will assist in the efficient administration of the District Plan. In the case of the SASM Chapter, this makes it clearer that some specific infrastructure activities are managed in the rules in that chapter.

10. Infrastructure (INF) Chapter

Broad Submissions and Introduction Section

60. Submissions relating to that part of the Introduction section which addresses what other sections of the plan apply to infrastructure have been addressed above. This section deals with other changes sought to the Introduction section of the INF Chapter, or submissions that comment broadly on the INF Chapter as a whole.

Submissions

61. DOC (3.01) supports all provisions in the chapter not otherwise commented on in their submission. Nova (6.02) supports the introduction of a new chapter for Infrastructure. CRC (19.05) do not request any changes to the INF Chapter. Grampians Station (21.06) also support the INF Chapter.
62. F&B (13.15) seek that the INF Chapter is amended to address concerns raised in their submission, including that the EIB Chapter should be applied with respect to effects on indigenous biodiversity. It states that it holds similar concerns with the wording and approach in the chapter.⁶

⁶ It is assumed that the “*similar concerns*” referred to relate to those raised in relation to the REG Chapter, although this is not explicitly stated.

63. Transpower (7.01) seeks that where reference is made to the ‘national grid’, this is capitalised, as in its experience, most district plans use capital letters, and it is consistent with their internal use of the term.
64. Genesis (15.35) and Meridian (18.10) seek the addition of clarification in the Introduction that REG activities are not subject to the provisions in the INF Chapter.
65. NZDF (22.04) seeks amendments to the Introduction to clarify that the chapter applies to infrastructure, including RSI.

Analysis

66. The support from DOC is noted. In some cases, changes are recommended to provisions in the INF Chapter in response to other submission points, therefore I recommend that their submission point (3.01) is accepted in part. With respect to Nova’s and Grampians Stations’ support for the new INF Chapter, I note that no one has opposed PC26 as a whole, nor sought that the INF Chapter be deleted. The introduction of a new chapter is also consistent with the NP Standards. I therefore recommend that these submission points (6.02 and 21.06) be accepted.
67. F&B have not identified the specific changes sought to the INF Chapter, and I note that while some of the policies in the INF and REG chapters are similar with respect to direction on how the effects of these activities are managed, the policies are not identical, and the objectives and rules differ. I therefore recommend that this submission point (13.15) be rejected, as it is not clear what the submitter is requesting.
68. With respect to references to the ‘national grid’, the drafting reason for non-capitalisation was because that follows the NPSET, which does not capitalise this term. However, the change makes no practical difference and, in this instance, I consider it better to be consistent with other district plans. I therefore recommend that Transpower’s submission point (7.01) be accepted. As well as recommending the references within the District Plan provisions are capitalised, I have also used capitals when referring to the National Grid within this report.
69. I agree with adding clarification in the introduction that REG activities are not subject to the provisions in the INF Chapter. I consider this to be necessary because REG activities fall within the definition of infrastructure and such a note would provide greater clarity that the more specific provisions in the REG Chapter are applicable, rather than any in the INF Chapter. I therefore recommend that the submission points by Genesis (15.35) and Meridian (18.10) be accepted.
70. With respect to NZDF’s request, I note that the introduction already begins with “*This chapter contains district-wide provisions relating to infrastructure.*” It is unclear what further clarity is required. I therefore recommend that their submission point (22.04) be rejected.

Recommendations

71. I recommend, for the reasons given above, that references throughout the District Plan provisions are amended to refer to the ‘National Grid’ rather than the ‘national grid’.
72. I recommend, for the reasons given above, that the Introduction to the INF Chapter is amended to explicitly state that activities managed in the REG Chapter are not subject to the provisions in the INF Chapter.
73. The amendments recommended to the Introduction section are set out in **Appendix 2** (INF Chapter).
74. The change relating to the National Grid does not require a section 32AA evaluation because it does not alter the effect of the provisions and is instead intended to provide consistency with the terminology used in other plans.
75. The change relating to the relationship between the INF and REG chapters does not alter the conclusions of the original s32 evaluation, as it reflects the intention of the drafting, to have separate provisions applying to each group of activities. The change will therefore better align with the original drafting intent, provide greater clarity and avoid any potential conflict that might arise if REG activities were subject to the provisions in both chapters.

Objectives

Submissions

76. INF-O1 is supported by FENZ (1.02), the Telcos (2.04), Transpower (7.11), MoE (14.01), Genesis (15.36), OWL (16.05), Meridian (18.11) and NZDF (22.05).
77. NZTA (8.07) seek that “*of land*” is added to INF-O1 to provide greater clarity.
78. The Telcos (2.06), Transpower (7.13), OWL (16.07) and NZDF (22.05) support INF-O3.
79. NZTA (8.09) supports the intent of INF-O3 but seeks the addition of “*effective and safe*”, to bring the wording into line with NZTA’s functions under the LTMA. Genesis (15.38) and Meridian (18.13) seek that INF-O3 is amended to refer to locally and nationally significant infrastructure, and LUI, as they consider that these should be included alongside RSI. Alpine (17.02) seeks that INF-O3 is extended to refer to LUI, so as to recognise this infrastructure alongside RSI.

Analysis

80. I agree with NZTA’s suggestion to refer to land use in INF-O1, as this better reflects the functions of MDC and what is sought through the District Plan. I therefore recommend this submission point (8.07) be accepted. As a result of recommending this change, I recommend that the submission points supporting the provision as notified (1.02, 2.04, 7.11, 14.01, 15.36, 16.05, 18.11 and 22.05) are accepted in part.

81. I also agree with expanding INF-O3 to refer to “*efficient, effective and safe*” operation, maintenance, upgrading and development of RSI. I therefore recommend this submission point (8.09) be accepted. This is not because of NZTA’s functions under the LTMA, which is a different statute to the RMA, but because I consider that it better reflects the outcome sought, which is not just about efficiency of operation etc, but also that such infrastructure can continue to be operated in an effective and safe manner.
82. I do not agree with amending INF-O3 to refer to locally significant infrastructure, as I do not consider that infrastructure that is only of local significance needs to be protected in the same manner, particularly given this is not required in order to give effect to the direction in the CRPS which relates only to infrastructure of regional significance. While I agree in principle with the objective covering nationally significant infrastructure, I consider that infrastructure which is of national significance will also be regionally significant and therefore there is no need to add this further reference, which might add confusion. I am comfortable with adding reference to LUI as I consider that it is equally important to ensure that this infrastructure (where it would not otherwise fall within the definition of RSI) is not constrained or compromised by other activities, given its importance to the health, safety and wellbeing of the community. It also treats these two types of infrastructure in a consistent manner, in the same way as they are in other provisions (INF-P6 and INF-P7). I therefore recommend that the submission point by Alpine (17.02) is accepted in part. As a result of recommending changes to INF-O3, I recommend that the submission points supporting the INF-O3 as notified (2.06, 7.13, 16.07 and 22.05) are accepted in part.

Recommendation

83. I recommend, for the reasons given above, that the INF-O1 is amended to add reference to “*land use*”.
84. I recommend, for the reasons given above, that the INF-O3 is amended to add reference to effectiveness and safety, and to apply to LUI.
85. The amendments recommended to INF-O1 and INF-O3 are set out in **Appendix 2**.
86. In terms of section 32AA, I consider that the change to INF-O1 is more appropriate to achieve the purpose of the RMA in the context of the matters which are controlled through the District Plan. I consider the changes to INF-O3 in relation to adding “*effective and safe*” are more appropriate because they better assist in managing the physical resources encompassed in the objective in a way that provides for the health and safety of people and communities, as set out in s5(2) of the RMA. In my view, extending the objective to apply to LUI similarly ensures that these physical resources are managed in a way that provides for the health and safety of people and communities.

Policies INF-P2, INF-P3 and INF-P4

Submissions

87. INF-P2 is supported by FENZ (1.04), Transpower (7.15), MoE (14.04), Genesis (15.40), OWL (16.09), Meridian (18.15), Grampians Station (21.07) and NZDF (22.05). The Telcos (2.08) seek that INF-P2 is amended to delete “*minor*” in relation to upgrades, stating that there is no guidance in the District Plan as to what a minor upgrade is. NZTA (8.11) seek clarification on what constitutes a minor upgrade.
88. INF-P3 is supported by the Telcos (2.09), NTZA (8.12), MoE (14.05) and Grampians Station (21.07). Genesis (15.41) and Meridian (18.16) seek that INF-P3 is amended so that clause 2 refers to co-location where functioning or operation are related, and efficiency and effectiveness of their construction and use is improved by co-location.
89. FENZ (1.05), the Telcos (2.10), MoE (14.06), Genesis (15.42), OWL (16.10), Meridian (18.17), Grampians Station (21.07) and NZDF (22.05) support INF-P4.
90. DOC (3.04) seek that reference to the “*surrounding*” environment in INF-P4.2 is amended to refer to the “*wider*” environment, as it considers that this could be interpreted as only applying outside the location of the development itself and therefore not allow an adequate assessment of environmental effects.
91. Transpower (7.16) seek that INF-P4 is amended so that the stem contains reference to the operational and functional needs of infrastructure, rather than this being contained after the clauses.
92. NZTA (8.13) seek that INF-P4.1 is amended so that it refers to avoiding, remedying or mitigating, rather than minimising adverse effects. It considers that the term minimises is vague, and states that there may be instances where RSI cannot minimise its adverse effects. It considers that avoiding, remedying or mitigating are generally understood terms.

Analysis

93. The approach to policy drafting within the District Plan review process includes using the word “*enable*” in policies which are implemented through a permitted activity status. Reference to “*minor*” upgrades in INF-P1 therefore relates to the upgrades that are identified (and permitted) in INF-R2. Upgrades beyond these would fall to be considered against the other relevant policies in the INF Chapter, particularly INF-P4. I do not agree with deleting minor from the policy as then the direction would be to enable any type of upgrade regardless of its scale and potential effects on the environment. I therefore recommend that the Telcos and NZTA’s submission points (2.08 and 8.11) be rejected, while noting that this assessment provides further clarity which may address NZTA’s concerns. As no change is recommended to INF-P2, I recommend the submission points supporting this provision are accepted (1.04, 7.15, 14.04, 15.40, 16.09, 18.15, 21.07 and 22.05).

94. With respect to the direction in INF-P3.2 relating to co-location, I accept that in some cases, different types of infrastructure may be incompatible, and co-location in these instances may not align with INF-O1. However, I consider that limiting the policy to where their functioning or operation are related to each other, and to where the efficiency and effectiveness of their construction and use is improved by co-location, will limit the potential benefits of co-location. More specifically, there may be benefits from a landscape perspective with co-locating infrastructure within an ONL, or ecological benefits where co-location reduces removal of indigenous vegetation. I therefore consider that “*encouraging*” co-location (noting the policy direction is not to require it) in broader circumstances is appropriate. I do consider that the clause could be improved however by limiting it to where such structures and facilities are compatible, as this will better align with INF-O1. I therefore recommend that Genesis and Meridian’s submission points (15.41 and 18.16) be accepted in part. As a result of recommending a change to INF-P3, I recommend that the submission points supporting the provision as notified (2.09, 8.12, 14.05 and 21.07) are accepted in part.

95. With respect to the reference to the “*surrounding*” environment in INF-P4.2, I do not consider that this precludes consideration of effects within the site itself. I also consider that changing this to the “*wider*” environment would not address the concern of the submitter in any case. I also note that there are other places in the District Plan provisions (both operative and proposed through the Stage 3 plan changes) where reference is made to the “*surrounding environment*”⁷ (including in INF-O3) and consider that the use of this term in this policy is consistent with these. I therefore recommend that DOC’s submission point (3.04) be rejected.

96. My preference is not to shift reference to the operational and functional needs of infrastructure to the stem of the policy, because in my view, the re-drafting sought by Transpower would result in operational and functional needs ‘trumping’ the other matters; whereas I consider the notified wording more appropriately balances the need to manage infrastructure to meet the criteria set out in the clauses at the same time as taking into account operational and functional needs. I therefore recommend that this submission point (7.16) be rejected.

97. While I agree with NZTA that avoiding, remedying or mitigating are generally understood terms, in my view reference to minimising effects provides greater direction. Minimise still allows for avoidance, remediation or mitigation measures to be used, but with the result of these being a reduction in effects. I recommend that NZTA’s submission point (8.13) be rejected.

98. Because I have not recommended any change to INF-P4, I recommend that the submission points supporting the provision as notified (1.05, 2.10, 14.06, 15.42, 16.10, 18.78, 21.07 and 22.05) are accepted.

Recommendation

99. I recommend, for the reasons given above, that INF-P2 and INF-P4 are retained as notified.

⁷ The matters of discretion in REZSZ-MD5, CMUZ-MD6, GIZ-R2, GIZ-S6, GRUZ-S3, GRUZ-MD1, RLZ-S6, INF-R4 and SUB-MD5; and within EW-P2.

100. I recommend, for the reasons given above, that the INF-P3 is amended to encourage co-location of “*compatible*” structures and facilities.
101. The amendment recommended to the INF-P3 is set out in **Appendix 2**.
102. In terms of section 32AA, I consider the change to INF-P3 is minor, and better aligns with INF-O1, by acknowledging that in some cases co-location may not be appropriate.

Policies INF-P5, INF-P6 and INF-P7

Submissions

103. INF-P5 is supported by the Telcos (2.11), Transpower (7.17), TRoNT (12.03), MoE (14.07), Alpine (17.04), Grampians Station (21.07) and NZDF (22.05).
104. DOC (3.05) seek that INF-P5 is amended so that clauses 2 and 3 refer to minimising (rather than mitigating) effects, and clause 4 is amended so that reference is to “*no more than minor residual adverse effects*” rather than “*significant adverse effects*”. They consider that this drafting better aligns with best practice, and that as currently drafted, the policy would allow for the loss of significant areas, inconsistent with s6(c) and s31(1)(b)(iii) of the RMA, and specific provisions within the NPSIB and CRPS.
105. NZTA (8.14) seek that the exclusion provided in INF-P5 to the National Grid is extended to the state highway network, due to the possibility that a state highway network project might result in remaining significant adverse effects even after the effects management hierarchy has been applied. It considers that inclusion of the state highway network in the exclusion would ensure its functions under the LTMA can be fulfilled.
106. EDS (10.01) seek that INF-P5 is amended to include a cross-reference to INF-P7, because the requirements in the latter apply in addition to those in INF-P7.
107. Genesis (15.43) and Meridian (18.18) seek that clause 4 of INF-P5 is amended so that energy storage facilities associated with the supply of renewable energy is exempted, on the basis that they are nationally significant and have a functional or operational need to be located near REG activities and/or the National Grid.
108. OWL (16.11) seeks that greater clarity is provided in INF-P5 as to what applies to LUI and RSI.
109. The Telcos (2.12), Transpower (7.18), NZTA (8.15), TRoNT (12.03), MoE (14.08), OWL (16.12) and NZDF (22.05) support INF-P6.
110. Genesis (15.44) and Meridian (18.19) seek that clause 2 of INF-P6 is extended to apply to regionally or nationally significant infrastructure. Grampians Station (21.08) seek that INF-P6 is amended to refer to Class 1 and 2 land only; or amended to direct that it will have no more than a minor impact on productive capacity, and where changes in the farm system or management will maintain the productive capacity. It considers that requiring no impact on productive

capacity is unduly restrictive, and that the Government has stated its intention to remove Class 3 soils from the NPSHPL.

111. The Telcos (2.13), EDS (10.02), TRoNT (12.03), MoE (14.09), Grampians Station (21.09) and NZDF (22.05) support INF-P7. DOC (3.06) also support INF-P7, contingent on the changes sought to INF-P5 being made.
112. NZTA (8.16) seek that the exclusion provided in INF-P7 to the National Grid is extended to the state highway network to ensure its functions under the LTMA can be fulfilled. Transpower (7.19) seeks that INF-P7 is amended so that the exclusion of the policy to the National Grid is also included in the title, and minor changes are made to the policy wording where it refers to the National Grid. Genesis (15.45) and Meridian (18.20) seek that INF-P7 is amended so that energy storage facilities associated with the supply of renewable energy are exempted from application of the policy, on the basis that they are nationally significant and have a functional or operational need to be located near REG activities and/or the National Grid. They further seek reference to nationally significant infrastructure after clause 5, as it considers that there may be nationally significant infrastructure that is not regionally significant or a lifeline utility that may have a functional or operational need to be located in significant areas.
113. OWL (16.13) seeks that greater clarity is provided in INF-P7 as to what applies to LUI and RSI and is particularly concerned with the cross-reference in the second part of Policy INF-P7 back to INF-P5. It also seeks that areas identified as significant are identified in the district plan and planning maps. OWL consider it is unclear what these areas are given that they have not been identified in the planning maps.

Analysis

114. I do not think that using “*minimise*” in INF-P5 works, because minimisation could involve avoidance or remediation, and INF-P5 already refers to those. In the context in which mitigate is used in this policy, I therefore consider it to be appropriate. I recommend that DOC’s submission point (3.05) relating to this is rejected.
115. With respect to amending the policy to refer to “*no more than minor residual adverse effects*” rather than “*significant adverse effects*”, I note that the reason given by DOC relates to consistency with s6(c) and s31(1)(b)(iii) of the RMA, and specific provisions within the NPSIB and CRPS. However, these provisions only apply to indigenous biodiversity, whereas the policy applies to other areas. With respect to indigenous biodiversity, I note that INF-P7 applies in addition to INF-P5, and includes more specific direction in relation to SNAs, which are required to give effect to the NPSIB. I note that the “*more than minor*” test is used in the RMA with respect to public notification of applications (s95A(8)(b)). In that context, an application may have effects which reach the threshold for notification, but this does not preclude the granting of consent. It is also used with respect to non-complying activities (in s104D), whereby resource consents with such a status may only be granted consent if the effects are more, or the activity is not contrary to the objectives and policies of the relevant plan. In that context, the granting of consent is not precluded because of the scale of effects alone, (but provided the objectives

and policies are met). I therefore have concerns that shifting this “*more than minor*” test to the policy level creates a much higher threshold to the granting of a consent, beyond which the RMA ordinarily applies. In my view, requiring no more than minor residual adverse effects would not align with the outcome sought in INF-O1 and INF-O2. I therefore recommend that DOC’s submission point (3.05) be rejected.

116. I do not agree with extending the exclusion in INF-P5 or INF-P7 to the state highway network or to energy storage facilities in the same way as is proposed for the National Grid. The exclusion for the National Grid relates to the requirement to give effect to the NPSET. There is no similar national direction relating to the state highway network and my understanding is that the NPSREG does not apply to energy storage facilities (or if it does, the policy direction in the REG Chapter would apply, not the INF Chapter). This is particularly relevant to INF-P7, because the policy direction aligns with that set out in the NPSIB and the NPSIB does not apply to the National Grid but does apply to other infrastructure. I therefore recommend that the submission points seeking these extensions (8.14, 8.16, 15.43, 15.45, 18.18 and 18.20) be rejected.
117. I do not consider that INF-P5 needs to include a cross-reference to INF-P7, because it is clear in INF-P7 that the requirements in the latter apply in addition to those in INF-P5. I do not consider that this needs to be stated in both places and therefore recommend that EDS’s submission point (10.01) be rejected.
118. I am not sure what further clarity is required in INF-P5 as to what applies to LUI and RSI – the policy applies to all infrastructure and therefore already includes LUI and RSI. I see no point in specifically listing different types of infrastructure given the policy applies to all infrastructure. I therefore recommend that OWL’s submission point (16.11) be rejected. With respect to INF-P7, the policy already states that the direction in P7.1-7.5 does not apply to LUI and RSI, where it meets the criteria set out in P7.6-7.8. INF-P7.1-7.5 therefore apply to these types of infrastructure when the criteria are not met (in addition to INF-P5) and when they criteria are met, only INF-P5 applies to them. I therefore recommend that OWL’s submission point (16.13) be rejected, noting that the discussion above may however provide clarity to address the submitter’s concerns.
119. As I have not recommended changes to INF-P5, I recommend that those submission points (2.11, 7.17, 12.03, 14.07, 17.04, 21.07 and 22.05) seeking its retention be accepted.
120. I do not consider that it is necessary for INF-P6 or INF-P7 to refer to nationally significant infrastructure, as I cannot think of an example where such infrastructure would not already be regionally significant. I note that if reference is made to nationally significant infrastructure, it would be prudent that this is defined. I therefore recommend that Genesis and Meridian’s submission points (15.44 and 18.19) be rejected.
121. I do not agree with amending INF-P6 to refer only to Class 1 or 2 soils as this would not give effect to the NPSHPL. I do not consider that the Council can ignore the current direction or definition of what is highly productive land on the basis of the ‘intentions’ of the current

government. I therefore recommend that Grampians Station's submission point (21.08) be rejected.

122. As I have not recommended changes to INF-P6, I recommend that those submission points (2.12, 7.18, 8.15, 12.03, 14.08, 16.12 and 22.05) seeking its retention be accepted.
123. I do not consider it necessary to include reference to the National Grid in the title of INF-P7 as the exclusion is clearly set out in the policy wording and adding it to the title would make the title more complicated. However, I am generally comfortable with making minor changes to the wording of the policy itself where it refers to the National Grid. I therefore recommend that Transpower's submission point (7.19) be accepted in part.
124. With respect to the identification of SNAs, I note that these are already defined in Section 3 of the District Plan. This definition applies instead of the mapping of specific areas and was a matter traversed as part of PC18. PC26 essentially relies on the existing definition within the District Plan and does not propose to amend this definition or overall approach. I therefore recommend that this aspect of OWL's submission point be rejected (16.13), noting however that the explanation above may provide some clarity to the submitter.
125. As I have recommended a change to INF-P7 as a result of other submissions, I recommend that the submission points supporting the provision as notified (2.13, 3.06, 10.02, 12.03, 14.09, 21.09 and 22.05) are accepted in part.

Recommendation

126. I recommend, for the reasons given above, that INF-P5 and INF-P6 are retained as notified (noting changes to INF-P5 are recommended elsewhere in this report).
127. I recommend that INF-P7 is amended slightly where it refers to the National Grid.
128. The amendments recommended to the INF-P7 are set out in **Appendix 2**.
129. I consider that the changes recommended to INF-P7 provide greater clarity, but do not alter the intent or effect of the provision. A further assessment under section 32AA is therefore not required.

Rules

Submissions

130. FENZ (1.06), the Telcos (2.16), Transpower (7.24), OWL (16.15), Alpine (17.06), Meridian (18.22) and NZDF (22.06) support INF-R2. NZTA (8.18) seek that INF-R2 is amended to permit minor upgrades or ancillary equipment directly associated with the state highway network.
131. TRoNT (12.04) seeks that INF-R3 be amended so that the permitted size of any upgrade (in condition 2 of the rule) is reduced from 25% to 10%, with an additional matter of discretion added in relation to the adverse effects on freshwater and/or mana whenua values. This seeks

to provide adequate protection to Mahika kai and the values associated with the Opuha River to Kāi Tahu, while enabling minor upgrades as a permitted activity. Should the permitted footprint size not be reduced, then it is requested that the permitted status is changed to restricted discretionary.

132. OWL (16.16) seeks that if the change to the definition of 'upgrade' is not included, a further permitted activity condition is added to INF-R3, requiring that any new building or structure comply with the height limits for the zone in which the activity is located, so that these are considered as part of any upgrade works. Although the change to the definition is discussed in the 'Definitions' section below, for context I note that what is sought is that the definition is amended to include new buildings and structures that may be required as part of an upgrade.
133. The Telcos (2.17), Transpower (7.25), NZTA (8.19), OWL (16.17), Meridian (18.23) and NZDF (22.06) support INF-R4. Grampians Station (21.10) consider that the timeframe specified in INF-R4 is too short and seeks that it is extended from 12 to 36 months.
134. NZTA (8.20) and OWL (16.18) support INF-R5. The Telcos (2.18) seek that INF-R5 (Navigational Aids, Meteorological, Sensing and Environmental Monitoring Equipment) is amended so that the permitted height is 5m above the zone, precinct or overlay height otherwise applying, rather than being only 1.8m. They note that sensing and environmental monitoring equipment often requires telecommunications equipment to transmit data collected, which can increase the height, and in some instances need to be above the height of any surrounding buildings. They also seek a note is added to the rule to state that the rule does not apply to equipment attached to a pole, with INF-S3 applying instead.
135. Helios (4.04) seeks clarification as to whether INF-R5 would apply to meteorological equipment for REG activities and suggest that the note is provided in this rule and in REG-R5 to confirm how the rule applies in relation to infrastructure and REG activities.
136. NZTA (8.21), Genesis (15.47), OWL (16.19), Meridian (18.24), Grampians Station (21.11) and NZDF (22.06) support INF-R6. The Telcos (2.19), with respect to INF-R6, consider that is unclear why buildings are limited to 50m² in GFA and 4m in height in residential and rural lifestyle zones, and consider that the built form standards applying in the zone to other buildings should similarly apply to utility buildings.
137. The Telcos (2.20), Transpower (7.26), OWL (16.20), Meridian (18.25) and Grampians Station (21.11) support INF-R7. NZTA (8.22) seek deletion of the requirement to comply with EW-S4 in INF-R7, stating that earthworks are dealt with separately under the Plan.
138. The Telcos (2.21), Transpower (7.27), NZTA (8.23), OWL (16.21) and Grampians Station (21.11) support INF-R8. Alpine (17.17) seeks that INF-R8 is amended so that undergrounding of lines is not required in Rural Lifestyle or Industrial zones, due to the costs associated with expanding the underground network in these areas, that it is out of step with other district plans in Canterbury.

139. Grampians Station (21.11) support INF-R9. OWL (16.12) seek that INF-R9 is amended to include reference to reservoirs, wells and supply intakes associated with RSI, so that this captures reservoirs of less than 22,700 litres, where they are related to RSI. It considers this aligns with rule with INF-P1 by better recognising the benefits of such infrastructure, and considers it unclear why the rule as currently drafted applies only to public water supplies.
140. Grampians Station (21.12) support INF-R22. Transpower (7.34) seek that the INF-R22.2 is extended to require a 12m setback from any other National Grid support structure, in addition to the proposed 8m setback from a pi-pole, as this would allow for the structures managed under this rule to be permitted, subject to the 12m setback being met.
141. The Telcos (2.27) seek a new rule be included, permitting infrastructure which is located entirely within an existing building, so that it is *“abundantly clear that such proposals are permitted”*.

Analysis

142. I do not consider that a change is needed to INF-R2 to permit minor upgrades or ancillary equipment directly associated with the state highway network as sought by NZTA, because the rules relating to the transport network (which includes the State Highway) are contained in the Transport Chapter introduced in PC27. This already permits the *“Development, Operation, Maintenance, Repair or Replacement of Land Transport Infrastructure Within a Land Transport Corridor”* (TRAN-R1). However, this submission point has highlighted to me that it is unclear that the rules in the Transport Chapter are intended to apply instead of those in the INF Chapter. I recommend that this is made clear in the ‘Notes for Plan Users’ in the Rules section of the chapter. I therefore recommend that NZTA’s submission point (8.18) be accepted in part. Because I have not recommended a change to INF-R2 itself, I recommend that the submission points (1.06, 2.16, 7.24, 16.15, 17.06, 18.22 and 22.06) supporting the rule be accepted. For the avoidance of doubt, I consider that this is different to setting out in the chapter introduction what provisions in other chapters of the Plan also apply to activities managed in the INF Chapter, as it is about what rules in the INF Chapter do not apply to a particular sub-set of infrastructure activities.
143. With regard to INF-R3 (Minor Upgrade in relation to Opuha Dam), I note that the Opuha River is identified as a SASM through PC24. Because of this, I agree with TRoNT that where the upgrade exceeds a certain size, it is appropriate to allow for consideration of effects on mana whenua values. To provide greater clarity, consistency with other chapters, and integration across the Plan, I recommend that the matter of discretion refers specifically to SASM-MD1 in the SASM Chapter, rather than more broadly to *“effects on mana whenua values”*. I consider that effects on freshwater is a matter managed by regional council controls rather than being a district council function and therefore do not agree with this being added as a matter of discretion to this rule. In terms of whether the threshold for a permitted upgrade should be reduced to 10%, I have considered what the rule covers and note that it includes all facilities, works and components. Because of the breadth of INF-R3.2, I consider a lower limit is likely more appropriate where a structure/facility etc is larger but note that where a structure/facility is relatively small, a 10% increase would be quite low. I note that the proposed Selwyn District

Plan for the Coleridge Hydro Electric Power Scheme limits the increase to less than 50m² in area or an increase in existing floor area of no more than 25% (EI-R29). I consider a similar threshold would be appropriate here, limiting increases to 25% of the existing footprint, or 50m² in area, whichever is the lesser. I therefore recommend that TRoNT's submission point (12.04) be accepted in part.

144. With respect to OWL's request, I do not consider that the additional condition is required, because new buildings and structure are already managed under INF-R6. I therefore recommend that this submission point (16.16) be rejected.
145. I note that the timeframe proposed in INF-R4, which limits the locating of temporary infrastructure for no more than 12 months, is consistent with that used in other nearby district plans.⁸ I therefore consider the timeframe to be appropriate. I recommend the submission point by Grampians Station (21.10) be rejected, and as I am not recommending a change to INF-R4. I recommend that those submission points supporting the provision (2.17, 7.25, 8.19, 16.17, 18.23 and 22.06) be accepted.
146. With respect to INF-R5 (Navigational Aids, Meteorological, Sensing and Environmental Monitoring Equipment) I tend to agree with the Telcos that limiting the height of these to 1.8m, given the higher height limits provided for other types of infrastructure, and the operational needs of such equipment to be located above the buildings within the respective zone, is overly restrictive. I am comfortable that the potential visual effects of such equipment being 5m above the maximum height limit otherwise applying are limited due to the footprint being limited to 6m². I also agree that where such equipment is attached to a pole, it should be subject to INF-S3, which sets out pole and tower heights. However, as INF-S3 is a standard, it needs to be linked back to the rule, rather than being a note. I consider that it should therefore be added as a condition within INF-R5 itself. I recommend the submission point by the Telcos (2.18) be accepted in part. Because I am recommending a change to INF-R5, I recommend that the submission points supporting the provision as notified (8.20 and 16.18) are accepted in part.
147. I consider that the concern raised by Helios is addressed through the recommendation above that the introduction be amended to note that REG activities are not subject to the provisions in the INF Chapter. Therefore, REG-R5 will apply to meteorological equipment for REG activities. I therefore recommend their submission point (4.04) be accepted in part.
148. I accept that INF-R6 applies limitations on the height and area of infrastructure buildings and structures than might otherwise apply. However, in my view, this reflects that these types of buildings and structures are different to those that may otherwise be anticipated in an area. For example, they are likely to have a relatively utilitarian appearance which differs from residential character, where located in residential zones. I consider a lower permitted height in residential or rural lifestyle zones is therefore appropriate, as is a limitation on size. I therefore recommend that the Telco's submission point (2.19) be rejected. In response to other submissions (relating

⁸ For example, Rule 11.4.1 P19 in the Christchurch City Plan; EI-R9 in the Partially Operative Selwyn District Plan; EI-R9 in the proposed Waimakariri District Plan; and EI-R7 in the proposed Timaru District Plan.

to the matters of discretion applying when the rule is breached) I have recommended (see section below) a change to the matters of discretion. I therefore recommend that those submissions supporting the provision as notified (8.21, 15.47, 16.19, 18.24, 21.11 and 22.06) be accepted in part.

149. I note that NZTA's comments on INF-R7 are inconsistent with the note in the Introduction which states that the provisions in the Earthworks Chapter generally do not apply to earthworks that form part of the activities managed in this chapter (except as specified within the INF Chapter). If reference to EW-S4 is removed, then earthworks associated with below ground infrastructure would not be required to comply with the Accidental Discovery Protocol requirements, and it is my view that there is no reason to exempt the installation of below ground infrastructure from this requirement. I therefore recommend that NZTA's submission point (8.22) be rejected, and those submissions supporting the provision as notified (2.20, 7.25, 16.20, 18.25 and 21.11) be accepted.
150. I note that INF-R8 requires the undergrounding of new lines within generally urban areas. However, as a permitted activity, slight extensions (up to three support structures) of an existing overhead line are provided for. This is the same requirement which applies under the operative rules (Section 16, Standard 1.2.a), including that it applies to all rural-residential and industrial zones. The costs associated with this are therefore not changing from those imposed by the status quo. Given that the areas of industrial zoning are all located within urban areas, and rural lifestyle zone adjoin existing urban areas (the edges of Twizel and Fairlie townships), I consider that generally requiring undergrounding of these lines is consistent with the amenity anticipated in these areas and therefore aligns with the direction in INF-P4 to manage infrastructure so that it is compatible with the values and anticipated character of the surrounding environment. I therefore recommend that Alpine's submission point (17.17) be rejected, and those submissions supporting the provision as notified (2.21, 7.27, 8.23, 16.21 and 21.11) be accepted.
151. I agree with OWL that limiting INF-R9 to reservoirs, well and supply intakes that are for the provision of public water supply is inappropriate, as the effects of these are unaltered by whether it is for the public water supply or not. However, I consider it is better to address this by removing reference to "*public*" water supplies, rather than by adding reference to RSI. I therefore recommend their submission point (16.12) be accepted in part. As I am recommending a change to the rule, I recommend that the submission point from Grampians Station (21.11) be accepted in part. For completeness I note that in response to a matter raised in relation to PC24, I have recommended a change to INF-R9 (and INF-R10) and a related definition, in relation to how the rule applies to specific SASMs. However, the changes to the definition and rule do not alter the effect of the rule as notified in any case.
152. I agree with Transpower's requested addition to Rule INF-R22.2 as this makes it clearer what the setback requirement is for structures in proximity to other types of National Grid support structures. I note this setback distance is consistent with the other rules in this chapter and avoids any doubt as to what applies to structures in proximity to National Grid support

structures which are not pi-poles. I therefore recommend Transpower's submission point (7.34) be accepted in part. As I am recommending a change to the rule, I recommend that the submission point from Grampians Station (21.12) be accepted in part.

153. I am comfortable with adding an additional rule permitting infrastructure which is located entirely within an existing building, for the avoidance of doubt that this is permitted. I note a similar rule has been included in the proposed Waimakariri District Plan (EI-R8). I therefore recommend that the submission point from the Telcos (2.27) seeking a new rule be accepted.

Recommendation

154. I recommend, for the reasons given above, that INF-R2, INF-R4, INF-R7 and INF-R8 are retained as notified.
155. I recommend, for the reasons given above, that the 'Note for Plan Users' in the Rules section of the INF Chapter is amended to note that the rules do not apply to activities managed in the Transport Chapter. In terms of s32AA, I consider that this change does not alter the original s32 assessment but provides greater clarity about the relationship between the Transport and INF chapters and will assist in the efficient administration of the Plan.
156. I recommend, for the reasons given above, that INF-R3 is amended to limit upgrades to the Opuha Dam to 25% of the existing footprint, provided the increase is less than 50m²; and to add to the matters of discretion to allow for the matters in SASM-MD1 to be considered when the threshold is breached. In terms of s32AA, I consider that these changes more appropriate to achieve the outcomes sought in the SASM Chapter, as well as INF-O2, in terms of better recognising the sensitivity of the environment the dam is located within. While the additional limit will have greater economic costs in terms of consenting requirements, I consider that this is outweighed by the cultural benefits of the provision in terms of providing more adequate management of the values associated with the Ōpūaha / Opuha River to Kāi Tahu and Nga Rūnaka.
157. I recommend, for the reasons given above, that INF-R5 is amended to increase the permitted height of Navigational Aids, Meteorological, Sensing and Environmental Monitoring Equipment to 5m above the zone, precinct or overlay height otherwise applying, and to require compliance with INF-S3 where the equipment managed under the rule is attached to a pole, tower or other support structure. Under s32AA, I consider that the change to height limits in INF-R5 strikes a better balance in achieving both INF-O1 and INF-O2. This is because applying a height limit relating to the permitted height limit otherwise applying will still be effective at managing the effects of the height relative to the sensitivity of the surrounding environment, while better providing for the functional and operational needs of infrastructure and thereby ensuring it meets the community's needs.
158. I recommend that INF-R9 is amended to remove its application to Public Water Supplies. In my opinion, not limiting the application of this rule to Public Water Supplies is a more efficient approach and better recognises that the effects of the activity are not altered by the purpose

of the reservoir/well/supply intake. As such I consider that there are economic benefits from the change, but no additional costs.

159. I recommend, for the reasons given above, that INF-R22.2 is extended to require a 12m setback from any other National Grid support structure. In terms of s32AA, I consider that the amendments to INF-R22.2 provide greater clarity and ensure that the NPSET is properly given effect to. There are also economic benefits in enabling these structures in proximity to all types of support structures.
160. I recommend, for the reasons given above, that an additional rule is included which permits new infrastructure located within an existing building. With respect to s32AA, I consider that there are economic benefits with providing this as a permitted activity, without any costs arising, as the effects of the built form within which the new infrastructure activity is located will already exist, and there is likely to be minimal other adverse effects arising. As such, it will be more efficient at achieving INF-O1.
161. The amendments recommended to the INF rules are set out in **Appendix 2**.

Standards and Matters of Discretion

Submissions

162. NZTA (8.26), TRoNT (12.06), OWL (16.25) and Grampians Station (21.14) support INF-S3.
163. FENZ (1.07) seek that INF-S3 is amended to exempt poles and masts used for emergency services facilities from complying with the standard. It states that it supports the limits applying in the rural zones and other zones but has concerns with the limits in clause (1)(a) due to operational requirements which may require towers or poles of 12-15m.
164. The Telcos (2.29) seek that INF-S3 is amended so that the height limits applying are increased to 20m in any CMUZ, 25m in any industrial zone, and 35m in any rural zone; with an additional allowance of 5m (outside residential areas) for co-location. They further seek that the exemption for antennas is deleted and incorporated into a separate standard. These changes are sought in order to provide greater national consistency, a more efficient network, and to encourage co-location.
165. Helios (4.05) consider that the height limit in INF-S3 for rural zones in an ONF or ONL is restrictive, and potentially more restrictive than the NESETA, with respect to where existing structures are proposed to be altered or replaced. It seeks that the height limits apply only to new poles, towers or other support structures, and that increases to existing poles, towers or other support structures is required to comply with clause 14(3) of the NESETA.
166. OWL (16.26) and Transpower (7.45) support INF-MD1. TRoNT (12.07) seeks that effects on mana whenua values are added to INF-MD1, because it is relevant to a number of rules that potentially have effects on these values, such as infrastructure located in a way that prevents access to Nohoaka Entitlements. EDS (10.03) seek that an additional matter of discretion is

added to INF-MD1 requiring consideration of the effects on indigenous biodiversity. NZTA (8.27, 8.28) seek that the matters of discretion (INF-MD1 and INF-MD2) are amended so that consideration can be had to actual and potential effects of the infrastructure on adjacent or nearby state highways / transport safety, in order to allow transport safety, and the effective, efficient and safe management of the state highway network can be taken into account.

Analysis

167. My understanding is that emergency services facilities do not fall within the definition of 'infrastructure' and therefore the INF Chapter does not apply to these facilities. Rather, these facilities are a sub-set of 'community facilities' and managed as such under the zone framework. Given that INF-S3 therefore does not apply, I do not agree with the need to exempt poles and masts associated with these facilities from this standard and recommend that the submission point by FENZ (1.07) be rejected.
168. With respect to increasing the heights sought by the Telcos, I do not agree with applying the same limit across all CMUZ, because they have different characteristics. The MUZ, for example, is generally located in smaller townships and next to residential areas, and therefore built form is managed (under the zone rules) to reflect this context. The NCZ applies to two discrete areas in Takapō / Lake Tekapo which are within residential areas, with height limits matching those of the surrounding residential zone. The current rules reflect this context by specifying a height limit that is relative to the height limit otherwise applying. However, I am comfortable with the higher limit of 25m being applied in any industrial zone, as I consider that this is consistent the outcomes sought within this GIZ (as set out in GIZ-O1 and GIZ-O2). I also agree with allowing an additional 5m where co-location applies, as this is consistent with the direction in INF-P3.2. With respect to rural zones, I note that under the NP Standards, this includes RLZ. Because these areas are located at the edge of urban environments, I consider that the notified 25m limit is appropriate. In the GRUZ, I note that the higher 35m limit sought is not consistently used in other district plans – specifically, it is applied to the GRUZ in the Partially Operative Selwyn District Plan, and to the Rural Waimakariri Zone in the Christchurch District Plan. However, the limit in the proposed Waimakariri District Plan is 25m, which also applies in the Rural Urban Fringe Zone in Christchurch. In the Ashburton District Plan, the limit is 25m in the rural zones for structures supporting lines, and 30m for structures for telecommunications, radiocommunications and meteorological facilities. I therefore do not agree that a 35m height is justified for 'national consistency' reasons. I recommend that the limit of 25m is retained; or if the Panel considers a higher limit might be justified, I suggest a 30m limit be applied in GRUZ (but 25m retained in the RLZ). I therefore recommend that the submission point by the Telcos (2.29) be accepted in part.
169. I do not agree with amending INF-S3 to require compliance with the NESETA, because the NESETA only applies to the National Grid. Where the NESETA applies, the rules in the District Plan do not apply in any case, so I do not consider that they are more restrictive. INF-S3 will instead apply to poles and towers for infrastructure that is not managed under the NESETA, for example, telecommunication poles and electricity distribution lines. I do not consider that just because a higher limit is provided for nationally significant infrastructure that it justifies allowing

the same height for any type of pole, tower or other support structure associated with other infrastructure. I recommend that the submission point by Helios (4.05) be rejected. As I have recommended changes to INF-S3 in response to other submissions, I recommend the submission points supporting the standard (8.26, 12.06, 16.25 and 21.14) be accepted in part.

170. With respect to the matters included in INF-MD1 and INF-MD2, I consider that it is important to consider the activities to which these matters apply. Specifically, INF-MD1 matters come into play where infrastructure exceeds the size thresholds specified in various rules (INF-R2.1-10; INF-R3.2; INF-R5; INF-R6.1-2; INF-R13; INF-R14.1-2; INF-R15.1-2; INF-R16.1-2; and INF-S3). It is my view that breaching these standards would not affect access to Nohoaka Entitlements, and in any case, the rules in the District Plan would not override other access arrangements (e.g. registered easements, or permissions required from DOC or LINZ). Nor do these rules authorise clearance of indigenous vegetation, and it is unclear to me how their exceedance could lead to effects on traffic safety. I therefore do not consider it efficient to require consideration of effects on mana whenua values, traffic safety or on indigenous biodiversity for the types of infrastructure activities that the rules which rely on INF-MD1 control.
171. I consider that there are two exceptions to the above, being INF-R6.1.a. and c., which set limits on the floor area and height of infrastructure buildings or structures which are not otherwise listed under another rule; and in relation to INF-S3, which sets height limits for poles, towers or other support structures. Where these limits in INF-R6.1.a. and c. are breached, and the building or structure is located within a SASM listed in SASM-SCHED1, SASM-SCHED2 in SASM-SCHED4 I consider that the increased scale or height could affect the values of the SASM, because it would increase the visibility of the infrastructure in a landscape that has high cultural values (SASM-SCHED1); could affect the access to or use of a mahika kai or nohoaka site (SASM-SCHED4) or could include earthworks in areas which are sensitive to ground disturbance (SASM-SCHED2). (With respect to SASM-SCHED3, these are discussed in more detail in the Section 42A Report for PC24, and relying on the evaluation in that report, I do not consider that the scale or height of buildings is relevant to the values of those areas).
172. In cases where the height limit is exceeded, and the structure is in a SASM listed in SASM-SCHED1 (relating to Wai taoka, Wai tapu, Wāhi taoka, Wāhi tapu, and Wāhi tupuna), I consider that the height could affect the values of the SASM, because it would increase the visibility of the infrastructure in a landscape that has high cultural values which include a visual connection. I therefore consider that where these rules are breached, there should be an ability to consider effects on mana whenua values. To provide greater clarity on what this includes, and for consistency and integration across the Plan, I consider that these rules/standards should refer to the matters of discretion in SASM-MD1. I therefore recommend that the submission point from TRoNT (12.07) be accepted in part, and those from EDS (10.03) and NZTA (8.27) be rejected.
173. INF-MD2 matters apply when buildings or structures are located in ONLs or ONFs and exceed a maximum reflectance value of 30% (INF-R6.3; INF-R13.8; INF-R14.3 and INF-R16.3). The purpose of this control is to manage effects of the visibility of infrastructure on the landscape values of

these areas and is unrelated to transport safety. I therefore do not agree with extending the matter of discretion to expand the control. I recommend that the submission point from NZTA (8.28) be rejected.

174. Because I have not recommended any changes to INF-MD1, I recommend that the submission points from OWL (16.26) and Transpower (7.45) be accepted.

Recommendation

175. I recommend, for the reasons given above, that INF-MD1 and INF-MD2 be retained as notified.

176. I recommend, for the reasons given above, that INF-S3 is amended to:

- a. increase the height applying in the industrial zones to 25m;
- b. provide an additional 5m allowance (outside residential areas) where infrastructure is co-located; and
- c. add consideration of the effects on mana whenua values (via reference to SASM-MD1) where the pole, tower or other support structure is located within a SASM listed in SASM-SCHED1.

177. I recommend, for the reasons given above, that consideration of the effects on mana whenua values (via reference to SASM-MD1) is added to the matters of discretion in INF-R6, where the type of infrastructure managed under that rule is located within a SASM listed in SASM-SCHED1, SCHED2 or SCHED-4.

178. The amendments recommended to INF-S3 are set out in **Appendix 2**.

179. In terms of s32AA, I consider that the change to the height in the GIZ in INF-S3 is a more appropriate way to achieve INF-O2, as the higher limit better aligns with the purpose, character and amenity of these areas, as set out in GIZ-O1 and GIZ-O2. I consider that the additional allowance for co-location will better implement INF-P3.2 and while there may be some adverse effects arising from increased heights, these will likely be less than those resulting from additional separate infrastructure be developed. As such, the change will still be effective at achieving INF-O2.

180. I consider that including consideration of SASM-MD1 when INF-R6.1.a, INF-R6.1.c or INF-S3 is breached will better manage effects on SASMs and the relationship that mana whenua have with the values of these areas which could be affected by the activities that these rule apply to (SASM-O2). There are limited costs associated with this change as it does not alter the trigger at which consent is required but will result in costs associated with consulting rūnaka. I consider that any costs are outweighed by the cultural benefits of ensuring that mana whenua values are appropriately taken into account.

11. Renewable Electricity Generation (REG) Chapter

Broad Submissions and Introduction Section

181. As noted earlier, submissions relating to that part of the Introduction section which addresses what other sections of the plan apply to infrastructure have been addressed earlier in this report. This section deals with other changes sought to the Introduction section, or submissions that comment broadly on the REG Chapter as a whole.

Submissions

182. DOC (3.01) supports all provisions in the chapter not otherwise commented on in their submission. Nova (6.01), OWL (16.27) and Grampians Station (21.15) all support the introduction of the REG Chapter, in order to give effect to the NPSREG.

183. Genesis (15.11) and Meridian (18.28) seek that the introduction is amended to delete references to sections of the RMA and the NPSREG and replaced with alternative text focussed more on the effects of climate change and greenhouse gas emissions and the ability to decarbonise the economy through REG activities, and with reference to the NPSFW and NPSIB. It considers these changes are needed to better capture the national significance of REG activities under all three national policy statements, and to provide greater emphasis on the importance of addressing the effects of climate change. A minor change is also sought to the final sentence of the fourth paragraph to remove reference to “appropriately” managing adverse effects, and to refer to effects as “potential”.

Analysis

184. The support from DOC is noted. In some cases, changes are recommended to provisions in the INF Chapter in response to other submission points, therefore it is recommended that this submission point (3.01) is accepted in part. With respect to Nova, OWL, and Grampian Station’s support for the new REG Chapter, I note that no one has opposed PC26 as a whole, nor sought that the REG Chapter be deleted. The introduction of a new chapter is also consistent with the NP Standards. I therefore recommend that these submission points (6.01, 16.27 and 21.15) are accepted.

185. I do not agree with the deletions sought to the Introduction section and replacement with alternative text focussed more on the effects of climate change and greenhouse gas emissions and the ability to decarbonise the economy through REG activities. The purpose of the Introduction section is to provide some context to what the provisions in the chapter relate to. The additions sought by these submitters relate more to the much wider context relating to REG activities, rather than to the District Plan provisions themselves and their context in the RMA framework. I also disagree with referring to the NPSIB, as it does not apply to REG activities. It is therefore incorrect to state that it recognises the national significance of REG activities, given it includes no such reference to this. While the NPSFM includes provisions applying to the Waitaki Scheme (clause 3.31), the direction relates only to regional councils and

therefore is not relevant to the District Plan, so I do not consider it appropriate to refer to it in the REG Chapter introduction.

186. I am comfortable with the minor changes sought to the final paragraph. I therefore recommend that these submission points (15.11 and 18.28) are accepted in part.

Recommendation

187. Amend the fourth paragraph of the introduction to remove “*appropriately*” and refer to managing “*potential*” adverse effects.
188. The scale of change does not require a section 32AA evaluation because it does not alter the intent of the Introduction statement.

Objectives

Submissions

189. TRoNT (12.09), F&B (13.02), Alpine (17.09), Genesis (15.14), OWL (16.38) and Meridian (18.31) support REG-O1.
190. Simpson Family (9.02) consider that the objectives need to provide specific support for new REG activities, including recognising functional and operational needs. They seek that REG-O1 is replaced with “*Recognise the functional and operational needs associated with the location and design of energy renewable electricity generation*”; and “*To provide for the development, operation, maintenance and upgrade of new and existing renewable electricity generation*”.
191. Grampians Station (21.16) consider that the aim should be to increase output from REG activities in the District, not just to maintain it, and therefore seeks deletion of reference to maintenance from REG-O1.
192. NZTA (8.29), Simpson Family (9.03) and TRoNT (12.09) support REG-O2.
193. DOC (3.08) seek that REG-O2 is amended to seek that adverse effects are avoided as far as practicable within sensitive areas and significant areas, and otherwise minimised, rather than being “*appropriately managed*”. It considers that the latter is uncertain whereas the suggested drafting better aligns with the related policies, methods and rules.
194. F&B (13.03) seek that REG-O2 is extended to add “*to avoid, remedy or mitigation adverse effects on the environment*.”
195. Genesis (15.15) and Meridian (18.32) seek that REG-O2 is amended to add “*while recognising the national significance of renewable electricity generation activities and giving particular regard to the functional or operational needs of such activities*.” Genesis considers that the current drafting does not accurately reflect the NPSREG and should more clearly recognise the national significance of REG activities. Meridian considers that the phrase “*appropriately*

managed” does not clearly identify what is being aimed for and considers that clearer direction is needed to inform what the policies then seek to achieve.

Analysis

196. In my view, the alternate objectives suggested by the Simpson Family are written as policies, not as objectives. I consider that even if they were re-phrased as outcomes, they would re-state matters already covered at the Strategic Direction level in ATC-O4, in terms of the benefits of REG activities being recognised and their development, operation, maintenance and upgrade being provided for. I consider that the functional and operational needs are matters relevant to take into account in achieving the objectives but are not in themselves an outcome. I therefore recommend their submission point (9.02) be rejected.
197. I am comfortable with removing reference to maintaining existing output from the objective, as I consider that this better aligns with the objective of the NPSREG, which seeks that energy generated from renewable sources increases to a level that meets or exceeds the Government’s targets. I therefore recommend that the submission point by Grampians Station (21.16) be accepted, and as I am recommending a change to the objective, I recommend that those submissions in support of the provision (12.09, 13.02, 17.09, 15.14, 16.38 and 18.31) be accepted in part.
198. I do not agree with the changes sought to REG-O2 by various submitters, as I consider that the direction sought to be included sits better at a policy level. More specifically, what is sought is appropriate management of effects with the policy framework then providing direction on what is ‘appropriate’. Reference to avoiding, remedying and mitigating effects is instead about the methods employed to manage effects, rather than the outcome of those actions. I consider the change sought by DOC would to some extent replicate the policy direction, but not include the same level of nuance which could create some conflict. With respect to recognising the national significance of REG activities, and taking into account functional and operational needs, I again consider this is more relevant at a policy level, with the outcome sought ultimately being related to REG-O1. I therefore recommend that the submission points seeking changes to REG-O2 (3.08, 13.03, 15.15 and 18.32) be rejected, and those in support (8.29, 9.03 and 12.09) be accepted.

Recommendation

199. I recommend, for the reasons given above, that REG-O1 is amended to remove reference to maintaining output from REG activities. In terms of s32AA, I consider that the change is a more appropriate way to achieve the purpose of the RMA, as it gives better effect to the NPSREG.
200. I recommend, for the reasons given above, that REG-O2 is retained as notified.
201. The amendments recommended to REG-O1 are set out in **Appendix 3**.

Policies REG-P1 and REG-P4

Submissions

202. TRoNT (12.09), F&B (13.04), OWL (16.28) and Meridian (18.34) support REG-P1.
203. Simpson Family (9.04) seek that REG-P1 is re-written to direct that when proposals to develop and operate new and existing REG, particular regard is to be had to the benefits of the proposal, including avoiding, reducing, or displacing greenhouse gas emissions. The submitter acknowledges that the notified wording reflects that of the NPSREG, but states that given the Government's drive to increase the amount of renewable electricity generation, the wording could be strengthened.
204. Genesis (15.17) seeks minor amendments to REG-P1 to refer to "*existing and new*" REG activities "*and assets*" to provide greater clarity.
205. NZTA (8.30), Simpson Family (9.05), TRoNT (12.09), OWL (16.28) and Grampians Station (21.17) support REG-P4.
206. EDS (10.04) consider that REG-P4 does not provide sufficient protection for indigenous biodiversity, and seek that environmental limits, such as those set out in INF-P7(1)-(5) are included, with a requirement to avoid adverse effects if limits are not achieved.
207. F&B (13.05) considers that reference to managing adverse effects relative to the sensitivity of the area in REG-P4 is uncertain, and fails to address cumulative effects, and seeks amendments to direct that investigation and identification activities are provided for (rather than enabled), while managing adverse effects on the environment (with removal of the reference to relativity to the sensitivity of the area).
208. Genesis (15.21) and Meridian (18.37) seek deletion of reference to managing effects from REG-P4, as they consider the phrase is not clear enough to be consistently applied.

Analysis

209. I am comfortable that the notified wording of REG-P1 aligns with the direction in the NPSREG and consider that this is more relevant than any direction of the Government which sits outside the NPS itself. I therefore recommend that the submission point by the Simpson Family (9.04) be rejected. I do not consider it necessary to amend the policy to refer to "*existing and new*", but I agree with referring to activities and assets, as this is consistent with the terminology used in ATC-O4. I therefore recommend that the submission point by Genesis (15.17) be accepted in part. As I have recommended a change to REG-P1, I recommend that those submission points supporting the provision (12.09, 13.04, 16.28 and 18.34) be accepted in part.
210. In my view, the changes sought by EDS to REG-P4 essentially seek to treat all REG activities the same. It is my view that the adverse effects arising from investigation activities and small-scale REG are not of a sufficient level to justify such an approach. With respect to indigenous biodiversity, I note that where clearance of indigenous vegetation is proposed as part of these

activities, a restricted discretionary consent is required (under proposed new rule 1.2.5 in the EIB Chapter). This requires consideration of the extent to which adverse effects on the values of the location have been avoided as far as practical, and the appropriateness of measures to remedy or mitigate adverse effects that cannot be avoided. However, because the direction in REG-P4 is to “enable” these activities, I tend to agree with EDS that there is a potential mismatch between this enabling policy direction, and the controls in place (relating not only to vegetation removal, but also to controls in other areas specified in REG-R6) which result in resource consents being required. I therefore recommend changes are made to the direction in the policy, to better outline the circumstances in which these activities are enabled. The recommended drafting to achieve this is to require that these activities do not compromise the values of the areas in which these REG activities are located. The recommended redrafting therefore removes reference to the sensitivity of the area in which REG activities are located, and in my view allows for consideration of cumulative effects, but by reference to the impact such effects might have on the values of an area. My preference is to retain the enabling direction (rather than providing for), because the rules implementing this policy (REG-R5 and REG-R6) include a range of instances where these activities are permitted, and use of the word ‘enable’ aligns with the drafting approach taken across the District Plan in relation to permitted activities. I therefore recommend the submission points by EDS and F&B (10.04, 13.05) be accepted in part.

211. I do not agree with deleting reference to managing effects, as in absence of this direction, the policy would only direct that investigation and identification activities be enabled. In my view, this does not align with REG-O2. I recommend the submission points from Genesis and Meridian (15.21 and 18.37) be rejected.
212. As I have recommended a change to REG-P4, I recommend that those submission points supporting the provision (8.30, 9.05, 12.09, 16.28 and 21.17) be accepted in part.

Recommendation

213. I recommend, for the reasons given above, that REG-P1 is amended to add reference to assets as well as activities. In terms of s32AA, I consider that the change to REG-P1 does not alter the intent of the drafting, but will ensure consistency across the District Plan, particularly with ATC-O4.
214. I recommend, for the reasons given above, that REG-P4 is amended to better outline the circumstances in which the activities it relates to are enabled, with reference to the values of the areas in which they are located. Under s32AA, I consider that the changes are more effective at ensuring that the adverse effects of these types of REG activities are appropriately managed, in accordance with REG-O2.
215. The amendments recommended to REG-P1 and REG-P4 are set out in **Appendix 3**.

Policies REG-P5 and REG-P6

Submissions

216. OWL (16.28) and Grampians Station (21.17) support REG-P5 and REG-P6.
217. NZTA (8.31) seek that REG-P5.2 is amended to include effects on existing infrastructure, to ensure that new REG activities are located and designed in a way that minimises adverse effects on other existing infrastructure.
218. Genesis (15.22) and Meridian (18.39) seek a range of changes to REG-P5, including that the direction is changed from providing for, to enabling; removing the direction to minimise non-significant effects; applying consideration of offsetting or compensation to significant residual adverse effects; and including reference to practical constraints, including locational considerations. They consider that the policy is inconsistent with policies C1 and C2 of the NPSREG; reference to minimising effects is unclear; offsetting and compensation only applies in Policy C2 in relation to residual adverse effects; and Policy C1 requires consideration of locational requirements which is not captured by reference to functional needs. With regards to the direction to enable such activities, the submitters state that these should be enabled where outside the identified areas, with conditions of a permitted or controlled activity rules applied to manage effects.
219. Genesis (15.22, 15.23) and Meridian (18.39, 18.40) seek that both REG-P5 and REG-P6 are amended to explicitly exclude REG activities otherwise addressed in REG-P2 to REG-P4 (not just REG-P4).
220. EDS (10.05, 10.06) states that the interaction between REG-P5 and REG-P6 is not clear, and seeks amendments to make the relationship clear. The submitter considers that both REG-P5 and REG-P6 do not provide sufficient protection for indigenous biodiversity, nor provide for the protection of ONLs. It states that further policy direction and limits are required to set out when REG activities are not appropriate, such as when indigenous biodiversity or landscapes values are too great. It seeks that both policies be amended to include environmental limits, such as those set out in INF-P7(1)-(5), with a requirement to avoid adverse effects if limits are not achieved.
221. TRoNT (12.17) is concerned that REG-P5 and REG-P6, (together with REG-R7) do not appropriately manage all effects of renewable energy on the unique features of the District, particularly in term of large-scale activities. It considers that while meeting the direction in the NPSREG, there may be some areas within a district where a size and type of REG activities may not be appropriate *“because of the uniquely important features of that particular site.”* It seeks that the policies are amended to address this concern.
222. F&B (13.06) seek that REG-P5 is amended to refer to the EIB Chapter policies with respect to managing the adverse effects of REG activities on indigenous biodiversity. It states that REG-P5 does not provide an appropriate effects management hierarchy and should clearly step through the hierarchy requirements and be clear where there are limits. It further considers that

recognition of practical constraints should not form part of an effects management hierarchy or policy.

223. DOC (3.09) seek that REG-P6.3 and REG-P6.4 are amended to refer to minimising (rather than mitigating) effects, and the end of the policy is amended so that reference is to “*no more than minor residual adverse effects*” rather than “*significant adverse effects*”. They consider that this drafting better aligns with best practice, and that as currently drafted, the policy would allow for the loss of significant areas, inconsistent with s6(c) and s31(1)(b)(iii) of the RMA, and specific provisions within the CRPS.
224. Simpson Family (9.06) support REG-P6 but question whether there is a need for both REG-P5 and REG-P6 as they consider the direction does not significantly differ. It also seeks that REG-P6.2 refers to “*feasible*” rather than “*practicable*”, as the former allows for economic considerations; and that REG-P6.4 is amended to refer to “*significant*” residual adverse effects, on the basis that the RMA is not a no effects statute, and in their view aligns better with REG-P6.5.
225. F&B (13.07) seek that REG-P6 is amended so that it directs “*Only consider providing for...*” REG activities, rather than providing for them; and that an additional sub-clause is added requiring that adverse effects on indigenous biodiversity are managed in accordance with the EIB Chapter objectives and policies; and that clause 1 is amended to require that there is both a functional need and an operational need. It considers that there needs to be clear principles and criteria around applying any biodiversity offsetting or compensation, and that this should not be an either/or option.
226. Genesis (15.23) seek that REG-P6 is amended so that clause 4 refers to “*proposed*” measures, and in relation to “*significant*” residual adverse effects; and that the fifth clause be deleted. It considers that the fifth clause is inconsistent with national direction which “*does not require this approach at this point in time.*” It considers a consenting pathway should existing for REG activities that allows the merits of a proposed activity to be considered on a case-by-case basis. Meridian (18.40), for similar reasons seek that REG-P6 is amended so that locational needs are included in clause 1; clause 4 is amended to refer to measures/compensation “*promoted by the applicant*”, and in relation to “*significant*” residual adverse effect; and that the fifth clause be deleted.

Analysis

227. I do not consider the addition sought by NZTA to REG-P5.2 is required because the clause already directs minimisation of other effects. This allows for consideration of effects on other infrastructure, where that is relevant. I therefore recommend that this submission point (8.31) be rejected.
228. I do not agree with amending the direction in REG-P5 to “*enabling*” REG activities, as this is inconsistent with the drafting approach taken in the District Plan, whereby “*enabling*” policies are used in combination with permitted (or controlled) activity status. This direction would also

extend beyond what is required by the NPSREG, which similarly refers to “*providing for*” REG activities in various policies. I note that the changes sought by the submitters would also remove the requirement to manage effects that are not significant, which would mean that no direction around this would be provided. Having reviewed the NPSREG, I note that it directs that for any residual effects that cannot be avoided, remedied or mitigated, regard is had to offsetting measures and environmental compensation; there is no reference to significant effects only. I therefore consider that it is appropriate to delete REG-P5.2, provided that the reference to “*significant*” is removed from REG-P5.1. To align with the NPSREG, I also agree with referring to residual effects, noting that Policy C2 refers to all residual effects, not just those of significance. I do not agree with removing reference to “*environmental*” compensation, given that is the term used in the NPSREG. I consider the changes sought to REG-P5.4 are generally appropriate, as they better align the consideration with the direction in Policy C1 of the NPSREG (and reflecting the title associated with Policies C1 and C2); however, I consider it preferable to retain reference to functional needs as by definition this is wider than locational matters. I recommend the submission points (15.22 and 18.39) be accepted in part.

229. I am comfortable with amending REG-P5 and REG-P6 to exclude their application to activities managed under REG-P3, but I do not consider it appropriate to exclude reference to activities addressed in REG-P2, because the latter only includes direction in relation to effects on the ONL/Fs of Te Manahuna / the Mackenzie Basin. I consider it appropriate that the additional direction in REG-P5 and REG-P6 applies to other effects of new development, in the same way as additional direction in Section 7 and Section 16 currently applies to other aspects of REG activities. I do however agree that there is a need to reconcile how the policies interrelate, and in particular, to be clear that in respect to effects on the Mackenzie Basin ONL/F, only REG-P2 applies. As this will only arise where the activity is located within the ONL/ONF, I consider the change is only required to REG-P6. I recommend that the submission points relating to this (15.22, 15.23, 18.39, 18.40) be accepted in part.
230. For the reasons set out earlier (where discussing the relationship between the REG Chapter and other plan chapters), I do not consider it appropriate to apply the EIB Chapter policies to manage adverse effects of REG activities on indigenous biodiversity and therefore do not agree with REG-P5 referring to these. In my view, it is appropriate for the policies which direct how effects are to be managed to include consideration of practical constraints, given that these reflect the direction in the NPSREG. I recommend that the submission point from F&B (13.06) be rejected.
231. The drafting intent behind REG-P5 and REG-P6 was that REG-P5 would apply to REG activities located outside specific areas (reflected in the restricted discretionary activity status in REG-R7). REG-P6 would also apply to REG activities within the specified areas (listed in both the policy and in REG-R7). I accept that the relationship between REG-P5 and REG-P6 is however, unclear, particularly given the duplication between the two. I consider that it would be more appropriate to amend REG-P5 to also exclude REG activities specified in REG-P6, while amending REG-P6 to also include direction relating to the management of other effects (i.e. those that do not relate specifically to the values of the specified area) and to also provide for

consideration of the matters identified in REG-P5.4 (where not already addressed in clause 1 of REG-P6). I consider this addresses the concerns relating to this raised by the Simpson Family and EDS. I therefore recommend their submission points (9.06, 10.05, 10.06) be accepted in part.

232. With respect to applying environmental limits in REG-P5 and REG-P6, I note that the limits set out in INF-P7 relate to SNAs and reflect the direction in the NPSIB. The NPSIB does not apply to REG activities, and therefore I do not consider it appropriate to apply the same limits. In my view, it is consideration of the effects an activity has on the values that make an area significant that are more relevant than the significance of the values on their own. I have therefore not made any further recommendations in relation to this aspect of EDS's submission point (10.05, 10.06).
233. With respect to TRoNT's concerns, I consider that REG-P6 already seeks to acknowledge the values associated with significant / outstanding areas and manage the effects of large-scale REG activities on these values. In my view, the size and type of REG activity is relevant only insofar as it impacts the effects an activity has on the values that make an area significant. I recommend this submission point (12.17) be rejected.
234. With respect to amending the policy to refer to "*no more than minor residual adverse effects*" rather than "*significant adverse effects*", I note that the reason given by DOC relates to consistency with s6(c) and s31(1)(b)(iii) of the RMA, and specific provisions within the CRPS. However, these provisions only apply to indigenous biodiversity, whereas the policy applies to other areas. In considering the request by DOC to strengthen clause 5, and that of Genesis and Meridian to delete the clause altogether, I have carefully considered the direction in the NPSREG, and in the CRPS. I do not think that the direction in the former precludes a bottom line (such as that in the notified clause) being included in a District Plan, as broadly providing for REG activities in accordance with the NPSREG does not in my view require that every REG activity put forward must be accepted. Therefore, I consider that REG activities can be provided for in a way that requires them to meet specified criteria (and therefore when the criteria are not met, a particular project may be refused consent). However, I note that the CRPS (in Policy 16.3.5) directs that new electricity generation infrastructure is enabled, subject to the proviso that through site, design and method selection, adverse effects on significant natural and physical resources or cultural values are avoided, and where this is not practicable, remedied, mitigated or offset. There is no further direction or 'bottom line' relating to this, which in my view means that provisions which do not enable REG activities, even where they have avoided effects on significant values as far as practicable and then remedied, mitigated or offset those remaining, would not give effect to the CRPS direction. I therefore consider that in order to properly give effect to the CRPS, clause 5 should be deleted. I recommend that DOC's submission point relating to REG-P6 (3.09) be rejected, and Genesis and Meridian's submission points (15.23 and 18.40) be accepted in part.
235. I do not think that using "*minimise*" in REG-P6.3 and 4 works, because minimisation could involve avoidance or remediation, and REG-P6 already refers to those.

236. I consider that the direction to avoid adverse effects “*as far as practicable*” in REG-P6 is consistent with best practise, and I do not consider that financial considerations should trump the management of effects on areas which have been identified as having significant values. Reference to all residual effects, rather than only significant ones is also consistent with the Policy C2 of the NPSREG. I therefore recommend that the submission point by Simpson Family (9.06) be rejected.

237. I consider that amending the policy as sought by F&B to read “*Only consider providing for...*” is somewhat clumsy, and it would be more consistent with the drafting used elsewhere in the District Plan to use the words “*Only allow... where:*” However, I consider the direction “*provide*” is more consistent with the NPSREG and with the CRPS. In my view, requiring effects on indigenous biodiversity are managed in accordance with the EIB Chapter objectives and policies would not be consistent with the direction in the CRPS. I do not consider it appropriate to require that there is both a functional and operational need as I consider that these are two separate matters. I also note that reference to offsetting measures or environmental compensation is consistent with Policy C2 of the NPSREG. With respect to providing clear principles and criteria around these measures, I note that the new rule proposed in the EIB Chapter (1.2.5) includes reference to the principles set out in the NPSIB. I do not consider that this needs to be repeated in the policy. Overall, I recommend that the submission point by F&B (13.07) be rejected.

238. I agree with amending REG-P6 to refer to “*proposed*” measures or compensation (and prefer this wording over “*promoted by the applicant*”), but as noted in relation to REG-P5, I do not agree with this applying only where residual effects are significant, as this inconsistent with Policy C2 of the NPSREG.

239. As I have recommended changes to REG-P5 and REG-P6, I recommend that those submission points supporting the provision (16.28 and 21.17) be accepted in part.

Recommendation

240. I recommend, for the reasons given above, that REG-P5 is amended to:

- Be clear that it does not apply when REG-P3 or REG-P6 apply;
- Remove “*significant*” from clause 1;
- Delete clause 2;
- Refer to residual effects in clause 3; and
- Add reference to practical constraints and locational requirements in clause 4.

241. In my view, under s32AA, the majority of changes to REG-P5 result in the policy giving better effect the direction in the NPSREG. The changes relating to the relationship between the policy and REG-P3 and REG-P6 provide greater clarity and will avoid the potential for conflict to arise

when implementing the policies, thus improving the efficiency of the provisions in achieving the objectives.

242. I recommend, for the reasons given above, that REG-P6 is amended to:

- a. Be clear that it does not apply when REG-P3 applies;
- b. include direction relating to the management of other effects (i.e. those that do not relate specifically to the values of the specified area), consistent with REG-P5.1;
- c. provide for consideration of the matters identified in REG-P.4 (where not addressed in clause 1);
- d. Refer to proposed measures or compensation;
- e. Delete clause 5 (as notified); and
- f. Provide clarity that the policy does not apply to management of effects which are addressed in REG-P2.

243. In terms of s32AA, I consider that the changes to REG-P6 will result in the policy giving better effect the direction in the NPSREG and will ensure that the provision gives effect to the CRPS Policy 16.3.5. The changes relating to the relationship between REG-P6, and REG-P2 and REG-P3, will provide greater clarity and avoid the potential for conflict to arise when implementing the policies, thus improving the efficiency of the provisions in achieving the objectives. The recommended additions to the policy are also required as a result of making the distinction clearer as to when REG-P5 or REG-P6 applies.

244. The amendments recommended to REG-P5 and REG-P6 are set out in **Appendix 3**.

New Policies

Submissions

245. F&B (13.05) seek that two new policies are added to the chapter. It considers that the extent to which small-scale REG activities should be provided for, in accordance with Policy F of the NPSREG should be limited, with solar that is not located on buildings or structures excluded, and wind turbines within Te Manahuna / the Mackenzie Basin restricted to 2 turbines. The policy wording sought to reflect this is:

- a. *“In recognition of the unique biodiversity and landscape, feature and character values of the Mackenzie Basin subzone, solar electricity generation is limited to that which can be placed on existing lawfully established buildings.”*
- b. *“In recognition of the unique biodiversity and landscape, feature and character values of the Mackenzie Basin subzone, Wind electricity generation is limited to small and community scale activities.”*

246. To support the above, additions or amendments to rules are sought so that solar which does not align with the above policy, and more than two wind turbines, are restricted discretionary; with failure to comply with the above being non-complying. (The rules are addressed in the following sub-section of this report.)
247. Genesis (15.20) and Meridian (18.38) seek that a new policy is added directing that the operation, maintenance and upgrade of the Waitaki Power Scheme is enabled, stating that REG activities within the existing footprint and core sites should be specifically enabled.

Analysis

248. With respect to limiting solar and wind electricity generation, I do not consider that the direction in Policy E1 and E3 justifies such a stringent approach. In particular, while those policies direct that these are provided for *“to the extent applicable to the region or district”*, this needs to be considered in the context of other direction in the NPSREG. Policies A, B and C1 direct that the benefits and national significance of REG activities are recognised and provided for; and that particular regard is had to various matters. This includes maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation; and the need to locate REG activities where the renewable energy resource is located. It is my view that restricting solar electricity generation throughout Te Manahuna/ the Mackenzie Basin does not have sufficient regard to the solar resource in this area, nor the opportunity for solar to provide more diversity in electricity generation within the District and wider region. It is also a highly inefficient approach to achieve the outcomes sought relating to biodiversity, ONLs, ONFs and natural character values as it would restrict proposals across a large area that might not conflict with these values. It would not be effective or efficient at achieving REG-O1. I also consider that the approach would not give effect to the direction in Policy 16.3.5 of the CRPS. I recommend that the submission point seeking the additional policies (13.05) be rejected.
249. I do not consider that the additional policy sought by Meridian and Genesis is required because it duplicates and potentially conflicts with REG-P2 and REG-P3. These provisions were introduced by PC13 and have been transferred into the REG Chapter to align with the NP Standards, but a review of their content is outside the scope of PC26. Given the new policy sought would address the same matters as contained in these policies, it results in unnecessary duplication and in some cases would be inconsistent with the existing policies. Simply ‘enabling’ these activities without further direction/provisos is also inconsistent with the direction in Policy 16.3.5 of the CRPS. I recommend that these submission points (15.20 and 18.38) be rejected.

Recommendation

250. I do not recommend that any additional policies are added to the REG Chapter.

Rules Relating to Existing REG Activities (REG-R1 to REG-R4)

Submissions

251. TRoNT (21.10) generally support the rule framework, subject to changes being made to the matters of discretion (discussed further below).
252. Genesis (15.24), OWL (16.29), and Meridian (18.41) support REG-R1.
253. F&B (13.08) seek that standards are included in REG-R1 and REG-R2, to limit vegetation clearance to within 10m of existing lawfully established buildings or structures, and 2m of existing fences and access tracks/roads. The submission seeks that in REG-R2 a standard is included that the upgrade activities do not include any indigenous vegetation clearance except as set out above. It further seeks that the activity status for non-compliance is restricted discretionary or discretionary. It is considered that there are no limits as to what "*operation and maintenance*" means or what constitutes an upgrade. It considers that in absence of the standards sought, there is no consideration of, or way to require the effects management hierarchy to be applied.
254. Genesis (15.25) and Meridian (18.42) seek removal of the repeat reference to "*associated*" within REG-R2 to improve its grammar.
255. OWL (16.30) seeks that if the change to the definition of 'upgrade' is not included, a further permitted activity condition is added requiring that any new building or structure comply with the height limits for the zone in which the activity is located, so that these are considered as part of any upgrade works. Although the change to the definition is discussed in the 'Definitions' section below, for context I note that what is sought is that the definition is amended to include new buildings and structures that may be required as part of an upgrade.
256. Genesis (15.26) supports REG-R3. F&B (13.09) seek that REG-R3 is clarified that 20m² is the total additional amount of land over the life of the District Plan, not 20m² for each time there is a modification, to avoid incremental increases occurring without the opportunity for appropriate management of adverse effects. The submission further seeks that the activity status for non-compliance is restricted discretionary or discretionary to allow for the consideration of adverse effect on biodiversity, natural landscapes and features and natural character. Meridian (18.43) seeks that REG-R3 is amended so that matter b. in REG-MD1 is not applied to the activity managed under this rule.
257. Genesis (15.27), OWL (16.31) and Meridian (18.44) support REG-R4.
258. DOC (3.10) seek that REG-R4 is amended to require that the development is permitted where within the footprint of the existing hydroelectric power station; or that the activity status is change from controlled to discretionary. The submission is concerned that as currently drafted the rule would allow for any REG activity "*associated with*" an existing hydroelectric power station as a controlled activity, with the only limit being in relation to water levels, such as the addition of wind turbines in the vicinity of an existing dam.

259. F&B (13.10) consider it unclear what REG activities are captured by the rule and what the potential effects could be. They are concerned that it would allow for wind or solar power to be added to an existing scheme. They seek that the activity status is changed to restricted discretionary, with non-compliance with the standards then defaulting to non-complying.

Analysis

260. I do not consider that the additional standards sought by F&B to REG-R1 and REG-R2 are required as this is already controlled under the rules in the EIB Chapter (Rule 1.1.1.1), which as stated in the Introduction, will continue to apply to vegetation clearance associated with REG activities. Under the Operative Plan (in Schedule A of Section 7), “[t]he operation, maintenance, refurbishment, enhancement and upgrading of an existing hydroelectric power station or water control structure and related activities...” is permitted, subject only to limitations on the scale of modifications proposed to existing buildings and structures. Similarly, under the rules applying to the Opuha Dam Zone, the maintenance and operation of a 7.5Mw hydrogeneration electivity plant and associated switchgear, yards and facilities is permitted (Rule 1.4.2 in Section 9). I am unaware of any issues arising from the current approach. Within the REG Chapter, it is proposed to remove these limitations where the upgrade is within the existing footprint or core sites of the WPS and extend this approach to the Opuha Scheme; but retain the restriction on the scale of the upgrade for the WPS where it is within an operating easement. This is consistent with evidence presented at the PC18 hearing regarding the activities undertaken in these areas and their level of modification. It is also consistent with the approach applying to these different areas in the EIB Chapter (which resulted from mediation of appeals on PC18). Given this, it is unclear what other effects associated with operation and maintenance of the WPS or Opuha Scheme, or upgrades which are limited to within the existing footprint or core sites of the WPS, or related to the Opuha Scheme, require further management. I recommend the submission point by F&B (13.08) be rejected. Because I have not recommended changes to REG-R1, I recommend that those submission points in support of this provision (15.24, 16.29 and 18.41) be accepted.

261. I agree that it is appropriate to remove the duplication of “*associated*” in the title of REG-R2, and recommend that the submission points by Genesis and Meridian (15.25 and 18.24) be accepted.

262. In terms of OWL’s request, this is discussed further in relation to the change sought to the definition. However, I note that the rule is limited to ‘*existing*’ hydroelectric power stations and structures and therefore does not apply to new structures in any case – thus the addition of a condition relating to new buildings or structures would conflict with the rule itself, which is limited to existing structures. I recommend that this submission point (16.30) be rejected. For completeness, should the Hearing Panel consider that REG-R2 should allow for new buildings and structures I consider that the limitations applying to these should align with INF-R6, not simply the height limit of the zone.

263. I agree with F&B in terms of applying the 20m² restriction in REG-R3 per building/structure/activity, to avoid any structure being modified more than once without the

consent requirement being triggered. I note that the activity status associated with a breach of this is consistent with that applying currently under the Schedule A rules in Section 7, and I am not aware of any issues arising from this approach (noting that landscape provisions relating to the rural zone also currently sit in Section 7 of the District Plan). As noted earlier, this rule does not override the need to comply with the rules relating to indigenous vegetation clearance in the EIB Chapter. I therefore do not consider the activity status needs to be changed. Overall, I therefore recommend that F&B's submission point (13.09) be accepted in part.

264. I am also comfortable with removing application of REG-MD1.b – which relates to effects on any indigenous vegetation and habitats of indigenous fauna – because this is managed through the EIB Chapter. However, as a result of another submission point, I am recommending that REG-MD1.b is deleted altogether (refer to the next section of this report), the effect of which is that it would not apply to resource consent applications made under REG-R3. I therefore recommend that Meridian's submission point (18.43) be accepted in part because the recommended change to REG-MD1.b will achieve the same effect as sought by the submitter.
265. As I have recommended a change to REG-R3, I recommend that the submission point supporting the provision (15.26) be accepted in part.
266. I agree with DOC and F&B that REG-R4 could allow for new REG activities that have an association with an existing hydroelectric power station, without consideration of the effects of the activity. The rule in the Operative Plan provides for "*the construction, commissioning and operation of power generation facilities including intake, spillway and other related structures*" in identified areas (being those associated with the WPS) as a controlled activity, subject to these works not resulting in an increase in the maximum operating level of a lake or water storage area. I accept that REG-R4 extends beyond this and could allow for new REG activities of any type, which are associated with an existing hydroelectric power station, without proper consideration of the effects of these new activities, and that this extends beyond the operative approach. Limiting the rule to where a new REG activity is within the footprint of the existing footprint of the WPS would be more consistent with the operative rule and avoid the concerns raised by submitters. I consider this should apply to both the existing footprint and "*core sites*" – being those areas owned by Genesis or Meridian and managed for hydro generation purposes - as this is more consistent with the operative rule. I therefore recommend that the submission points by DOC and F&B (3.10 and 13.10) be accepted in part. As I have recommended a change to REG-R4, I recommend that those submission points supporting the provision (15.27, 16.31 and 18.44) be accepted in part.
267. Because I have recommended changes to some of the rules, I recommend that the submission point by TRoNT (12.10) be accepted in part.

Recommendation

268. I recommend, for the reasons given above, that REG-R1 is retained as notified.

269. I recommend, for the reasons given above, that the title of REG-R2 is amended to remove the duplication of “*associated*”. The change does not alter the effect of the rule and simply corrects a grammatical issue. No further assessment under s32AA is therefore required in relation to this change.
270. I recommend, for the reasons given above, that REG-R3 is amended to apply the 20m² restriction per structure, to avoid any structure being modified more than once without the consent requirement being triggered. I consider that the amendment to REG-R3 is appropriate to avoid cumulative effects arising from multiple smaller scale changes. I consider that the change is more consistent with REG-P3.2 by ensuring the appropriate management of the adverse effects of further buildings and structures associated with the WPS on the landscape values and character of the Basin’s lakes and their margins and is therefore more effective at achieving REG-02. While this may result in greater consenting costs associated with upgrades, I consider this to be outweighed by the environmental benefits of managing cumulative effects.
271. I recommend, for the reasons given above, that REG-R4 is amended to limit its application to new REG activities associated with an existing hydroelectric power station, where within the existing footprint of, or core sites associated with the WPS. In terms of s32AA, I consider that this will avoid potential environmental costs that might result from the notified rule. I consider that any economic costs are not increased above those associated with the operative rules and therefore consider that overall, the change is more efficient in achieving the outcomes sought, particularly in terms of ensuring appropriate management of REG activities. I also consider that the amendments will better implement the direction in REG-P2 and REG-P3, by ensuring that effects on Te Manahuna / the Mackenzie Basin ONL/F and the landscape values and character of the Basin’s lakes and margins are avoided, remedied or mitigated.

272. The amendments recommended to REG-R2, REG-R3, REG-R4 are set out in **Appendix 3**.

Rules Relating to New REG Activities (REG-R5 to REG-R7)

Submissions

273. TRoNT (21.10) generally support the rule framework, subject to changes being made to the matters of discretion (discussed further below).
274. Genesis (15.28, 15.29), OWL (16.32, 16.33) and Grampians Station (21.18, 21.19) support both REG-R5 and REG-R6.
275. Helios (4.06), the Simpson Family (9.07) and Meridian (18.45) all support REG-R5.
276. TRoNT (12.12) seeks that REG-R5 is amended to include “*Any potential or actual adverse effects of the proposal on mana whenua values*” as a matter of discretion. This is to reflect the impact that such projects can have on Kāi Tahu values, noting that many of the locations of existing hydroelectric power generation are within SASMs and Statutory Acknowledgement Areas.

277. F&B (13.12) consider that the 60-month timeframe in REG-R5 is not temporary and has the potential to create long lasting effects, seeking a reduction in the duration to 12 months. They also consider that this activity should not be permitted in ONFs, ONLs, high natural character areas or SNAs. They are also concerned that within clauses 2, 3 and 4, there is no limit on the duration of time a structure could be in place, its scale, the number of structures, or a requirement for their removal and remediation. As such they seek that “*and*” is added between clauses 1 and 2. They seek that a condition is added that there is no vegetation clearance, and that all permitted standards are applied, such as for zones.

278. The Simpson Family (9.08) supports REG-R6, stating that it is important to be able to provide for small-scale REG including for milking sheds and irrigators.

279. FENZ (1.08, 1.09, 1.10) seeks that REG-R6 is amended to require provision for firefighting water supply where a building or structure associated with a REG activity is proposed, with a related matter of discretion added where this is not complied with. They seek that consideration of the additional matter is also added to REG-R7.

280. NZTA (8.32) seek that REG-R6 is amended so that it additionally requires that any solar panels face away from any adjacent state highway, and that a further matter of discretion is added to allow consideration of adverse effects on transport safety.

281. F&B (13.13) have concerns that the small-scale activities addressed in REG-R6 could still have adverse effects on the environment and have particular concerns about Te Manahuna / the Mackenzie Basin. The submission considers that the limits and standards are inadequate. It further considers that requiring compliance with height limits in zone chapters is uncertain, given the introduction does not include reference to zone chapters. It seeks that the requirements from the proposed definition of small-scale are added as standards within the rule, and additional requirements are added to:

- a. require the activity to be located within 100m of existing buildings and structures;
- b. require the use of an existing access without needing to clear vegetation to create a new access;
- c. limit solar generation within Te Manahuna / the Mackenzie Basin to where it is placed on existing buildings, and apply a non-complying activity status for all other solar; and
- d. require a restricted discretionary consent for up to 2 wind turbines within Te Manahuna / the Mackenzie Basin and apply a non-complying status above this number.

282. NZTA (8.33), Genesis (15.30), Opuha (16.34) and Meridian (18.46) support REG-R7.

283. Helios (4.07) seeks that the activity status for REG-R7 is restricted discretionary rather than discretionary, as it considers that a discretionary status “*does not work towards enabling the establishment of new REG in line with the proposed Energy Chapter, which can provide for new*

renewable electricity generation activities subject to certain tests.” The submission further states that this status would be more appropriate given the settled objectives and policies applying to the Te Manahuna / Mackenzie Basin ONL and to highly productive land through the NPSHPL, and known significant areas, and effects of setback breaches relating to riparian margins.

284. The Simpson Family (9.09) seek that REG-R7 is amended so that is only applies to sites within a SASM, because the introduction states that the provisions in the NFL do not apply, but the rule imposes a different activity status on REG in an ONL. They further state that as most land in Te Manahuna / the Mackenzie Basin is considered to be a significant area under the CRPS criteria, it would fall to be a restricted discretionary activity under the EIB Chapter, but a discretionary activity in this chapter. The submitter considers that the assessment matters applying under REG-R6 address a broad range of matters and could generally be applied to all REG activities. They support a restricted discretionary activity status as being more reflective of the government drive towards renewable energy generation as assisting in managing climate change.
285. TRoNT (12.17) seeks that REG-R7 is amended so that REG activities in the areas listed in REG-P6 are afforded a non-complying activity status to recognise the importance of these areas.
286. F&B (13.14) consider it unclear what the REG activities under REG-R7, and effects of those activities would be and consider the activity status should therefore be at least fully discretionary. Within the specified areas, they consider the activity status should be non-complying.

Analysis

287. With respect to the matters of discretion included in REG-R5, I note that the matters specified will apply where investigation activities are located on site for more than 60 months; where structures don't achieve setback distances; or within specified areas, where they exceed minimum size thresholds. The latter applies where an investigation activity is proposed in a Māori Rock Art Protection Area or Silent File Area, and the matters of discretion in REG-MD3 apply where these size thresholds are breached. Where the timeframe is exceeded, I note that the matters of discretion already include consideration of the appropriateness of measures to avoid, remedy or mitigate adverse effects, and consider that this already allows for consideration of adverse effects on mana whenua values, if relevant. With respect to the achievement of setbacks to road and internal boundaries, I do not consider that this relates to mana whenua values and therefore do not consider that an additional matter is needed. I therefore recommend that this submission point (12.12) be rejected.
288. In order for an activity to be permitted, it needs to meet all clauses within REG-R5. I do not consider that “*and*” is required between the clauses to achieve this; it would only be if “*or*” were included between the clauses that only one or the other would need to be met. The duration proposed (of 60 months) is consistent with feedback received during pre-notification consultation with energy generators. It reflects that there will be different durations of

monitoring investigations required for the different forms of renewable energy activities and this timeframe provides flexibility for a range of investigation activities. However, I have considered the timeframes provided in other plans within the region and note that timeframe provided in these is shorter.⁹ I consider that a timeframe of 12 months would be too short to enable a range of investigation activities and consider a reduction to 36 months would provide more of a balance between ensuring these are of a temporary nature while recognising their operational requirements. I note that the proposed new rule in the EIB Chapter (1.2.5) is proposed to apply to clearance of indigenous vegetation associated with investigation activities as well. Given the limited nature of what constitutes an investigation activity, I consider the adverse effects do not justify the requirement for a consent in all instances in ONFs, ONLs, or high natural character areas (noting the District Plan does not identify the latter in any case). I also consider that applying all permitted activities standards applicable to the zone the investigation activity is located is overly onerous, and it is unclear, given the nature of these activities, why they should be applied. I therefore recommend that the submission point by F&B (13.12) is accepted in part. As I have recommended changes to REG-R5, I recommend that those submission points in support of this provision (4.06, 9.07 and 18.45) be accepted in part.

289. I consider it overly onerous to require provision of a firefighting water supply for any building or structure associated with a small-scale REG activity. I similarly consider it onerous to require that any solar panels face away from any adjacent state highway, and I am unsure how this would work practically, given that panels will need to face towards their energy source. I am not aware of similar requirements being applied in other plans. I recommend that the submission points by FENZ and NZTA (1.08, 1.09, 1.10 and 8.32) be rejected.
290. With respect to reference in REG-R6 to particular zone and NFL Chapter standards, I have addressed this through recommended changes to the introduction. I consider it onerous to require that an existing access be used, given that any new access is subject the requirements in the Earthworks Chapter, and if clearance of any indigenous vegetation is required, this would require consent under proposed Rule 1.2.5 in the EIB Chapter. It is not clear to me what requiring the activity to be located within 100m of existing buildings and structures seeks to achieve. For the reasons set out earlier in respect to policy changes sought by F&B, I do not agree with the limitations sought on solar and wind turbines in Te Manahuna / the Mackenzie Basin. I therefore recommend that the submission point by F&B (13.13) be rejected.
291. As I have not recommended changes to REG-R6, I recommend that those submission points in support of this provision (9.08) be accepted.
292. In considering the activity status for REG-R7 (where within the specified areas), I note that the test in terms of s32 of the RMA is about what is more appropriate to achieve the objectives of the District Plan. In this regard, I do not agree with Helios that the REG Chapter seeks to enable establishment of REG activities in any circumstances; rather it seeks that overall generation

⁹ For example, 36 months in the Selwyn District Plan (EI-R28); 24 months within a 36 month period in the proposed Waimakariri District Plan (EI-R29); and 12 months within a 36 month period in the Christchurch District Plan (Rule 11.6.1 P1).

output is increased, in a manner that appropriately manages adverse effects from REG activities. The key difference between a restricted discretionary activity and a fully discretionary activity is that the latter allows for the consideration of all adverse effects, rather than consideration being limited only to those specified. I consider that in the locations identified, the range of adverse effects is likely to require greater scrutiny, given the higher level of values associated with those areas, and to try and set out these all out could result in a rather long list of matters being specified with little benefit. I therefore consider that it is more appropriate to retain a fully discretionary status. I also do not consider that simply applying the matters set out in REG-MD4 are sufficient to implement REG-P6. While an application for a new REG activity in Te Manahuna / the Mackenzie Basin might trigger a consent requirement under REG-R7 as well as the EIB Chapter rules, I do not consider that there is a need to align the activity statuses of these two rules. It is common for a resource consent to be required under more than one rule in a Plan, particularly for a larger-scale project, and the narrower nature of the effects associated with the matters addressed in the EIB Chapter rule reflects the restricted discretionary status for that aspect. I therefore recommend that the submission points by Helios and the Simpson Family (4.07, 9.09) be rejected.

293. With respect to REG activities outside the specified areas, I consider that the restricted discretionary status is appropriate, as this rule implements REG-P1 and REG-P5, and the matters of discretion align with its direction. I therefore recommend that the submission point by F&B (13.04) be rejected.
294. With regards to applying a non-complying activity status to activities within the specified areas, I note that this was considered in the s32 assessment (page 33). As noted, feedback was received that a non-complying activity status would not be consistent with the NPSREG, and that a fully discretionary status with clear policy direction on what must be met in order for consent to be granted would be more appropriate. I agree with this approach. I therefore recommend that the submission points by F&B and TRoNT (12.17 and 13.04) be rejected.
295. I do not agree with applying REG-R7 to only SASMs. The introduction sets out that the provisions in the NFL Chapter that would otherwise apply to REG activities within an ONL do not apply, and instead those in the REG Chapter apply to REG activities. As a consequence, there is a need to ensure that effects on outstanding landscapes are managed in the REG Chapter, which is why there are specific rules in the REG Chapter relating REG activities within ONLs. I recommend that the submission point relating to this (9.09) be rejected.
296. Because I have not recommended changes to REG-R7, I recommend that those submission points in support of this provision (8.33, 15.30, 16.34 and 18.46) be accepted.
297. Because I have not recommended changes to REG-R5, REG-R6 and REG-R7, I recommend that the submission point by TRoNT (12.10) insofar as it related to REG-R5, REG-R6 and REG-R7, be accepted.

Recommendation

298. I recommend, for the reasons given above, that REG-R6 and REG-R7 are retained as notified.
299. I recommend, for the reasons given above, that REG-R5 is amended to reduce the timeframe for investigation activities to 36 months. In terms of s32AA, I consider that the reduction in the timeframe is a more appropriate way to ensure that the adverse effects of these activities, where over a longer period of time, are appropriately managed, in accordance with REG-O2. I consider that the reduction in the timeframe will have some reduction in the economic benefits (when compared with a 60 month timeframe), but that there will be environmental benefits from the reduction, as a result of reducing the timeframe within which the effects may occur.
300. The changes recommended to REG-R5 are set out in **Appendix 3**.

Other Rules

Submissions

301. A. Frith (22.07) seeks that provision is made for mini hydro schemes and to permit solar panels on roofs, and out of site roads and public places. He states that balance needs to be given to the long-term benefits of renewable energy versus the short-term visual effects of establishing such an activity. His view is that it is not reasonable to require a consent applicant to incur consenting costs which are far greater than the value of the work or the benefit from it.
302. The Simpson Family (9.10) seek that it is made clear that proposed new Rule 1.2.5 in the EIB Chapter is the only rule applying to REG activities. This is so that the non-complying rule (1.3.2) does not capture activities that are managed under Rule 1.2.5. They are concerned that without an explicit exception being applied, clearance of indigenous vegetation associated with REG activities would become non-complying, which they consider does not recognise and provide for REG as required under the NPSREG. While acknowledging the requirement under s6 of the RMA to protect significant areas, they consider that there is a need to address this alongside the direction in the NPSREG.

Analysis

303. With respect to mini hydro schemes and solar panels, I note that the latter are permitted under REG-R6, because these would fall within the definition of 'Small-scale Renewable Electricity Generation Activities'. With respect to hydro schemes, I note that these would similarly be permitted under the District Plan rules where of a scale that they fall within this definition, except in some specified locations (Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas). However, it is likely that such a scheme would require resource consent under the Regional Plan. I also note that the rules relating to REG activities seek to manage a range of effects, not just short-term visual effects resulting from construction, and the policy direction already includes consideration of the benefits of REG activities. I consider that consenting costs would likely be commensurate with the scale of effects associated with any proposed REG activity and consider that this is appropriate to meet the outcomes sought in the District Plan. I

therefore do not recommend any changes in response to this submission point (22.07) and recommend that it be accepted in part to the extent that the proposed rule framework already addresses some of the matters raised by the submitter.

304. I agree with the Simpson Family that as a result of introducing proposed Rule 1.2.5 into the EIB Chapter, there is a need for a consequential change to Rule 1.3.2, to be clear that it does not apply when an activity is managed under Rule 1.2.5. This is also required in relation to the new infrastructure-related Rule 1.2.4. I recommend that this submission point (9.10) be accepted.

Recommendation

305. I recommend, for the reasons given above, that Rule 1.3.2 in the EIB Chapter is amended to add reference to new rules 1.2.4 and 1.2.5.
306. The amendments recommended to Rule 1.3.2 are set out in **Appendix 4**.
307. I consider that the changes to Rule 1.3.2 are necessary to achieve the drafting intent, by providing a standalone rule for the clearance of indigenous vegetation associated with new infrastructure, investigation activities, small-scale REG activities, or the construction and operation of new REG activities. In my view, the restricted discretionary activity status gives better effect to the NPSREG and better aligns with the direction in the REG Chapter policies.

Matters of Control or Discretion

Submissions

308. OWL (16.35) supports all matters of discretion (REG-MD1 – REG-MD4).
309. Genesis (15.31) seeks that matter b. in REG-MD1 is deleted, which relates to effects on indigenous vegetation, as it considers that this is already addressed in the rules in the EIB Chapter.
310. Genesis (15.32) and Meridian (18.47) seek that matter i. in REG-MD2 is deleted, which refers to the visual impact of roading, as it considers that this is already addressed by c. and e.
311. TRoNT (12.14, 12.15) supports REG-MD2 and REG-MD3.
312. TRoNT (12.13, 12.16) seeks that REG-MD1 and REG-MD4 are amended to include “*Any potential or actual adverse effects of the proposal on mana whenua values*” as a matter of discretion. This is to reflect the impact that such projects can have on Kāi Tahu values, noting that many of the locations of existing hydroelectric power generation are within SASMs and Statutory Acknowledgement Areas.
313. Genesis (15.33) and Meridian (18.48) seek that matter d. in REG-MD3 is amended to refer to offsetting and compensation measures “*when any significant residual effects cannot be avoided, remedied or mitigated*” so that it is consistent with Policy C2 of the NPSREG. Meridian

also seeks that rather than any proposed offsetting or compensation measures, the matter refers to those “*promoted by the applicant*.”

314. Transpower (7.43) seeks that REG-MD4 is amended to refer to the location of electricity transmission infrastructure, as well as electricity generation and distribution infrastructure, to be consistent with REG-MD3.
315. NZTA (8.34) seek that REG-MD4 also allows for consideration of effects on transport safety.
316. Genesis (15.34) and Meridian (18.49, 18.50) seek that matter b. in REG-MD4 is amended to refer to offsetting and compensation measures “*when any significant residual effects cannot be avoided, remedied or mitigated*”. Meridian also seeks that rather than any proposed offsetting or compensation measures, the matter refers to those “*promoted by the applicant*.” Both seek that functional needs in matter c. is removed; and that an additional matter is added in relation to locational needs. These are sought for consistency with Policy C2 of the NPSREG and to reflect changes sought to REG-P5.
317. CRC (19.07) seek further clarity on how the EIB Chapter policies and rules apply to an application under REG-R7 and wish to ensure that that relevant provisions in that chapter are properly considered. As such, they seek that REG-MD4 matter b. is amended to specifically refer to “*in accordance with the provisions of Section 19 (Ecosystems and Indigenous Biodiversity)*.”
318. EDS (10.07) seek that an additional matter of discretion is added to REG-MD4 requiring consideration of the effects on indigenous biodiversity.

Analysis

319. I agree with Genesis that REG-MD1.b should be deleted because this matter is addressed in the rules in the EIB Chapter. I note that these rules were subject of scrutiny through the appeal process on PC18, with careful consideration given to the circumstances in which clearance of indigenous vegetation where related to operation, maintenance and refurbishment of the WPS and Opuha Scheme should be permitted, or resource consent be required. I therefore consider that this matter of discretion has the potential to result in ‘double dipping’ into matters addressed in the EIB Chapter. I recommend that the submission point (15.31) be accepted.
320. I am also comfortable with deleting REG-MD2.i, on the basis that this is traversed through other matters already and recommend that the submission points relating to this (15.32 and 18.47) be accepted in part. Due to the recommend change, I recommend that TRoNT’s supporting submission point (12.14) be accepted in part.
321. With respect to the matters included in REG-MD1 and REG-MD4, it is important to consider the activities under which these matters apply. Specifically, REG-MD1 matters come into play where an upgrade is proposed to an existing structure within an operating easement of the WPS; or where new REG development is proposed which is associated with an existing hydroelectric power station. Where these activities are undertaken within an SASM, then I consider it appropriate to allow consideration of effects on mana whenua values, in order to assist in

achieving integration across the District Plan and ultimately the achievement of SASM-O2 and SASM-O3. For consistency, I consider that the additional matter should reference SASM-MD1. I therefore recommend that the submission point by TRoNT (12.13) be accepted in part.

322. REG-MD4 applies to REG activities not otherwise listed, outside of specified areas. As SASMs are included in the specified areas (resulting in a fully discretionary status for those REG activities within a SASM), I do not consider that there is a need to add a matter of discretion to REG-MD4, as consideration of these matters only comes into play when the proposed REG activity is located outside a SASM. I therefore recommend that the submission point by TRoNT (12.16) be rejected. With respect to transport safety, I consider that this is already addressed through REG-MD4.f which allows consideration of the nature of any adverse effects on the environment from the construction of buildings and structures, and specifically includes reference to traffic, and through REG-MD4.j, which relates to the location of vehicle entry and exit points. I consider that these are sufficient to address the potential adverse effects on transport safety given the nature of REG activities (i.e. the traffic movements associated with REG activities are concentrated during the construction phase and limited beyond this). I recommend that the submission point by NZTA (8.34) be rejected.
323. I agree with extending REG-MD3.d and REG-MD4.b to refer to residual effects that cannot be avoided, remedied or mitigated. But for the reasons set out earlier in relation to the policy direction, I do not agree that this should refer to "*significant*" residual adverse effects. As I have not recommended that the REG-P5 be amended to refer to measures promoted by the applicant, I similarly consider that reference to proposed measures be retained in these matters of discretion. I consider that reference to functional needs is appropriate, given this is contained in REG-P5, but agree with adding consideration of locational matters, consistent with the changes I have recommended to REG-P5 in relation to this. I recommend that the submission points by Genesis and Meridian (15.33, 15.34, 18.48, 18.49 and 18.50) be accepted in part.
324. I agree with Transpower that REG-MD4.d should also include reference to transmission infrastructure, so that it is consistent with REG-MD3.e and recommend that their submission point (7.43) be accepted.
325. I do not consider that REG-MD4.b should refer to the EIB Chapter, as both rules apply separately. More importantly, REG-MD4.b applies to a range of effects and limiting it to indigenous biodiversity would therefore not allow for consideration of where offsetting or compensation measures might be proposed to address other matters. Similarly, I do not agree with adding the consideration of effects on indigenous biodiversity to REG-MD4 because this is addressed through the proposed Rule 1.2.5 in the EIB Chapter. I recommend the submission points by CRC and EDS (10.07 and 19.07) be rejected.
326. Because I have recommended changes to some matters of discretion, I recommend that the submission point by OWL (16.35) be accepted in part.

Recommendation

327. I recommend, for the reasons given above, that:

- a. REG-MD1.b and REG-MD2.i be deleted;
- b. an additional matter of discretion is added to REG-MD1 to allow consideration of adverse effects of the proposal on mana whenua values where the activity is within a SASM;
- c. REG-MD3.d and REG-MD4.b are extended to refer to management of residual effects that cannot be avoided, remedied or mitigated;
- d. REG-MD4.d be extended to include reference to electricity transmission infrastructure; and
- e. REG-MD4.c is amended to add reference to the need to locate REG activities where the renewable energy resource is available.

328. The amendments recommended to the Matters of Control or Discretion are set out in **Appendix 3**.

329. I consider that the changes recommended are minor and therefore the original s32 evaluation applies. In essence, the changes seek to remove duplication or overlap between matters, align the matters with recommended changes to the policy direction, and in relation to the additional matter in REG-MD1, better assist in the achievement of SASM-O2 and SASM-O3.

12. Definitions

Proposed Definitions

Submissions

330. Several parties support various definitions which were included in PC26. This is set out in the table below, along with noting those submitters seeking changes. The changes sought are then expanded on below. In addition, Nova (6.03) supports all definitions included in PC26 except as otherwise commented on in their submission.

Definition	Support	Change Sought
Antenna	OWL (16.01)	CRC (19.01)
Electricity Distribution Corridor	Alpine (17.01)	
Hazardous Substances	FENZ (1.01)	
Investigation Activities	Helios (4.01), Genesis (15.05), Meridian (18.05), OWL (16.01), Grampians Station (21.01)	Nova (6.04)
Lifeline Utility Infrastructure	Genesis (15.06), Meridian (18.06)	
National Grid	Transpower (7.02)	CRC (19.02)
National Grid Support Structure	Transpower (7.03)	
Operational Need	Genesis (15.07), Meridian (18.07)	

Pole	Genesis (15.08), OWL (16.01)	NZTA (8.01)
Regionally Significant Infrastructure	NZTA (8.02), OWL (16.01), Grampians Station (21.02)	Telcos (2.01), DOC (3.02), Helios (4.02), Nova (6.06), Transpower (7.05), CRC (19.03), NZDF (22.02)
Sensitive Activity	Transpower (7.06), OWL (16.01)	NZTA (8.03)
Sensitive Area	OWL (16.01)	TLGL (5.02)
Small-scale Renewable Electricity Generation	Genesis (15.09), Meridian (16.02), Grampians Station (21.03)	F&B, OWL (16.02)
Temporary Infrastructure	NZTA (8.04), Grampians Station (21.04), NZDF (22.03)	
Tower	Transpower (7.07)	NZTA (8.05)
Transmission Line	Transpower (7.08)	Helios (4.03), Nova (6.05), CRC (19.04)
Upgrade	Transpower (7.09) Genesis (15.10), Meridian (18.09), Grampians Station (21.05)	NZTA (8.06), OWL (16.03)

331. CRC (19.01) seek that the definition for antenna is deleted and replaced with that used in the NESTF, to provide consistency with national direction.

332. Several parties seek changes to the definition of ‘infrastructure’, including:

- Including stormwater networks, as it is not clear whether the RMA definition suitably covers local infrastructure provided by developers as part of a subdivision (TLGL (5.01)).
- Referring to energy storage; or in the alternative, that reference to infrastructure within PC24 is amended to refer to “*Infrastructure and energy storage facilities*” / “*Infrastructure and energy storage facilities associated with the supply of renewable electricity*” (Genesis (15.04) and Meridian (18.04)), as while the current definition is taken from the RMA, Genesis states that it should be extended to include energy storage systems, to recognise the role such systems are likely to play in future electricity systems. Meridian considers that there is a gap in the definition without this inclusion and that such storage facilities aid efficiency of energy use.
- Adding ‘defence facilities’, as while reflecting the RMA definition, this does not preclude additions to the definition which are appropriate for a particular district (NZDF (22.01)).

- 333. Nova (6.04) seeks that reference to “*existing and prospective generators*” in the definition of “*investigation activities*” is removed, because it limits who can undertake such activities and in their view is not required in the definition.
- 334. CRC (19.02) seek that the definition of ‘National Grid’ is deleted and replaced with the definition from the NPSREG.
- 335. NZTA (8.01) seek that the definition of ‘pole’ is amended to include signs, cameras and meteorological equipment, as these represent infrastructure equipment that a pole can support.
- 336. Several submitters seek changes to the proposed definition of ‘regionally significant infrastructure’, including:
 - a. Amending to refer to telecommunication “*networks*”, instead of “*facilities*” (the Telcos (2.01)) because this aligns with other recently reviewed plans nationally and is a defined term in the Telecommunications Act 2001, whereas facility is not;
 - b. Adding reference to REG activities as these are included in the CRPS definition (DOC (3.02), Nova (6.06), CRC (19.03)), or “*electricity generation infrastructure*”, because generation is an important part of the overall electricity infrastructure as well as being included in the CRPS definition (Helios (4.02));
 - c. Amending clause c to refer to the National Grid, instead of the electricity transmission network, as while they are the same thing, the former term is used in the plan provisions (Transpower (7.05)); and
 - d. Adding “*defence facilities*” or the “*Tekapo Military Training Camp*” as such facilities are regionally and nationally significant and should be recognised as such in the definition; and seeking clarity over whether the reference to the “*strategic land transport network*” includes the state highway network and suggesting a definition is included for this (NZDF (22.02)).
- 337. NZTA (7.06) seek that the definition of ‘sensitive activity’ is amended to include hospital, healthcare facilities and elderly person housing/complexes, as well as marae and places of worship. It states that the former are included in the CRPS definition of noise sensitive activities, and places of worship and marae are generally susceptible to noise and should be included.
- 338. TLGL (5.02) seeks clarification, in relation to the definition of ‘sensitive areas’ as to whether Lakeside Protection Areas are as per the Operative Plan or include proposed changes.
- 339. F&B (13.13) seeks that the definition of ‘Small-scale Renewable Electricity Generation’ is amended to align with that used in the NPSREG. OWL (16.02) seeks that this definition is corrected to remove “*to*” in clause b.

- 340. NZTA (8.05) seek that 'signs, cameras or meteorological equipment' are added to the definition of tower, in terms of the type of infrastructure equipment that such a pole can support.
- 341. CRC (19.04) seek that the definition of 'transmission line' is amended to add a note that the definition is sourced from the NESETA. Helios (4.03) considers that the definition of 'transmission line' does not take into account transmission infrastructure required from a solar farm to a substation, which may not be part of the National Grid. They seek that clause a. of the definition be amended to refer to the transmission of electricity "*to and in*" the National Grid. Nova (6.05) similarly seeks deletion of "*in the National Grid*", as they consider it could apply to connection of transmission lines between electricity generation infrastructure and distribution networks, not just the National Grid.
- 342. NZTA (8.06) seek clarification as to whether the definition of 'upgrade' relates to infrastructure in general or only to REG infrastructure and seeks amendments so that it clearly applies to both. OWL (16.03) seeks that this definition is extended to include new buildings and structures that may be required as part of an upgrade.

Analysis

- 343. I note that the definition of antenna proposed, is the same as that currently contained in Section 3 of the Operative Plan. Because the INF Chapter provisions refer to antenna in rules that relate to telecommunications and antenna regulated under the NESTF, I agree that it would be better to align the definitions. I recommend that the submission point by CRC (19.01) be accepted, and as a consequence, that the supporting submission point by OWL (16.01) be rejected.
- 344. With respect to definitions seeking changes to the definition of 'infrastructure', I note that this definition was added through PC20 and is operative. It was not proposed to be amended through PC26, meaning that changes to it are outside the scope of PC26. In my view, changes therefore cannot be made to the definition; but it is relevant to consider the matters raised in submissions in terms of how the term is applied in the REG and INF chapters. In response to the submissions, my view is as follows:
 - a. I do not consider that the absence of specific reference to stormwater networks is relevant, because the provision of this infrastructure at the time of subdivision is managed through the Subdivision Chapter, rather than through the INF Chapter provisions.
 - b. I am unclear what "*energy storage facilities*" are, and how they differ from REG activities, which are managed under the REG, rather than the INF Chapter. If they do not fall within the definition of REG activities, then it would be necessary to consider firstly, whether they are similar in nature to infrastructure, and whether there is the same need for them to be managed in the Plan on a separate basis, rather than being governed by the relevant zone framework and district-wide rules. Even if this is justified, then how the provisions, particularly the rules in the INF Chapter would apply to them needs further consideration. More specifically, I do not consider that adding "*and energy storage facilities*" every time

the word infrastructure is used is necessarily required as some provisions may not be relevant.

- c. I do not consider that defence facilities should be added because I consider it more appropriate that these activities are managed under the zone framework and district-wide rules. This is because such facilities are in my view, more akin to activities managed under the rule framework (e.g. community facilities, education facilities) than infrastructure activities. Particular aspects of defence activities may in any case fall under the definition of infrastructure (e.g. telecommunication facilities) and therefore be governed by the INF Chapter in any case.

345. I therefore recommend that the submission points relating to this definition be rejected (5.01, 15.04, 18.04 and 22.01).

346. I agree with Nova that it is appropriate to remove reference to “*existing and prospective generators*” in the definition of “*investigation activities*”, because it unnecessarily limits who can undertake such activities. More particularly, the provisions in the District Plan are seeking to appropriately manage the effects of these activities (REG-O2) and in this instance, I do not consider that who undertake the activities is relevant to this. I recommend that their submission point (6.04) be accepted, and as a consequence, that the supporting submission points (4.01, 15.05, 18.05, 16.01 and 21.01) be accepted in part.

347. I note that the definition of ‘National Grid’ aligns with that used in the NPSET and I consider this is more relevant to use than that contained in the NPSREG. This is because the management of effects from and on the National Grid is managed in the INF Chapter, and this chapter is intended to give effect to the NPSET. However, the NPSREG is given effect to within the REG Chapter, which is not applied to the National Grid. I recommend that the submission point by CRC (19.02) be rejected and that of Transpower (7.02) be accepted.

348. With respect to the definition of ‘pole’ and ‘tower’, I agree that these can be used to support signs, cameras and meteorological equipment. However, the use of the term in the context of the INF Chapter is related to the matters currently contained in the definition, i.e. poles or towers used to support conductors, lines, cables, lights, or antennas. Meteorological equipment is addressed in INF-R5 as a separate matter; and signs are managed in Section 12. Where this type of equipment falls within the definition of ‘land transport infrastructure’ it would in any case be subject to the rules in the Transport Chapter. Therefore, in the context in which the term ‘pole’ and ‘tower’ are used in the District Plan, I do not consider the additions to the definition sought by NZTA are needed and recommend that their submission points (8.01 and 8.05) be rejected. I therefore recommend that the submission points supporting the definitions for ‘pole’ and ‘tower’ (7.07, 15.08 and 16.01) be accepted.

349. I accept that the definition of RSI differs from the CRPS with respect to it not including REG activities. However, the difference in the District Plan is that REG activities are managed under the REG Chapter, so it would create duplication if they were also included in the definition of RSI, which is managed by the INF Chapter. In my view, the definitions do not need to be the

same, as long as the direction in the CRPS as it relates to RSI is given effect to in the District Plan in both the INF and REG chapters. I therefore consider the plan provisions, when read as a whole give effect to the CRPS and that the RSI definition does not need to be amended to achieve this. I recommend the submission points relating to this (3.02, 4.02, 6.06 and 19.03) be rejected.

350. With respect to other changes sought to the definition of RSI, I note that the CRPS definition refers to telecommunication “*facilities*” rather than “*networks*”, but I agree with the submitter that it is appropriate to align the term with that defined in the Telecommunications Act and in other more recent district plans. I consider the change is unlikely to have a practical effect, such that it would no longer give effect to the CRPS but provides greater clarity. I also agree with referring to the National Grid, instead of the electricity transmission network, given the former is used in the District Plan provisions. Again, this change does not have a practical effect (so the CRPS is still given effect to) but ensures better internal consistency within the District Plan and avoids confusion through the use of another term. I therefore recommend the Telcos and Transpower’s submission points (2.01 and 7.05) be accepted.
351. I note that the term ‘strategic land transport network’ comes from the CRPS definition of RSI, but this specific term does not appear to be defined within the CRPS; ‘strategic transport networks’ is however defined to mean transport networks and operations of national or regional significance, and explicitly includes State Highways and major arterial roads which are defined as such in district plans. (Other aspects of the definition would not apply in Te Manahuna/the Mackenzie District.) Given the definition for RSI proposed in PC26 already refers to arterial roads (as does the CRPS definition) I consider it would avoid confusion to replace the reference to the ‘strategic land transport network’ with ‘the State Highway network’. It would also be more consistent with the Transport Chapter, which include a number of provisions applying to “*State Highway/Arterial Road*”. As with the other changes to this definition, I do not consider that this change will have a practical effect (so the CRPS is still given effect to) but would provide greater clarity to District Plan users and result in better internal consistency within the Plan.
352. I do not agree with adding ‘defence facilities’ or the ‘Tekapo Military Training Camp’ to the definition, as these do not fall within the definition of ‘infrastructure’ to begin with. As noted above, I consider that these facilities are in any case better managed through the relevant zone framework and district-wide rules and are not the same as infrastructure facilities.
353. Overall, I recommend NZDF’s submission point (22.02) be accepted in part.
354. Because I have recommended changes to the definition of RSI, I recommend that the submission points in support (8.02, 16.01 and 21.02) be accepted in part.
355. With respect to the definition of ‘sensitive activity’, I note that the definition already includes ‘community facilities’, with the definition of the latter already encompassing places of worship. Marae would also fall within the definition of ‘community facilities’, as they comprise land and buildings used by members of the public for cultural purposes (and in many cases are also used for safety and welfare purposes as well, for example during civil defence emergencies).

Therefore, specific reference to places of worship and marae do not need to be added as they are also encompassed by the notified definition. I recommend that NZTA's submission point (8.03) be rejected, and consequently that the supporting submissions (7.06 and 16.01) be accepted.

356. My understanding is that Lakeside Protection Areas, which are referred to in the definition of 'Sensitive Areas' are as per the Operative Plan, with the only change proposed to these (through PC23) being to remove what is proposed to become Precinct 3 (Takamana / Lake Alexandrina Hut Settlements Precinct) instead. My understanding is that TLGL does not seek changes to the Sensitive Area definition in any case, just clarity over where it applies. However, for completeness, I note that in the Section 42A report for PC24 a change is recommended to the definition of 'Sensitive Areas' definition for the reasons set out in that report. As a consequence of that recommendation, I recommend that the submission points by OWL (16.01) and TLGL (5.02) be accepted in part.
357. It is my view that the definition proposed for 'Small-scale Renewable Electricity Generation' is generally consistent with that used in the NPSREG, which refers to "*renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.*" However, additional limits or greater clarity are provided in the proposed definition, in terms of requiring that the electricity generation is ancillary to the principal use of the site, and a limit of 20 other sites can be supplied with the electricity generated. When read in conjunction with the rules, I consider the proposed definition to be more appropriate to assist in achieving REG-O2, because the limits in the definition better manage potential effects. In my view, this aligns with the direction in Policy F of the NPSREG because it provides for small scale REG activities in a manner that is applicable to the District. I therefore recommend that the submission point by F&B (13.13) be rejected. I agree that there is an additional "to" in clause b. that should not be there and recommend OWL's submission point (16.02) be accepted. As a consequence of the recommended change to the definition, I recommend that the supporting submission points (15.09, 16.02 and 21.03) be accepted in part.
358. I do not agree with adding a note to the definition of 'transmission line' to state that it is sourced from the NESETA. I note that where a definition is taken from the NP Standards, this is noted in the definition itself, and reflects that this is a requirement of those standards. There is however no requirement to adopt definitions from other planning documents. If the definition within the NESETA were to be amended in future, it might then become confusing as to what definition applied, if the District Plan definition is amended to refer to the NESETA. For completeness, I note that where definitions have been adopted from the NESCF, this is noted in the definition, but in a different manner (i.e. the definition starts "*has the same meaning as in Section 3 of the National Environmental Standard for Commercial Forestry (as set out below)*". Should the Hearing Panel agree with adopting the definition from the NESETA and consider that this should be made clear in the definition, then I recommend that the definition is amended to read the same as the NESCF related definitions. My preference, however, is not to link the definition to

the NESETA, because in the future the NESETA may change. I therefore recommend that the submission point by CRC (19.04) be rejected.

359. In considering the changes sought by Helios and Nova, I have considered where the term is used within the provisions. It is referred to in the definition of 'line', but this definition refers to both transmission lines and distribution lines and therefore provisions applying to lines will apply to distribution lines already. It is also referred to in the definition of National Grid Yard, and in INF-R22 which relates to structures within the National Grid Yard. Given this, I do not agree with amending the definition because it is intended, in the way it is used in the INF Chapter framework, to apply only to the National Grid. I therefore recommend that their submission point (4.03 and 6.05) be rejected.
360. The definition of upgrade already refers to both REG activities and infrastructure, but if the order is reversed, this would avoid any confusion that the reference to infrastructure in the term only applies broadly and not to infrastructure associated only with REG activities. I therefore recommend that the submission point from NZTA (8.06) be accepted.
361. In considering OWL's request for the definition to include new buildings and structures that may be required as part of an upgrade, I note that this would be a departure from the approach taken. This is because where it is used in the rules 'upgrade' is specifically limited to upgrades to existing structures – for example, INF-R3 applies to upgrades to the Opuha Dam, and the rule specifically refers to buildings and structures. INF-R3.2, which limits such upgrades relative to the existing footprint would not work if it applied to a new building, because there is no starting footprint. REG-R2 relates to existing hydroelectric power stations and structures only and therefore does not anticipate new structures; and similarly, REG-R3 is specific to existing structures. In my view, amending the definition to include new buildings and structures would conflict with these rules and could lead to confusion. As noted earlier, INF-R6 would instead apply to new buildings associated with the Opuha Dam, which provides a permitted activity status, subject to size limits. I therefore recommend that the submission point (16.03) be rejected.
362. As a consequence of the recommended change to the definition, I recommend that the supporting submission points (7.09, 15.10, 18.09 and 21.05) be accepted in part.
363. As I have recommended changes to definitions in response to other submission points, I recommend that Nova's submission point (6.03) be accepted in part.

Recommendation

364. I recommend, for the reasons given above, that the definitions of 'National Grid', 'Pole', 'Sensitive Activity', 'Tower' and 'Transmission Line' be retained as notified.
365. I recommend, for the reasons given above, that the definition of 'Antenna' is amended to align with the definition contained in the NESTF.

366. I recommend, for the reasons given above, that the definition of 'Investigation Activities' is amended to delete reference to "*existing and prospective generators*".

367. I recommend, for the reasons given above, that the definition of 'Regionally Significant Infrastructure' be amended to refer to:

- telecommunication "*networks*" rather than "*facilities*";
- the "*National Grid*" rather than the "*electricity transmission network*"; and
- "*the State Highway network*" instead of the "*strategic land transport network*".

368. I recommend, for the reasons given above, that the definition of 'Small-scale Renewable Electricity Generation' is amended to delete "*to*" from clause b.

369. I recommend, for the reasons given above, that the definition of 'upgrade' is amended to swap the order of REG activities and infrastructure.

370. The amendments recommended to the above definitions are set out in **Appendix 1**.

371. In terms of s32AA of the RMA, I consider that the original evaluation still applies, as the changes do not significantly alter the effect of the provisions which rely on these definitions. The changes are intended to in some cases provide greater clarity, and in others, achieve better consistency within the District Plan or with other planning documents.

New Definitions

Submissions

372. The Telcos (2.02) seek that a definition is added for 'customer connections', noting that INF-R12 permits these, but they are not defined. The definition sought is taken from the NESTF.

373. Genesis (15.01) and Meridian (18.01) note that the term "*minimise*" is used in INF-P4 and INP-P6 and seek that a definition for it is added, meaning "*to reduce to the smallest amount reasonably practicable*."

374. OWL (16.01) seek consideration be given to adding a definition for the term "*Opuha Dam*", as they consider that the use of this term in INF-R3 is different to the defined term "*Opuha Scheme*".

375. CRC (19.06) considers that a definition of core sites relating to the Waitaki Power Scheme should be added, to support REG-R2 and ensure that upgrades can only occur under that rule in relation to defined core sites.

Analysis

376. I agree with adding a definition for 'customer connection' to provide clarity on what INF-R12 applies to (noting that to align with the definition being singular, I recommend a clause 16(2)

change to INF-R12 so that it is also singular). Because this rule applies to telecommunications, I consider that using the definition from the NESTF will ensure consistency between the District Plan rules and the NESTF. I recommend that the submission point by the Telcos (2.02) be accepted.

377. I do not consider it necessary to include a definition of “*minimise*”, given that it is used at the policy level, rather than within a rule whereby its interpretation might be required to determine activity status. This allows for consideration of the policy direction on a case-by-case basis for any specific proposal. I therefore recommend these submission points (15.01 and 18.01) be rejected. I also note that the term is used in various other operative or proposed provisions across the District Plan¹⁰. I consider that it would be outside the scope of PC26 to introduce a definition that would apply to operative District Plan provisions, and in some cases the proposed definition would not, in my view, align with the intent behind other provisions in which it is used. Therefore, if the Hearing Panel do agree with including a definition to assist in the interpretation of INF-P4, INF-P6 and REG-P5, I consider that the definition should be limited to infrastructure and REG activities. For completeness, I consider that the specific wording proposed by the submitter is broadly consistent with that used in the Oxford English dictionary, and the reference to “*reasonably practicable*” is consistent with terminology used in the RMA context.
378. I do not consider it necessary to define what constitutes the Opuha Dam, because what the rule applies to is set out in INF-R3 (i.e. machinery, buildings, plant, structures, facilities, works or components of the dam.) I also note that the definition of “*Opuha Scheme*” currently contained in the District Plan (Section 3) refers to the Opuha Dam and therefore introducing a definition of the Dam through PC26 could affect provisions in other chapters of the Plan which rely on that definition (particularly the EIB Chapter). I therefore recommend OWL’s submission point relating to this (16.16) be rejected.
379. I note that a definition for ‘Core Sites’ is already included in Section 3 of the District Plan. I recommend the submission point by CRC (19.06) be rejected.

Recommendation

380. I recommend, for the reasons given above, that a definition is added for ‘customer connection’.
381. The amendments recommended to the Interpretation Chapter are set out in **Appendix 1**.
382. In terms of section 32AA I consider that including these definitions will not alter the intent of the provisions but will assist in providing greater clarity in their application, which will assist in the efficient administration of the District Plan.

¹⁰ Including ATC-O6.1; LIGHT-P2; the Introduction to MRZ, NFL-P1, NFL-P6, NFL-SCHED3, GRUZ-P1; TRAN-Table 2; TRAN-MD1; SUB-P8, SUB-MD4; SUB-MD7 and EW-P2.

13. Mapping

Submissions

383. Nova (6.07) supports the mapping amendments proposed through PC26.
384. The Telcos (2.30) seek that the planning maps are amended to show the zoning for all legal roads, stating that it is efficient from an NESTF perspective to do so.
385. Transpower (7.44) seeks that all National Grid assets are shown on the planning maps, as Policy 12 of the NPSET directs that the whole of the electricity transmission network must be identified on planning maps, and currently the maps do not identify all the assets listed in their submission.

Analysis

386. I note that PC26 does not propose any zoning. The zoning of roads has been applied through the various zone-related plan changes, and/or the Operative planning maps e.g. roads with a RESZ, CMUZ or GIZ zoning were zoned through PC21, those with a RURZ are included in PC23 and PC25, and those which are currently zoned with a special purpose or open space zoning are not in the scope of the current suite of plan changes (they will be considered in Stage 4). As such, my view is that the zoning of roads sits outside the scope of PC26, but in any case, the planning maps already include the zoning of roads. I recommend that the submission point by the Telcos (2.30) be rejected.
387. I agree with Transpower that Policy 12 of the NPSET requires that all National Grid assets are shown on the planning maps. My understanding is that while the lines are shown, the notified maps did not include the substations, which are also included in the definition of the *“electricity transmission network”* in the NPSET. I therefore recommend that this submission point (7.44) be accepted, and that the substations are added to the planning maps.
388. As a consequence of recommending some changes to the planning maps, I recommend that the submission point by Nova (6.07) be accepted in part.

Recommendation

389. I recommend, for the reasons given above, that the National Grid substations be included on the planning maps.
390. The amendments recommended to the maps are set out in **Appendix 5**.
391. In terms of s32AA, I note that the mapping changes which are recommended do not alter the effect of the provisions but are necessary to fully give effect to the NPSET.