

IN THE ENVIRONMENT COURT OF NEW ZEALAND
WELLINGTON REGISTRY

I MUA I TE KŌTI TAIAO O AOTEAROA
TE WHANGANUI-Ā-TARA ROHE

ENV-2024-CHC-

IN THE MATTER

of the Resource Management Act 1991 (“the Act”)

AND

IN THE MATTER

of an appeal under clause 14 Schedule 1 of the Act concerning Plan Change 26 of the Mackenzie District Plan

BETWEEN

MERIDIAN ENERGY LIMITED

Appellant

AND

MACKENZIE DISTRICT COUNCIL

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION BY MACKENZIE
DISTRICT COUNCIL ON STAGE 3 OF THE MACKENZIE DISTRICT PLAN REVIEW
PLAN CHANGE 26 – RENEWABLE ELECTRICITY GENERATION AND
INFRASTRUCTURE**

DATED 16 SEPTEMBER 2024



Humphrey Tapper
In-house counsel
287/293 Durham Street North
Christchurch Central 8013
Ph: 03 357 9767
E: Humphrey.tapper@meridianenergy.co.nz

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION BY
MACKENZIE DISTRICT COUNCIL ON PLAN CHANGE 26 - RENEWABLE
ELECTRICITY GENERATION AND INFRASTRUCTURE TO THE MACKENZIE
DISTRICT PLAN 2024**

To: The Registrar
Environment Court
Christchurch

1. I, **MERIDIAN ENERGY LIMITED** ("the Appellant" and the "Submitter"), appeal parts of the Mackenzie District Council's Decision on Stage 3 of the Mackenzie District Plan Review publicly notified on 4 November 2023, being Plan Change 26 – Renewable Electricity Generation and Infrastructure.
2. I submitted on Plan Change 26 - Renewable Electricity Generation and Infrastructure to the Mackenzie District Plan on 26 January 2024 and further submission on 29 February 2024.
3. I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. I am directly affected by an effect of the subject of the appeal that—
 - (a) adversely affects the environment; and
 - (b) does not relate to trade competition or the effects of trade competition.
5. An Independent Hearing Panel made recommendations (the Panel's Recommendations) in a report dated 31 July 2024 and I received notice of the final decision on Plan Change 26 - Renewable Electricity Generation and Infrastructure by the Mackenzie District Council on 5th of August 2024 (collectively the "Decision").
6. The parts of the Decision I am appealing against are summarised in the table in Attachment 1. The area of appeal relates to "*new buildings or structures*"

within the existing footprint or core sites of the Waitaki Power Scheme pursuant to Rule REG-R6A.

7. The reasons for the appeal are as follows:

(a) Summarised in Column D Table 1 in Attachment 1.

8. I seek the following relief:

(a) The relief in Attachment 1 Column C and related amendments;

(b) Such other alternative or consequential relief that is necessary or appropriate to address the substance of the matters addressed in the appeal and/or to achieve the outcomes in my submission and further submission, and to implement the NPS REG.

9. This appeal will be emailed to all people who submitted on Plan Change 26 and as noted at Attachment 4.

10. I attach the following documents to this notice:

(a) Attachment 1 - Table of matters appealed, relief and reasons;

(b) Attachment 2 - a copy of my submission and further submission (with a copy of submissions supported or opposed);

(c) Attachment 3 - a copy of the relevant decision;

(d) Attachment 4 - a list of names and addresses of persons to be served with a copy of this notice.

Date: 16 September 2024

Signature:



H J Tapper

On behalf of Meridian Energy Limited

This document is filed by Humphrey Tapper, In-House Counsel for the Appellant. The Appellant's address for service is 287/293 Durham Street North, Christchurch Central.

Documents for service on the Appellant may be left at that address for service or may be:

- (e) Posted to the Humphrey Tapper at Meridian Energy Limited 287 -293 Durham Street North Christchurch 8140 for service; or
- (f) Sent by email to humphrey.tapper@meridianenergy.co.nz and to andrew.feierabend@meridianenergy.co.nz.

Advice to recipients of a copy of the notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not have attached a copy of the Decision appealed or the submissions by Meridian Energy Limited. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Attachment 1 - Table of matters appealed, relief and reasons

Column A	Column B	Column C	Column D
Relevant part of Commissioners' recommendation	Commissioners' recommended provision for Plan Change 26	Relief sought by Appellant	Reasons for relief
REG-R6A Any new buildings or structures or accessory building to an existing hydroelectric power station associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme	Any new buildings or structures or accessory building to an existing hydroelectric power station associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme All Zones Activity Status: PER Where:	The Appellant seeks deletion of all references to the Waitaki Power Scheme in REG-R6A. For completeness, this would be achieved by the following amendments to REG-R6A: <i>Any new buildings or structures or accessory building to an existing hydroelectric power station associated with the Opuha Scheme,</i> <i>or within the existing footprint or</i>	The Appellant considers that activities associated with the Waitaki Power Scheme are comprehensively addressed by rules REG-R1, REG-R2, REG-R3, REG-R4 and REG-R7. The Decision does not implement the National Policy Statement for Renewable Electricity Generation (NPSREG), the Canterbury Regional Policy Statement and other national direction.

	2. Any building or structure does not exceed: c. 50m² in gross floor area; and d. 4m in height in any residential or rural lifestyle zone; or e. In other zones the height limit otherwise applying in the zone, precinct or overlay in which the building is located. 3. Buildings more than 10m² in gross floor area or over 3.5m in height are set back: a. from the road boundary by a distance of not less	core sites of the Waitaki Power Scheme ...	The Decision fails to recognise and provide for renewable electricity generation, decarbonisation and address the adverse effect of climate change. The Decision is contrary to sound resource management practice. The Decision is inappropriate, unreasonable and unnecessary and otherwise contrary to the overall purpose and provisions of the RMA.
--	---	---	---

	than half the height of the structure; and b. from any internal boundary with a residential zone by a distance of not less than half the height of the structure. 3. Any building or structure located in an ONF or ONL must be finished in materials with a maximum reflectance value of 30%. Activity status when compliance is not achieved with R6A.1, R6A.2 or R6A.3: RDIS		
--	---	--	--

	Matters of discretion are restricted to: REG-MD1 Existing Hydroelectric Power		
--	---	--	--

**Attachment 2 - Copy of submission and further submission (and copy of
submissions supported or opposed)**

Attachment 3 – a copy of the relevant decision

**Attachment 4 - List of names and addresses of persons
served with a copy of this notice by email**

Fire and Emergency New Zealand (FENZ)	Lydia Shirley	Lydia.Shirley@beca.com	ANZ Centre, 267 High Street, ChCh, Central City, CHCH 8011
Telecommuni- cation Companies	Tom Anderson (Incite)	tom@incite.co.nz	Po Box 2058, Wellington 6140
Department of Conservation (DOC)	Murray Brass	mbrass@doc.govt.nz	Private Bag 4715 Christchurch Mail Centre, Christchurch 8140
Helios Energy Limited	Sarah Brooks	sbrooks@heliosenergy.co.nz	
Tekapo Landco Ltd & Godwit Leisure Ltd	Kim Banks	kim.banks@ppgroup.co.nz	PO Box 43 Lake Tekapo
Nova Energy	Chris Pye	cpye@novaenergy.co.nz	Level 15, The Todd Building, 95 Customhouse Quay, Wellington 6011
Transpower New Zealand Limited	Ainsley McLeod	ainsley@amconsulting.co.nz ; environment.policy@transpower.co.nz	8 Aikmans Road, Merivale, Christchurch 8014
NZ Transport Agency Waka Kotahi	Nick Reuther	nick.reuther@nzta.govt.nz	PO Box 1479, Christchurch 8011
Simpson Family Holdings Ltd	Andrew Simpson	andrew.simpson@thecairns.co.nz	PO Box 3, Lake Tekapo 7945
Environmental Defence Society (EDS)	John Commissaris	john@eds.org.nz	PO Box 91736, Victoria Street West, Auckland 1142
Te Rūnanga o Ngāi Tahu	Hemi Bedggood	hemi.bedggood@ngaitahu.iwi.nz	PO Box 13-046, Christchurch
Forest and Bird	Nicky Snoyink	N.snoyink@forestandbird.org.nz	PO Box 2516, Christchurch 8140
Ministry of Education	Daly Williams	daly.williams@beca.com	PO Box 13960 CHCH 8141
Genesis Energy Limited	Alice Barnett	alice.barnett@genesisenergy.co.nz	PO Box 90477 Victoria Street West, Auckland 1142

Opuha Water Limited	Georgina Hamilton	georgina@gressons.co.nz	PO Box 244 Timaru 7940
Alpine Energy Limited	Fabia Fox	fabia.fox@alpineenergy.co.nz	24 Elginshire Street, Washdyke Timaru
Meridian Energy Limited	Andrew Feierabend	andrew.feierabend@meridianenergy.co.nz	Po Box 2146 CHCH 8140
Canterbury Regional Council	Rachel Tutty	regional.planning@ecan.govt.nz	PO Box 345 CHCH
Grampians Station Limited	Nicola Hornsey	nicola@gressons.co.nz	PO Box 244 Timaru 7940
New Zealand Defence Force*	Rebecca Davies / Mikayla Woods	rebecca.davies@nzdf.mil.nz mwoods@tonkingtaylor.co.nz	PO Box 5271 Victoria Street West, Auckland 1142
Ant Frith	Ant Frith	ant.frith@g4group.co.nz	G4 Group Ltd, Level 4, 3-13 Shortland Street, Auckland

**SUBMISSION ON
PROPOSED PLAN CHANGES 23, 24, 25, 26 AND 27
TO THE MACKENZIE DISTRICT PLAN
UNDER THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

To: Plan Changes 23, 24, 25, 26 and 27 to the Mackenzie District Plan
Mackenzie District Council
PO Box 52
Main Street
Fairlie 7949
districtplan@mackenzie.govt.nz

From: Meridian Energy Limited
PO Box 2146
Christchurch 8140

Attention: Andrew Feierabend
Phone: (03) 357 9731
Mobile: 021 898 143
Email: andrew.feierabend@meridianenergy.co.nz

Meridian Energy Limited (**Meridian**) makes the general and specific submissions on Proposed Plan Changes 23, 24, 25, 26 and 27 to the Mackenzie District Plan (**PC23, PC24, PC25, PC26 and PC27** respectively) that are set out in the attached document.

Meridian confirms that its submissions do not relate to trade competition or the effects of trade competition.

Meridian would like to be heard in support of its submissions.

If other persons make a similar submission, then Meridian would consider presenting joint evidence at the time of the hearing.



Andrew Feierabend
For and on behalf of Meridian Energy Limited

Dated this 26th day of January 2024

STRUCTURE OF SUBMISSION

1. This submission is structured as follows:
 - Part One: About the submitter
 - Part Two: Context for Meridian's submissions
 - Part Three: Relief sought.
2. All of Parts 1 to 3 of this submission are to be read together, and together they form Meridian's submissions on PC23, PC24, PC25, PC26 and PC27.

PART ONE: ABOUT THE SUBMITTER

3. Meridian is a limited liability company listed on the New Zealand Stock Exchange, with 51% of the company owned by the New Zealand Government. It is one of the three companies formed from the split of the Electricity Corporation of New Zealand on the 1st of April 1999. Meridian's core business is the generation, marketing, trading and retailing of electricity and the management of associated assets and ancillary structures in New Zealand. As well as being New Zealand's largest generator of electricity, Meridian is also the country's largest generator of renewable electricity.
4. Meridian has a significant interest in the Mackenzie District Plan, with large parts of the nationally significant Waitaki Power Scheme (hereafter referred to as the **WPS** or **the Scheme**) being located in the district.
5. The Scheme consists of eight power stations, four canal systems and numerous dams, weirs, gates and other control structures that operate as a linked hydroelectricity generation chain. The chain includes large, modified storage lakes; a series of diversions via canals; and a cascade of in-river dams.
6. Of the eight power stations, Meridian owns and operates six of these, from Lake Pūkaki to Lake Waitaki. The portion of the Scheme that lies above Lake Ohau, the Ohau River and Lake Ruataniwha resides in the Mackenzie District.
7. The scheme was progressively constructed between 1928 and 1985. It contributes an average of 18% of New Zealand's annual electricity supply, and at times this can be as high as 30% of the national requirement. The scheme supports the HVDC link, which is connected to the South Island transmission network at the site of the Benmore Power Station, and it provides essential ancillary services to the electricity system.
8. The national significance of the WPS is established in the National Policy Statements for Renewable Electricity Generation 2011 and for Freshwater 2020.

PART TWO: CONTEXT FOR MERIDIAN'S SUBMISSIONS

9. Meridian has previously advised Mackenzie District Council on the energy related provisions during the development of PC26. Meridian considers that these provisions need to fully reflect the importance of renewable electricity generation in New Zealand, and the need to protect the existing WPS.
10. In 2011, New Zealand recognised the vital role that renewable electricity generation plays in reducing greenhouse gas emissions, and the growing demand for renewable electricity generation in New Zealand. In response, the National Policy Statement for Renewable

Electricity Generation 2011 (**NPS-REG**) was Gazetted, with the objective of recognising “*the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation*”.

11. In 2016 New Zealand ratified the Paris Agreement with the long-term goal of keeping the increase in the global average temperature to below 2°C above pre-industrial levels and to pursue efforts to limit the increase to 1.5 °C. In 2019 New Zealand’s Climate Change Response (Zero Carbon) Amendment Act 2019 was passed and set into law a domestic target of net zero emissions of long-lived greenhouse gases (other than biogenic methane) by 2050. In the same year, the Climate Change Commission was established to provide independent, evidence-based advice to the Government to help the transition to a climate-resilient and low emissions future. The previous government had the goal of phasing out the use of coal in electricity generation and achieving 100% of electricity generated from renewable resources in 2030. The current government has not proposed changes to these goals, rather they aim to ‘double New Zealand’s renewable electricity generation’ (National, ACT and NZ First’s 100-day action plan, announced on the 29th of November 2023).
12. Section 75(3) of the Resource Management Act 1991 (**the Act**) requires that all district plans must give effect to a national policy statement. Accordingly, Proposed Plan Changes 23, 24, 25, 26 and 27 must give effect to the NPS-REG (amongst others).
13. As discussed previously, the objective of the NPS-REG is to recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, so that the proportion of New Zealand’s electricity generated from renewable energy sources increases to meet or exceed the New Zealand Government’s national target for the same.
14. The preamble of the NPS-REG recognises “*The contribution of renewable electricity generation, regardless of scale, towards addressing the effects of climate change plays a vital role in the wellbeing of New Zealand, its people and the environment*”. Consistent with this, Policy A of the NPS-REG recognises the national significance of “*maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions*” and Policy 4 of the National Policy Statement for Freshwater Management 2020 requires that “*Freshwater is managed as part of New Zealand’s integrated response to climate change*”.
15. Accordingly, to give effect to the NPS-REG, Proposed Plan Changes 23, 24, 25, 26 and 27 must provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. At the same time, decision makers must have particular regard to protecting the assets and operational capacity of existing renewable electricity generation activities; and to the need for significant development of new renewable electricity generation activities.
16. The NPS-REG also requires that decision makers have particular regard to the need to locate the renewable electricity generation activity where the renewable energy resource is available; the logistical or technical practicalities associated with developing, upgrading,

- operating or maintaining the renewable electricity generation activity; and the need to connect renewable electricity generation to the national grid (amongst other matters).
17. Policy C2 of the NPS-REG requires that when decision makers are considering any residual effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated, they must have regard to offsetting measures or environmental compensation, including measures or compensation that benefit the local environment and community affected.
 18. In addition to the NPS-REG, sections 7(i) and 7(j) of the Act expressly require that all persons exercising functions and powers under the Act, in relation to managing the use, development, and protection of natural and physical resources, have particular regard to the effects of climate change and the benefits to be derived from the use and development of renewable energy.
 19. The vital role that renewable electricity generation plays in combating climate change is also reflected in the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) which explicitly excludes the development, operation, maintenance or upgrade of renewable electricity generation assets and activities from the application of the NPS-IB (clause 1.3(3) of the NPS-IB).
 20. For completeness, the *Proposed National Policy Statement for Renewable Electricity Generation [2023] Draft for Consultation V7.4 as at 30/3/2023* further emphasises the importance of renewable electricity generation. This is particularly reflected in draft Policy 4 which would require (if Gazetted) that *“where adverse effects remain after applying the effects management hierarchy, REG activities are enabled if the national significance and benefits of the REG activities outweigh those remaining adverse effects”*.
 21. The proposed plan changes go some way towards meeting the requirements of the NPS-REG and sections 7(i) and 7(j) of the Act, however Meridian considers that they do not go far enough.
 22. In September 2022 Meridian submitted on Mackenzie District Council’s Plan Change 20. Part of this submission sought to add (to the Introduction section of Chapter ATC – A Thriving Community) reference to the national significance of the WPS and the significance of the WPS’s contribution to decarbonising New Zealand’s economy, mitigating the potential effects of climate change and reducing the District’s reliance on non-renewable energy sources. The Planning Officer’s report¹ stated that *“I ...do not consider that an additional paragraph is required, nor the detailing of specific benefits of the scheme. In my view this detail is better left to the Energy chapter...”*. However, the Introduction section of the notified Renewable Electricity Generation Chapter (in PC26) does not reference such benefits. Instead, it is limited to referencing the requirements of the Act and the NPS-REG, and to identifying the renewable electricity generation resources and infrastructure in the district.
 23. Given the profound environmental, economic, social and cultural risks posed by climate change, the need to mitigate these risks through rapid decarbonisation of our economy and communities, and the role of renewable electricity generation in achieving this, Meridian considers these matters are of such strategic importance that they should form the basis of

¹ Section 42A Report: Plan Change 20 – Strategic Chapters, Report on submissions and further submissions, Liz White, 19 October 2022, Paragraph 70

the Introduction section of the Renewable Electricity Generation chapter in PC26. Meridian's 'Relief Sought' seeks adoption of a new version of the Introduction section of the Renewable Electricity Generation chapter that clearly articulates the importance of renewable electricity generation in combating climate change and the need to properly provide for existing and new generation within the Mackenzie District.

PART THREE: RELIEF SOUGHT

24. Based on the preceding context, Appendices 1, 2, 3, 4 and 5 of this submission set out Meridian's support for or opposition to specific provisions in PC23, PC24, PC25, PC26 and PC27, and the relief sought. With this, Meridian accepts that consequential amendments to these plan changes and other parts of the Mackenzie District Plan may be needed to give full effect to their submissions and seeks that such amendments are made where necessary.
25. The submissions made are based on the understanding that the package of plan changes consists of the content provided in the eplan on Mackenzie District Council's website, and the pdf files identified on the Council's website as "*Appendix 99 – Proposed Plan Change Amendments to the Operative Plan Sections*".
26. For completeness, Meridian also acknowledges the definitions resulting from the Plan Change 18 (PC18) process, including the outcomes of the appeals on the same. These include definitions for *Waitaki Power Scheme*, *core sites*, *operating easements*, *maintenance of Waitaki Power Scheme*, and *refurbishment of Waitaki Power Scheme* (amongst other definitions). Meridian understands that these definitions are not altered by PC23, PC24, PC25, PC26 and PC27 and supports retention of the definitions resulting from the PC18 process.

APPENDIX 1 – PLAN CHANGE 23 - GENERAL RURAL ZONE, NATURAL FEATURES AND LANDSCAPES, AND NATURAL CHARACTER SELECTED

PC23 PROVISION	SUPPORT OR OPPOSE	REASONS	RELIEF SOUGHT
Definition - Earthworks	Support	Meridian considers that the definition of “earthworks” adequately describes the activity.	Retain the definition of “earthworks” as notified.
Definition – Functional need	Support	Meridian considers that the definition of “functional need” adequately describes the need.	Retain the definition of “functional need” as notified.
Definition - Infrastructure	Oppose	Meridian notes that the term “infrastructure” is listed in PC23’s definitions but is not marked as being affected by a plan change. The definition states that “infrastructure” has the same meaning as in section 2 of the Act. This includes “facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity”. Meridian considers that it is appropriate to adopt the definition of infrastructure from the Act as a base, however there is a significant gap in the definition with energy storage facilities not included in the list. Energy storage facilities are key to capturing electricity generated during periods when demand is less than supply (i.e. generation) and then supplying electricity when demand is greater than supply. This aids efficiency of energy use and helps to prevent outages. Given the national significance of renewable electricity	Amend the first line and part (d) of the definition of “Infrastructure” as follows: <i>Has the same meaning as in section 2 of the RMA, with an added reference to <u>energy storage facilities</u>, (as set out below)..</i> <i>(d) facilities for the generation of electricity, <u>energy storage facilities associated with the supply of renewable electricity</u>, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person</i> Alternatively, if the definition of “Infrastructure” is not amended, then all provisions in all of PC23, PC24, PC25, PC26 and PC27 that refer to “Infrastructure” should be amended to refer to “infrastructure <u>and energy storage</u>”

		sources and minimising the use of non-renewable electricity sources, Meridian considers that such facilities should be specifically identified in the definition of “ <i>infrastructure</i> ”.	<u>facilities associated with the supply of renewable electricity”.</u>
Definition – Operational need	Support	Meridian notes that the definition of “<i>operational need</i>” is coloured pink in PC23 meaning the term is currently limited to the residential, commercial and mixed use and general industrial zones and Plan Changes 23, 24, 25, 26 and 27 propose to extend the application of the term to those chapters introduced through plan changes 23, 24, 25, 26 and 27, where the terms are used in those chapters. On this basis, Meridian considers that the definition of “<i>operational need</i>” adequately describes the need and should be applied throughout the plan.	Retain the definition of “ <i>operational need</i> ” as notified and apply it throughout the plan.
Definition – Reverse sensitivity	Support	Meridian considers that the definition of “ <i>reverse sensitivity</i> ” adequately describes the issue.	Retain the definition of “ <i>reverse sensitivity</i> ” as notified.
NATC - Introduction	Oppose in part	While Meridian generally supports the Natural Character (NATC) Introduction, they consider that REG clarification should be provided to plan users that REG activities are managed under the REG chapter of the plan and are not subject to the provisions in the NATC chapter.	Amend the NATC Introduction by adding the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>
NFL - Introduction	Oppose in part	While Meridian generally supports the Natural Features and Landscapes (NFL) Introduction, they consider that REG clarification should be provided to plan users that REG activities are managed under the REG chapter of the	1. Amend the NFL Introduction by adding the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>

		plan and are not subject to the provisions in the NFL chapter.	
NFL-O2	Support	Meridian supports the relocation of NFL-O2(2) to the REG Chapter provided that the other provisions of the NFL Chapter do not apply to renewable electricity generation activities.	Retain Objective NFL-O2 as notified.
GRUZ - Introduction	Oppose in part	While Meridian generally supports the General Rural Zone (GRUZ) Introduction, they consider that paragraph 2 should acknowledge that renewable electricity generation activities is an example of an activity with operational and functional needs leading to its location within the GRUZ. For completeness, Meridian notes that this introduction addresses activities with an operational need or a functional need to be located in the GRUZ, and activities that rely on natural resources within the GRUZ and therefore need to be located in the GRUZ. These needs have different characteristics and renewable electricity generation can have any one of these needs. Meridian also considers that the GRUZ Introduction should clearly state that the provisions of this chapter do not apply to renewable electricity generation activities.	1. Amend the second paragraph of the GRUZ – Introduction as follows: <i>The purpose of the General Rural Zone is to enable a range of primary production activities, as well as other compatible activities that rely on or support the natural resources within rural areas of the District, including tourism and conservation along with those activities that have an operational need or functional need to locate in the zone <u>including renewable electricity generation activities</u>;</i> and 2. Add new paragraph as follows: <u>Renewable electricity generation activities are addressed in the REG Chapter and are not subject to the provisions in this chapter.</u>
GRUZ-O1	Support	Meridian supports the prioritisation of “other activities” in the GRUZ where they “rely on the natural resources found only in a rural location”.	Retain GRUZ-O1 as notified.
GRUZ-O2	Oppose in part	Meridian generally supports GRUZ-O2 but considers that GRUZ-O2(4) (regarding reverse sensitivity) should	Amend GRUZ-O2 (4) as follows:

		also apply to other activities where they rely on the natural resources found only in a rural location.	4. Allows primary production and activities that directly support primary production, <u>and other activities where they rely on the natural resources found only in a rural location</u> to operate without risk of being compromised by reverse sensitivity.
GRUZ-P2	Oppose in part	Meridian generally supports GRUZ-P2 but considers that it should also recognise the importance of other activities where they rely on the natural resources found only in a rural location.	Amend GRUZ-P2 as follows: Recognise the importance of primary production activities, <u>and other activities where they rely on the natural resources found only in a rural location</u>, to the economic wellbeing of the district, and prioritise primary production <u>these activities</u> and activities <u>which</u> <u>that</u> support primary production <u>them</u>, within the General Rural Zone, by: 1. Providing for new economic activity that directly supports, is dependent on, or is ancillary to primary production <u>and other activities where they rely on the natural resources found only in a rural location</u>; 2. Enabling recreation and tourism activities based on farming experiences or conservation activities; 3. Ensuring the land resource of the General Rural Zone is not compromised by activities with no functional <u>need</u> or operational <u>to</u> locate in the zone.

GRUZ-P3	Support	GRUZ-P3 seeks to avoid reverse sensitivity effects on renewable electricity generation activities, amongst other activities, and Meridian supports this policy.	Retain GRUZ-P3 as notified.
----------------	---------	---	-----------------------------

APPENDIX 2 – PLAN CHANGE 24 - SITES AND AREAS OF SIGNIFICANCE TO MAORI

PC24 PROVISION	SUPPORT OR OPPOSE	REASONS	RELIEF SOUGHT
Definition - Earthworks	Support	Meridian considers that the definition of “earthworks” adequately describes the activity.	Retain the definition of “earthworks” as notified.
Definition – Functional need	Support	Meridian considers that the definition of “functional need” adequately describes the need.	Retain the definition of “functional need” as notified.
Definition - Infrastructure	Oppose	Meridian notes that the term “infrastructure” is listed in PC24’s definitions but is not marked as being affected by a plan change. The definition states that “infrastructure” has the same meaning as in section 2 of the Act. This includes “facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity”. Meridian considers that it is appropriate to adopt the definition of infrastructure from the Act as a base, however there is a significant gap in the definition with energy storage facilities not included in the list. Energy storage facilities are key to capturing electricity generated during periods when demand is less than supply (i.e. generation) and then supplying electricity when demand is greater than supply. This aids efficiency of energy use and helps to prevent outages. Given the national significance of renewable electricity	Amend the first line and part (d) of the definition of “Infrastructure” as follows: <i>Has the same meaning as in section 2 of the RMA, with an added reference to energy storage facilities, (as set out below)...</i> (d) facilities for the generation of electricity, <u>energy storage facilities associated with the supply of renewable electricity</u>, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person. Alternatively, if the definition of “Infrastructure” is not amended, then all provisions in all of PC23, PC24, PC25, PC26 and PC27 that refer to “Infrastructure” should be amended to refer to “infrastructure <u>and energy storage</u>”

		sources and minimising the use of non-renewable electricity sources, Meridian considers that such facilities should be specifically identified in the definition of “ <i>infrastructure</i> ”.	<u>facilities associated with the supply of renewable electricity”</u> .
Definition – Operational need	Support	Meridian notes that the definition of “<i>operational need</i>” is coloured pink in PC24 meaning the term is currently limited to the residential, commercial and mixed use and general industrial zones and Plan Changes 23, 24, 25, 26 and 27 propose to extend the application of the term to those chapters introduced through plan changes 23, 24, 25, 26 and 27, where the terms are used in those chapters. On this basis, Meridian considers that the definition of “<i>operational need</i>” adequately describes the need and should be applied throughout the plan.	Retain the definition of “ <i>operational need</i> ” as notified and apply it throughout the plan.
SASM-Introduction	Oppose in part	While Meridian generally supports the Sites and Areas of Significance to Māori (SASM) Introduction, they consider that clarification should be provided to plan users that REG activities are managed under the REG chapter of the plan and are not subject to the provisions in the SASM chapter. This does not mean that the potential effects of renewable electricity generation activities on SASMs are not managed. Rather it means that such effects are managed through the provisions within the REG chapter.	Amend the SASM Introduction by adding the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>

APPENDIX 3 – PLAN CHANGE 25 - RURAL LIFESTYLE ZONE

PC25 PROVISION	SUPPORT OR OPPOSE	REASONS	RELIEF SOUGHT
Definition - Earthworks	Support	Meridian considers that the definition of “earthworks” adequately describes the activity.	Retain the definition of “earthworks” as notified.
Definition – Functional need	Support	Meridian considers that the definition of “functional need” adequately describes the need.	Retain the definition of “functional need” as notified.
Definition - Infrastructure	Oppose	Meridian notes that the term “infrastructure” is listed in PC25’s definitions but is not marked as being affected by a plan change. The definition states that “infrastructure” has the same meaning as in section 2 of the Act. This includes “facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity”. Meridian considers that it is appropriate to adopt the definition of infrastructure from the Act as a base, however there is a significant gap in the definition with energy storage facilities not included in the list. Energy storage facilities are key to capturing electricity generated during periods when demand is less than supply (i.e. generation) and then supplying electricity when demand is greater than supply. This aids efficiency of energy use and helps to prevent outages. Given the national significance of renewable electricity	Amend the first line and part (d) of the definition of “Infrastructure” as follows: <i>Has the same meaning as in section 2 of the RMA, with an added reference to energy storage facilities, (as set out below)...</i> (d) facilities for the generation of electricity, <u>energy storage facilities associated with the supply of renewable electricity</u>, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person. Alternatively, if the definition of “Infrastructure” is not amended, then all provisions in all of PC23, PC24, PC25, PC26 and PC27 that refer to “Infrastructure” should be amended to refer to “infrastructure <u>and energy storage</u>”

		sources and minimising the use of non-renewable electricity sources, Meridian considers that such facilities should be specifically identified in the definition of “infrastructure”.	<u>facilities associated with the supply of renewable electricity”.</u>
Definition – Operational need	Support	Meridian notes that the definition of “operational need” is coloured pink in PC24 meaning the term is currently limited to the residential, commercial and mixed use and general industrial zones and Plan Changes 23, 24, 25, 26 and 27 propose to extend the application of the term to those chapters introduced through plan changes 23, 24, 25, 26 and 27, where the terms are used in those chapters. On this basis, Meridian considers that the definition of “operational need” adequately describes the need and should be applied throughout the plan.	Retain the definition of “operational need” as notified and apply it throughout the plan.
New definition – Reverse sensitivity	New definition	Meridian notes that the term “reverse sensitivity” is used in RLZ-R7, but it is not defined in PC25. Meridian considers that the definition for the same term that is included in PC23 should be included in PC25.	Insert a new definition as follows: <u>Reverse sensitivity means the potential for an approved (whether by consent or designation), lawfully established existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment, intensification, or alteration of another activity that may be sensitive to the actual, potential or perceived adverse environmental effects generated by the approved, lawfully established existing or permitted activity.</u>
RLZ-Introduction	Oppose in part	While Meridian generally supports the Rural Lifestyle Zone (RLZ) Introduction, they consider that it should also recognise the importance of enabling other	1. Amend the first paragraph of RLZ-Introduction as follows:

		activities in the rural environment (beyond primary production activities) where such activities rely on the natural resources found only in a rural location. Meridian also considers that clarification should be provided to plan users that REG activities are managed under the REG chapter of the plan and are not subject to the provisions in the RLZ chapter.	The Rural Lifestyle Zone provides opportunities to live in a rural environment, while still enabling some primary production activities, <u>and other activities where they rely on the natural resources found only in a rural location</u>, to occur. 2. Amend the SASM Introduction by adding the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>
RLZ-P3	Oppose in part	Meridian considers that other activities (beyond primary production activities) that rely on the natural resources found only in a rural environment should be provided for.	Amend RLZ-P3 as follows: Provide for other activities, where: - they are: - ancillary to a residential or primary production activity, or are consistent with the character, amenity values and purpose of the zone; <u>or</u> <u>reliant on the natural resources found only in a rural location;</u> and - the effects of the activity including its scale, hours of operation, parking and vehicle manoeuvring are compatible with the amenity values of adjacent sites and the surrounding areas.

APPENDIX 4 – PLAN CHANGE 26 - RENEWABLE ELECTRICITY GENERATION AND INFRASTRUCTURE

PC26 PROVISION	SUPPORT OR OPPOSE	REASONS	RELIEF SOUGHT
New definition - Minimise	New definition	The term “ <i>minimise</i> ” is used in INF-P4 and INF-P6 but is not defined in the plan change. Meridian seeks adoption of the definition of “ <i>minimise</i> ” set out its relief sought.	Insert new definition as follows: <u>Minimise means:</u> <u>to reduce to the smallest amount reasonably practicable.</u>
Definition - Earthworks	Support	Meridian considers that the definition of “ <i>earthworks</i> ” adequately describes the activity.	Retain the definition of “ <i>earthworks</i> ” as notified.
Definition – Functional need	Support	Meridian considers that the definition of “ <i>functional need</i> ” adequately describes the need.	Retain the definition of “ <i>functional need</i> ” as notified.
Definition - Infrastructure	Oppose	Meridian notes that the term “ <i>infrastructure</i> ” is listed in PC26’s definitions but is not marked as being affected by a plan change. The definition states that “ <i>infrastructure</i> ” has the same meaning as in section 2 of the Act. This includes “ <i>facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity</i> ”. Meridian considers that it is appropriate to adopt the definition of infrastructure from the Act as a base, however there is a significant gap in the definition with energy storage facilities not included in the list.	Amend the first line and part (d) of the definition of “ <i>infrastructure</i> ” as follows: <u>Has the same meaning as in section 2 of the RMA, with an added reference to energy storage facilities, (as set out below)...</u> (d) <u>facilities for the generation of electricity, energy storage facilities associated with the supply of renewable electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey</u>

		Energy storage facilities are key to capturing electricity generated during periods when demand is less than supply (i.e. generation) and then supplying electricity when demand is greater than supply. This aids efficiency of energy use and helps to prevent outages. Given the national significance of renewable electricity sources and minimising the use of non-renewable electricity sources, Meridian considers that such facilities should be specifically identified in the definition of “<i>infrastructure</i>”.	electricity, excluding facilities, lines, and support structures if a person. Alternatively, if the definition of “<i>Infrastructure</i>” is not amended, then all references to “<i>Infrastructure</i>” in the plan (including current operative provisions, current notified plan changes and future plan changes) should be amended to refer to “<i>infrastructure and energy storage facilities associated with the supply of renewable electricity</i>”.
Definition – Investigation activities	Support	Meridian considers that the proposed definition of “ <i>investigation activities</i> ” is robust.	Retain the definition of “ <i>investigation activities</i> ” as notified.
Definition – Lifeline utility infrastructure	Support	Meridian supports adoption of the definition of “ <i>lifeline utility infrastructure</i> ” that is contained in the Civil Defence Emergency Management Act 2002.	Retain the definition of “ <i>Lifeline utility infrastructure</i> ” as notified.
Definition – Operational need	Support	Meridian notes that the definition of “<i>operational need</i>” is coloured pink in PC24 meaning the term is currently limited to the residential, commercial and mixed use and general industrial zones and Plan Changes 23, 24, 25, 26 and 27 propose to extend the application of the term to those chapters introduced through plan changes 23, 24, 25, 26 and 27, where the terms are used in those chapters. On this basis, Meridian considers that the definition of “<i>operational need</i>” adequately describes the need and should be applied throughout the plan.	Retain the definition of “ <i>operational need</i> ” as notified and apply it throughout the plan.

Definition – Small-scale renewable electricity generation activity	Support	Meridian considers that the proposed definition of “ <i>Small-scale renewable electricity generation activity</i> ” is somewhat consistent with the definition for “ <i>Small and community-scale distributed electricity generation</i> ” in the NPS-REG and is generally helpful.	Retain the definition of “ <i>Small-scale renewable electricity generation activity</i> ” as notified.
Definition - Upgrade	Support	Meridian considers that the proposed definition of “ <i>upgrade</i> ” in relation to renewable electricity generation activities and infrastructure is robust.	Retain the definition of “ <i>upgrade</i> ” as notified.
INF - Introduction	Oppose in part	Meridian considers that clarification should be provided to plan users that renewable electricity generation activities are managed under the REG chapter of the plan and are not subject to the provisions in the Infrastructure (INF) chapter.	Amend the INF Introduction by adding the following paragraph: <u><i>Renewable electricity generation activities are not subject to the provisions in this chapter.</i></u>
INF-O1	Support	Meridian considers this objective to be an appropriate outcome sought within the Mackenzie District.	Retain Objective INF-O1 as notified.
INF-O2	Support	Meridian considers this objective to be an appropriate outcome sought within the Mackenzie District, and more specifically supports the recognition of the functional needs or operational needs of the infrastructure.	Retain Objective INF-O2 as notified.
INF-O3	Oppose in part	While Meridian generally support INF-O3, Meridian considers that it should be extended to address locally, regionally and nationally significant infrastructure. With this, Meridian notes that the notified definition of <i>regionally significant infrastructure</i> does not include <i>nationally significant infrastructure</i> . For this reason Meridian considers that specific reference to <i>nationally significant infrastructure</i> is needed in this objective.	Amend Objective INF-O3 as follows: <i>The efficient operation, maintenance, upgrading and development of <u>locally</u>, <u>regionally</u> and <u>nationally</u> significant infrastructure is not constrained or compromised by other activities.</i>

INF-P1	Support	Meridian considers that recognition of the national, regional and local benefits of infrastructure, and provision for the same, is fundamental to well-functioning communities.	Retain INF-P1 as notified.
INF-P2	Support	Meridian considers that existing infrastructure should continue to be enabled to operate, be maintained and/or replaced (including reconstruction) and be upgraded.	Retain INF-P2 as notified.
INF-P3	Oppose in part	While Meridian generally supports INF-P3, Meridian considers that co-location of structures and facilities should only be encouraged when their functioning/operation are related to each other and the efficiency and/or effectiveness of their construction and use is improved by co-location.	Amend INF-P3 as follows: <i>Encourage:</i> 1. <i>the coordination of infrastructure planning and delivery with land use, subdivision, development and urban growth;</i> 2. <i>the co-location of structures and facilities where <u>their functioning and/or operation are related to each other and the efficiency and/or effectiveness of their construction and use is improved by co-location</u>; and</i> 3. <i>technological improvements and enhancements.</i>
INF-P4	Oppose in part	While Meridian generally support INF-P4, Meridian notes that “ <i>minimise</i> ” is not defined in the plan change. As previously discussed, Meridian seeks adoption of the definition of “ <i>minimise</i> ” set out in its relief sought. Without this change to PC26 INF-P4 is unclear.	Retain INF-P4 as notified and at the same time, as previously requested, insert new definition as follows: <i>Minimise means:</i> <i>to reduce to the smallest amount reasonably practicable.</i>
INF-P5	Oppose in part	Meridian is concerned that <i>energy storage facilities</i> should fall within the definition of <i>infrastructure</i> rather	Amend INF-P5 as follows:

		than renewable electricity generation activities, and that as such INF-P5 will apply to them. Energy storage facilities are key to ensuring that outages are avoided, and renewable electricity is used efficiently. They must be located within proximity of renewable electricity generation structures and/or transmission infrastructure. Given the national significance of energy storage facilities, and their functional and operational need to be located together with renewable electricity generation structures and/or transmission infrastructure, the same exemption from condition 4 should be applied to energy storage facilities as is provided to the national grid.	<i>Avoid locating infrastructure in identified sensitive areas (outside the road reserve) or within an area of significant indigenous vegetation or significant habitat of indigenous fauna, unless:</i> <i>1. there is a functional or operational need for the infrastructure to be in that location;</i> <i>2. it is demonstrated through site, route or method selection, design measures and other management methods how significant adverse effects on the values of the sensitive or significant area have been avoided as far as practicable, and otherwise remedied or mitigated;</i> <i>3. where there are more than minor adverse effects that cannot be avoided, remedied or mitigated, regard is had to any offsetting or compensation; and</i> <i>4. Following application of 1. - 3. above, there are no significant adverse effects remaining, (except that this clause shall not apply to the national grid <u>or energy storage facilities associated with the supply of renewable electricity</u>).</i>
INF-P6	Oppose in part	While Meridian generally supports INF-P6, Meridian considers that nationally significant infrastructure should also be listed in condition 2 of this policy. It is possible that nationally significant infrastructure, that is not otherwise described in the definition of 'regionally significant infrastructure' or 'lifeline utility	Amend INF-P6 as follows: <i>Avoid locating infrastructure on Highly Productive Land, unless:</i> <i>1. it is small-scale and does not impact the productive capacity of the land; or</i>

		<i>infrastructure', may have a functional need or operational need to be located on highly productive land.</i>	2. <i>it is regionally <u>or nationally</u> significant infrastructure or <u>lifeline</u> utility infrastructure and has a functional need or operational need to be located on the highly productive land; and</i> 3. <i>for both 1 and 2. above, any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land within the District is minimised or mitigated.</i>
INF-P7	Oppose in part	While Meridian generally supports INF-P7, Meridian considers that nationally significant infrastructure should also be provided the 'exception' in this policy. It is possible that nationally significant infrastructure, that is not otherwise described in the definition of 'regionally significant infrastructure' or 'lifeline utility infrastructure', may have a functional need or operational need to be located in areas of significant indigenous vegetation and significant habitats of indigenous fauna. Further to this, as previously discussed, energy storage facilities must be located within proximity of renewable electricity generation structures and/or transmission infrastructure. Given the national significance of energy storage facilities, and their functional and operational need to be located together with renewable electricity generation structures and/or transmission infrastructure, the same exemption from INF-P7 should be applied to energy storage facilities as is provided to the national grid.	Amend INF-P7 as follows: <i>In addition to INF-P5, avoid new infrastructure (excluding the national grid <u>and energy storage facilities associated with the supply of renewable electricity</u>) that has adverse effects on the following, in an area of significant indigenous vegetation and significant habitats of indigenous fauna:</i> <i>1. loss of ecosystem representation and extent;</i> <i>2. disruption to sequences, mosaics, or ecosystem function;</i> <i>3. fragmentation of significant indigenous vegetation and significant habitats of indigenous fauna or the loss of buffers or connections within significant indigenous vegetation and significant habitats of indigenous fauna;</i>

			4. a reduction in the function of the significant indigenous vegetation and significant habitats of indigenous fauna as a buffer or connection to other important habitats or ecosystems; and 5. a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use significant indigenous vegetation and significant habitats of indigenous fauna for any part of their life cycle, unless it is lifeline utility infrastructure or regionally <u>or nationally</u> significant infrastructure, in which case INF-P5 applies instead, where: 6. the infrastructure provides significant national or regional public benefits; 7. there is a functional need or operational need for the infrastructure to be in that particular location; and 8. there are no practicable alternative locations for the infrastructure outside of an area of significant indigenous vegetation and significant habitats of indigenous fauna.
INF-R1	Support	Meridian considers that it is appropriate to permit the ongoing operation, maintenance or removal of existing infrastructure.	Retain INF-R1 as notified.

INF-R2	Support	Meridian considers that it is appropriate to permit upgrading of above ground infrastructure subject to the 'scale/size' limits.	Retain INF-R2 as notified.
INF-R4	Support	Meridian considers that it is appropriate to permit temporary infrastructure.	Retain INF-R4 as notified.
INF-R6	Support	Meridian considers that it is appropriate to have a 'catch-all' permitted activity rule for infrastructure buildings or structures, and accessory buildings to infrastructure, and that it be subject to 'scale/scale' conditions.	Retain INF-R6 as notified.
INF-R7	Support	Meridian considers that it is appropriate to permit below ground infrastructure subject to compliance with INF-S1 and EW-S4.	Retain INF-R7 as notified.
INF-R18	Support	Meridian considers that it is appropriate to permit network utility operation, infrastructure and electricity generation activities that connects to the National Grid within the National Grid Yard subject to INF-S4.	Retain INF-R18 as notified.
INF-S4	Support	Meridian considers that INF-S4 is appropriate for managing potential effects in the National Grid Yard.	Retain INF-S4 as notified.
REG - Introduction Paragraphs 1 to 4	Oppose	Given the profound environmental, economic, social and cultural risks posed by climate change, the need to mitigate these risks through rapid decarbonisation of our economy and communities, and the role of renewable electricity generation in achieving this, Meridian considers these matters are of such strategic importance that they should form the basis of the Introduction to the REG chapter.	Amend paragraphs 1 to 4 of the Renewable Electricity Generation Introduction as follows: <i>This chapter contains District-wide provisions relating to renewable electricity generation activities.</i> <i>Energy efficiency and the use and development of renewable energy are matters the District Plan must have particular regard to under</i>

		<u>section 7 of the Act. The District Plan must also give effect to the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG), which requires recognition of the national significance of renewable electricity generation. The global climate has changed because of greenhouse gas emissions from human activities, and it will continue to do so in the absence of fast and bold interventions. The effects of human-caused climate change are broad and far-reaching. It is a global issue that affects the physical environment, ecosystems, and human societies. New Zealand is already experiencing increased frequency and intensity of extreme events such as higher temperatures, flooding, droughts, wildfires, increased sea-level rise, and warmer and more acidic oceans. Climate change poses a profound risk to achieving sustainable management of natural and physical resources in New Zealand, including in the Mackenzie District.</u> <u>Key to mitigating climate change is rapid decarbonisation of the economy and its energy systems through renewable electricity generation. The Mackenzie District is synonymous with renewable electricity generation activities such as the nationally significant Waitaki Power Scheme. The national significance of renewable electricity generation is recognised in the National Policy Statement for Renewable Electricity Generation 2011, the National Policy Statement for Freshwater</u>
--	--	--

			<u>Management 2020 and the National Policy Statement for Indigenous Biodiversity 2023. Together these national policy statements establish a framework to specifically provide for renewable electricity generation and manage the potential effects of such activities that differs from the framework applied to other activities under the Act.</u> <u>The District Plan must give effect to national policy statements.</u> There are significant renewable energy resources located within the District. Part of the nationally significant Waitaki Power Scheme, which is the largest hydro-electric power scheme in New Zealand, is located within the District. The District also contains the Opuha Hydro-electric Power Scheme. There is also increasing interest in solar power generation in the District, due to the high amount of irradiance, particularly in Te Manahuna / the Mackenzie Basin. At a domestic scale, there are renewable electricity options such as solar water heating and solar panels. The NPS-REG directs that the development, operation, maintenance and upgrading of both new and existing renewable electricity generation activities is provided for, in order to increase the proportion of electricity generated from renewable energy sources. These activities often have a functional need or an operational need to be in a particular location <u>or need to locate where the renewable energy resource is</u>
--	--	--	--

			<u>available</u>, but can have adverse effects on the environment, particularly in areas which have important natural values or mana whenua values. This chapter provides direction on how renewable electricity generation activities are to be provided for, while appropriately managing the <u>potential</u> adverse effects of these activities. The provisions in other chapters of this District Plan do not apply to activities managed in this chapter, except as follow...
REG - Introduction Paragraph 5	Oppose	Meridian considers that the fifth paragraph is not sufficiently clear to be enforceable. The notified version of Paragraph 5 reads “<i>The provisions in other chapters of this District Plan do not apply to activities managed in this chapter, except as follows.</i>” and then lists topics, but not specific provisions. This leaves it unclear what specific provisions do and do not apply to renewable electricity generation activities. Concerning Ecosystems and Indigenous Biodiversity provisions, Meridian understands that for ‘renewable energy generation and transmission’ activities, a consent memorandum has been signed by all parties to appeals on such provisions in MDC’s decisions version of Plan Change 18 (PC18). This consent memorandum leads to the following PC18 provisions applying to the WPS and the Opuha Scheme: Objective, Policies 1, 4, 5, 7 and 8 Rules 2.1.1 and 2.2.1	Amend the 5th paragraph in the Introduction as follows: The provisions in other chapters of this District Plan do not apply to activities managed in this chapter, except as follows: • Natural Hazards • Historical Heritage • Notable Trees • Ecosystems and Indigenous Biodiversity, but excluding Policies 2 and 3. • Activities on the Surface of Water • Light • Noise • Signs <u>Concerning the Ecosystems and Indigenous Biodiversity Chapter, the following provisions apply to the Waitaki Power Scheme and the Opuha Scheme:</u> <u>Objective,</u> <u>Policies 1, 3, 4, 5, 7 and 8</u>

	Contrary to the notified version of the PC26 Renewable Electricity Generation chapter, Meridian considers that Policy 6 of PC18 does not apply to the WPS or the Opuha Scheme since it addresses farming activities and not renewable electricity generation activities. Further, while the title of Rule 1 of PC18 states that the rule does not apply to the WPS and the Opuha Scheme, Meridian considers that the PC26 Renewable Electricity Generation chapter should be explicit that Rules 1.1.1, 1.2.2, 1.3.1 and 1.3.2 of PC18 do not apply to the schemes. Concerning activities on waterbodies, Plan Change 19 to the MDP addressed these provisions and they are now operative. For this reason, the specific provisions that apply to renewable electricity generation activities can be readily listed in the REG Chapter. Concerning provisions addressing light, Plan Change 22 to the MDP addressed these provisions and they are now operative. For this reason, the specific provisions that apply to renewable electricity generation activities can be readily listed in the REG Chapter. Meridian understands that provisions addressing Natural Hazards, Historical Heritage, Notable Trees, Noise and Signs are part of Stage 4 of the review of the MDP, and that Stage 4 provisions are scheduled for public notification in November 2024. In the interim, Meridian considers that the current relevant provisions should be listed in the REG Chapter, and the list of provisions that apply to renewable electricity generation activities should be updated through the 2024 plan changes.	<u>Rules 2.1.1 and 2.2.1</u> <u>Concerning activities on waterbodies:</u> a) <u>the following provisions apply to the Waitaki Power Scheme:</u> <u>Rural Objective 8</u> <u>Rural Policies 8A, 8B, 8F</u> <u>Rural Rules 7A.1.1.d, 7A.1.2.b, 7A.2.1.d</u> b) <u>the following provisions apply to renewable electricity generation activities other than the Waitaki Power Scheme:</u> <u>Rural Objective 8</u> <u>Rural Policies 8A, 8B</u> <u>Rural Rules 7A.1.1.a, 7A.1.1.b, 7A.1.2.b, 7A.2.1.a, 7A.2.1.b, 7A.2.1.c, 7A.2.2.a, 7A.2.2.b, 7A.2.3.b, 7A.3.1.a, 7A.3.1.b, 7A.3.3.a, 7A.3.4.b, 7A.4.1.a, 7A.4.1.b, 7A.4.2.a, 7A.4.3.b, 7A.4.4.b</u> <u>Within Part 2 – District Wide Matters, General District-Wide Matters, Light, the following provisions apply to renewable electricity generation activities:</u> <u>Light-O1, Light-P1, Light-P2, Light-R1, Light-R2, Light-R3, Light-R4, Light-S1, Light-S2, Light S3, Light S4, Light-S5, Light-MD1, and Light-MD2</u>
--	--	---

	Meridian has listed, in its 'relief sought', the provisions that it considers apply to REG at this stage in the MDP review process.	<u>Concerning signs, the following provisions of Section 12 – Signs and Aerial Distractions Assessment Matters apply to renewable electricity generation activities:</u> <u>Objective 1</u> <u>Policies 1A, 1B, 1C</u> <u>Rules 1.a, 1.b, 1.c, 1.d, 1.e, 1.f, 1.g, 2.d, 2.e, 2.f, 3.a, 3.b, 3.c, 3.d, 7.c, 7.d, 7.e and 15.b.</u> <u>Concerning historic heritage and notable trees, the following provisions in Section 11 - Heritage Protection apply to renewable electricity generation activities:</u> <u>Objective 1</u> <u>Policies 1D</u> <u>Rules 1.a, 2.a, 2.b, 3.a, 4.a, 4.b, 5, 6.a.</u> <u>Concerning natural hazards, the following provisions apply to renewable electricity generation activities:</u> <u>a) ATC-05; and</u> <u>b) Section 18 – Natural Hazards Objective 1 and Policies 4, 5 and 6.</u> <u>Concerning noise:</u> <u>Rule 15.1.1.h of the Section 7 – General Rural Zone Rules.</u>
REG - Introduction Paragraph 6	Oppose	The sixth paragraph of the REG Introduction states “The provisions in the earthworks chapter do not apply to earthworks which form part of the activities managed in Delete the sixth paragraph of the Introduction to the REG chapter, as follows:

		<i>this chapter, except for the construction of new roads or access tracks”.</i> The construction of new roads or access tracks is fundamental to the development and ongoing maintenance of renewable electricity generation activities. The matters of discretion listed in the REG chapter already provides for consideration of earthworks effects. On this basis, Meridian considers that the Earthworks provisions in PC27 should not apply to renewable electricity generation activities.	<i>The provisions in the earthworks chapter do not apply to earthworks which form part of the activities managed in this chapter, except for the construction of new roads or access tracks.</i>
REG-O1	Support	Meridian considers that this objective is generally consistent with the NPS-REG and s7 of the Act.	Retain REG-O1 as notified.
REG-O2	Oppose in part	Meridian generally supports the need to manage potential adverse effects that can result from activities in the Mackenzie District. However, Meridian considers that the phrase “are <i>appropriately managed</i>” does not clearly identify what is being aimed for. Meridian considers that the objective needs to be clear enough to provide direction to what the policies then seek to achieve, and it needs to reflect the national direction set in the NPS-REG and Part 2 of the Act.	Amend REG-O2 as follows: <i>The adverse effects of renewable electricity generation activities are appropriately managed while recognising the national significance of renewable electricity generation activities and giving particular regard to the functional and operational needs of such activities.</i>
REG-O3	NA	Meridian understands that REG-O3 is not within the scope of PC26.	NA
REG-P1	Support	Meridian considers that this objective is generally consistent with the NPS-REG and Part 2 of the Act.	Retain REG-P1 as notified.

REG-P2	NA	Meridian understands that REG-P2 is not within the scope of PC26.	NA
REG-P3	NA	Meridian understands that REG-P3 is not within the scope of PC26.	NA
REG-P4	Oppose in part	While Meridian supports “investigation and identification of renewable electricity generation sources and small-scale renewable electricity generation activities” being enabled, Meridian considers that the phrase “relative to the sensitivity of the area in which they are located” is not clear enough to be consistently applied in decision making and is not consistent with the NPS-REG. Further to this, the “sensitivity of the area” is reflected in the Introduction to the Renewable Electricity Generation chapter where it identifies other provisions in the MDP that apply to renewable electricity generation activities in addition to the provisions in PC26. For these reasons, Meridian considers that the phrase “relative to the sensitivity of the area in which they are located” is not needed in REG-P4 and should be deleted.	Amend REG-P4 as follows: <i>Enable investigation and identification of renewable electricity generation sources and small-scale renewable electricity generation activities while managing adverse effects relative to the sensitivity of the area in which they are located.</i>
New Policy – Waitaki Power Scheme	New Policy	Meridian considers that existing WPS activities need to be specifically enabled in the REG chapter. Meridian understands that REG-P2 is out of the scope of PC26 and therefore is not able to be adjusted through this process, and that REG-P1 focuses on ‘providing’ generally for renewable electricity generation activities and REG-P3 ‘provides for’ the upgrading, maintenance, and enhancement of existing elements of the WPS in	Insert new policy as follows: <u>REG-P1A – Waitaki Power Scheme</u> <u>Enable the operation, maintenance, and upgrade of the Waitaki Power Scheme.</u>

REG-P5	Oppose in part	Lakeside Protection Areas. This leaves a gap with respect to ‘enabling’ the operation, maintenance and upgrade of the WPS. Meridian considers that REG-P5 is not consistent with Policies C1 and C2 of the NPS-REG. It is not clear what is meant by “<i>minimising other effects</i>” in REG-P5, and the NPS-REG does not require this. Also, unlike REG-P5, Policy C2 of the NPS-REG leads to offsetting and compensation only being had regard to when considering residual adverse effects after avoiding, remedying or mitigating adverse effects. The definition of <i>Functional needs</i> in PC26 (and the National Planning Standards) reads “<i>means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment</i>” [emphasis has been added] and is narrower than Policy C1(a) of the NPS-REG which requires that particular regard be had to “<i>the need to locate the renewable electricity generation activity where the renewable energy resource is available</i>”. Meridian is concerned that inclusion of “<i>functional needs</i>” in REG-P5(4) is unnecessarily restrictive in areas outside of those listed in REG-P6. Meridian seeks amendments to better align with Policy C1(a) of the NPS-REG. The exclusions to REG-P5 need to extend to include new policy REG-P1A, REG-P2 and REG-P3 activities as well as REG-P4 activities. Meridian also considers that REG-P5 should be enabling the activities listed in the policy (e.g. through permitted or controlled activity status in the rules). The REG-P5	Amend REG-P5 as follows: Provide for <u>Enable</u> <u>renewable electricity generation activities</u> {not otherwise specified enabled or provided for in REG-P1A, REG-P2, REG-P3 and REG-P4}, while managing adverse effects by: 1. <u>avoiding, remedying or mitigating significant adverse effects as far as practicable; and</u> 2. minimising other effects; 3. where significant residual adverse effects remain, having regard to any offsetting measures and/or environmental compensation measures promoted by the applicant proposed; and 4.3. <u>having particular regard to the practical constraints associated with renewable electricity generation activities, including:</u> a. functional needs and the operational needs of renewable electricity generation activities; and <u>b. the need to locate activity where the renewable energy resource is available; and</u> b.c. the location and efficient use of existing electricity generation,
--------	----------------	---	--

		activities are not in areas of significant indigenous vegetation and significant habitats of indigenous fauna, ONLs, ONFs, riparian areas and SASM or on highly production land (because such activities are addressed in REG-P6), and accordingly the conditions of a permitted or controlled activity rule can be readily applied to manage potential adverse effects without the need to apply discretion to the granting of a consent (or otherwise).	transmission and distribution infrastructure.
REG-P6	Oppose in part	Meridian considers that the exclusions to REG-P6 need to extend to include REG-1A, REG-P2, REG-P3 and REG-P5 activities as well as REG-P4 activities; and condition 4 needs to be amended to be specific to offsetting and compensation measures that are promoted by the applicant. Meridian considers that condition 5 should be deleted since national direction does not require this approach at this point in time. For example, the National Policy Statement for Indigenous Biodiversity explicitly does not apply to REG assets and activities, and there is direction in the NPS-REG to increase REG in NZ. Meridian considers a consenting pathway should exist for renewable electricity generation activities that allows the merits or otherwise of a proposed activity to be considered on a case-by-case basis under the national policy direction at the time.	Amend REG-P6 as follows: <i>Provide for renewable electricity generation activities (not otherwise specified <u>enabled or provided for in REG-P1A, REG-P2, REG-P3 and REG-P4</u>) within areas of significant indigenous vegetation and significant habitats of indigenous fauna, Outstanding Natural Landscapes, Outstanding Natural Features, Sites and Areas of Significance to Māori, riparian areas, or within area of Highly Productive Land, where:</i> 1. <i>there is a functional need <u>or an operational need</u> for the activity to be in that location <u>or there is a need to locate the activity where the renewable energy resource is available</u>;</i> 2. <i>adverse effects on the values of the area are avoided as far as practicable, including through site, route or method selection, design measures and other management methods;</i>

			3. adverse effects that cannot be avoided are remedied or mitigated, where practicable; <u>and</u> 4. regard is had to any offsetting measures or environmental compensation <u>promoted by the applicant</u>, where there are <u>significant</u> residual adverse effects that cannot be avoided, remedied or mitigated; and 5. following application of 1. 4. above, there are no significant adverse effects remaining.
REG-R1	Support	Meridian supports permitting the operation and maintenance of existing hydroelectric power stations and associated structures in all zones. This reflects the national significance of existing hydroelectric power schemes, the scale of investment in these schemes and the nature of potential effects of such activities.	Retain REG-R1 as notified.
REG-R2	Oppose in part	Meridian supports permitting upgrading of an existing hydroelectric power station and associated structures associated with the Opuha Scheme, or within the existing footprint or core sites of the WPS. This reflects the national significance of existing hydroelectric power schemes, the scale of investment in these schemes and the nature of potential effects of such activities. However, Meridian considers that there is a grammar error in the Rule.	Amend REG-R2 as follows: <i>Upgrade of an existing hydroelectric power station and associated structures associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme.</i>

REG-R3	Oppose in part	Meridian supports permitting the upgrading of an existing structure within an operating easement of the WPS where any modification or addition does not result in more than 20m² of additional land being utilised for buildings, structures and ancillary activities, or the height of any existing building being increased by more than 2.5 metres. Meridian also supports the controlled activity status that applies when the area and height restriction cannot be met. However, Meridian considers that REG-MD1(b) of the matters over which control is reserved should not apply to the activity. This reflects that PC18 manages the potential effects of existing renewable electricity generation activities in areas of indigenous vegetation and habitats of indigenous fauna, and that the NPS-IB does not apply to renewable electricity generation activities.	Amend REG-R3 as follows: ...Activity status when compliance is not achieved with R3.1: CON Matters over which control are reserved: REG-MD1 Existing Hydroelectric Power, <u>except that matter REG-MD1(b) does not apply to this activity.</u>
REG-R4	Oppose in part	Meridian supports the development of new renewable electricity generation activities associated with an existing hydroelectric power station, including associated structures being a controlled activity where the development will not result in an increase in the maximum operating level of a lake or water storage area authorised at the date this rule was notified, or create a new lake or water storage area. Meridian supports the restricted discretionary activity status that applies if the maximum operating level is increased or a new lake or storage area is created.	Retain REG-R4 as notified while at the same time deleting REG-MD2(i).

REG-R5	Oppose in part	However, Meridian considers that the matters of discretion in REG-MD2 should be amended to delete i. since matters c. and e. address the same effect as i. Meridian supports permitting investigation, identification and assessment activities in Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas, Māori Rock Art Protection Areas and Silent File Areas provided the activity is located on site for no more than 60 months and any structure does not exceed 1.8m in height and 6m in footprint (excluding any anemometer mast, weather stations, lightning rods, antennas, earth peak or GPS unit and their associated mounting structures). Meridian also supports the restricted discretionary activity status that applies when the conditions of the permitted activity cannot be met. However, Meridian considers that REG-MD3(d) is not consistent with Policy C2 of the NPS-REG and seeks relief to ensure consistency with the national policy direction. Meridian also considers that replacing “proposed” with “promoted by the applicant” removes potential ambiguity in the provision. In areas other than Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas, Māori Rock Art Protection Areas and Silent File Areas, Meridian supports permitting investigation, identification and assessment activities provided the activity is located on site for no more than 60 months and any structure is set back from the road boundary, or internal boundary of any site in separate ownership, the equivalent distance to the height of the structure.	Retain REG-R5 as notified while amending REG-MD3(d) as follows: d. <i>The effectiveness of any proposed offsetting or compensation measures <u>promoted by the applicant when any significant residual effects cannot be avoided, remedied or mitigated.</u></i>
--------	----------------	---	---

		Meridian also supports restricted discretionary activity status that applies when the conditions of the permitted activity cannot be met and generally supports the associated matters of discretion.	
REG-R7	Oppose in part	Meridian supports any renewable electricity generation activities not otherwise listed in REG-R1 to REG-R6 being a discretionary activity in areas of significant indigenous vegetation or significant habitat of indigenous fauna, Outstanding Natural Landscape, Outstanding Natural Feature, Sites and Areas of Significance to Māori, a setback distance specified in Table NATC-1, or on Highly Productive Land. Meridian also supports such activities being a restricted discretionary activity in areas other than those listed above. However, Meridian considers that REG-MD4(b) is not consistent with Policy C2 of the NPS-REG and seeks relief to ensure consistency with the national policy direction. Meridian also considers that replacing “<i>proposed</i>” with “<i>promoted by the applicant</i>” removes potential ambiguity in the provision.	Retain REG-R7 as notified while amending REG-MD4(b) as follows: b. <i>The effectiveness of any proposed offsetting or compensation measures <u>promoted by the applicant when any significant residual effects cannot be avoided, remedied or mitigated.</u></i>
REG-MD2(i)	Oppose	As discussed above, Meridian considers that the matters of discretion in REG-MD2 should be amended to delete i. since matters c. and e. address the same effect as i.	Delete REG-MED2(i).
REG-MD3(d)	Oppose in part	As discussed above, Meridian considers that REG-MD3(d) is not consistent with Policy C2 of the NPS-REG.	As discussed above, amend REG-MD3(d) as follows: d. <i>The effectiveness of any proposed offsetting or compensation measures <u>promoted by the</u></i>

		Meridian also considers that replacing “proposed” with “promoted by the applicant” removes potential ambiguity in the provision.	<u>applicant when any significant residual effects cannot be avoided, remedied, or mitigated.</u>
REG-MD4(b)	Oppose in part	As discussed above, Meridian considers that REG-MD4(b) is not consistent with Policy C2 of the NPS-REG. Meridian also considers that replacing “proposed” with “promoted by the applicant” removes potential ambiguity in the provision.	As discussed above, amend REG-MD4(b) as follows: b. The effectiveness of any proposed offsetting or compensation measures promoted by the <u>applicant when any significant residual effects cannot be avoided, remedied, or mitigated.</u>
REG-MD4(c)	Oppose in part	The definition of <i>Functional needs</i> in PC26 (and the National Planning Standards) reads “means the need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment” [emphasis has been added] and is narrower than Policy C1(a) of the NPS-REG which requires that particular regard be had to “the need to locate the renewable electricity generation activity where the renewable energy resource is available”. Meridian is concerned that inclusion of “functional needs” in REG-MD4(c) is unnecessarily restrictive in areas outside of those specified in REG-R7. Meridian seeks amendments to better align with Policy C1(a) of the NPS-REG.	Amend REG-MD4(c) as follows: The functional needs and operational needs of the activity and the need to locate renewable electricity generation activities where the renewable energy resource is available.
Deletion of Schedule A and Rules 13.1.1, 13.2.1 and 13.3.1 in Section 7 of the Operative MDP	Support	Meridian supports the deletion of Schedule A, and rules 13.1.1, 13.2.1 and 13.3.1, and assessment matter 16.3.j in Section 7 of the operative MDP, subject to adoption of the relief sought in this table.	Subject to adoption of the relief sought in this table, retain the deletion of Schedule A of Section 7 and rules 13.1.1, 13.2.1 and 13.3.1, and assessment matter 16.3.j in Section 7 of the MDP as notified.

APPENDIX 5 – PLAN CHANGE 27 – EARTHWORKS, SUBDIVISION, PUBLIC ACCESS AND TRANSPORT

PC27 PROVISION	SUPPORT OR OPPOSE	REASONS	RELIEF SOUGHT
New definition – Lifeline utility	Add new definition	Meridian notes that PC27 does not include a definition of <i>lifeline utility infrastructure</i> . PC26 includes such a definition and Meridian considers that the same definition should apply to PC27. Meridian considers this is necessary given their submission on SUB-MD7.	Add new definition to PC27 as follows: <u>Lifeline utility infrastructure means infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)</u>
New definition – Reverse sensitivity	New definition	Meridian notes that the term “reverse sensitivity” is used in the PC27 provisions, but it is not defined in PC27. Meridian considers that the definition for the same term that is included in PC23 should be included in PC27.	Insert a new definition as follows: <u>Reverse sensitivity means the potential for an approved (whether by consent or designation), lawfully established existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment, intensification, or alteration of another activity that may be sensitive to the actual, potential or perceived adverse environmental effects generated by the approved, lawfully established existing or permitted activity.</u>
PA - Introduction	Oppose in part	While Meridian generally supports the PA-Introduction, they consider that clarification should be provided to plan users that REG activities are managed under the REG chapter of the plan and are not subject to the provisions in the PA chapter.	Amend the PA Introduction by adding the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>

SUB - Introduction	Oppose in part	While Meridian generally supports the SUB-Introduction, they consider that clarification should be provided to plan users that REG activities are managed under the REG chapter of the plan and are not subject to the provisions in the SUB chapter.	Amend the SUB Introduction by adding the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>
SUB-P10	Support	Meridian supports the avoidance of reverse sensitivity effects of subdivision on existing renewable electricity generation assets and activities.	Retain SUB-P10 as notified.
SUB-S8(2)(a) and (c)	Support	Meridian supports the No-Build Area in the Ōhau River Precinct, and that no building platform shall be located within 100m of waterbodies or hydro canals.	Retain SUB-S8(2)(a) and (c) as notified.
SUB-MD7	Oppose in part	While Meridian generally supports discretion being applied to the need to avoid or minimise the potential for reverse sensitivity effects when assessing subdivision activities, they consider that SUB-MD7 should be extended to consider the need for separation from lifeline utilities.	1. Amend SUB-MD7 as follows: <i>Whether there is a need to provide a separation from zone boundaries, regionally significant infrastructure, transport networks, rural activities and rural industry, <u>and lifeline utility infrastructure</u>, or other mitigation measures to avoid or minimise potential for reverse sensitivity effects.</i>
EW-Introduction	Oppose in part	While Meridian generally supports the EW-Introduction, they consider that clarification should be provided to plan users that REG activities are managed under the REG chapter of the plan and are not subject to the provisions in the EW chapter.	Amend the EW Introduction by adding the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>

**FURTHER SUBMISSION ON
PROPOSED PLAN CHANGES 23, 24, 25, 26 AND 27
TO THE MACKENZIE DISTRICT PLAN
UNDER THE FIRST SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

To: Proposed Plan Changes 23, 24, 25, 26 and 27 to the Mackenzie District Plan
Mackenzie District Council
PO Box 52
Main Street
Fairlie 7949
districtplan@mackenzie.govt.nz

From: Meridian Energy Limited
PO Box 2146
Christchurch 8140

Attention: Andrew Feierabend
Phone: (03) 357 9731
Mobile: 021 898 143
Email: andrew.feierabend@meridianenergy.co.nz

Meridian Energy Limited (**Meridian**) makes the specific further submissions on Proposed Plan Changes 23, 24, 25, 26 and 27 to the Mackenzie District Plan (**PC23, PC24, PC25, PC26 and PC27**) that are set out in the attached document.

Meridian would like to be heard in support of its submissions.

In accordance with Clause 8(1)(b) of the First schedule of the Resource Management Act 1991 (**the Act**), Meridian has an interest in PC23, PC24, PC25, PC26 and PC27 that is greater than the interest of the general public.

Meridian could not gain an advantage in trade competition through this submission.

If other persons make a similar submission, then Meridian would consider presenting joint evidence at the time of the hearing.



Andrew Feierabend
For and on behalf of Meridian Energy Limited

Dated this 29th day of February 2024

FURTHER SUBMISSIONS OF MERIDIAN ON THE PROPOSED PC23, PC24, PC25, PC26, PC27 TO THE MACKENZIE DISTRICT PLAN

PROPOSED PLAN CHANGE 23 - GENERAL RURAL ZONE, NATURAL FEATURES AND LANDSCAPES, NATURAL CHARACTER						
Submitter Name	Sub No	Provision	Support/ Oppose	Reason	Relief sought	
Director General of Conservation	7.04	Definition of Riparian margin	Oppose	The Director General of Conservation has sought the following relief: <i>"Either remove the definition or amend the definition as follows, or words to like effect:</i> <i>means land adjacent to a waterbody which contributes to the natural functioning, quality and character of the waterbody and its ecosystem."</i> Meridian opposes the deletion sought to the definition of riparian margin as it leaves the definition too vague to be enforceable.	Either retain the definition as notified or delete the definition completely.	
Opuha Water Limited	43.11	GRUZ-R13	Support in part	Amongst other matters, Opuha Water Limited has sought the following relief: <i>"Amend matter of discretion (e) as follows:</i> e. <i>Effects on water quality and operational resilience of community water supplies <u>and renewable electricity generation facilities.</u>"</i> Meridian supports this relief on the basis that it gives better effect to the NPSREG.	Adopt the relief sought to matter of discretion e.	

PROPOSED PLAN CHANGE 24 – SITES AND AREAS OF SIGNIFICANCE TO MĀORI	
Meridian makes no further submissions on PC24.	

PROPOSED PLAN CHANGE 25 – RURAL LIFESTYLE ZONE					
Submitter Name	Sub No	Provision	Support/ Oppose	Reason	Relief sought
Douglas McIntyre	10.01	RLZ-P4	Oppose	The submitter has requested that RLZ-P4 be amended by adding the following: <u><i>"4. The activities and buildings are small-scale and commensurate to the surrounding rural lifestyle activities."</i></u> Meridian opposes any increase to development potential in the RLZ. MEL are aware that the RLZ is constrained by access, servicing, and natural hazards.	Decline relief sought.
Douglas McIntyre	10.02	RLZ-S4	Oppose	The submitter has requested that RLZ-S4 be amended by adding the following: <u><i>"2. In the Ohau River Precinct, the maximum building coverage of any site shall not exceed 500m²."</i></u> Meridian opposes any increase to development potential in the RLZ. MEL are aware that the RLZ is constrained by access, servicing, and natural hazards.	Decline relief sought.
Douglas McIntyre	10.03	Map Overlays	Oppose	The submitter has requested that the map overlays be amended as follows: <i>"Amend the precinct no build area as per the attached plan in Appendix B of the submission."</i> Meridian opposes any increase to development potential in the RLZ. MEL are aware that the RLZ is constrained by access, servicing, and natural hazards.	Decline relief sought.

Douglas McIntyre	10.05	PREC4-P1(1)	Oppose	The submitter has requested the following: <i>"Amend PREC4-P1(1) as follows:</i> <i>To retain the natural values of the Ōhau River and its environs by providing for up to <u>50 150</u> allotments and residential units only on the terrace of the western block set back from the river (outside of the No Build Area)."</i> Meridian opposes any increase to development potential in the RLZ. MEL are aware that the RLZ is constrained by access, servicing, and natural hazards.	Decline relief sought.
Douglas McIntyre	10.06	PREC4-P4	Oppose	The submitter has requested the following: <i>"Amend PREC4-P1 to include the following:</i> ... <u>7. Provide for a small-scale commercial activity that is commensurate to the surrounding rural lifestyle activities."</u> Meridian opposes any increase to development potential in the RLZ. MEL are aware that the RLZ is constrained by access, servicing, and natural hazards.	Decline relief sought.
Douglas McIntyre	10.09	PREC4-R1	Oppose	The submitter has requested the following: <i>"Amend PREC4-R1 to include:</i> <u>Commercial Activity as a Restricted Discretionary Activity where:</u> <u>1. The building or structure is no greater than 150m2 in floor area; and</u> <u>2. The building is established following the development of 25 residential allotments in the area; and</u> <u>3. The building achieves the design controls of the Ohau River Precinct approved under a subdivision consent; and</u>	Decline relief sought.

				4. <u>The location of any building or structure is consistent with an approved Vegetation Management Plan.</u> <u>Council's matters of discretion are restricted to:</u> • <u>The location, design, scale and appearance of the building or structure.</u> • <u>The adverse effects relating to rural lifestyle character and openness.</u> • <u>The activities ability to support the rural lifestyle activity.</u> • <u>The adequacy of any mitigation measures.</u>" Meridian opposes any increase to development potential in the RLZ. MEL are aware that the RLZ is constrained by access, servicing, and natural hazards.	
Douglas McIntyre	10.10	PREC4-S1	Oppose	The submitter has requested the following: "Amend PREC-S1 as follows: No more than 50 <u>150</u> residential allotments shall be created within the Ōhau River Precinct. Addition of: <u>All building and hardstand surface areas shall not exceed 500m2 per site.</u>" Meridian opposes any increase to development potential in the RLZ. MEL are aware that the RLZ is constrained by access, servicing, and natural hazards.	Decline relief sought.

PROPOSED PLAN CHANGE 26 – RENEWABLE ELECTRICITY GENERATION AND INFRASTRUCTURE						
Submitter Name	Sub No	Provision	Support/ Oppose	Reason	Relief sought	
Meridian Energy Limited	18.29	Introduction to the REG chapter	Support with correction	At submission point 18.29 Meridian has requested that the Introduction to the REG chapter specifically list the provisions in other chapters that apply to REG activities, in addition to the provisions in the REG chapter. In the Reasons for Relief given by Meridian they have correctly referred to the relevant provisions in Chapter 19 being the Objective, Policies 1, 4, 5, 7 and 8, and Rules 2.1.1 and 2.2.1, in so far as they apply to the Waitaki Power Scheme and the Opuha Scheme. However, in their relief sought they have also listed Policy 3, and this was an error. Meridian requests that this error be noted, and submit that the relief sought by Meridian is as per their submission point 18.29, with deletion of the reference to Policy 3 of Chapter 19. This relief is consistent with the Consent Memorandum that is signed by all parties to the appeals on PC18's "Renewable Energy Generation and Transmission Provisions" 1 August 2023 and is consistent with the Environment Court Consent Order dated 14 December 2023.	Adopt the relief sought by Meridian as per their submission point 18.29, with the exception that reference to Policy 3 of Chapter 19 is deleted.	
Fire and Emergency New Zealand	1.09	REG-R7	Oppose	FENZ has requested that REG-R7 require a firefighting water supply where a building or structure associated with renewable energy generation is proposed. Meridian opposes this relief on the basis that it is not addressing a resource management function of a district council.	Decline relief sought	
Fire and Emergency New Zealand	1.10	New REG-MDX	Oppose	FENZ has sought inclusion of new REG-MDX which reads: <u><i>"REG-MDX Firefighting Water Supply</i></u> <u><i>a. The suitability of the water supply for the intended activities on the site.</i></u>	Decline relief sought	

				b. <u>The method by which water will be supplied to each allotment for firefighting, taking into account a risk-based assessment. The assessment shall include (but need not be limited to) the:</u> i. <u>type of the water source;</u> ii. <u>available water pressure;</u> iii. <u>volume of any water storage; and</u> iv. <u>method of accessing the water for firefighting purposes."</u> FENZ also proposes that REG-MDX be a matter of discretion in Rule "REG-R7 Any Renewable Electricity Generation Activities Not Otherwise Listed". Meridian opposes this relief on the basis that it is not addressing a resource management function of a district council.	
Director General of Conservation	3.02	Definition of "regionally significant infrastructure"	Oppose	The Director General of Conservation has sought inclusion of "National, regional and local renewable electricity generation activities of any scale" in the definition of 'regionally significant infrastructure' on the basis that this is consistent with the Canterbury Regional Policy Statement. While Meridian supports the sentiment of the relief sought, we consider such a change to the definition would lead to confusion given the construct of the plan. The REG chapter addresses REG activities, and the INF chapter does not apply to REG activities. The REG chapter does not refer to 'regionally significant infrastructure', while the INF chapter does. If the change sought was to be adopted, the result would not change the outcome since the INF provisions do not apply to REG, but the definition could lead to confusion for implementers of the plan.	Decline relief sought and instead insert an advice note outlining why the definition differs from the definition of 'Regionally significant infrastructure' in the Canterbury Regional Policy Statement.
Director General of Conservation	3.07	Introduction and entire chapter	Oppose	The Director General of Conservation has sought amendments to the Introduction to the REG chapter as follows:	Decline relief sought

				<i>"The provisions in other chapters of this District Plan do not apply to activities managed in this chapter, except as follows:...</i> <i>... Ecosystems and Indigenous Biodiversity, but excluding Policies 2 and 3."</i> Meridian opposes this relief on the basis that, concerning REG activities, the Ecosystem and Indigenous Biodiversity chapter sets objectives, policies and rules that address the Waitaki Power Scheme, the National Grid and the Opuha Scheme; and this chapter does not address new REG activities. The Consent Memorandum signed by the parties to the appeals on the REG and Transmission Provisions of PC18 (dated 1 August 2023) supports this and notes that, at the time of signing, a new chapter for REG activities (beyond those in PC18) was being developed and was to be notified in November 2023. The new REG chapter that has been notified includes policies REG-P4, REG-P5 and REG-P6 which provide policy direction to the management of new REG activities, including in areas of significant indigenous vegetation and significant habitats of indigenous fauna and other areas. The new REG chapter also includes REG-R5, REG-R6 and REG-R7 which address new REG activities, including in areas of significant indigenous vegetation and significant habitats of indigenous fauna and other areas. On this basis, no parts of the Ecosystem and Indigenous Biodiversity chapter should apply to REG activities, other than those that address the existing Waitaki Power Scheme and the Opuha Scheme. For completeness, REG-P4, REG-P5, REG-P6, REG-R5, REG-R6 and REG-R7 address the same activities as are identified in new Rule 1.2.5 that has been inserted into Chapter 19 by the notified version of PC26. The s32 report makes no reference to the need for Rule 1.2.5 and the assessment fails to identify the internal conflict in the plan that results from insertion of Rule 1.2.5. Further to this, Rule 1.2.5 is not consistent with the NPSREG or the NPSIB. Meridian's submission point 18.29 requests that the fifth paragraph to the Introduction of the REG chapter specifically identify the provisions in each of
--	--	--	--	--

				the other chapters in the plan that apply to REG activities. Concerning Chapter 19 these are limited to the Objective, Policies 1, 4, 5, 7 and 8, and Rules 2.1.1 and 2.2.1. Note that Meridian's submissions are referring to the version of Chapter 19 that is contained in the Environment Court's Consent Order dated 14 December 2023. On this basis, Meridian's submission excludes Rules 1.2.5, 1.3.1 and 1.3.2 in Chapter 19 from being applied to new REG activities. As a consequential effect of Meridian's submission, Rule 1.2.5 becomes redundant and good planning practice would lead to its deletion. At the same time, Meridian's relief resolves the internal planning conflict between Rule 1.2.5 and the REG chapter. Meridian notes that the Consent Memorandum also acknowledged that the NPSIB was released by the Government after the parties had attended Environment Court assisted mediation and signed the mediation agreement. The NPSIB had not been released when Mackenzie District Council notified PC18 and therefore PC18 had not been prepared to give effect to the NPSIB. The parties were not aware of the NPSIB's contents when they attended mediation and signed their agreement. The NPSIB states that <i>"Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities"</i>. The Mackenzie District Council now needs to give effect to the NPSIB, and Meridian considers that extending the application of Chapter 19 provisions to new REG activities is not consistent with the NPSIB or the NPSREG.	
Director General of Conservation	3.08	REG-O2	Oppose	The Director General of Conservation has sought the following amendment: <i>"The adverse effects of renewable electricity generation activities are appropriately managed avoided as far as practicable within sensitive areas and Sites of Natural Significance for significant natural areas, and otherwise are minimised."</i> Meridian opposes this relief on the basis that it is not consistent with Policy C2 of the NPSREG and the broader package of national policy direction. Meridian considers that the management of potential adverse effects of renewable electricity generation activities needs to recognise (amongst other matters) the	Decline relief sought

Director General of Conservation	3.09	REG-P6	Oppose	national significance of renewable electricity generation activities and have particular regard to the operational needs of such activities and the need to locate the activity where the renewable energy resource is available. The Director General of Conservation has sought the following amendment: <i>“Provide for renewable electricity generation activities (not otherwise specified in REG-P4) within areas of significant indigenous vegetation and significant habitats of indigenous fauna, Outstanding Natural Landscapes, Outstanding Natural Features, Sites and Areas of Significance to Māori, riparian areas, or within area of Highly Productive Land, where:</i> <i>1. there is a functional need or operational need for the activity to be in that location;</i> <i>2. adverse effects on the values of the area are avoided as far as practicable, including through site, route or method selection, design measures and other management methods;</i> <i>3. adverse effects that cannot be avoided are <u>minimised or remedied</u> or mitigated, where practicable;</i> <i>4. regard is had to any offsetting measures or environmental compensation, where there are residual adverse effects that cannot be avoided, <u>minimised or remedied</u> or mitigated; and</i> <i>following application of 1. - 4. above, there are no <u>more than minor residual</u> significant adverse effects remaining.”</i> Meridian opposes the relief sought on the basis that it is not consistent with Policy C2 of the NPSREG. Policy C2 provides for the potential effects of renewable electricity generation activities to be “avoided, remedied or mitigated” and where there are effects remaining after these steps, decision makers are required to have regard to offsetting measures or environmental compensation.	Decline relief sought
----------------------------------	------	--------	--------	---	-----------------------

				Further to this, clause 1.3(3) of the NPSIB states that “Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities” meaning it is not appropriate to insert components of the NPSIB into provisions addressing REG activities that are not consistent with the NPSREG.	
Director General of Conservation	3.10	REG-R4	Oppose	The Director General of Conservation has sought the following amendment: “Where: 1. The development <u>is within the footprint of the existing hydroelectric power station and will not result in an increase in the maximum operating level of a lake or water storage area authorised at the date this rule was notified, or create a new lake or water storage area.”</u> Alternatively, the Director General of Conservation seeks that the activity status is changed to Discretionary. Meridian opposes both options of relief sought by the Director General of Conservation. The rule is limited to development of new renewable electricity generation activities where the activity is associated with an existing hydroelectric power station and the matters of control (REG-MD1) address (amongst other matters) potential effects on landscape values; the nature of effects on indigenous vegetation and habitats of indigenous fauna; adverse effects on the environment from construction; landscaping; revegetation; and earthworks. This is appropriate given the potential effects will be readily identifiable and manageable, the activity is to be undertaken in a highly modified environment, and there will potentially be significant efficiencies in increasing the generation capacity without establishing a new renewable electricity scheme in a less disturbed area.	Decline relief sought
Helios Energy Limited	4.02	Definition of Regionally	Oppose	Helios Energy Limited seeks to include “Electricity generation” in the definition for ‘regionally significant infrastructure’.	Decline relief sought and instead insert an

				While Meridian supports the sentiment of the relief sought, we consider such a change to the definition would lead to confusion given the construct of the plan. The REG chapter addresses REG activities, and the INF chapter does not apply to REG activities. The REG chapter does not refer to 'regionally significant infrastructure', while the INF chapter does. If the change sought was to be adopted, the result would not change the outcome since the INF provisions do not apply to REG, but the definition could lead to confusion for implementers of the plan.	advice note outlining why the definition differs from the definition of 'Regionally significant infrastructure' in the Canterbury Regional Policy Statement.
Nova Energy Limited	6.06	Definition of Regionally significant infrastructure	Oppose	Nova Energy Limited seeks to insert "<i>national, regional and local renewable electricity generation activities of any scale</i>" into the definition of 'regionally significant infrastructure'. While Meridian supports the sentiment of the relief sought, we consider such a change to the definition would lead to confusion given the construct of the plan. The REG chapter addresses REG activities, and the INF chapter does not apply to REG activities. The REG chapter does not refer to 'regionally significant infrastructure', while the INF chapter does. If the change sought was to be adopted, the result would not change the outcome since the INF provisions do not apply to REG, but the definition could lead to confusion for implementers of the plan.	Decline relief sought and instead insert an advice note outlining why the definition differs from the definition of 'Regionally significant infrastructure' in the Canterbury Regional Policy Statement.
NZ Transport Agency Waka Kotahi	8.06	Definition of Upgrade	Oppose	The NZTA has sought the following relief: <i>"In relation to <u>infrastructure</u> and renewable electricity generation activities and infrastructure, means activities undertaken to increase the capacity, operational efficiency, security or safety of existing <u>infrastructure</u> assets and activities."</i>	Decline relief sought

				Meridian notes that the term “upgrade” is used in only two INF provisions in PC26. These are INF-R3 which addresses ‘minor upgrades in relation to the Opuha Dam’; and INF-MD3 which addresses activities in the Electricity Distribution Corridor and includes in the matters of discretion the “adverse effects or risks on the on-going efficient operation, maintenance, development and upgrade of the electricity distribution network”. Concerning the REG provisions, the term “upgrade” is used in REG-R2, which addresses the “Upgrade of an existing hydroelectric power station and associated structures associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme”; and REG-R3, which addresses the “Upgrade of an existing structure within an operating easement of the Waitaki Power Scheme”. It appears to Meridian that the definition of “Upgrade” was designed to address REG activities and REG infrastructure only. Meridian sees little (if any) benefit in broadening the definition to apply more broadly to ‘all infrastructure’.	
Simpson Family Holdings Ltd	9.02	REG-O1	Support in part	Simpson Family Holdings Ltd has sought the following relief: <i>“Include two new objectives as follows:</i> <i><u>Recognise the functional and operational needs associated with the location and design of energy renewable electricity generation.</u></i> <i><u>To provide for the development, operation, maintenance and upgrade of new and existing renewable electricity generation.</u></i> <i>Or similar”</i> Meridian supports drawing attention, within the provisions in PC26, to the matters generally listed in the relief. However, Meridian considers that these matters sit better as policies than objectives in the plan and some adjustment would be needed to ensure that they are consistent with the NPSREG.	Adopt the relief sought, in general, but adopt matters as policies rather than objectives and amend them to ensure consistency with the NPSREG.

Simpson Family Holdings Ltd	9.06	REG-P5 & REG-P6	Oppose in part	Simpson Family Holdings Ltd has sought the following relief: <i>"Amend REG-P6 as follows:</i> <i>Provide for renewable electricity generation activities (not otherwise specified in REG-P4) within areas of significant indigenous vegetation and significant habitats of indigenous fauna, Outstanding Natural Landscapes, Outstanding Natural Features, Sites and Areas of Significance to Māori, riparian areas, or within area of Highly Productive Land, where:</i> <i>there is a functional need or operational need for the activity to be in that location;</i> <i>adverse effects on the values of the area are avoided as far as practicable <u>feasible</u>, including through site, route or method selection, design measures and other management methods;</i> <i>adverse effects that cannot be avoided are remedied or mitigated, where practicable;</i> <i>regard is had to any offsetting measures or environmental compensation, where there are <u>significant</u> residual adverse effects that cannot be avoided, remedied or mitigated; and</i> <i>following application of 1. - 4. above, there are no significant adverse effects remaining."</i> <i>"Or combine Policies REG-P5 and P6. Or similar"</i> Meridian does not support changing "practicable" to "feasible". Meridian notes that while it may be technically feasible to avoid an adverse effect, it may not be financially possible to implement the technically feasible option. Meridian considers that use of "feasible" would leave the policy unnecessarily restrictive since it would fail to consider what cost is too high, and it would fail to apply the notion of proportionality where the effort to offset adverse effects should be a proportional response to the outcomes to be secured. For this reason, Meridian considers that "practicable" should be retained.	Insert "significant" into 4. and decline the remaining relief sought
-----------------------------	------	-----------------	----------------	--	--

				Meridian does not support combining Policies REG-P5 and REG-P6. There are subtle but important differences between the management of potential effects in both policies. For example, within the areas listed in REG-P6, the decision maker must not simply have regard to the functional and operational needs of the REG activity, rather it must be shown that 'there is' a functional need or operational need for the activity to be undertaken in that location. Meridian does support inserting "significant" into 4.	
Simpson Family Holdings Ltd	9.10	Section 19 Ecosystems and Indigenous Biodiversity	Oppose	Simpson Family Holdings Ltd has sought that rule 1.3.2 of Chapter 19 be amended so that it does not apply to "<i>a restricted discretionary activity under Rule 1.2.3</i>". Meridian understands from the explanation that is provided by the submitter that they intend for this to read "<i>a restricted discretionary activity under Rule 1.2.5</i>". Meridian opposes this relief on the basis that Rules 1.2.5, 1.3.1 and 1.3.2 should not apply to REG activities. Concerning REG activities, Chapter 19 sets objectives, policies and rules that address the Waitaki Power Scheme, the National Grid and the Opuha Scheme; and this chapter does not address new REG activities. The Consent Memorandum signed by the parties to the appeals on the REG and Transmission Provisions of PC18 (dated 1 August 2023) supports this and notes that, at the time of signing, a new chapter for REG activities (beyond those in PC18) was being developed and was to be notified in November 2023. The new REG chapter that has been notified includes policies REG-P4, REG-P5 and REG-P6 which provide policy direction to the management of new REG activities, including in areas of significant indigenous vegetation and significant habitats of indigenous fauna and other areas. The new REG chapter also includes REG-R5, REG-R6 and REG-R7 which address new REG activities, including in areas of significant indigenous vegetation and significant habitats of indigenous fauna and other areas.	Decline the relief sought.

				On this basis, no parts of Chapter 19 should apply to REG activities, other than those that address the existing Waitaki Power Scheme and the Opuha Scheme. For completeness, REG-P4, REG-P5, REG-P6, REG-R5, REG-R6 and REG-R7 address the same activities as are identified in new Rule 1.2.5 that has been inserted into Chapter 19 by the notified version of PC26. The s32 report makes no reference to the need for Rule 1.2.5 and the assessment fails to identify the internal conflict in the plan that results from insertion of Rule 1.2.5. Further to this, Rule 1.2.5 is not consistent with the NPSREG or the NPSIB. Meridian's submission point 18.29 requests that the fifth paragraph to the Introduction of the REG chapter specifically identify the provisions in each of the other chapters in the plan that apply to REG activities. Concerning Chapter 19 these are limited to the Objective, Policies 1, 4, 5, 7 and 8, and Rules 2.1.1 and 2.2.1. Note that Meridian's submissions are referring to the version of Chapter 19 that is contained in the Environment Court's Consent Order dated 14 December 2023. On this basis, Meridian's submission excludes Rules 1.2.5, 1.3.1 and 1.3.2 in Chapter 19 from being applied to new REG activities. As a consequential effect of Meridian's submission, Rule 1.2.5 becomes redundant and good planning practice would lead to its deletion. At the same time, Meridian's relief resolves the internal planning conflict between Rule 1.2.5 and the REG chapter. Meridian notes that the Consent Memorandum also acknowledged that the NPSIB was released by the Government after the parties had attended Environment Court assisted mediation and signed the mediation agreement. The NPSIB had not been released when Mackenzie District Council notified PC18 and therefore PC18 had not been prepared to give effect to the NPSIB. The parties were not aware of the NPSIB's contents when they attended mediation and signed their agreement. The NPSIB states that "<i>Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities</i>". The Mackenzie District Council now needs to give effect to the NPSIB, and Meridian
--	--	--	--	--

				considers that extending the application of Chapter 19 provisions to new REG activities is not consistent with the NPSIB or the NPSREG.	
Environmental Defence Society	10.04	REG-P4	Oppose	The Environmental Defence Society has sought the following relief: <i>“Include environmental limits, for example those set out in INF-P7(1) - (5) and require avoidance of adverse effects if limits cannot be achieved.”</i> Meridian opposes the relief sought on the basis that it is not consistent with Policy C2 of the NPSREG.	Decline relief sought
Environmental Defence Society	10.05	REG-P5	Oppose	The Environmental Defence Society has sought the following relief: <i>“Include environmental limits for landscape and indigenous biodiversity in the policy (for example those set out in INF-P7(1) - (5) for indigenous biodiversity), and require avoidance of adverse effects if limits cannot be achieved.</i> <i>Amend to make clear what the relationship between this policy and policy REG-P6 is.”</i> Meridian opposes the relief sought on the basis that it is not consistent with Policy C2 of the NPSREG.	Decline relief sought
Environmental Defence Society	10.06	REG-P6	Oppose	The Environmental Defence Society has sought the following relief: <i>“Include environmental limits for landscape and indigenous biodiversity in the policy (for example those set out in INF-P7(1) - (5) for indigenous biodiversity), and require avoidance of adverse effects if limits cannot be achieved.</i> <i>Amend to make clear what the relationship between this policy and policy REG-P6 is.”</i> Meridian opposes the relief sought on the basis that it is not consistent with Policy C2 of the NPSREG.	Decline relief sought

Environmental Defence Society	10.07	REG-MD4	Oppose	The Environmental Defence Society has sought the following relief: <i>“Include an additional matter of discretion requiring consideration of the effects on indigenous biodiversity.”</i> Meridian opposes this relief because the relief sought is not necessary since REG-R7 identifies “Any Renewable Electricity Generation Activities Not Otherwise Listed” as a discretionary activity in areas of “significant indigenous vegetation or significant habitat of indigenous fauna” (amongst other sensitive areas); and outside of such sensitive areas discretion is limited to REG-MD4 which includes (amongst other matters) “The appropriateness of measures to avoid, remedy or mitigate adverse effects”, “The effectiveness of any proposed offsetting or compensation measures” and “The nature of any adverse effects on the environment from construction...”.	Decline relief sought
Te Rūnanga o Ngāi Tahu	12.08	REG Introduction	Oppose	TRONT has sought the following relief: <i>“The provisions in other chapters in this District Plan do not apply to activities managed in this chapter, except as follows:</i> • <u>Sites and Areas of Significance to Māori</u> • <i>Natural Hazards...”</i> Meridian opposes the relief sought on the basis that SASM matters have been addressed in the REG chapter, and these matters appropriately reflect the relationship between the NPSREG and Part 2 of the Act.	Decline relief sought
Te Rūnanga o Ngāi Tahu	12.12	REG-R5	Oppose	TRONT has sought the following relief: <i>“Activity status when compliance is not achieved with R5.1 or R5.3: RDIS</i> <i>Matters of discretion are restricted to:</i> a. <u>Any potential or actual adverse effects of the proposal on mana whenua values;</u>	Decline relief sought

				b. Any functional or operational reason for an extended timeframe. c. The appropriateness of measures to avoid, remedy or mitigate adverse effects. Activity status when compliance is not achieved with R5.2: RDIS a. <u>Any potential or actual adverse effects of the proposal on mana whenua values.</u> b. The location, design, scale and appearance of the building or structure...” Meridian opposes this relief on the basis that it is too broad and uncertain in its content, and that SASM matters have been appropriately addressed in the notified REG provisions.					
Te Rūnanga o Ngāi Tahu	12.13	REG-MD1	Oppose	TRONT has sought the following relief: “REG-MD1 Existing Hydroelectric Power a. <u>Any potential or actual adverse effects of the proposal on mana whenua values.</u> b. The nature of any visual effects of the building or structure on the skyline and open landscape...” Meridian opposes this relief on the basis that it is too broad and uncertain in its content, and that SASM matters have been appropriately addressed in the notified REG provisions.	Decline relief sought				
Te Rūnanga o Ngāi Tahu	12.16	REG-MD4	Oppose	TRONT has sought the following relief: “REG-MD4 New Renewable Electricity Generation a. <u>Any potential or actual adverse effects of the proposal on mana whenua values.</u>	Decline relief sought				

				<i>b. The appropriateness of measures to avoid, remedy or mitigate adverse effects...</i> Meridian opposes this relief on the basis that it is too broad and uncertain in its content, and that SASM matters have been appropriately addressed in the notified REG provisions.	
Te Rūnanga o Ngāi Tahu	12.17	REG-P5, REG-P6 and REG-R7	Oppose	TRONT has sought the following relief: <i>“Amend the status of Rule REG-R7 from DIS to NC.</i> <i>Amend the policies to reflect the concerns raised in this submission point and support the NC activity status.”</i> Meridian opposes this relief on the basis that a NC activity status is not consistent with Policy C2 of the NPSREG.	Decline relief sought
Forest and Bird	13.01	Introduction	Oppose	Paragraph 16 of Forest and Bird’s submission (under the heading “<i>Relationship between chapters of the plan</i>” seeks the following relief: <i>“Amend the chapters so that consideration of the whole of the EIB, NATC and NFL chapters applies to the activities within the REG and INF chapters and that all chapters are consistent with PC 13.”</i> Forest and Bird has sought the following relief: <i>“Include the entirety of the EIB chapter in the list. Include the NFL and NATC Chapters in the list. Include the Zone Chapters in the list.”</i> Meridian opposes this relief as it is too encompassing and is not consistent with the NPSREG, the NPSIB and the broader package of national policy direction. Meridian also opposes this relief on the basis that, concerning REG activities, the Ecosystem and Indigenous Biodiversity chapter sets objectives, policies and rules that address the Waitaki Power Scheme, the National Grid and the Opuha Scheme; and this chapter does not address new REG activities. The Consent Memorandum signed by the parties to the appeals on the REG and Transmission Provisions of PC18 (dated 1 August 2023) supports this and notes that, at the	Decline relief sought

				time of signing, a new chapter for REG activities (beyond those in PC18) was being developed and was to be notified in November 2023. The new REG chapter that has been notified includes policies REG-P4, REG-P5 and REG-P6 which provide policy direction to the management of new REG activities, including in areas of significant indigenous vegetation and significant habitats of indigenous fauna and other areas. The new REG chapter also includes REG-R5, REG-R6 and REG-R7 which address new REG activities, including in areas of significant indigenous vegetation and significant habitats of indigenous fauna and other areas. On this basis, no parts of the Ecosystem and Indigenous Biodiversity chapter should apply to REG activities, other than those that address the existing Waitaki Power Scheme and the Opuha Scheme. For completeness, REG-P4, REG-P5, REG-P6, REG-R5, REG-R6 and REG-R7 address the same activities as are identified in new Rule 1.2.5 that has been inserted into Chapter 19 by the notified version of PC26. The s32 report makes no reference to the need for Rule 1.2.5 and the assessment fails to identify the internal conflict in the plan that results from insertion of Rule 1.2.5. Further to this, Rule 1.2.5 is not consistent with the NPSREG or the NPSIB. Meridian's submission point 18.29 requests that the fifth paragraph to the Introduction of the REG chapter specifically identify the provisions in each of the other chapters in the plan that apply to REG activities. Concerning Chapter 19 these are limited to the Objective, Policies 1, 4, 5, 7 and 8, and Rules 2.1.1 and 2.2.1. Note that Meridian's submissions are referring to the version of Chapter 19 that is contained in the Environment Court's Consent Order dated 14 December 2023. On this basis, Meridian's submission excludes Rules 1.2.5, 1.3.1 and 1.3.2 in Chapter 19 from being applied to new REG activities. As a consequential effect of Meridian's submission, Rule 1.2.5 becomes redundant and good planning practice would lead to its deletion. At the same time, Meridian's relief resolves the internal planning conflict between Rule 1.2.5 and the REG chapter.
--	--	--	--	---

				Meridian notes that the Consent Memorandum also acknowledged that the NPSIB was released by the Government after the parties had attended Environment Court assisted mediation and signed the mediation agreement. The NPSIB had not been released when Mackenzie District Council notified PC18 and therefore PC18 had not been prepared to give effect to the NPSIB. The parties were not aware of the NPSIB's contents when they attended mediation and signed their agreement. The NPSIB states that <i>"Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities"</i>. The Mackenzie District Council now needs to give effect to the NPSIB, and Meridian considers that extending the application of Chapter 19 provisions to new REG activities is not consistent with the NPSIB or the NPSREG. Further to the above, Paragraph 18 of Forest and Bird's submission (under the heading <i>"Effects Management Hierarchy"</i>) seeks the following relief: <i>"A consistent effects management hierarchy is used. Limits to offsetting and compensation are set out. For effects on indigenous biodiversity the effects management hierarchy set out in the EIB chapter applies to all activities."</i> Meridian opposes this relief on the basis that it is not consistent with Policy C2 of the NPSREG or the NPSIB.				
Forest and Bird	13.03	REG-O2	Oppose	Forest and Bird has sought the following relief: <i>"The adverse effects of renewable electricity generation activities are appropriately managed <u>to avoid, remedy or mitigate adverse effects on the environment.</u>"</i> Meridian opposes this relief on the basis that it is not consistent with Policy C2 of the NPSREG.	Decline relief sought			
Forest and Bird	13.05	REG-P4	Oppose	Forest and Bird has sought the following relief: <i>"Amend Policy REG-P4:</i>	Decline relief sought			

				<u>Enable Provide</u> for the investigation and identification of renewable electricity generation sources and small-scale renewable electricity generation activities while managing adverse effects <u>on the environment relative to the sensitivity of the area in which they are located.</u>" Add a new policy: <u>"Solar renewable energy generation in the Mackenzie Basin subzone: 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."</u> Add a new policy: <u>"Wind turbines for renewable energy generation in the Mackenzie Basin subzone: 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."</u> Add or amend rules so that: a) solar not in line with the new policy above is an RDIS activity. b) wind for small or community scale of no more than 2 turbines is RDIS. c) where a) or b) are not complied with the activity is NC. d) include effects on indigenous biodiversity, natural landscape, features and character, and on cultural values as matters for discretion for a) and b)." Meridian opposes this relief on the basis that the two new policies sought and the 'added or amended rules' are not consistent with the NPSREG, and the
--	--	--	--	--

					'added or amended rules' are not consistent with the two new policies sought by Forest and Bird.	Decline relief sought
Forest and Bird	13.06	REG-P5	Oppose	Forest and Bird has sought the following relief: <i>"Amend REG-R5 to refer to ECO chapter policies for managing adverse effects of renewable electricity generation activities on indigenous biodiversity."</i> Meridian opposes this relief on the basis that, concerning REG activities, the Ecosystem and Indigenous Biodiversity chapter sets objectives, policies and rules that address the Waitaki Power Scheme, the National Grid and the Opuha Scheme; and this chapter does not address new REG activities. The Consent Memorandum signed by the parties to the appeals on the REG and Transmission Provisions of PC18 (dated 1 August 2023) supports this and notes that, at the time of signing, a new chapter for REG activities (beyond those in PC18) was being developed and was to be notified in November 2023. The new REG chapter that has been notified includes policies REG-P4, REG-P5 and REG-P6 which provide policy direction to the management of new REG activities, including in areas of significant indigenous vegetation and significant habitats of indigenous fauna and other areas. The new REG chapter also includes REG-R5, REG-R6 and REG-R7 which address new REG activities, including in areas of significant indigenous vegetation and significant habitats of indigenous fauna and other areas. The Consent Memorandum also acknowledged that the NPSIB was released by the Government after the parties had attended Environment Court assisted mediation and signed the mediation agreement. The NPSIB had not been released when Mackenzie District Council notified PC18 and therefore PC18 had not been prepared to give effect to the NPSIB. The parties were not aware of the NPSIB's contents when they attended mediation and signed their agreement. The NPSIB states that <i>"Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities"</i>. The Mackenzie District Council now		

Forest and Bird	13.07	REG-P6	Oppose	needs to give effect to the NPSIB, and Meridian considers that extending the application of Chapter 19 provisions to new REG activities is not consistent with the NPSIB or the NPSREG. On this basis, no parts of the Ecosystem and Indigenous Biodiversity chapter should apply to REG activities, other than those that address the existing Waitaki Power Scheme and the Opuha Scheme. Forest and Bird has sought the following relief: <i>Amend REG-P6:</i> <i><u>“Provide Only consider providing for renewable electricity generation activities (not otherwise specified in REG-P4) within areas of significant indigenous vegetation and significant habitats of indigenous fauna, Outstanding Natural Landscapes, Outstanding Natural Features, Sites and Areas of Significance to Māori, riparian areas, or within area of Highly Productive Land, where:</u></i> <i><u>1A. adverse effects on indigenous biodiversity can be managed in accordance with the EIB objectives and policies; and</u></i> <i>1. there is a functional need or and operational need for the activity to be in that location;...”</i> Meridian opposes this relief on the basis that, concerning REG activities, the Ecosystem and Indigenous Biodiversity chapter sets objectives, policies and rules that address the Waitaki Power Scheme, the National Grid and the Opuha Scheme; and this chapter does not address new REG activities. The Consent Memorandum signed by the parties to the appeals on the REG and Transmission Provisions of PC18 (dated 1 August 2023) supports this and notes that, at the time of signing, a new chapter for REG activities (beyond those in PC18) was being developed and was to be notified in November 2023. The new REG chapter that has been notified includes policies REG-P4, REG-P5 and REG-P6 which provide policy direction to the management of new REG activities, including in areas of significant indigenous vegetation and significant	Decline relief sought
-----------------	-------	--------	--------	---	-----------------------

				habitats of indigenous fauna and other areas. The new REG chapter also includes REG-R5, REG-R6 and REG-R7 which address new REG activities, including in areas of significant indigenous vegetation and significant habitats of indigenous fauna and other areas. On this basis, no parts of the Ecosystem and Indigenous Biodiversity chapter should apply to REG activities, other than those that address the existing Waitaki Power Scheme and the Opuha Scheme. Meridian notes that the Consent Memorandum also acknowledged that the NPSIB was released by the Government after the parties had attended Environment Court assisted mediation and signed the mediation agreement. The NPSIB had not been released when Mackenzie District Council notified PC18 and therefore PC18 had not been prepared to give effect to the NPSIB. The parties were not aware of the NPSIB's contents when they attended mediation and signed their agreement. The NPSIB states that "Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities". The Mackenzie District Council now needs to give effect to the NPSIB, and Meridian considers that extending the application of Chapter 19 provisions to new REG activities is not consistent with the NPSIB or the NPSREG.	
Forest and Bird	13.08	REG-R1 All Zones REG-R2 All Zones	Oppose	Forest and Bird has sought the following relief: <i>"Include standards in REG-R1 and REG-R2 PER activities, for vegetation clearance to be limited to within 10m of existing lawfully established buildings or structures, and any vegetation clearance is limited to within 2m of existing fences and existing access tracks/roads.</i> <i>Include in REG-R2 PER a standard that the "upgrade" activities do not include any indigenous vegetation clearance above that set out above.</i> <i>For both rules, where PER compliance is not achieved the activity is RDIS or DIS to ensure discretion is provided for adverse effects on</i>	Decline relief sought

				<i>indigenous biodiversity, natural landscapes and features and natural character.”</i> Meridian opposes this relief. REG-R1 address the operation and maintenance of an existing hydroelectric power station and associated structures and REG-R2 addresses the upgrade of an existing hydro-electric power station and structures associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme. The clearance of indigenous vegetation associated with the operation, maintenance or refurbishment (which includes upgrade or renewal) of existing hydroelectric power stations and their associated structures is managed by the provisions in PC18. It is not necessary to add additional constraints through PC26. With respect to the clearance of vegetation that is not indigenous, it is unnecessarily restrictive to impose the limits on permitted activities as sought in Forest and Bird’s relief, and such relief would be inconsistent with the NPSREG, the NPSIB and the broader package of national policy direction.	
Forest and Bird	13.09	REG-R3 All Zones	Oppose	Forest and Bird has sought the following relief: “Amend PER standard to: Where: <i>Any modification or addition does not result in more than 20m² of additional land being utilised for buildings, structures and ancillary activities <u>in total over the life of this plan</u>, or the height of any existing building being increased by more than 2.5 metres.</i> <i>Where PER compliance is not achieved change the activity status to RDIS or DIS to ensure discretion is provided for adverse effects on indigenous biodiversity, natural landscapes and features and natural character.”</i> Meridian opposes this relief. REG-R3 addresses the upgrade of an existing structure within an operating easement of the Waitaki Power Scheme. ‘Upgrade’ is defined in PC26 as “in relation to renewable electricity generation	Decline relief sought

				<i>activities and infrastructure, means activities undertaken to increase the capacity, operational efficiency, security or safety of existing assets and activities". The potential effects of the activity are minimised by the 'upgrade' being 'to an existing structure', for the purposes set out in the definition of upgrade and only within the Waitaki Power Scheme's operating easement. This approach is generally consistent with the NPSREG and the broader package of national policy direction.</i> PC18 addresses the potential effects on indigenous vegetation and habitats of indigenous fauna resulting from upgrades to the Waitaki Power Scheme, so no further discretion is needed in REG-R3 on this matter. The controlled activity status, when the permitted activity condition cannot be complied with, is appropriate. The matters of control address visual effects, adverse effects on the environment from construction, the location and scale and colour of the structure, landscaping and earthworks (amongst other matters). This provides comprehensive scope to manage any other potential effects of the activity through the conditions of the controlled activity consent. On this basis, Meridian opposes the relief seeking a change in activity status.	
Forest and Bird	13.10	REG-R4	Oppose	Forest and Bird has sought the following relief: <i>"Change activity status from CON to RDIS as a starting point. Where compliance is not achieved with RDIS standards then activity status should be NC."</i> Meridian opposes this relief. REG-R4 is limited to development of new REG activities that are associated with an existing hydroelectric power station, including associated structures. Since the matters of control address visual effects, effects on indigenous vegetation and habitats of indigenous fauna, adverse effects on the environment from construction, the location and scale and colour of the structure, landscaping and earthworks (amongst other matters), and the activity can increase the capacity and efficiency of REG, Meridian considers that the rule (with some duplication removed i.e. the	Decline relief sought

Forest and Bird	13.12	REG-R5	Oppose	duplication in REG-MD2 c. and i.) is generally consistent with the NPSREG and the broader package of national policy direction. Forest and Bird has sought the following relief: <i>“Reduce the duration to 12 months at the PER level.</i> <i>Add a condition that there is no vegetation clearance.</i> <i>Amend REG-R5 so that all the PER standards apply, e.g. for zones.</i> <i>“Where:</i> <i>1. The investigation, identification or assessment activity is located on site for no more than 60 12 months; and</i> <i>2. Any structure shall be set back from the road boundary, or internal boundary of any site in separate ownership, the equivalent distance to the height of the structure.”</i> <i>Similarly for other areas.”</i> Meridian opposes this relief. Investigation activities are defined in PC26 as: <i>“means the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation by existing and prospective generators and includes the following structures and activities:</i> <i>a) erecting an anemometer mast;</i> <i>b) erecting weather stations for the measurement of meteorological conditions;</i> <i>c) digging test pits, drilling boreholes, constructing investigation drives and removing samples to investigate geological conditions;</i> <i>d) installing instruments into drill holes for monitoring groundwater levels and land movement;</i>	Decline relief sought
-----------------	-------	--------	--------	--	-----------------------

				e) erecting survey monuments and installing instruments to monitor land movement; f) erecting telemetry stations for the transmission of instrument data; g) installing microseismic stations to measure microseismic activity and ground noise; h) erection of signs or notices giving warning of danger; and i) security fencing associated with the above structures and activities." The potential effects that such activities can result in are limited, leading to a 12-month permitted period being unnecessarily restrictive. The RDIS status and matters of discretion (when the permitted activity conditions cannot be met) are considered appropriate and generally consistent with the NPSREG and the broader package of national policy direction.	
Forest and Bird	13.14	REG-R7	Oppose	Forest and Bird has sought the following relief: <i>"Amend Outside Areas Specified Below to DIS.</i> <i>Amend within specified areas to NC."</i> Meridian opposes this relief on the basis that it is inconsistent with the objective and policies of the NPSREG. Meridian considers that the RDIS status outside of the specified areas is appropriate and the matters of discretion REG-MD4 comprehensively addresses the management of potential effects of new REG activities. Meridian considers that the DIS status within the specified areas provides full opportunity to assess the application against the objectives and policies within the plan and against the broader national policy direction.	Decline relief sought
Opuha Water Limited	16.03	Definition of Upgrade	Support	Opuha Water Limited has sought the following relief: <i>"Amend the definition of "upgrade" as follows:</i>	Adopt the relief sought by Opuha Water Limited

				<i>In relation to renewable electricity generation activities and infrastructure, means activities undertaken to increase the capacity, operational efficiency, security of safety of existing assets and activities, <u>including new buildings and structures required for those purposes.</u></i> Meridian supports this relief on the basis that there may be small ancillary buildings or structures that are needed to undertake any upgrade of REG assets and activities.	
Canterbury Regional Council	19.01	Definition of Antenna	Oppose	CRC has sought the following relief: <i>“Delete the definition and replace with:</i> <i><u>A device that receives or transmits radiocommunication or telecommunication signals, but not a small cell unit.</u></i> <i>(National Environmental Standards for Telecommunication Facilities Definition)”</i> Meridian opposes this relief. Meridian considers that the definition in the notified version of PC26 is more comprehensive.	Decline relief sought
Canterbury Regional Council	19.03	Definition of Regionally significant infrastructure	Oppose	CRC has sought the following relief: <i>“Amend the definition:</i> <i>...h. electricity distribution network</i> <i>i. <u>National, regional and local renewable electricity generation activities of any scale.</u></i> While Meridian supports the sentiment of the relief sought, we consider such a change to the definition would lead to confusion given the construct of the plan. The REG chapter addresses REG activities, and the INF chapter does not apply to REG activities. The REG chapter does not refer to ‘regionally significant infrastructure’, while the INF chapter does. If the change sought by CRC was to be adopted, the result would not change the outcome since the INF provisions	Decline relief sought and instead insert an advice note outlining why the definition differs from the definition of ‘Regionally significant infrastructure’ in the Canterbury

				do not apply to REG, but the definition could lead to confusion for implementers of the plan.	Regional Policy Statement.
Canterbury Regional Council	19.06	REG-R2	Oppose	CRC has sought the following relief: <i>"Add a definition:</i> <i><u>Core sites of the Waitaki Power Scheme are:</u></i> <i>Then list the sites MDC consider to be core sites."</i> Meridian notes that PC18 defines "core sites" as "means land owned by Genesis Energy or Meridian Energy that is managed for hydro generation purposes associated with the Waitaki Power Scheme". Meridian considers that this definition is sufficiently clear and would support this definition equally applying to PC26. Meridian would not support differing definitions for "core sites" being applied in various chapters in the plan.	Decline relief sought
Canterbury Regional Council	19.07	REG-R7 and REG-MD4	Oppose	CRC has sought the following relief: <i>"REG-MD4</i> <i>...</i> <i>b. The effectiveness of any proposed offsetting or compensation measures, in accordance with the provisions of Section 19 (Ecosystem and Indigenous Biodiversity)."</i> Meridian opposes the relief sought on the basis that the offsetting and compensation principles adopted in Chapter 19 predated the NPSIB. The NPSIB is explicit that nothing in the NPSIB applies to the development, operation, maintenance or upgrade of REG assets and activities. On this basis, it would not be consistent with national policy direction within the NPSREG and NPSIB to apply the Chapter 19 offsetting and compensation requirements to new REG activities.	Decline relief sought

Director General of Conservation	3.04	INF-P4	Oppose	The Director General of Conservation has sought the following amendment, or words of like effect: <i>"...2. It is compatible with the values and anticipated character of the wider surrounding environment; ..."</i> The Director General of Conservation notes that <i>"The reference in clause 2 to the "surrounding" environment could be interpreted as only applying outside the location of the development itself, which would not allow adequate assessment of environmental effects"</i>. Meridian does not agree with this concern and opposes the relief sought. Meridian considers that use of the term <i>"wider"</i> does not resolve the concern raised by the Director General of Conservation. Further to this, Meridian considers that <i>"wider"</i> has a broader meaning than <i>"surrounding"</i> and use of <i>"wider"</i> is not appropriate in this provision.	Decline relief sought
NZ Transport Agency Waka Kotahi	8.09	INF-O3	Support	The NZ Transport Agency Waka Kotahi has sought the following relief: <i>"Amend as follows:</i> <i>The efficient, effective and safe operation, maintenance, upgrading and development of regionally significant infrastructure is not constrained or compromised by other activities."</i> Meridian supports this relief since the effectiveness and safety of the activities listed is as important (if not of greater importance) as the efficiency of the activities listed.	Adopt the relief sought by the NZ Transport Agency Waka Kotahi
NZ Transport Agency Waka Kotahi	8.13	INF-P4	Support	The NZ Transport Agency Waka Kotahi has sought the following relief: <i>"Amend as follows:</i> <i>Manage infrastructure, including ancillary earthworks, so that:</i> <i>1. its form, location and scale minimises avoids, remedies or mitigates of adverse effects on the environment; and ..."</i>	Adopt the relief sought by the NZ Transport Agency Waka Kotahi

					Meridian supports this relief as it is more consistent with the requirements of the Act. Meridian notes that this position differs slightly from their submission on the same provision. Meridian prefers the relief sought by the NZ Transport Agency Waka Kotahi, however if this relief was not adopted then Meridian seeks insertion of a definition of “ <i>minimise</i> ” as set out in their submission on this provision.	
NZ Transport Agency Waka Kotahi	8.22	INF-R7	Support		The NZ Transport Agency Waka Kotahi has sought the following relief: <i>“Amend as follows:</i> <i>Where the activity complies with the following standards: INF-S1,</i> EW-S4...” Meridian supports this relief for the same reasons as provided by the NZ Transport Agency Waka Kotahi.	Adopt the relief sought by the NZ Transport Agency Waka Kotahi

PROPOSED PLAN CHANGE 27 – EARTHWORKS, SUBDIVISION, PUBLIC ACCESS AND TRANSPORT

Submitter Name	Sub No	Provision	Support/ Oppose	Reason	Relief sought
Opuha Water Limited	29.03	PA-P2	Support in part	Opuha Water Limited has sought the following relief: <i>“Amend PC-P2 as follows (or to similar effect):</i> <i>Encourage opportunities and mechanisms to maintain and enhance public access to and along surface waterbodies, including for mahika kai, when a land use or subdivision consent application provides opportunities for access, with special consideration given to:</i> <i>Those waterbodies listed in PA-SCHED2; and</i> <i>The creation of any allotment smaller than 4ha which adjoins a waterbody; <u>and</u></i>	Concerning PA-P2, insert new matter for special consideration as follows: <i>“Encourage... with special consideration given to:....<u>3. The risks to human</u></i>

Opuha Water Limited	29.04	PA-S1	Support in part	<u>3. The implications of providing public access for health and safety obligations.</u> Meridian supports this relief on the basis that public access to and along waterbodies often comes with some human safety risks, particularly where there are REG assets located. Meridian agrees that special consideration should be given to the potential for human safety risks. At the same time, Meridian considers that the insertion in the relief sought could be improved to read: <i>“3. The risks to human health and safety resulting from providing public access”</i>	<u>health and safety resulting from providing public access.</u>
				Opuha Water Limited has sought the following relief: <i>Amend PA-S1 to:</i> <i>(a) Align with the directive of PA-P1;</i> <i>(b) Clarify the public access requirements for allotments over 4ha in size or land use consent applications; and</i> <i>(c) Include health and safety considerations as a further matter of discretion.</i> Meridian supports this relief on the basis that public access to and along waterbodies often comes with some human safety risks, particularly where there are REG assets located. Meridian agrees that the potential for human safety risks should be included in the matters of discretion listed.	Adopt the relief sought by Opuha Water Limited at (c) in their submission, i.e. <i>“include health and safety considerations as a further matter of discretion”</i>

Address List for Further Submissions

Fire and Emergency New Zealand ANZ Centre 267 High Street, Christchurch Central City, Christchurch, 80111 Lydia.shirley@beca.com	Canterbury Regional Council - Attn: Rachel Tutty PO Box 345, Christchurch 8140 regional.planning@ecan.govt.nz
Helios Energy Limited PO Box 52, Fairlie, 7949 sbrooks@heliosenergy.co.nz	Nova Energy Limited Level 15, The Todd Building, 95 Customhouse Quay, Wellington 6011 cpve@novaenergy.co.nz
Director-General of Conservation C/- Department of Conservation, Private Bag 4715, Christchurch Mail Centre, Christchurch 814 mbrass@doc.govt.nz	Royal Forest and Bird Protection Society of New Zealand PO Box 2516, Christchurch, 8140 n.snovink@forestandbird.org.nz
Simpson Family Holdings Ltd PO Box 3, Lake Tekapo, 7945 Andrew.simpson@thecairns.co.nz	NZ Transport Agency Waka Kotahi PO Box 1479, Christchurch 8140 Nick.Reuther@nzta.govt.nz
Opuha Water Limited C/- Gresson Dorman & Co P O Box 244, Timaru 7940 georgina@gressons.co.nz	Environmental Defence Society Incorporated (EDS) PO Box 91736, Victoria Street West, Auckland 1042 john@eds.org.nz
Te Rūnanga o Ngāi Tahu PO Box 13-046, Christchurch Hemi.bedggood@ngaitahu.iwi.nz info@ngaitahu.iwi.nz	Douglas McIntyre C/- Carl Salmons Level 1, 47/49 Salisbury Street, Christchurch 8013 carl@landplay.co.nz



Plan Change 26

Renewable Electricity Generation and Infrastructure Decision Report

31 July 2024

Table of Contents

1.	Purpose of Report	1
2.	Hearing and Submitters Heard	1
3.	Our Approach	2
3.1	Statutory Framework	2
3.2	Out of Scope Submissions	2
3.3	Section 32AA Assessments	3
4.	Uncontested Provisions	3
4.1	Assessment	3
5.	Relationship Between INF / REG Chapters and Other Chapters	4
5.1	Assessment	4
5.2	Decision	5
6.	Infrastructure (INF) Chapter - Introduction and General Submissions	5
6.1	Assessment	5
6.2	Decision	5
7.	INF Objectives	5
7.1	Assessment	5
7.2	Decision	5
8.	Policies INF-P2, INF-P3 and INF-P4	5
8.1	Assessment	5
8.2	Decision	5
9.	Policies INF-P5, INF-P6 and INF-P7	5
9.1	Assessment	5
9.2	Decision	6
10.	INF Rules	6
10.1	Assessment	6
10.2	Decision	6
11.	INF Standards and Matters of Discretion	6
11.1	Assessment	6
11.2	Decision	7
12.	REG Chapter – Introduction, Objectives and Policies	7
12.1	Assessment	7
12.2	Decision	7
13.	REG - New Policies	7
13.1	Assessment	7
13.2	Decisions	8
14.	All REG Rules	8
14.1	Assessment	8
14.2	Decision	9
15.	REG – Matters of Control or Discretion	9
15.1	Assessment	9
15.2	Decisions	9
16.	Definitions	9
16.1	Assessment	9
16.2	Decision	9
17.	Mapping	9
17.1	Assessment	9
17.2	Decision	10

Appendix 1: Amended Provisions (INF chapter; REG chapter; and EIB chapter)

Appendix 2: Amended Planning Maps

Appendix 3: Appearances and Tabled Evidence

List of submitters and further 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 2013
District Plan	Mackenzie District Plan
EIB chapter	Section 19 - Ecosystems and Indigenous Biodiversity
INF chapter	Infrastructure chapter
JWS	Joint Witness Statement
MDC	Mackenzie District Council
MDPR	Mackenzie District Plan Review
NESTF	National Environmental Standards for Telecommunication Facilities
NPSET	National Policy Statement on Electricity Transmission
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSREG	National Policy Statement for Renewable Electricity Generation
NP Standards	National Planning Standards
PC	Plan Change
PC13	Plan Change 13 – Rural Zone – Mackenzie Basin
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

Abbreviation	Full Text
REG chapter	Renewable Electricity Generation chapter
RMA	Resource Management Act 1991

1. Purpose of Report

1. Pursuant to section 43(1) of the Resource Management Act 1991 (RMA), the Mackenzie District Council (MDC) has appointed a combined Hearings Panel of four independent commissioners¹ to hear and decide the submissions and further submissions on “Plan Change 26 - Renewable Electricity Generation and Infrastructure” which forms part of the Mackenzie District Plan Review (MDPR).
2. The content of Plan Change 26 was set out in the MDC’s Overview Report², which was three pages long. We do not repeat that information here for the sake of brevity but note that the Overview Report is available on the MDC webpage.
3. This Decision Report sets out the Hearings Panel’s decisions on the submissions and further submissions received on Plan Change 26.
4. The initial Section 42A Report and the end of Hearing Section 42A Report (Reply Report) for PC26 were:
 - Section 42A Report: Plan Change 26 – Renewable Electricity Generation and Infrastructure, Report on submissions and further submissions, Author: Liz White, Date: 19 April 2024.
 - Section 42A Report: Plan Change 23 – Renewable Electricity Generation and Infrastructure, Reply Report, Author: Liz White, Date: 12 June 2024.
5. In our Minute 11 dated 6 May 2024 we posed a number of questions to Ms White. We received written answers to those questions³.
6. In addition, expert conferencing was undertaken between:
 - a. Liz White (consultant planner for MDC);
 - b. Sue Ruston (consultant planner for Meridian Energy Limited); and
 - c. Richard Matthews (consultant planner for Genesis Energy Limited).
7. The output of this conferencing was a Joint Witness Statement (JWS) on the provisions of PC26 (dated 30 May 2024).
8. The Hearing Panel’s amendments to the notified provisions of PC26 are set out in Appendix 1. The amended Decisions chapter is set out in Appendix 1 to the PC23 Decision. Amendments recommended by Ms White that have been adopted by the Hearing Panel are shown in ~~strike-out~~ and underlining. Further or different amendments made by the Hearing Panel are shown in red font as ~~strike-out~~ and underlining.

2. Hearing and Submitters Heard

9. There were 20 primary submissions and 11 further submissions on PC26. Further submissions are generally not discussed in this Decision because they are either accepted or rejected in conformance with our decisions on the original submissions to which they relate.
10. The Hearing for PC26 was held in Fairlie over the period Wednesday 22 to Friday 24 May 2024. The individuals we heard from are listed in Appendix 3. Three submitters tabled evidence but did not appear at the hearing and they are also listed in Appendix 3.
11. Copies of all legal submissions and evidence (either pre-circulated or tabled at the Hearing) are held by the MDC. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Decision. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the Hearing.
12. We received opening legal submissions from MDC’s legal counsel Michael Garbett who addressed the statutory framework, moving provisions from the operative PC13 into the proposed PC format; the scope of changes to definitions; the relationships between District Plan chapters; DOC’s submission relating to the

¹ Andrew Willis, Megan McKay, Rob van Voorthuysen and Ros Day-Cleavin.

² Mackenzie District Plan, Plan Change 26 – Renewable Electricity Generation and Infrastructure, Final for Notification, 4 November 2023.

³ PC26 Section 42A Report Author’s Response to Hearings Panel Questions.

status of Section 19 of the District Plan (the post-mediation version of the EIB chapter); and minor changes made under Clause 16 of Schedule 1 of the RMA.

13. We also received 'overview' evidence from Rachael Willox regarding the current stage of the MDP, the PCs notified as part of Stage 3 of the MDP and their integration with existing operative District Plan provisions. Michael McMillan spoke on behalf of Kati Huirapa (mana whenua) and AECL as the mandated regional entity on kaitiakitanga planning matters.
14. We note the tabled evidence from Hemi Bedggood (TRoNT Senior Environmental Advisor – Planning) dated 2 May 2024, which accepted the recommendations in the Section 42A Report relating to PC26, and did not consider it was pertinent to provide further evidence.

3. Our Approach

15. We have decided to structure this Decision in the following manner.
16. Ms White's initial Section 42A Report sequentially addressed the provisions in the MDP's proposed Infrastructure and Renewable Electricity Generation chapters. For the ease of readers of this Decision, we have adopted the same approach here and generally mimic the headings used in the initial Section 42A Report. However, given the significant changes recommended as a result of the expert conferencing and JWS (as set out in the Section 42A Reply Report), we have combined some sections for the REG chapter.
17. The submissions received on the provisions covered by each of these headings were summarised in the initial Section 42A Report. We adopt those summaries, but do not repeat them here for the sake of brevity.
18. Where, having considered the submissions and the submitter's evidence and legal submissions, we nevertheless accept Ms White's final recommendations, we state that we adopt her analysis and recommendations as our reasons and decisions. Where we disagree with Ms White's final recommendations, we set out our own reasons based on the evidence received and state our decisions on the relevant submissions.
19. The consequence of our approach is that readers of this Decision should also avail themselves of the Section 42A Reports listed in paragraph 4 above.

3.1 Statutory Framework

20. We adopt the statutory framework assessment set out in section 6 of the Section 42A Report. We note that assessment to be consistent with the framework described by Mr Garbett in paragraphs 4 to 14 of his opening legal submissions.

3.2 Out of Scope Submissions

21. We note, as set out in the initial Section 42A Report,⁴ that some provisions (REG-O3, REG-P2 and REG-P3) are from the Operative District Plan and were introduced by PC13 and that these provisions are to be carried over into the REG chapter but are not within the scope of PC26. We accept that any submission points received on these provisions are outside the scope of PC26. Consequently, we decline to consider these submission points.⁵
22. Similarly, with respect to submissions seeking changes to the definition of 'infrastructure', this definition was added through PC20 and is operative and it was not proposed to be amended through PC26, meaning that changes to it are outside the scope of PC26.⁶ Consequently, we decline to consider these submission points.⁷

⁴ PC26 Section 42A Report, paragraph 35

⁵ TRoNT (12.09)

⁶ PC26 Section 42A Report, paragraph 344

⁷ TLGL (5.01); Genesis (15.04); Meridian (18.04); NZDF (22.01); Nova (6.04); CRC (19.02); NZTA (8.01)

3.3 Section 32AA Assessments

23. Where we adopt Ms White's recommendations, we also adopt her s32AA assessments. For those submissions we are satisfied that Ms White's recommendations are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of the District Plan and for giving effect to other relevant statutory instruments.
24. Where we differ from Ms White's recommendations, we are required to undertake our own s32AA assessment at a level of detail that corresponds to the scale and significance of any changes we recommend to the notified District Plan provisions. In that regard we are satisfied that any such amendments are a more efficient and effective means of giving effect to the purpose and principles of the RMA and the higher order statutory instruments, for the reasons we set out in this Decision.

4. Uncontested Provisions**4.1 Assessment**

25. The table set out in paragraph 30 of Ms White's initial Section 42A Report listed provisions within PC26 which were either not submitted on, or any submissions received sought their retention. The table also listed the relevant submissions. We have decided to accept the submissions listed in this table and we do not discuss them further in this Decision. Consequently, the provisions listed in this table of the initial Section 42A Report are retained as notified (unless a clause 10(2)(b) or clause 16(2) change has been made to them).
26. Submissions on the following definitions were considered in the Decisions on either PC23, PC24, PC25, or PC27. We have considered those decisions on these definitions when assessing submissions on the District Plan provisions addressed in PC26.

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)

27. We accept Ms White's recommendation that the definition of 'operational need' is applied throughout the Plan. We also accept Ms White's recommendation to make consequential amendments (largely deletions) to Section 3, Section 7 and Section 9, and to delete Section 16 (Utilities) in full because these existing rules are effectively superseded by the new REG Chapter and to retain them would result in confusion.

5. Relationship Between INF / REG Chapters and Other Chapters

5.1 Assessment

28. The Introduction to each of the INF and REG chapters sets out the relationship between the provisions in the INF / REG chapters, and those contained in other parts of the District Plan. We note that the relationship between the INF / REG chapters and other chapters was the topic of a number of submissions and that Ms White reconsidered her initial Section 42A Report recommendations as a result of the joint witness conferencing undertaken on the REG chapter.
29. Having considered the submissions received, evidence presented at the Hearing and the JWS, we accept Ms White's analysis and recommendations in her Reply Report, which includes:
- amendments to both the REG and INF introductions;
 - shifting the rules relating to indigenous vegetation clearance into the INF chapter (as proposed standard INF-SX) and REG chapter (as activity standards in REG-R5 and REG-R6);
 - the proposed deletion of EIB Rule 1.2.4 (which covers the clearance of indigenous vegetation associated with new infrastructure); and
 - the proposed deletion of EIB Rule 1.2.5 (which covers the clearance of indigenous vegetation associated with investigation activities, Small-scale Renewable Electricity Generation Activities and the construction and operation of any new Renewable Electricity Generation Activities).
30. In Ms White's Reply Report, she explained that as a result of conferencing, the effect of Rule 1.2.5 (applying to REG activities) was changed, and limited to managing only significant indigenous vegetation and significant habitats of indigenous fauna, with clauses relating to this added to the relevant permitted activities in the REG chapter. However, Ms White did not consider there to be the same scope to change the effect of the infrastructure-related clearance rule (i.e. proposed Rule 1.2.4), and she noted that all infrastructure is not subject to a national policy statement in the same way that all REG activities are. Therefore, Ms White did not recommend limiting the rule to be shifted into the INF chapter to significant indigenous vegetation and significant habitats of indigenous fauna only.
31. We agree with Ms White that the effect of Rule 1.2.5 (applying to REG activities) should be limited to managing only significant indigenous vegetation and significant habitats of indigenous fauna for the reasons she provided. However, we note that for the INF chapter, the proposed approach could require most new non-REG infrastructure to obtain a resource consent as there is no threshold applying to indigenous vegetation clearance. In practice, this could mean that the clearance or destruction of a single plant could trigger a resource consent requirement. We consider this to be onerous, especially as the indigenous vegetation affected may be relatively common and not rare or threatened or significant. We note that INF-O2 seeks that the adverse effects of infrastructure on the surrounding environment are managed according to the sensitivity of the environment and that both INF-P5 and INF-P6 refer to significant indigenous vegetation and significant habitats of indigenous fauna, and that therefore there is no specific objective or policy support in the INF chapter for an approach addressing all indigenous biodiversity clearance regardless of scale and significance.
32. Whilst we consider the application of Rule 1.2.4 in the INF chapter (with the INF rules applying to all indigenous vegetation and all habitats of indigenous fauna) is likely to be unworkable, after careful consideration we do not believe we have the scope to amend the INF chapter under the lodged submissions (including under Schedule 1, clause 10(2)(b)) and therefore recommend the Council consider this matter in Stage 4 of the MDPR.
33. We record our finding that the approach taken to the MDPR is consistent with the NP Standards; namely the INF and REG chapters are standalone, with provisions across the remainder of the District Plan not applying to the activities addressed therein unless explicitly stated. We note that Ms White helpfully recommended the insertion of a Table into the Introduction sections of the INF and REG chapters that lists the provisions in other chapters that apply to infrastructure and renewable energy activities in addition to the INF and REG chapter provisions themselves.

5.2 Decision

34. We adopt Ms White's analysis and recommendations as our reasons and decisions on the relationship between the INF / REG chapters and other chapters. The amended INF and REG introductory text that covers the relationship between these chapters and other chapters is set out in Appendix 1 to this Decision.

6. Infrastructure (INF) Chapter - Introduction and General Submissions

6.1 Assessment

35. Having considered the submissions received, evidence presented at the Hearing and noting our decision on the relationship between the REG / INF and other chapters considered above, we accept Ms White's analysis and recommendations on the INF introduction. We note that in our Decision on PC24 we accepted the PC24 Section 42A report author's recommendation to amend the definition of 'sensitive area' by removing the reference to Māori Rock Art Protection Areas.⁸ We confirm this remains appropriate in light of our Decision on the INF chapter.

6.2 Decision

36. We adopt Ms White's analysis and recommendations as our reasons and decisions on the introduction and general submissions. The amended introductory text is set out in Appendix 1 to this Decision.

7. INF Objectives

7.1 Assessment

37. Having considered the submissions received and evidence presented at the Hearing, we concur with Ms White's analysis and recommendations on the INF objectives.

7.2 Decision

38. We adopt Ms White's analysis and recommendations on the INF objectives as our reasons and decisions. The amended INF Objectives are set out in Appendix 1 to this Decision.

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

8.1 Assessment

39. Having considered the submissions received and evidence presented at the Hearing, we concur with Ms White's analysis and recommendations on these INF policies. We agree that retaining the word 'minor' in INF-P2 is appropriate given the way the rules are intended to apply to upgrades and the potential environmental effects that could occur from large upgrades. We agree with Ms White's proposed amendments to INF-P4 in her Reply Report in response to alternate wording for this policy provided in Ms McLeod's evidence.⁹

8.2 Decision

40. We adopt Ms White's analysis and recommendation on INF-P2, INF-P3 and INF-P4. The amended INF policies are set out in Appendix 1 to this Decision.

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

9.1 Assessment

41. Having considered the submissions received and evidence presented at the Hearing, we concur with Ms White's analysis and recommendations on these INF policies. In our view it is appropriate to retain the references to "mitigating adverse effects" (in INF-P5(2) and (3)) and "significant adverse effects" (in INF-P5(4)) for the reasons Ms White provides. We also consider it appropriate that the exclusions in

⁸ Section 42A Report, PC24, paragraphs 47 and 65

⁹ Evidence of Ms McLeod for Transpower (13.04), dated 3 May 2024, paragraph 39

INF-P5 and INF-P7 for the National Grid are not extended to the State Highway network or to energy storage facilities¹⁰ given the specific requirements of the NPSET.

9.2 Decision

42. We adopt Ms White's analysis and recommendation as our reasons and decision for INF-P5, INF-P6 and INF-P7. The amended INF policies are set out in Appendix 1 to this Decision.

10. INF Rules

10.1 Assessment

43. Having considered the submissions received and the evidence presented at the Hearing, we accept Ms White's analysis and recommendations on the INF rules. We note the evidence of Julia Crossman for Opuha Water Ltd (OWL) (16.16) seeking further activity standards for new buildings and structures being included in INF-R3,¹¹ however we agree with Ms White that new buildings and structures are covered by INF-R6 which already contains these standards.¹²
44. With regard to Alpine's (17.17) request that INF-R8 is amended so that undergrounding of lines is not required in Rural Lifestyle or Industrial zones, Ms White revisited this matter in her Reply Report.¹³ We accept Ms White's assessment and conclusions that the proposed requirement is a continuation of the Operative District Plan's approach, that undergrounding electricity lines in the RLZ will not have unreasonable costs, and that requiring undergrounding in industrial zones is appropriate as they are urban areas, and in Takapō and Twizel they sit alongside an ONL.
45. We have already addressed the proposed inclusion of standard INF-SX for indigenous vegetation clearance associated with new infrastructure in our assessment of the relationship of the INF chapter to other chapters. In her Section 42A Reply Report version of the INF chapter, Ms White has proposed including INF-SX as a standard in rules that cover new or upgraded infrastructure that could involve indigenous vegetation clearance, but not those related to the National Grid. We accept this approach.
46. We considered whether INF-R2 (minor upgrading of above ground infrastructure) should also require assessment against INF-SX. INF-R2(1) covers the realignment, reconfiguration, relocation or replacement of infrastructure components while INF-R2(5) covers footprints of replacement towers. Both could result in indigenous vegetation clearance and neither requires an assessment of adverse effects on indigenous vegetation (under INF-MD1 Scale, Location and Design of Infrastructure). However, we note that INF-R2 is consistent with the operative EIB chapter as it excluded Rule 16.1.1J (utilities) from application of the EIB chapter, and therefore we have continued this approach.
47. We have however made Clause 16(2) amendments to include omitted references for non-compliance with the standards (in INF-R3 and INF-R4).

10.2 Decision

48. We adopt Ms White's analysis and recommendations on the INF Rules as our reasons and decisions. The amended INF rules are set out in Appendix 1 to this Decision.

11. INF Standards and Matters of Discretion

11.1 Assessment

49. Having considered the submissions received and the evidence presented we accept Ms White's analysis and recommendation on the INF standards and matters of discretion.
50. Regarding INF-S3 specifically, we note that in her Section 42A Reply Report Ms White assesses the evidence of Tom Anderson (for the Telcos (2.29))¹⁴ and agrees with amending the height limits in the GRUZ (outside an ONF/ONL) and for the LFRZ and TCZ zones, but not within the RLZ. In her view, these are smaller areas located adjoining urban areas, and the difference in the height limit between the urban zones

¹⁰ We also cover energy storage facilities in our decision on amending the definition of "infrastructure"

¹¹ Evidence of Ms Crossman for OWL (16.16), dated 3 May 2024, paragraph 5.39

¹² Section 42A Report, paragraph 144 and Section 42A Reply Report, paragraph 11

¹³ Section 42A Reply Report, paragraphs 12 to 17

¹⁴ Evidence of Mr Anderson for the Telcos (2.29), dated 3 May 2024, paragraphs 9 to 33

and the RLZ would be more pronounced (and where large trees are less likely to create an issue). Ms White also agrees with Mr Anderson's drafting changes to better manage antennas, as these changes do not result in an increase in height for them and instead are required to meet the height limit otherwise applying in the standard. This approach also aligns the size requirements with those set out in the NESTF. We accept Ms White's analysis and conclusions on INF-S3.

51. For completeness, as covered earlier under our assessment on the relationship between the INF / REG chapters and other chapters, we agree with the inclusion of new standard INF-SX for the management of indigenous vegetation clearance. We have also made clause 16(2) amendments to INF-S3 for greater clarity.

11.2 Decision

52. We adopt Ms White's analysis and recommendation as our reasons and decisions for the INF standards and matters of discretion. The amended INF Standards are set out in Appendix 1 to this Decision.

12. REG Chapter – Introduction, Objectives and Policies

12.1 Assessment

53. The REG chapter was the subject of expert conferencing, with a JWS produced on the provisions of PC26 (dated 30 May 2024). This JWS included a track changes version of the REG chapter, together with the consequential deletion of Rule 1.2.5 in the EIB chapter. The JWS has greatly assisted us in our deliberations and we thank the parties for their efforts with this.
54. In her Section 42A Reply Report, Ms White stated the JWS resolved all matters between those parties who provided planning evidence in relation to the provisions that Genesis and Meridian made submissions on. We accept the analysis and recommendations provided in the JWS.
55. In her Section 42A Reply Report, Ms White assessed those matters that EDS and F&B submitted on and whether these are addressed or not in the JWS version of the REG chapter. As set out in the Reply Report, these submissions relate to including environmental limits for indigenous biodiversity and applying all of the EIB section to both REG and the INF chapters. We agree with Ms White's analysis and recommendations that applying the proposed approach in the JWS version to significant indigenous vegetation and significant habitats of indigenous fauna is appropriate given the requirements in s6(c), s31(1)(b)(iii) and the direction in the NPSREG.
56. We have made a Clause 16(2) amendment to provide greater clarity by referring to the relevant EIB rules directly. We have also amended REG-PX to introduce subclauses for greater clarity.

12.2 Decision

57. We adopt Mr White's analysis and recommendations in her Section 42A Report and Section 42A Reply Report. The amended introduction, objectives and policies are set out in Appendix 1 to this Decision.

13. REG - New Policies

13.1 Assessment

58. F&B (13.05) seek that two new policies are added to the chapter which would limit solar generation and wind turbines. 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.
59. With regard to the F&B submission and their evidence presented at the Hearing, we accept Ms White's analysis of the NPSREG and CRPS and her reasoning that the new policies sought are not consistent with direction in these higher order documents, nor REG-O1.
60. With regard to the Genesis and Meridian requested new policy, we note that a corresponding new policy REG-PX is proposed in the JWS. We accept the reasoning provided in the JWS for this new policy and agree it is appropriate.

13.2 Decisions

61. We adopt Ms White's recommended amendments, and the reasons for those amendments. These amendments are set out in Appendix 1 to this Decision.

14. All REG Rules**14.1 Assessment**

62. The expert conferencing and JWS also covered the rules in the REG chapter. In her Reply Report Ms White considered the matters that F&B and OWL submitted on and whether these are addressed or not in the JWS version of the REG chapter. We agree with Ms White's analysis and recommendations that applying the proposed JWS approach in the rules for significant indigenous vegetation and significant habitats of indigenous fauna is appropriate given the requirements in s6(c), s31(1)(b)(iii) and the NPSREG.
63. However, we do not agree with Ms White's analysis in response to OWL's (16.30) submission on REG-R2. As we understand it, OWL (16.03) sought that the definition of "upgrade" is extended to include new buildings and structures that may be required as part of an upgrade for the Opuha Dam. Alternatively, OWL (16.16) sought to enable new buildings to be constructed under INF-R3 by including a standard that any new building or structure shall comply with the height limit for the zone in which the activity is located. We note that in the INF chapter, minor upgrades in relation to the Opuha Dam are covered by INF-R3, while INF-R6 covers any infrastructure buildings or structures or accessory buildings not otherwise listed. We understand from Ms White's Section 42A Report that upgrades are works to existing buildings or structures and are covered under INF-R3,¹⁵ while wholly new buildings would be captured under INF-R6 which provides a permitted pathway for these, subject to standards. Turning to the REG provisions, similarly we understand that REG-R2 applies to upgrades of an existing hydroelectric power station and structures associated with the Opuha Scheme and does not anticipate new structures.¹⁶ However, there is no equivalent to INF-R6 in the REG chapter so we are unclear which rule would apply to wholly new buildings associated with the Opuha Scheme. It appears to us that if REG-R2 was limited to upgrading of existing structures then wholly new buildings would be restricted discretionary activities under REG-R7, unless they were captured under INF-R6 when not associated with renewable electricity generation activities.
64. In her analysis of OWL's (16.30) submission, Ms White considered that the addition of a condition to REG-R2 relating to new buildings or structures would conflict with the rule itself, which is limited to existing structures. We agree with her. Ms White goes on to say that should the Hearing Panel consider that REG-R2 should allow for new buildings and structures, that the limitations applying to these should align with INF-R6, and not simply the height limit of the zone.¹⁷ In response to Panel questions Ms Crossman clarified that OWL would accept applying all the standards of INF-R6 to new buildings and structures in the REG chapter, rather than just the height limit of the zone as requested in OWL's submission.
65. For clarity, we consider that a new rule (REG-R6A) is required in the REG chapter that replicates INF-R6 for wholly new buildings and structures. We consider that matter of discretion REG-MD1 (Existing Hydroelectric power) is sufficient for this new rule. We note that EIB Rules 2.1.1 and 2.2.1 (relating to the Waitaki Power Scheme and Opuha Scheme) will apply. Accordingly, the submission of OWL (16.30) is accepted.
66. We have also made some other changes to the REG rules (under clause 16(2)) for consistency of capitalisations. We have also corrected minor numbering errors in the additional provisions recommended by Ms White for REG-R5 and REG-R6.

Section 32AA

67. We adopt Ms White's s32AA assessment in her Section 42A Reply Report.¹⁸ However we consider the addition of REG-R6A provides clarity on how new buildings and structures are considered and gives effect to REG-O1 and REG-O2, and REG-P2 and REG-P3 and is a more efficient and effective means of giving

¹⁵ Section 42A Report, paragraph 361

¹⁶ Section 42A Report, paragraph 262

¹⁷ Section 42A Report, paragraph 262

¹⁸ Section 42A Reply Report, paragraphs 42 to 46

effect to the purpose and principles of the RMA and the higher order statutory instruments for the reasons we set out in this Decision.

14.2 Decision

68. We adopt Ms White's analysis and recommendations as our reasoning and decision, except where outlined above for new rule REG-R6A. The amended REG rules are set out in Appendix 1 of this Decision.

15. REG – Matters of Control or Discretion

15.1 Assessment

69. We adopt Ms White's analysis and recommendations as our reasoning and decision for submissions on the REG chapter's matters of control or discretion. In particular, we note and agree that as a result of the JWS a new matter of discretion (REG-MD5 Significant Vegetation and Habitats) is required. We also agree that REG-MD1.b should be deleted because this matter continues to be addressed in the rules in the EIB chapter. We also agree that with extending REG-MD3.d and REG-MD4.b to refer to "significant" residual adverse effects that cannot be avoided, remedied or mitigated.

15.2 Decisions

70. We adopt Ms White's recommended amendments, and the reasons for those amendments. These amendments are set out in Appendix 1 to this Decision.

16. Definitions

16.1 Assessment

71. Having considered the submissions received and evidence presented at the Hearing, we accept Ms White's analysis and recommendations regarding definitions. In particular, we note that the definition of "infrastructure" was added through PC20 and is operative and therefore agree it is out of scope and that submissions to include energy storage facilities within the infrastructure definition can be considered in Stage 4 of the MDP.
72. We also agree that the definition of "Small-scale Renewable Electricity Generation" is generally consistent with that used in the NPSREG, and agree with the additional limits and greater clarity provided in the proposed definition. We agree that the electricity generation should be ancillary to the principal use of the site, and agree with a limit of 20 other sites that can be supplied with the electricity generated. We agree that these limits in the definition better manage potential adverse effects.
73. We also agree that the definition of "upgrade" need not include new buildings (OWL (16.03) given the approach to upgrades versus new buildings in the rules and our decision to include a new rule to cover new buildings and structures (in response to OWL (16.30)).
74. Regarding new definitions covering: "customer connections"; "minimise"; "Opuha Dam"; and "core sites" for the Waitaki Power Scheme, having considered the submissions received and the evidence presented at the Hearing, we accept Ms White's analysis and recommendations regarding these definitions.

16.2 Decision

75. We adopt Ms White's analysis and recommendations as our reasoning and decision.

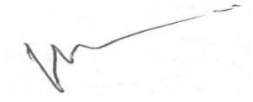
17. Mapping

17.1 Assessment

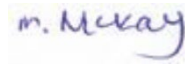
76. Having considered the submissions received, we accept Ms White's analysis and recommendations regarding mapping. In particular, we note that PC26 does not propose any zoning and as such the zoning of roads sits outside the scope of PC26. We agree that the National Grid substations should be included on the planning maps to fully give effect to the NPSET. The amended planning maps are attached in Appendix 2.

17.2 Decision

77. We adopt Ms White's recommendations in her Section 42A Report as our reasons and decisions.¹⁹



Rob van Voorthuysen (Chair)



Megen McKay



Andrew Willis



Ros Day- Cleavin

¹⁹ Section 42A Report, paragraphs 389 and 390

Appendix 1: Amended Provisions (INF Chapter; REG Chapter; and EIB Chapter)

Contents

Infrastructure	2
Renewable Electricity Generation	21
Ecosystems and Indigenous Biodiversity.....	34

Infrastructure

Introduction

This chapter contains district-wide provisions relating to infrastructure.

Infrastructure is important for the community's well-being and how the community functions. There is a range of infrastructure located in the District, some of which supports the local community, while other infrastructure is important at a regional or national scale. Infrastructure often has a functional need or operational need to be in, or traverse, a particular location, but can have adverse effects on the environment, particularly in areas that have significant or outstanding natural values or mana whenua values. This chapter provides direction on how infrastructure is to be provided for to meet the needs of the community, while appropriately managing its adverse effects.

In relation to the ~~N~~ational Grid¹, the District Plan must give effect to the National Policy Statement on Electricity Transmission. This includes a requirement to avoid, as far as reasonably practicable, reverse sensitivity effects on the electricity transmission network and to ensure that its operation, maintenance, upgrading, and development is not compromised. This chapter, along with the earthworks and subdivision chapters, contain provisions to give effect to this.

~~The provisions in other chapters in this District Plan do not apply to activities managed in this chapter.~~ In addition to the provisions in this chapter, the provisions in Table 1 also apply to infrastructure. Beyond the provisions listed in Table 1, no other provisions in this plan apply to infrastructure, except where specified within the provisions of this chapter²:

- ~~Natural Hazards~~
- ~~Historical Heritage~~
- ~~Notable Trees~~
- ~~The objective and rules in Ecosystems and Indigenous Biodiversity~~
- ~~Activities on the Surface of Water~~
- ~~Light~~
- ~~Noise~~
- ~~Signs~~

Table 1

<u>Topic</u>	<u>Plan Provisions that Apply to Activities Managed in this Chapter</u>
<u>Strategic Directions</u>	<u>All provisions in the ATC, MW, NE and UFD chapters</u>
<u>Natural hazards</u>	<u>Section 5 – Business Objective 4</u> <u>Section 7 – Rural Objective 7, Rural Policies 7A & 7B</u> <u>All provisions in Section 18</u>
<u>Historic heritage</u>	<u>All provisions in Section 11 – Heritage Protection</u>
<u>Notable trees</u>	<u>All provisions in Section 11 – Heritage Protection</u>
<u>Sites and Areas of Significance to Māori</u>	<u>SASM-R5 and SASM-R6³</u>

¹ Transpower (7.01)

² Consequential amendment relating to F&B (13.01)

³ TRoNT (12.01)

**Appendix 1: INF CHAPTER
PC26 DECISION VERSION**

<u>Ecosystems and Indigenous Biodiversity</u>	<u>Section 19 – Ecosystems and Indigenous Biodiversity - Rules 1.1.1.1, 2.1.1 and 2.2.1 (relating to the National Grid) and the Objective and Policies but only insofar as they apply to the activities managed by Rules 1.1.1.1, 2.1.1 and 2.2.1⁴</u>
<u>Activities on the Surface of Water</u>	<u>Section 7 - Rural Objective 8, Rural Policies 8A – 8H, and Rules 7A – Activities on or Within Waterbodies</u>
<u>Lighting</u>	<u>All provisions in the Light Chapter</u>
<u>Noise</u>	<u>Section 5 – Rules 1.3.1.b, 1.5.1, 1.6.1, 3.3.6.g, 3.5.1</u> <u>Section 6 – Rule 12</u> <u>Section 7 – Rules 15.1.1, 15.1.1h and 15.2.1</u> <u>Section 8 – Rule 1.7.7</u>
<u>Signs</u>	<u>All provisions in Section 12 – Signs and Aerial Distractions</u>

The provisions in the earthworks chapter do not apply to earthworks ~~that form part of the ancillary to the infrastructure~~⁵ activities managed in this chapter (unless specified within the rules in this chapter), but do apply to the construction of new roads and access tracks associated with any infrastructure.

Activities which are managed in the Renewable Electricity Generation chapters are not subject to the provisions in the Infrastructure chapter.⁶

Objectives and Policies

Objectives	
INF-O1	Infrastructure
Infrastructure is developed and maintained to meet the needs, and provide for the health, safety and wellbeing, of people and communities and is integrated with subdivision, <u>land</u> ⁷ use and development.	
INF-O2	Adverse Effects of Infrastructure
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.	
INF-O3	Adverse Effects on Infrastructure
The efficient, <u>effective and safe</u> ⁸ operation, maintenance, upgrading and development of regionally significant infrastructure <u>and lifeline utility infrastructure</u> ⁹ is not constrained or compromised by other activities.	

Policies	
INF-P1	Benefits of Infrastructure

⁴ Clause 16(2) amendment

⁵ Clause 16(2) amendment

⁶ Helios (4.04), Genesis (15.35) and Meridian (18.10).

⁷ NZTA (8.07)

⁸ NZTA (8.09)

⁹ Alpine (17.02)

**Appendix 1: INF CHAPTER
PC26 DECISION VERSION**

Recognise the national, regional and local benefits of infrastructure to the economic, social, cultural and environmental wellbeing, and health and safety, of people and communities, and the functioning of the District and beyond, by providing for infrastructure throughout the District.	
INF-P2	Ongoing Use of Existing Infrastructure
Enable the operation, maintenance, replacement, reconstruction, and minor upgrades to, existing infrastructure.	
INF-P3	Integration of Infrastructure
Encourage: 1. the coordination of infrastructure planning and delivery with land use, subdivision, development and urban growth; 2. the co-location of <u>compatible</u>¹⁰ structures and facilities; and 3. technological improvements and enhancements.	
INF-P4	Managing Adverse Effects of Infrastructure
Manage infrastructure, including ancillary earthworks, so that: 1. its form, location and scale minimises adverse effects on the environment; and 2. it is compatible with the values and anticipated character of the surrounding environment; <u>and</u> 3. while having regard to <u>consideration is given to the extent that the management of the adverse effects of infrastructure in accordance with clauses 1. and 2. may be constrained by</u>¹¹ the operational needs and functional needs of the infrastructure.	
INF-P5	Infrastructure in Sensitive or Significant Areas
Avoid locating infrastructure in identified sensitive areas (outside the road reserve) or within an area of significant indigenous vegetation or significant habitat of indigenous fauna, unless: 1. there is a functional or operational need for the infrastructure to be in that location; 2. it is demonstrated through site, route or method selection, design measures and other management methods how significant adverse effects on the values of the sensitive or significant area have been avoided as far as practicable, and otherwise remedied or mitigated; 3. where there are more than minor adverse effects that cannot be avoided, remedied or mitigated, regard is had to any offsetting or compensation; and 4. Following application of 1. - 3. above, there are no significant adverse effects remaining, (except that this clause shall not apply to the <u>National Grid</u>¹²).	
INF-P6	Infrastructure on Highly Productive Land
Avoid locating infrastructure on Highly Productive Land, unless: 1. it is small-scale and does not impact the productive capacity of the land; or 2. it is regionally significant infrastructure or lifeline utility infrastructure and has a functional need or operational need to be located on the highly productive land; and 3. for both 1. and 2. above, any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land within the District is minimised or mitigated.	
INF-P7	Infrastructure in Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna
In addition to INF-P5, avoid new infrastructure (excluding that is not ¹³ the <u>National Grid</u> ¹⁴) that has adverse effects on the following, in an area of significant indigenous vegetation and significant habitats of indigenous fauna: 1. loss of ecosystem representation and extent;	

¹⁰ Gensis (15.41) and Meridian (18.16)

¹¹ Evidence of Ainsley McLeod (Transpower)

¹² Transpower (7.01)

¹³ Transpower (7.19)

¹⁴ Transpower (7.01)

**Appendix 1: INF CHAPTER
PC26 DECISION VERSION**

2. disruption to sequences, mosaics, or ecosystem function; 3. fragmentation of significant indigenous vegetation and significant habitats of indigenous fauna or the loss of buffers or connections within significant indigenous vegetation and significant habitats of indigenous fauna; 4. a reduction in the function of the significant indigenous vegetation and significant habitats of indigenous fauna as a buffer or connection to other important habitats or ecosystems; and 5. a reduction in the population size or occupancy of Threatened or At Risk (declining) species that use significant indigenous vegetation and significant habitats of indigenous fauna for any part of their life cycle, unless it is lifeline utility infrastructure or regionally significant infrastructure, in which case INF-P5 applies instead, where: 6. the infrastructure provides significant national or regional public benefits; 7. there is a functional need or operational need for the infrastructure to be in that particular location; and 8. there are no practicable alternative locations for the infrastructure outside of an area of significant indigenous vegetation and significant habitats of indigenous fauna.	
INF-P8	Radiofrequency, Electric and Magnetic Fields
Require compliance with national environmental standards or other nationally recognised standards or guidelines to manage the potential adverse effects of radiofrequency, electric and magnetic fields.	
INF-P9	Managing Activities in the National Grid Yard
Within the <u>N</u> ational <u>G</u> rid ¹⁵ yard, avoid sensitive activities, and avoid earthworks, buildings and structures that may compromise the safe, effective and efficient operation, maintenance, upgrading and development of the <u>N</u> ational <u>G</u> rid ¹⁶ , or constrain access to it.	
INF-P10	Managing Activities in the Electricity Distribution Corridor
Manage activities in the Electricity Distribution Corridor to ensure they do not compromise the safe, effective and efficient operation, maintenance, upgrading and development, or unduly constrain access to, the electricity distribution network.	

Rules

Notes for Plan Users:

1. *Activities must also comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003.*
2. *Notwithstanding the rules in the District Plan:*
 - *the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 apply to the operation, maintenance, upgrading, relocation or removal of National Grid¹⁷ transmission lines that were operating or able to be operated on, or prior to, 14 January 2010 and remain part of the National Grid¹⁸.*
 - *the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 apply to a range of telecommunications infrastructure.*

¹⁵ Transpower (7.01)

¹⁶ Transpower (7.01)

¹⁷ Transpower (7.01)

¹⁸ Transpower (7.01)

3. The rules in this chapter do not apply to activities which are managed through the rules in the Transport chapter.¹⁹

Existing Infrastructure

INF-R1	Operation, Maintenance or Removal of Existing Infrastructure, Including Access Tracks	
All Zones	Activity Status: PER	Activity status when compliance is not achieved: N/A
INF-R2	Minor uUpgrading of Above Ground Infrastructure²⁰	
All Zones	Activity Status: PER Where: 1. The realignment, reconfiguration, relocation or replacement of a line, pipe, pole, tower, cross arms, switch, transformers, cabinet or accessory structure shall be within 5m of the existing alignment or location. 2. A pole is not replaced with a tower. 3. The height of any replacement pole or tower does not exceed the greater of: a. the height of the existing pole or tower; or b. the height set out in INF-S3. 4. The diameter or width of a replacement pole: a. Must not exceed twice that of the replaced pole at its widest point; or b. Where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times the width of the replaced pole at its widest point. 5. The footprint of a replacement tower shall not exceed the width of the tower by more than 25%. 6. Additional lines must not exceed a 50mm diameter. 7. The replacement of a line shall not exceed the diameter of the replaced line, or 50mm, whichever is the greater. 8. Additional cross arms must not exceed the length of the existing	Activity status when compliance is not achieved with R2.1 – R2.10: RDIS Matters of discretion are restricted to: INF-MD1 Scale, Location and Design of Infrastructure Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).

¹⁹ Clause 10(2)(b) relating to NZTA (8.18)

²⁰ Clause 16(2) amendment

**Appendix 1: INF CHAPTER
PC26 DECISION VERSION**

	cross arm by more than 100%, up to a maximum of 4m. 9. A replacement panel antenna must not increase the face area by more than 20%. 10. A replacement dish antenna must not increase in diameter by more than 20%. And the activity complies with the following standards: INF-S2	
INF-R3	Minor Upgrade in Relation to Opuha Dam	
All Zones	Activity Status: PER Where: 1. The upgrading relates to machinery, buildings, plant, structures, facilities, works or components of the Opuha Dam. 2. The upgrade does not increase the footprint of any machinery, buildings, plant, structures, facilities, works or components of the Opuha Dam by more than 25%, or 50m², whichever is the lesser.²¹ 3. Any upgrade does not increase the overall maximum operating level of the lake. <u>And the activity complies with the following standards:</u> <u>INF-S2, INF-S5</u>	Activity status when compliance is not achieved with R3.2: RDIS Matters of discretion are restricted to: INF-MD1 Scale, Location and Design of Infrastructure <u>SASM-MD1 Activities in a SASM²²</u> Activity status when compliance is not achieved with R3.1 or R3.3: DIS <u>Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).²³</u>

All Infrastructure

INF-R4	Temporary Infrastructure	
All Zones	Activity Status: PER Where: 1. The temporary infrastructure is located on a site for no more than 12 months and is removed from the site when the works or activity for which the temporary infrastructure is required is complete.	Activity status when compliance is not achieved with R4.1: RDIS Matters of discretion are restricted to: a. The necessity for a longer timeframe. b. The adverse effects, including cumulative adverse effects, of the temporary infrastructure on the anticipated character and

²¹ TRoNT (12.04)

²² TRoNT (12.04)

²³ **Clause 16(2) amendment**

	<u>And the activity complies with the following standards:</u> INF-S2, INF-S5	amenity values of the surrounding environment. <u>Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).</u>²⁴
INF-R5	Navigational Aids, Meteorological, Sensing and Environmental Monitoring Equipment (including air quality and meteorological)	
All Zones	Activity Status: PER Where: - Any structure does not exceed 1.85m <u>in above the height limit otherwise applying in the zone, precinct or overlay in which the building is located</u>²⁵ and 6m² in footprint, but excluding any lightning rods, antennas, earth peak or GPS unit and their associated mounting structures; <u>or</u> - Where the equipment is attached to <u>a pole, tower or other support structure, it complies with INF-S3.</u>²⁶ And the activity complies with the following standards: INF-S2, INF-S5	Activity status when compliance is not achieved with R5.1: RDIS Matters of discretion are restricted to: INF-MD1 Scale, Location and Design of Infrastructure Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R6	Any Infrastructure Buildings or Structure, or Accessory Building to Infrastructure Not Otherwise Listed	
All Zones	Activity Status: PER Where: - Any building or structure does not exceed: 50m² in gross floor area; and 4m in height in any residential or rural lifestyle zone; or - In other zones the height limit otherwise applying in the zone, precinct or overlay in which the building is located. - Buildings more than 10m² in gross floor area or over 3.5m in height are set back:	Activity status when compliance is not achieved with R6.1 or R6.2: RDIS Matters of discretion are restricted to: INF-MD1 Scale, Location and Design of Infrastructure <u>Where compliance is not achieved with R6.1.a or R6.1.c, and the activity is located within an area identified in SASM-SCHED1, SCHED-2 or SCHED-4, SASM-MD1 Activities in a SASM</u>²⁷ Activity status when compliance is not achieved with R6.3: RDIS Matters of discretion are restricted to:

²⁴ Clause 16(2) amendment

²⁵ Telcos (2.18)

²⁶ Telcos (2.18)

²⁷ TRoNT (12.07)

Appendix 1: INF CHAPTER
PC26 DECISION VERSION

	a. from the road boundary by a distance of not less than half the height of the structure; and b. from any internal boundary with a residential zone by a distance of not less than half the height of the structure. 3. Any building or structure located in an ONF or ONL must be finished in materials with a maximum reflectance value of 30%. And the activity complies with the following standards: INF-S1, INF-S2, INF-S3, <u>INF-S5</u>	INF-MD2 Reflectivity Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R7	Below Ground Infrastructure	
All Zones	Activity Status: PER Where the activity complies with the following standards: INF-S1, <u>INF-S5</u>, EW-S4	Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R8	New Lines and Associated Support Structures Including Towers and Poles	
All Zones	Activity Status: PER Where: 1. Where located within a Residential, Rural Lifestyle, Open Space, Commercial and Mixed Use, Industrial or Pukaki Village Zone: a. any new lines must be located underground; or b. any extension to an existing overhead line must involve no more than three additional support structures. 2. Any new lines, or any extension to an existing overhead line of more than three additional support structures, is not located within an ONL or ONF. Where the activity complies with the following standards: INF-S1, INF-S2, and INF-S3, <u>INF-S5</u>	Activity status when compliance is not achieved with R8.1: RDIS Matters of discretion are restricted to: a. The bulk, height, location and design of the lines and associated structures. b. The visibility of the lines and support structures and their compatibility with the amenity values of the respective zone, overlay or precinct and the extent to which any adverse visual amenity effects can be avoided, remedied or mitigated. Activity status when compliance is not achieved with R8.2: RDIS a. Whether there is a demonstrated functional need or operational need for the location of the activity. b. The extent to which adverse effects on the values of the ONL or ONF have been avoided as far as practicable through the proposal. c. The appropriateness of measures to remedy or mitigate

Appendix 1: INF CHAPTER
PC26 DECISION VERSION

		adverse effects that cannot be avoided. d. The effectiveness of any proposed offsetting or compensation measures. e. The functional needs and operational needs of the activity. f. The benefits of the activity. Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R9	Reservoirs Containing less than 22,700 litres, Wells and Supply Intakes for the Reticulation or Provision of Public a²⁸ Water Supply	
All Zones	Activity Status: PER Where: 1. The activity is not located within an area identified in SASM-SCHED3.²⁹ Where the activity complies with the following standards: INF-S1, INF-S5, EW-S4	Activity status when compliance is not achieved with R9.1: RDIS Matters of discretion are restricted to: SASM-MD1 Activities in a SASM Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R10	Irrigation and Stock Water Races, Open Drains and Channels	
All Zones	Activity Status: PER Where: 1. The activity is not located within an area identified in SASM-SCHED3.³⁰ Where the activity complies with the following standards: INF-S1, INF-S5, EW-S4	Activity status when compliance is not achieved with R9.1: RDIS Matters of discretion are restricted to: SASM-MD1 Activities in a SASM Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R10A	Infrastructure Located Entirely Within an Existing Building³¹	
All Zones	Activity Status: PER	
INF-R11	Any Infrastructure not Otherwise Listed	
All Zones	Activity Status: DIS	

²⁸ OWL (16.12)

²⁹ Relates to PC24 - I. Morrison (2.02) and A. Anderson (20.01)

³⁰ Relates to PC24 - I. Morrison (2.02) and A. Anderson (20.01)

³¹ Telcos (2.27)

Telecommunications

INF-R12	Customer Connections³²	
All Zones	Activity Status: PER	Activity status when compliance is not achieved: N/A
INF-R13	Telecommunications (not regulated under NESTF)	
All Zones	Activity Status: PER Where: 1. any panel antenna: a. does not exceed a width of 0.7m; and b. where located in a road reserve, fits within an envelope of 3.5m in length and 0.7m in width; 2. any dish antenna does not exceed a diameter of 1.2m in a residential zone or 3m in any other zone; 3. any omni directional 'whip' or dipole antenna does not exceed: a. 1.6m in vertical length; b. 60mm in diameter; and c. 1.5m in horizontal length; 4. any headframe does not exceed: a. 2.5m in diameter in Residential Zones outside the road reserve; b. the dimensions set out in 1(b) above in Residential Zones within the road reserve; or c. 6m in diameter in all other zones; 5. any antenna attached to a building does not exceed a height of 5m above the point it is attached to the building; 6. any telecommunications cabinet does not exceed a footprint of 2.5m² or a height above ground level of 2m; 7. any group of telecommunications cabinets does not exceed a footprint of 3m²; and 8. Any pole or telecommunications cabinet located in an ONF or ONL	Activity status when compliance is not achieved with R13.1-R13.7: RDIS Matters of discretion are restricted to: INF-MD1 Scale, Location and Design of Infrastructure Activity status when compliance is not achieved with R13.8: RDIS Matters of discretion are restricted to: INF-MD2 Reflectivity Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).

³² Clause 16(2)

Appendix 1: INF CHAPTER
PC26 DECISION VERSION

	must be finished in materials with a maximum reflectance value of 30%. And the activity complies with the following standards: INF-S1, INF-S2, and INF-S3, INF-S5	
INF-R14	Telecommunications regulated under NESTF, but which do not meet the permitted activity standards in Regulations 27, 29, 31, 33 or 35 of the NESTF	
All Zones	Activity Status: CON Where: - for panel antenna a width of 0.8m is not exceeded; - for dish antenna, the antenna does not exceed a diameter of: 1.2m in a residential zone; or 3m in all other zones. - Any pole or telecommunications cabinet located in an ONF or ONL must be finished in materials with a maximum reflectance value of 30%. And the activity complies with the following standards: INF-S1, INF-S2, and INF-S3, INF-S5 Matters over which control are reserved: INF-MD1 Scale, Location and Design of Infrastructure	Activity status when compliance is not achieved with R14.1 – 14.2 RDIS Matters of discretion are restricted to: INF-MD1 Scale, Location and Design of Infrastructure Activity status when compliance is not achieved with R14.3: RDIS Matters of discretion are restricted to: INF-MD2 Reflectivity Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R15	Antenna attached to a building and regulated under NESTF, but which do not meet the permitted activity standards in Regulations 37 of the NESTF	
All Zones	Activity Status: CON Where: - any panel antenna does not exceed a maximum face area of 2m²; - any antenna attached to a building does not exceed a height of 5m above the point it is attached to the building. Matters over which control are reserved: INF-MD1 Scale, Location and Design of Infrastructure	Activity status when compliance is not achieved with R15.1 or R15.2: RDIS Matters of discretion are restricted to: INF-MD1 Scale, Location and Design of Infrastructure Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).

INF-R16	Telecommunication cabinets regulated under NESTF, but which do not meet the permitted activity standards in Regulations 20, 21 or 22 of the NESTF	
All Zones	Activity Status: CON Where: 1. any cabinet does not exceed a footprint of 2.5m² or a height above ground level of 2m; or 2. a group of telecommunications cabinets do not exceed a footprint of 3m². 3. Any telecommunications cabinet(s) located in an ONF or ONL must be finished in materials with a maximum reflectance value of 30%. Matters over which control are reserved: INF-MD1 Scale, Location and Design of Infrastructure	Activity status when compliance is not achieved with R16.1 – 16.2 RDIS Matters of discretion are restricted to: INF-MD1 Scale, Location and Design of Infrastructure Activity status when compliance is not achieved with R16.3: RDIS Matters of discretion are restricted to: INF-MD2 Reflectivity Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).

Activities in the National Grid Yard

INF-R17	Accessory Buildings to any Sensitive Activity within the National Grid Yard	
All Zones	Activity Status: PER Where: 1. The accessory building does not include a habitable room (e.g. a sleepout); 2. The accessory building is located more than 12m from a National Grid³³ support structure; and 3. The accessory building is no more than 2.5m in height and no more than 10m² in area. And the activity complies with the following standards: INF-S4	Activity Status where compliance not achieved with R17.1 – 17.3: NC Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R18	Network Utility Operation, Infrastructure and Electricity Generation that Connects to the National Grid within the National Grid Yard	
All Zones	Activity Status: PER Where the activity complies with the following standards: INF-S4	Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).

³³ Transpower (7.01)

INF-R19	Fences within the National Grid Yard	
All Zones	Activity Status: PER Where: The fence is located at least 5m from a <u>N</u>ational <u>G</u>rid³⁴ pole, or 6m from a <u>N</u>ational <u>G</u>rid³⁵ tower. And the activity complies with the following standards: INF-S4	Activity Status where compliance not achieved with R19.1: NC Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R20	Ancillary Stockyards and Platforms, Including those Associated with Milking Sheds within the National Grid Yard	
All Zones	Activity Status: PER Where: The stockyard or platform is located more than 12m from a <u>N</u>ational <u>G</u>rid³⁶ support structure. And the activity complies with the following standards: INF-S4	Activity Status where compliance not achieved with R20.1: NC Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R21	Uninhabited Farm and Horticultural Buildings and Structures within the National Grid Yard	
All Zones	Activity Status: PER Where: The building or structure is located more than 12m from a <u>N</u>ational <u>G</u>rid³⁷ support structure. And the activity complies with the following standards: INF-S4	Activity Status where compliance not achieved with R21.1: NC Activity status when compliance with standard(s) is not achieved: Refer to relevant standard(s).
INF-R22	Artificial Crop Protection Structures or Crop Support Structures within the National Grid Yard	
All Zones	Activity Status: PER Where: The structure does not exceed 2.5m in height; and	Activity Status where compliance not achieved with R22.1: NC

³⁴ Transpower (7.01)

³⁵ Transpower (7.01)

³⁶ Transpower (7.01)

³⁷ Transpower (7.01)

**Appendix 1: INF CHAPTER
PC26 DECISION VERSION**

	2. The structure is located at least 8m from a <u>National Grid</u>³⁸ transmission line pi-pole <u>and 12m from any other National Grid support structure</u>³⁹; and 3. The structure is removable or temporary to allow a clear working space of 12m from the pi-pole for maintenance; and 4. All weather access and a sufficient area for maintenance equipment, including a crane, is provided to the transmission line pi-pole. And the activity complies with the following standards: INF-S4	
INF-R23	Alterations and Additions to an Existing Building or Structure for a Sensitive Activity within the National Grid Yard	
All Zones	Activity Status: PER Where: 1. The alteration or addition does not result in an increase in the building height or footprint.	Activity Status where compliance not achieved with R23.1: NC
INF-R24	New Sensitive Activities (including the use of an existing building for a new Sensitive Activity), within the National Grid Yard	
All Zones	Activity Status: NC	
INF-R25	Wintering barns, commercial greenhouses, immovable protective canopies, produce packing facilities and milking sheds within the National Grid Yard	
All Zones	Activity Status: NC	
INF-R26	Buildings or structures for the handling or storage of hazardous substances with explosive or flammable intrinsic properties within the National Grid Yard, excluding the accessory use and storage of hazardous substances in domestic scale quantities	
All Zones	Activity Status: NC	
INF-R27	Any Other Activity, Building or Structure within the National Grid Yard Not Otherwise Listed	
All Zones	Activity Status: NC	

³⁸ Transpower (7.01)

³⁹ Transpower (7.34)

Activities in the Electricity Distribution Corridor

INF-R28	Alterations and Additions to an Existing Building or Structure within the Electricity Distribution Corridor	
All Zones	Activity Status: PER Where: 1. The alteration or addition does not result in an increase in the building height or footprint.	Activity status when compliance is not achieved with R28.1: RDIS Matters of discretion are restricted to: INF-MD3 Activities in the Electricity Distribution Corridor <i>Advice Note: Any application arising from this rule shall not be subject to public notification but may be limited notified only to the relevant electricity distribution line operator, unless their written approval is provided.</i>
INF-R29	Fences within the Electricity Distribution Corridor	
All Zones	Activity Status: PER Where: 1. The fence does not exceed 2.5m in height.	Activity status when compliance is not achieved with R29.1: RDIS Matters of discretion are restricted to: INF-MD3 Activities in the Electricity Distribution Corridor <i>Advice Note: Any application arising from this rule shall not be subject to public notification but may be limited notified only to the relevant electricity distribution line operator, unless their written approval is provided.</i>
INF-R30	Buildings (excluding accessory buildings), Sensitive Activities, or the use of an existing building for a new sensitive activity, within the Electricity Distribution Corridor	
All Zones	Activity Status: RDIS Matters of discretion are restricted to: INF-MD3 Activities in the Electricity Distribution Corridor <i>Advice Note: Any application arising from this rule shall not be subject to public notification but may be limited notified only to the relevant electricity distribution line operator, unless their written approval is provided.</i>	
INF-R31	The storage of hazardous substances with explosive or flammable intrinsic properties within the Electricity Distribution Corridor, excluding the accessory use and storage of hazardous substances in domestic scale quantities	
All Zones	Activity Status: RDIS	

**Appendix 1: INF CHAPTER
PC26 DECISION VERSION**

	Matters of discretion are restricted to: INF-MD3 Activities in the Electricity Distribution Corridor <i>Advice Note: Any application arising from this rule shall not be subject to public notification but may be limited notified only to the relevant electricity distribution line operator, unless their written approval is provided.</i>	
--	---	--

Standards

INF-S1	Sensitive Areas	Activity Status where compliance not achieved:
All Zones	Unless located within road reserve, the infrastructure is located outside of any sensitive area.	RDIS Matters of discretion are restricted to: - Whether there is a demonstrated functional need or operational need for the location of the activity. - The extent to which adverse effects on the values of the sensitive area have been avoided as far as practicable through the proposal. - The appropriateness of measures to remedy or mitigate adverse effects that cannot be avoided. - The effectiveness of any proposed offsetting or compensation measures. - The benefits of the activity.
INF-S2	Radiofrequency, Electric and Magnetic Fields	Activity Status where compliance not achieved:
All Zones	- Any infrastructure involving radiofrequency fields must not exceed the levels specified in NZS 2772:1999 'Radiofrequency Fields – Maximum exposure levels – 3kHz to 300 GHz.' - Any infrastructure that emits electric and magnetic fields must comply with the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time-varying electric	NC

Appendix 1: INF CHAPTER
PC26 DECISION VERSION

	and magnetic fields (1 Hz – 100 Hz), Health Physics 99(6):818-836; 2010.	
INF-S3	Pole and Tower Height	Activity Status where compliance not achieved:
All Zones	1. The height of any pole, tower or other support structure shall not exceed: 5m above the permitted height limit in any residential, <u>Neighbourhood Centre or commercial and Mixed Use, or industrial zone.</u> 25m in any <u>industrial or Rural Lifestyle Zone.</u> <u>ba. 35m in any General Rural Zone outside an ONF or ONL.</u> 20m in any <u>General</u>⁴⁰ Rural Zone within an ONF or ONL. 20m in any other zone. <u>e. 5m above any limit specified in a. –d. above, where two or more telecommunication network operators are utilising the same pole or tower.</u>⁴¹ Except that 1. above does not apply to any lightning rods, <u>GPS gps</u>⁴² antennas, and their associated mounting structures, where these do not exceed: - the maximum height in 1. above by 3.5m, <u>and.</u> 2. <u>Any panel or dish antenna attached to a pole, tower or other support structure shall not exceed:</u> <u>the heights specified for each zone in INF-S3(1) above.</u> <u>either a width of 700mm for any penal antenna. or</u> <u>1.2m in diameter for a dish antenna.</u>⁴³	RDIS Matters of discretion are restricted to: INF-MD1 Scale, Location and Design of Infrastructure <u>Where located within a site identified in SASM-SCHED1, SASM-MD1 Activities in a SASM</u>⁴⁴

⁴⁰ Clause 16(2) amendment

⁴¹ Telcos (2.29) amendment

⁴² Clause 16(2) amendment

⁴³ Evidence of Tim Anderson (Telcos)

⁴⁴ TRoNT (12.07)

Appendix 1: INF CHAPTER
PC26 DECISION VERSION

INF-S4	National Grid Yard	Activity Status where compliance not achieved:
All Zones	- Any buildings or structures in the <u>National Grid</u>⁴⁵ yard must comply with the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP34:2001). - Any building, structure or activity within the <u>National Grid</u>⁴⁶ yard must not permanently physically impede vehicular access to a <u>National Grid</u>⁴⁷ support structure.	NC
INF-S5	Indigenous Vegetation Clearance	Activity Status where compliance not achieved:
All Zones	<u>The activity does not involve the clearance of any indigenous vegetation.</u>	RDIS Matters of discretion are restricted to: <u>Whether there is a demonstrated functional or operational need for the location of the activity.</u> <u>The extent to which adverse effects on the values of the <u>indigenous vegetation</u>⁴⁸ have been avoided as far as practicable through the proposal.</u> <u>The appropriateness of measures to remedy or mitigate adverse effects <u>on indigenous vegetation</u>⁴⁹ that cannot be avoided.</u> <u>Any proposed offsetting that accords with the principles set out in Appendix 3 to the National Policy Statement for Indigenous Biodiversity 2023.</u> <u>Any proposed biodiversity compensation that accords with the principles set out in Appendix 4 to the National Policy Statement for Indigenous Biodiversity 2023.</u> <u>The location of existing electricity generation and distribution infrastructure and the extent to which the proposal contributes to its efficient use.</u>⁵⁰

⁴⁵ Transpower (7.01)

⁴⁶ Transpower (7.01)

⁴⁷ Transpower (7.01)

⁴⁸ Clause 16(2) amendment

⁴⁹ Clause 16(2) amendment

⁵⁰ Clause 10(2)(b) relating to Genesis (15.12) and Meridian (18.29)

Matters of Control or Discretion

INF-MD1 Scale, Location and Design of Infrastructure

- a. The purpose of, and necessity for, any breach in the height or size limits.
- b. The potential impact on the levels of service or health and safety if the activity is not undertaken.
- c. Any functional needs and operational needs of the infrastructure.
- d. The bulk, height, location and design of the infrastructure, including any associated buildings or structures
- e. The amenity values of the respective zone, overlay or precinct and the extent to which any adverse visual amenity effects can be avoided, remedied or mitigated.
- f. The location of infrastructure, including the need for connections to existing networks and services.
- g. The benefits of the infrastructure proposed.

INF-MD2 Reflectivity

- a. The visual effects of the proposal on the values of the ONF/ONL.
- b. The functional needs and operational needs of the activity.
- c. The benefits of the infrastructure proposed.

INF-MD3 Activities in the Electricity Distribution Corridor

- a. The extent to which the activity complies with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).
- b. Adverse effects or risks on the on-going efficient operation, maintenance, development and upgrade of the electricity distribution network.
- c. The provision of continued reasonable access to existing distribution lines and support structures for maintenance, inspections and upgrading.
- d. The outcome of any consultation with, and technical advice from the relevant electricity distribution line operator.

Note – This plan change has shown in the relevant location provisions that are from the operative Mackenzie District Plan, which were introduced by Plan Change 13 (Section 7 Rural Zones: Rural Objective 3B(2); Policy 3B6(c) and (d); and Policy 3B8). These provisions are shaded in grey to identify them. The provisions to be carried over are shown in this plan change for context, but are not within the scope of Plan Change 26. This means the grey shaded provisions are not being reviewed as part of this plan change, they are not within the scope of matters assessed (under section 32) nor are they within the scope of matters to be submitted on as part of this plan change.

The grey shaded provisions that are out of scope of this plan change do have some minor layout and numbering changes made to them under Clause 16 First Schedule, to include them in the National Planning Standard format. These minor changes do not affect the content of the provisions.

Renewable Electricity Generation

Introduction

This chapter contains District-wide provisions relating to renewable electricity generation activities.

Energy efficiency and the use and development of renewable energy are matters the District Plan must have particular regard to under section 7 of the Act. The District Plan must also give effect to the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG), which requires recognition of that the national significance of renewable electricity generation and the national, regional, and local benefits of renewable electricity generation activities, such as increasing electricity capacity and security of supply while displacing greenhouse gas emissions, are recognised and provided for in district plans.

There are significant renewable energy resources located within the District. Part of the nationally significant Waitaki Power Scheme, which is the largest hydro-electric power scheme in New Zealand, is located within the District. The District also contains the Opuha Hydro-electric Power Scheme. There is also increasing interest in solar power generation in the District, due to the high amount of irradiance, particularly in Te Manahuna / the Mackenzie Basin. At a domestic scale, there are renewable electricity options such as solar water heating and solar panels.

The NPS-REG directs that the development, operation, maintenance and upgrading of both new and existing renewable electricity generation activities is provided for, in order to increase the proportion of electricity generated from renewable energy sources, thereby displacing use of non-renewable energy sources and reducing carbon emissions. These activities often have a functional need or operational need to be in a particular location, but can have adverse effects on the environment, particularly in areas which have important natural values or mana whenua values. This chapter provides direction on how renewable electricity generation activities are to be provided for, while ~~appropriately~~ managing the potential⁵¹ adverse effects of these activities.

~~The provisions in other chapters of this District Plan do not apply to activities managed in this chapter, except as follows:~~

In addition to the provisions in this chapter, the provisions in Table 1 also apply to renewable electricity generation activities. Beyond the provisions listed in Table 1, no other provisions in this

⁵¹ Genesis (15.11) and Meridian (18.28)

**Appendix 1: REG CHAPTER
PC26 DECISION VERSION**

plan apply to renewable electricity generation activities, except where specified within the provisions of this chapter.

- Natural Hazards
- Historical Heritage
- Notable Trees
- Ecosystems and Indigenous Biodiversity, but excluding Policies 2 and 3.
- Activities on the Surface of Water
- Light
- Noise
- Signs

Table 1

Topic	Plan Provisions that Apply to Activities Managed in this Chapter
<u>Strategic Directions</u>	<u>All provisions in the ATC, MW, NE and UFD chapters</u>
<u>Natural hazards</u>	<u>Section 5 – Business Objective 4</u> <u>Section 7 – Rural Objective 7, Rural Policies 7A & 7B</u> <u>Section 18 – Objective 1 and all policies</u>
<u>Historic heritage</u>	<u>All provisions in Section 11 – Heritage Protection</u>
<u>Notable trees</u>	<u>All provisions in Section 11 – Heritage Protection</u>
<u>Ecosystems and Indigenous Biodiversity</u>	<u>Section 19 – Ecosystems and Indigenous Biodiversity - Rules 2.1.1 and 2.2.1 (relating to the Waitaki Power Scheme and Opuha Scheme) and the Objective and Policies 1, 5, 7 and 8 but only insofar as they apply to the activities managed by Rules 2.1.1 and 2.2.1⁵²</u>
<u>Activities on the Surface of Water</u>	<u>Section 7 - Rural Objective 8, Rural Policies 8A – 8H, and Rules 7A – Activities on or Within Waterbodies</u>
<u>Lighting</u>	<u>All provisions in the Light Chapter</u>
<u>Noise</u>	<u>Section 5 – Rules 1.3.1.b, 1.5.1, 1.6.1, 3.3.6.g, 3.5.1</u> <u>Section 6 – Rule 12</u> <u>Section 7 – Rules 15.1.1, 15.1.1h and 15.2.1</u> <u>Section 8 – Rule 1.7.7</u>
<u>Signs</u>	<u>All provisions in Section 12 – Signs and Aerial Distractions</u>

The provisions in the earthworks chapter do not apply to earthworks which form part of the activities managed in this chapter, except for the construction of new roads or access tracks.

⁵² [Clause 16\(2\) amendment](#)

Objectives and Policies

Objectives	
REG-O1	General Output
The output from renewable electricity generation activities in the District for national, regional and local use is maintained or ⁵³ increased to support achievement of the New Zealand Government's national target for renewable electricity generation.	
REG-O2	Adverse Effects
The adverse effects of renewable electricity generation activities are appropriately managed in a way that recognises and provides for the national significance of renewable electricity generation activities.	
REG-O3	Te Manahuna / Mackenzie Basin ONL Subzone - Waitaki Power Scheme
To maintain and develop structures and works for the Waitaki Power Scheme: 1. within the existing footprints of the Takapō / Tekapo-PukakiPūkaki and OhauŌhau Canal Corridor, the Tekapo, PukakiPūkaki and OhauŌhau Rivers, along the existing transmission lines, and in the Crown-owned land containing Lakes Takapō / Tekapo, PukakiPūkaki, Ruataniwha and OhauŌhau and subject only (in respect of landscape values) to the objectives, policies and methods of implementation within Chapter 15 (Utilities) this chapter, except for management of exotic tree species in respect of which all objective (1) NFL-O3(1) and all implementing policies and methods in this section the NFL Chapter apply; 2. elsewhere within Te Manahuna / the Mackenzie Basin subzone ONL so as to achieve NFL-O3(1) objective (1) above.	

Policies	
REG-P1	Benefits
Recognise and provide for the national, regional, and local benefits of renewable electricity generation activities <u>and assets</u> ⁵⁴ , including avoiding, reducing, or displacing greenhouse gas emissions.	
REG-P2	Te Manahuna / Mackenzie Basin ONL Subzone – Renewable Energy
To recognise and provide for the use and development of renewable energy generation and transmission infrastructure and operations within the footprint of current operations or on land owned by infrastructure operators as at 1 October 2011 while, as far as practicable, avoiding, remedying or mitigating significant adverse effects on the outstanding natural landscape and features of Te Manahuna / the Mackenzie Basin .	
REG-P3	Lakeside Protection Areas
1. Provide for the upgrading, maintenance and enhancement of the existing elements of the Waitaki Power Scheme; and 2. Avoid, remedy or mitigate the adverse impacts of further buildings and structures required for the Waitaki Power Scheme on the landscape values and character of the Basin's lakes and their margins.	
REG-P3A	Opuha Scheme and the Waitaki Power Scheme
Despite REG-P2 and REG-P3, enable the operation, maintenance and upgrade of the: 1. Opuha Scheme; and 2. Waitaki Power Scheme within its existing footprint and core sites.⁵⁵	

⁵³ Grampians Station (21.16)

⁵⁴ Genesis (15.17)

⁵⁵ Clause 16(2) amendment

REG-P4	Investigation Activities and Small-Scale Renewable Electricity Generation Activities
Enable:⁵⁶ 1. investigation and identification of renewable electricity generation sources; and 2. small-scale renewable electricity generation activities while managing adverse effects <u>on the environment</u> relative to the sensitivity of the area in which they are located.	
REG-P5	Other Renewable Electricity Generation Activities
Provide for renewable electricity generation (not otherwise specified in <u>REG-P2, REG-P3,</u>⁵⁷ <u>REG-P3A, REG-P4 or REG-P6</u>⁵⁸), while managing adverse effects by: 1. avoiding, remedying or mitigating <u>significant</u>⁵⁹ adverse effects as far as practicable; 2. minimising other effects;⁶⁰ 3. <u>where residual adverse effects remain, having regard to any proposed offsetting measures and/or environmental compensation proposed</u>⁶¹; and 4. having particular regard to the <u>practical constraints associated with renewable electricity generation activities, including the:</u> a. functional needs and operational needs of renewable electricity generation activities; <u>and</u> b. location and efficient use of existing electricity generation, transmission and distribution infrastructure; <u>and</u> c. <u>the need to locate the renewable electricity generation activity where the renewable energy resource is located.</u>⁶²	
REG-P6	Other Renewable Electricity Generation Activities – Within areas of significant indigenous vegetation and significant habitats of indigenous fauna, ONLs, ONFs, riparian areas and SASM or on highly productive land
Provide for renewable electricity generation activities (not otherwise specified in <u>REG-P3 and REG-P4</u>⁶³) within areas of significant indigenous vegetation and significant habitats of indigenous fauna, Outstanding Natural Landscapes, Outstanding Natural Features, Sites and Areas of Significance to Māori, riparian areas, or within area of Highly Productive Land, where: 1. there is a functional need or operational need for the activity to be in that location; 2. adverse effects on the values of the area are avoided as far as practicable, including through site, route or method selection, design measures and other management methods; 3. adverse effects <u>on the values of the area</u>⁶⁴ that cannot be avoided are remedied or mitigated, where practicable; 4. <u>other adverse effects (that do not affect the values of the area) are avoided, remedied or mitigated as far as practicable;</u>⁶⁵ 5. regard is had to any <u>proposed</u>⁶⁶ offsetting measures or environmental compensation, where there are <u>significant</u> residual adverse effects that cannot be avoided, remedied or mitigated; and	

⁵⁶ Clause 16(2) **amendment**

⁵⁷ Genesis (15.22) and Meridian (18.39)

⁵⁸ Simpson Family (9.06) and EDS (10.05, 10.06)

⁵⁹ Relates to Genesis (15.22) and Meridian (18.39)

⁶⁰ Genesis (15.22) and Meridian (18.39)

⁶¹ Genesis (15.22) and Meridian (18.39)

⁶² Genesis (15.22) and Meridian (18.39)

⁶³ Genesis (15.22) and Meridian (18.39)

⁶⁴ Simpson Family (9.06) and EDS (10.05, 10.06)

⁶⁵ Simpson Family (9.06) and EDS (10.05, 10.06)

⁶⁶ Genesis (15.23) and Meridian (18.40)

6. <u>particular regard is had to the practical constraints associated with renewable electricity generation activities, including the:</u> a. <u>location and efficient use of existing electricity generation, transmission and distribution infrastructure; and</u> b. <u>the need to locate the renewable electricity generation activity where the renewable energy resource is located.</u>⁶⁷ 7. following application of 1. – 4. above, there are no significant adverse effects remaining.⁶⁸ <u>The direction in REG-P6 does not apply in relation to managing adverse effects on the outstanding natural landscape and features of Te Manahuna / the Mackenzie Basin where REG-P2 applies.</u>

Rules

REG-R1	Operation and maintenance of an existing hydroelectric power station and associated structures	
All Zones	Activity Status: PER	
REG-R2	Upgrade of an existing hydroelectric power station and associated⁶⁹ structures associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme	
All Zones	Activity Status: PER	
REG-R3	Upgrade of an existing structure within an operating easement of the Waitaki Power Scheme	
All Zones	Activity Status: PER Where: 1. Any modification or addition does not result in more than 20m² of additional land being utilised for <u>any buildings, structures and or ancillary activities utilising more than 20m² of additional land from that utilised as at [date rule is made operative], or the height of any existing building being increased by more than 2.5 metres from its height as at [date rule is made operative].</u>⁷⁰	Activity status when compliance is not achieved with R3.1: CON Matters over which control are reserved: REG-MD1 Existing Hydroelectric Power
REG-R4	Development of new renewable electricity generation activities associated with an existing hydroelectric power station, <u>within the existing footprint of, or core sites associated with, the Waitaki Power Scheme</u>⁷¹, including associated structures	
All Zones	Activity Status: CON	Activity status when compliance is not achieved with R4.1: RDIS

⁶⁷ Simpson Family (9.06) and EDS (10.05, 10.06)

⁶⁸ Genesis (15.23) and Meridian (18.40)

⁶⁹ Genesis (15.25) and Meridian (18.24)

⁷⁰ F&B (13.09)

⁷¹ DOC (3.10) and F&B (13.10)

	Where: 1. The development will not result in an increase in the maximum operating level of a lake or water storage area authorised at the date this rule was notified, or create a new lake or water storage area. Matters over which control are reserved: REG-MD1 Existing Hydroelectric Power	Matters of discretion are restricted to: REG-MD2 Maximum Operating Level Changes
REG-R5	<u>Investigation Activities Including Associated Clearance of Indigenous Vegetation and Earthworks for Roads and Access Tracks</u>⁷²	
All Zones (except as specified below)	Activity Status: PER Where: 1. The investigation, identification or assessment activity is located on site for no more than 60 36⁷³ months. 2. Any structure shall be set back from the road boundary, or internal boundary of any site in separate ownership, the equivalent distance to the height of the structure. 3. <u>The activity is outside areas of significant indigenous vegetation and significant habitats of indigenous fauna.</u> 4. <u>The earthworks associated with any new road or access track comply with the permitted activity conditions and standards in EW-R4.</u>	Activity status when compliance is not achieved with R5.1: RDIS Matters of discretion are restricted to: a. Any functional or operational reason for an extended timeframe. b. The appropriateness of measures to avoid, remedy or mitigate adverse effects. Activity status when compliance is not achieved with R5.2: RDIS a. The location, design, scale and appearance of the building or structure. b. For road boundaries, adverse effects on the streetscape. c. For internal boundaries, the extent of adverse effects on privacy, outlook, shading, and other amenity values for the adjoining property. d. Any functional or operational reason that structures cannot be setback in accordance with R5.2. e. The adequacy of any mitigation measures. <u>Activity status when compliance is not achieved with R5.3: RDIS</u> <u>Matters of discretion are restricted to:</u>

⁷² Clause 16(2) amendment

⁷³ F&B (13.12)

		<u>REG-MD5 Significant Vegetation and Habitats</u> <u>Activity status when compliance is not achieved with R5.4, but EW-S6 is complied with: RDIS</u> <u>Matters of discretion are restricted to:</u> 1. <u>The visual effects on landscape values.</u> 2. <u>Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM.</u> 3. <u>Where compliance with EW-S1, EW-S2, EW-S3 or EW-S4 is not achieved, the matters of discretion set out in the relevant standard.</u> <u>Activity status when compliance is not achieved with R5.4 and EW-S6: NC</u>
Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas, Māori Rock Art Protection Areas⁷⁴ and Silent File Areas	Activity Status: PER Where: 5. The investigation, identification or assessment activity is located on site for no more than 60 36⁷⁵ months. 6. Any structure does not exceed 1.8m in height and 6m² in footprint, but excluding any anemometer mast, weather stations, lightning rods, antennas, earth peak or GPS unit and their associated mounting structures. 7. <u>The activity is outside areas of significant indigenous vegetation and significant habitats of indigenous fauna.</u> 8. <u>The earthworks associated with any new road or access track comply with the permitted activity conditions and standards in EW-R4.</u>	Activity status when compliance is not achieved with R5.5: RDIS Matters of discretion are restricted to: a. Any functional or operational reason for an extended timeframe. b. The appropriateness of measures to avoid, remedy or mitigate adverse effects. Activity status when compliance is not achieved with R5.6: RDIS Matters of discretion are restricted to: REG-MD3 Specified Areas <u>Activity status when compliance is not achieved with R5.7: RDIS</u> <u>Matters of discretion are restricted to:</u> <u>REG-MD5 Significant Vegetation and Habitats</u>

⁷⁴ Relates to PC24 - I. Morrison (2.02) and A. Anderson (20.01)

⁷⁵ F&B (13.12)

		<u>Activity status when compliance is not achieved with R5.8, but EW-S6 is complied with: RDIS</u> <u>Matters of discretion are restricted to:</u> 6. <u>The visual effects on landscape values.</u> 7. <u>Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM.</u> 8. <u>Where compliance with EW-S1, EW-S2, EW-S3 or EW-S4 is not achieved, the matters of discretion set out in the relevant standard.</u> <u>Activity status when compliance is not achieved with R5.8 and EW-S6: NC</u>
REG-R6	<u>Small-scale Renewable Electricity Generation Activities including Associated Clearance of Indigenous Vegetation and Earthworks for Roads and Access Tracks</u>⁷⁶	
Outside Areas Specified Below	Activity Status: PER Where: 1. Any building or structure, or additions to an existing building or structure shall comply with height limit for the zone in which the activity is located. 2. <u>The activity is outside areas of significant indigenous vegetation and significant habitats of indigenous fauna.</u> 3. <u>The earthworks associated with any new road or access track comply with the permitted activity conditions and standards in EW-R4.</u>	<u>Activity status when compliance is not achieved with R6.1: RDIS</u> <u>Matters of discretion are restricted to:</u> a. The matters of discretion relating to height specified in the relevant zone chapter. b. The appropriateness of measures to avoid, remedy or mitigate adverse effects. c. Operational needs of the activity. <u>Activity status when compliance is not achieved with R6.2: RDIS</u> <u>Matters of discretion are restricted to: REG-MD5 Significant Vegetation and Habitats</u> <u>Activity status when compliance is not achieved with R6.3, but EW-S6 is complied with: RDIS</u> <u>Matters of discretion are restricted to:</u> 1. <u>The visual effects on landscape values.</u>

⁷⁶ Clause 16(2) amendment

		2. <u>Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM.</u> 3. <u>Where compliance with EW-S1, EW-S2, EW-S3 or EW-S4 is not achieved, the matters of discretion set out in the relevant standard.</u> <u>Activity status when compliance is not achieved with R6.3 and EW-S6: NC</u>
Outstanding Natural Landscapes	Activity Status: PER Where: 4. Any building or structure, or additions to an existing building or structure, shall comply with NFL-S1 and NFL-S4. 5. <u>The activity is outside areas of significant indigenous vegetation and significant habitats of indigenous fauna.</u> 6. <u>The earthworks associated with any new road or access track comply with the permitted activity conditions and standards in EW-R4.</u>	Activity status when compliance is not achieved with R6.4: RDIS Matters of discretion are restricted to: - The visual effects of the proposal on the values of ONF/ONL. - The functional needs and operational needs of the activity. <u>Activity status when compliance is not achieved with R6.5: RDIS</u> Matters of discretion are restricted to: REG-MD5 Significant Vegetation and Habitats <u>Activity status when compliance is not achieved with R6.6, but EW-S6 is complied with: RDIS</u> Matters of discretion are restricted to: <u>The visual effects on landscape values.</u> <u>Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM.</u> <u>Where compliance with EW-S1, EW-S2, EW-S3 or EW-S4 is not achieved, the matters of discretion set out in the relevant standard.</u> <u>Activity status when compliance is not achieved with R6.6 and EW-S6: NC</u>
Scenic Viewing Areas, Scenic	Activity Status: PER Where:	Activity status when compliance is not achieved with R6.7: RDIS Matters of discretion are restricted to:

Grasslands, Lakeside Protection Areas	7. The activity is limited to additions to an existing building or structure. 8. The activity is outside areas of significant indigenous vegetation and significant habitats of indigenous fauna. 9. The earthworks associated with any new road or access track comply with the permitted activity conditions and standards in EW-R4.	REG-MD3 Specified Areas Activity status when compliance is not achieved with R6.8: RDIS Matters of discretion are restricted to: REG-MD5 Significant Vegetation and Habitats Activity status when compliance is not achieved with R6.9, but EW-S6 is complied with: RDIS Matters of discretion are restricted to: 1. The visual effects on landscape values. 2. Where any earthworks are within a SASM, those matters in SASM-MD1 Activities in a SASM. 3. Where compliance with EW-S1, EW-S2, EW-S3 or EW-S4 is not achieved, the matters of discretion set out in the relevant standard. Activity status when compliance is not achieved with R6.9 and EW-S6: NC
REG-R6A	Any new buildings or structures or accessory building to an existing hydroelectric power station associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme⁷⁷	
All zones	Activity Status: PER Where: 2. Any building or structure does not exceed: c. 50m² in gross floor area; and d. 4m in height in any residential or rural lifestyle zone; or e. In other zones the height limit otherwise applying in the zone, precinct or overlay in which the building is located. 3. Buildings more than 10m² in gross floor area or over 3.5m in height are set back: a. from the road boundary by a distance of not less than half	Activity status when compliance is not achieved with R6A.1, R6A.2 or R6A.3: RDIS Matters of discretion are restricted to: REG-MD1 Existing Hydroelectric Power

⁷⁷ OWL (16.30)

Appendix 1: REG CHAPTER
PC26 DECISION VERSION

	<u>the height of the structure;</u> <u>and</u> b. <u>from any internal boundary</u> <u>with a residential zone by a</u> <u>distance of not less than half</u> <u>the height of the structure.</u> 3. <u>Any building or structure located</u> <u>in an ONF or ONL must be finished</u> <u>in materials with a maximum</u> <u>reflectance value of 30%.</u>	
REG-R7	Any Renewable Electricity Generation Activities Not Otherwise Listed including Associated Clearance of Indigenous Vegetation and Earthworks for Roads and Access Tracks⁷⁸	
Outside Areas Specified Below	Activity Status: RDIS Matters of discretion are restricted to: REG-MD4 New Renewable Electricity Generation	
Within an area of significant indigenous vegetation or significant habitat of indigenous fauna, Outstanding Natural Landscape, Outstanding Natural Feature, Sites and Areas of Significance to Māori, a setback distance specified in Table NATC- 1, or on Highly Productive Land	Activity Status: DIS	

⁷⁸ Clause 16(2) amendment

Matters of Control or Discretion

REG-MD1 Existing Hydroelectric Power

- a. The nature of any visual effects of the building or structure on the skyline and open landscape.
- ~~b. The nature of any effects on any indigenous vegetation and habitats of indigenous fauna.⁷⁹~~
- c. The nature of any adverse effects on the environment from construction of the building or structure including earthworks, dust, run-off, sedimentation, noise and traffic.
- d. The location, bulk, height, cladding or colour of the proposed work.
- e. Landscaping, revegetation, and fencing.
- f. Earthworks.
- g. Location and construction of vehicle entry and exit points.
- h. Vehicle manoeuvring and parking areas.
- i. Where located within a SASM listed in SASM-SCHED1, SASM-SCHED2, SASM-SCHED3 or SASM-SCHED4, those matters in SASM-MD1 Activities in a SASM.⁸⁰

REG-MD2 Maximum Operating Level Changes

- a. The extent to which surrounding land would be inundated.
- b. The productive quality of soils of an area to be inundated.
- c. The degree to which the visual quality of the landscape will be affected.
- d. The social and economic impact on local communities.
- e. The extent to which an increased water body will affect the provision of roading and services within the locality.
- f. The potential for increased recreational opportunities.
- g. The degree to which Outstanding Natural Landscapes, Scheduled Heritage Items, Lakeside Protection Areas and Significant indigenous vegetation and significant habitats of indigenous fauna will be affected.
- h. The extent of effects on Sites and Areas of Significance to Māori.
- ~~i. The visual impact of roading.⁸¹~~
- j. The extent to which the activity exacerbates lakeshore erosion and/or weakening of hillslopes.

REG-MD3 Specified Areas

- a. Whether there is a demonstrated functional need or operational need for the location of the activity.
- b. The extent to which adverse effects on the values of the location have been avoided as far as practicable through the proposal.
- c. The appropriateness of measures to remedy or mitigate adverse effects that cannot be avoided.
- d. The effectiveness of any proposed offsetting or compensation measures to manage residual adverse effects that cannot be avoided, remedied or mitigated⁸².
- e. The location of existing electricity generation, transmission and distribution infrastructure and the extent to which the proposal contributes to its efficient use.

⁷⁹ Genesis (15.31)

⁸⁰ TRoNT (12.13)

⁸¹ Genesis (15.32) and Meridian (18.47)

⁸² Genesis and Meridian (15.33) and Meridian (18.48)

- f. The significance and benefits of the activity.

REG-MD4 New Renewable Electricity Generation

- a. The appropriateness of measures to avoid, remedy or mitigate adverse effects.
- b. The effectiveness of any proposed offsetting or compensation measures to manage any significant residual adverse effects that cannot be avoided, remedied or mitigated⁸³.
- c. The functional needs and operational needs of the activity and the need to locate renewable electricity generation activities where the renewable energy resource is available⁸⁴.
- d. The location of existing electricity generation, transmission⁸⁵ and distribution infrastructure and the extent to which the proposal contributes to its efficient use.
- e. The significance and benefits of the proposal.
- f. The nature of any adverse effects on the environment from construction of any building or structure including earthworks, dust, run-off, sedimentation, noise and traffic.
- g. The location, bulk, height, cladding or colour of the proposed work.
- h. Landscaping, revegetation, and fencing.
- i. Earthworks.
- j. Location and construction of vehicle entry and exit points.
- k. Vehicle manoeuvring and parking areas.

REG-MD5 Significant Vegetation and Habitats

- a. Whether there is a locational, functional, or operational need for the location of the activity.
- b. The extent to which adverse effects on significant indigenous vegetation have been avoided, remedied, or mitigated; and where residual adverse effects on significant indigenous vegetation remain, any proposed offsetting or environmental compensation.

⁸³ Genesis and Meridian (15.34) and Meridian (18.49)

⁸⁴ Genesis and Meridian (15.34) and Meridian (18.50)

⁸⁵ Transpower (7.43)

Ecosystems and Indigenous Biodiversity

Note: PC26 proposed inserting new rules 1.2.4 and 1.2.5. The PC26 s42A Reply Report and the Hearing Panel's Decision deletes these rules, but for the sake of clarity they are shown in ~~strikeout~~ and underlining.

SECTION 19 – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

Section 19 has been incorporated into the Operative Mackenzie District Plan following public notification of Plan Change 18 pursuant to Clause 10(5) of Schedule 1 of the Resource Management Act

1991. Plan Change 18 as publicly notified on 24 June 2021 is subject to appeal rights pursuant to Clause 14 of Schedule 1 of the Resource Management Act 1991.

OBJECTIVES AND POLICIES

Objective

Land use and development activities are managed to:

- a) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- b) maintain and enhance indigenous biodiversity outside of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and
- c) recognise and provide for the national significance of the Waitaki Power Scheme and the National Grid when managing effects on indigenous biodiversity arising from the development, operation, maintenance or refurbishment of those utilities while achieving (a) and (b) as far as practicable.

Policies

- 1 To assess and identify areas of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with the criteria listed in Appendix 3 of the Canterbury Regional Policy Statement.
- 2 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna by ensuring that land use and development, agricultural conversion and pastoral intensification:

**Appendix 1: EIB CHAPTER
PC26 DECISION VERION**

- a) avoids the clearance of indigenous vegetation or any reduction in its extent (including through edge effects); and
 - b) avoids adverse effects on those habitats;unless permitted under Rule 1.1.1 or Rule 2.1.1.
- 3 Outside of areas of significant indigenous vegetation and significant habitats of indigenous fauna, to ensure that indigenous biodiversity is maintained or enhanced by:
 - a) avoiding adverse effects on indigenous vegetation and habitats of indigenous fauna as far as practicable; then
 - b) remedying any adverse effects that cannot be avoided; then
 - c) mitigating any adverse effects that cannot be remedied; then
 - d) offsetting more than minor residual adverse effects in accordance with Policy 4.
- 4 For any indigenous biodiversity offsets apply the following criteria:
 - a) where an adverse effect on indigenous biodiversity is required to be avoided in accordance with Policy 2, indigenous biodiversity offsetting cannot be used;
 - b) offsetting is not appropriate where:
 - i. there are more than minor residual adverse effects in the values or extent of irreplaceable or vulnerable indigenous biodiversity; or
 - ii. the effects of the proposed activity on indigenous biodiversity are uncertain, unknown or little understood, but potentially significantly adverse;
 - c) the more than minor residual adverse effects on indigenous biodiversity are capable of being offset to ensure no net loss of indigenous biodiversity;
 - d) where the area to be offset is identified as a national priority for protection in accordance with Policy 9.3.2 of the Canterbury Regional Policy Statement 2013 or its successor, the offset must deliver a net gain for indigenous biodiversity;
 - e) there is a strong likelihood that the offsets will be achieved in perpetuity;
 - f) where the offset involves the ongoing protection of a separate site, it will deliver no net loss, and preferably a net gain for indigenous biodiversity;
 - g) The offset applies as close as possible to the site incurring the effect, recognising that benefits can diminish with distance from the site;
 - h) The offset re-establishes or protects the same type of ecosystem or habitat that is adversely affected;
 - i) The offset is additional to what otherwise would occur in the absence of the offset, and additional to any remediation or mitigation undertaken in relation to the adverse effects of the activity on indigenous biodiversity; and

- j) The offset describes and measures indigenous biodiversity at the impact and offset sites using calculations that allow for indigenous biodiversity losses and gains to be quantified.
- 5 Despite Policy 2 and 3, to manage effects on indigenous biodiversity in a way that recognises the national significance of the Waitaki Power Scheme, the National Grid and the Opuha Scheme by:
- a) Enabling the clearance of indigenous vegetation where the clearance is essential for:
 - i. Emergency works;
 - ii. The operation, maintenance or refurbishment of the Waitaki Power Scheme, where:
 - A. The operation, maintenance or refurbishment is within the Scheme's existing footprint or core sites;
 - B. The operation or maintenance is outside the Scheme's existing footprint or core sites but is within the Scheme's operating easement and does not include the formation of new vehicle tracks other than when necessary for erosion control works;
 - C. The refurbishment is outside the Scheme's existing footprint or core sites but is within the Scheme's operating easement and the clearance is not within an area of significant indigenous vegetation or significant habitats of indigenous fauna;
 - iii. The operation, maintenance or upgrade of the National Grid on its existing alignment;
 - iv. The operation, maintenance or refurbishment of the Opuha Scheme, where the refurbishment is not within an area of significant indigenous vegetation or significant habitat of indigenous fauna; and
 - b) Providing for the clearance of indigenous vegetation where the clearance is for the development or refurbishment of renewable energy generation and the electricity transmission network for the Waitaki Power Scheme, National Grid and Opuha Scheme that is not otherwise provided for in a) above, while
 - i. having particular regard to:
 - A. the location of existing structures and infrastructure and the need to locate the generation activity where the renewable energy resource is available; and
 - B. the logistical, technical and operational constraints associated with the activity; and

- C. the importance of maintaining and increasing the output from existing renewable electricity generation activities;
 - ii. applying the following effects management hierarchy:
 - A. Avoiding adverse effects on indigenous vegetation and habitats of indigenous fauna as far as practicable, then
 - B. where adverse effects cannot be avoided they are remedied where practicable, then
 - C. where adverse effects cannot be remedied they are mitigated where practicable
 - D. in relation to adverse effects that cannot be avoided, remedied or mitigated, have regard to offsetting that accords with Policy 4 and/or biodiversity compensation that accords with Schedule Z for any more than minor residential adverse effects.
- 6 To enable land use and development at an on-farm level, through a Farm Biodiversity Plan, where comprehensive and expert identification of indigenous biodiversity is undertaken that demonstrates how that use and development will be integrated with:
 - a) the long-term protection of significant indigenous vegetation and significant habitats of indigenous fauna;
 - b) the maintenance of other indigenous biodiversity; and
 - c) opportunities for enhancement of indigenous biodiversity, where appropriate.
- 7 To consider a range of mechanisms for securing protection of significant indigenous vegetation and significant habitats of indigenous fauna, including resource consent conditions, management agreements and covenants.
- 8 To recognise and provide for activities, including voluntary initiatives, that contribute towards the protection, maintenance or enhancement of indigenous biodiversity.

RULES

INDIGENOUS VEGETATION CLEARANCE

Note: The rules in this chapter apply to any indigenous vegetation clearance, including clearance undertaken as part of another activity, and apply in addition to the provisions in other sections of this Plan, including Section 16.

Rule 1 - Indigenous Vegetation Clearance excluding indigenous vegetation clearance associated with the Waitaki Power Scheme, the National Grid or the Opuha Scheme

1.1 Permitted Activities – Indigenous Vegetation Clearance

1.1.1 Clearance of indigenous vegetation is a permitted activity provided one or more of the following conditions are met:

1. The clearance is within 2m of, and for the purpose of:
 - a) the maintenance or repair of, existing: fence lines, vehicle tracks, roads, stock tracks and crossings, firebreaks, drains, ponds, dams, stockyards, farm buildings, water troughs and associated reticulation piping, or airstrips; or
 - b) activities permitted by ~~Rule 16.1.1.(j)~~ under INF-R1 or INF-R2.
2. The clearance is of indigenous vegetation which has been planted and is managed specifically for the purpose of harvesting and subsequent replanting of plantation forest within 5 years of harvest and the clearance is not within a location specified in Rule 1.3.2; or
3. The clearance is of the indigenous understorey to plantation forest, and is incidental to permitted or otherwise authorised plantation forest clearance and the clearance is not within a location specified in Rule 1.3.2; or
4. The clearance is of indigenous vegetation which has been planted and/or is managed as part of a domestic garden or has been planted for amenity purposes or as a shelterbelt; or
5. The clearance is of indigenous vegetation carried out by or on behalf of a local authority for erosion and flood control works, including within 75m of a lake, 20m of the bank of a river, or 50m of any wetland;
6. The clearance is of indigenous vegetation within a defined Farm Base Area (see Appendix R); or
7. The clearance is of indigenous vegetation within an area of improved pasture and the clearance is not within a location specified in Rule 1.3.2.

1.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance

1.2.1 *Intentionally blank*

1.2.2 Other than as permitted by Rule 1.1.1 the clearance of up 5000m² of indigenous vegetation within a site, or per 100ha where a site is greater than 100ha, in any 5-year continuous period is a restricted discretionary activity provided the following conditions are met:

Appendix 1: EIB CHAPTER PC26 DECISION VERION

The clearance is not within a location specified in Rule 1.3.2.

2. A Farm Biodiversity Plan is prepared in accordance with Appendix Y for the farming operation and submitted with the application for resource consent.

The Council will restrict its discretion to the following matters:

1. The adequacy of and implementation of the Farm Biodiversity Plan;
2. The area of indigenous vegetation to be cleared and the reasons for the intended clearance;
3. Managing the actual or potential adverse effects on indigenous biodiversity, species diversity, habitat availability or ecological function expected to occur as a result of the proposal, particularly the impact on values significant to Ngāi Tahu;
4. Managing edge effects;
5. Methods to avoid, remedy or mitigate adverse effects on indigenous biodiversity and offset residual significant effects on indigenous biodiversity;
6. Any technical or operational constraints on the activity necessitating the clearance of indigenous vegetation;
7. Where the clearance is within an Outstanding Natural Feature or Landscape, a geopreservation site, Area of High Visual Vulnerability or Scenic Grassland Area, managing the indigenous vegetation clearance to, as far as is practicable, avoid adversely affecting those features, landscapes, sites or areas;
8. The adequacy of monitoring and reporting;
9. The review of conditions; and
10. Consent duration.

- 1.2.3. The clearance of indigenous vegetation within 75m of a lake, 20m of the bank of a river, or 50m of any wetland, for the purpose of installing a fence to exclude stock, is a restricted discretionary activity.

The Council will restrict its discretion to the following matters:

- i. The location of the fence.
- ii. Managing the effects of the intended clearance of indigenous vegetation.

~~1.2.4. The clearance of indigenous vegetation associated with new infrastructure is a restricted discretionary activity.~~

~~The Council will restrict its discretion to the following matters:~~

- ~~a. Whether there is a demonstrated functional or operational need for the location of the activity.~~

- ~~b. The extent to which adverse effects on the values of the location have been avoided as far as practicable through the proposal.~~
- ~~c. The appropriateness of measures to remedy or mitigate adverse effects that cannot be avoided.~~
- ~~d. Any proposed offsetting that accords with the principles set out in Appendix 3 to the National Policy Statement for Indigenous Biodiversity 2023.~~
- ~~e. Any proposed biodiversity compensation that accords with the principles set out in Appendix 4 to the National Policy Statement for Indigenous Biodiversity 2023.~~
- ~~f. The functional needs and operational needs of the activity.~~
- ~~g. The location of existing electricity generation and distribution infrastructure and the extent to which the proposal contributes to its efficient use.~~

~~1.2.5 The clearance of indigenous vegetation associated with investigation activities, Small scale Renewable Electricity Generation Activities or the construction and operation of any new Renewable Electricity Generation Activities is a restricted discretionary activity.~~

~~The Council will restrict its discretion to the following matters:~~

- ~~a. Whether there is a demonstrated locational, functional or operational need for the location of the activity.~~
- ~~b. The extent to which adverse effects on the values of the location have been avoided as far as practicable through the proposal.~~
- ~~c. The appropriateness of measures to remedy or mitigate adverse effects that cannot be avoided.~~
- ~~d. Any proposed offsetting that accords with the principles set out in Appendix 3 to the National Policy Statement for Indigenous Biodiversity 2023.~~
- ~~e. Any proposed biodiversity compensation that accords with the principles set out in Appendix 4 to the National Policy Statement for Indigenous Biodiversity 2023.~~
- ~~g. The functional needs and operational needs of the activity.~~
- ~~h. The location of existing electricity generation and distribution infrastructure and the extent to which the proposal contributes to its efficient use.~~

1.3 Non-Complying Activity – Indigenous Vegetation Clearance

The following activities are Non-complying activities:

- 1.3.1 Any indigenous vegetation clearance not categorised as a Permitted Activity or Restricted Discretionary Activity.

1.3.2 Any indigenous vegetation clearance in the following locations, unless specified as a permitted activity under Rule 1.1.1.1, 1.1.1.5 or 1.1.1.6 or a restricted discretionary activity under Rule 1.2.3, ~~or 1.2.4 or 1.2.5~~⁸⁶:

1. Within an area of significant indigenous vegetation or significant habitat of indigenous fauna.
2. Above 900m in altitude.
3. Within 75m of a lake, 20m of the bank of a river, or 50m of any wetland.

2 INDIGENOUS VEGETATION CLEARANCE ASSOCIATED WITH THE WAITAKI POWER SCHEME, THE NATIONAL GRID OR THE OPUHA SCHEME

2.1 Permitted Activities – Indigenous Vegetation Clearance

2.1.1. The clearance of indigenous vegetation associated with the Waitaki Power Scheme, the National Grid or the Opuha Scheme is a permitted activity where one or more of the following conditions are met:

1. The clearance is a consequence of an emergency occurring on, or failure of, the Waitaki Power Scheme, the National Grid or the Opuha Scheme; or
2. The clearance meets the conditions in Rule 1.1.1, or
3. The clearance is required for the operation or maintenance of the Waitaki Power Scheme within the following areas;
 - i. The existing footprint of the Waitaki Power Scheme.
 - ii. On core sites associated with the Waitaki Power Scheme.
 - iii. On areas covered by an operating easement associated with the Waitaki Power Scheme, but excluding:
 - A. aerial spraying within the Tekapo River, Pukaki River and lower and upper Opuha River; or
 - B. the forming of new vehicle tracks or roads, other than for vehicle access or carry out erosion control; or
4. The clearance is required for the refurbishment of the Waitaki Power Scheme and is located within the following areas:
 - i. The existing footprint of the Waitaki Power Scheme; or
 - ii. On core sites associated with the Waitaki Power Scheme; or

⁸⁶ The Simpson Family (9.10)

5. The clearance is required for the refurbishment of the Waitaki Power Scheme, and is located outside of the existing footprint or core sites but within the operating easement, and outside of significant indigenous vegetation and significant habitats of indigenous fauna; or
6. The clearance is required for the operation, maintenance or upgrade of the National Grid on its existing alignment; and
7. The clearance is required for:
 - i. the operation or maintenance of the Opuha Scheme; or
 - ii. the refurbishment of the Opuha Scheme where it is located outside areas of significant indigenous vegetation and significant habitats of indigenous fauna.

2.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance

- 2.2.1 The clearance of indigenous vegetation associated with the Waitaki Power Scheme, the National Grid or the Opuha Scheme that does not comply with Rule 2.1.1 is a restricted discretionary activity.

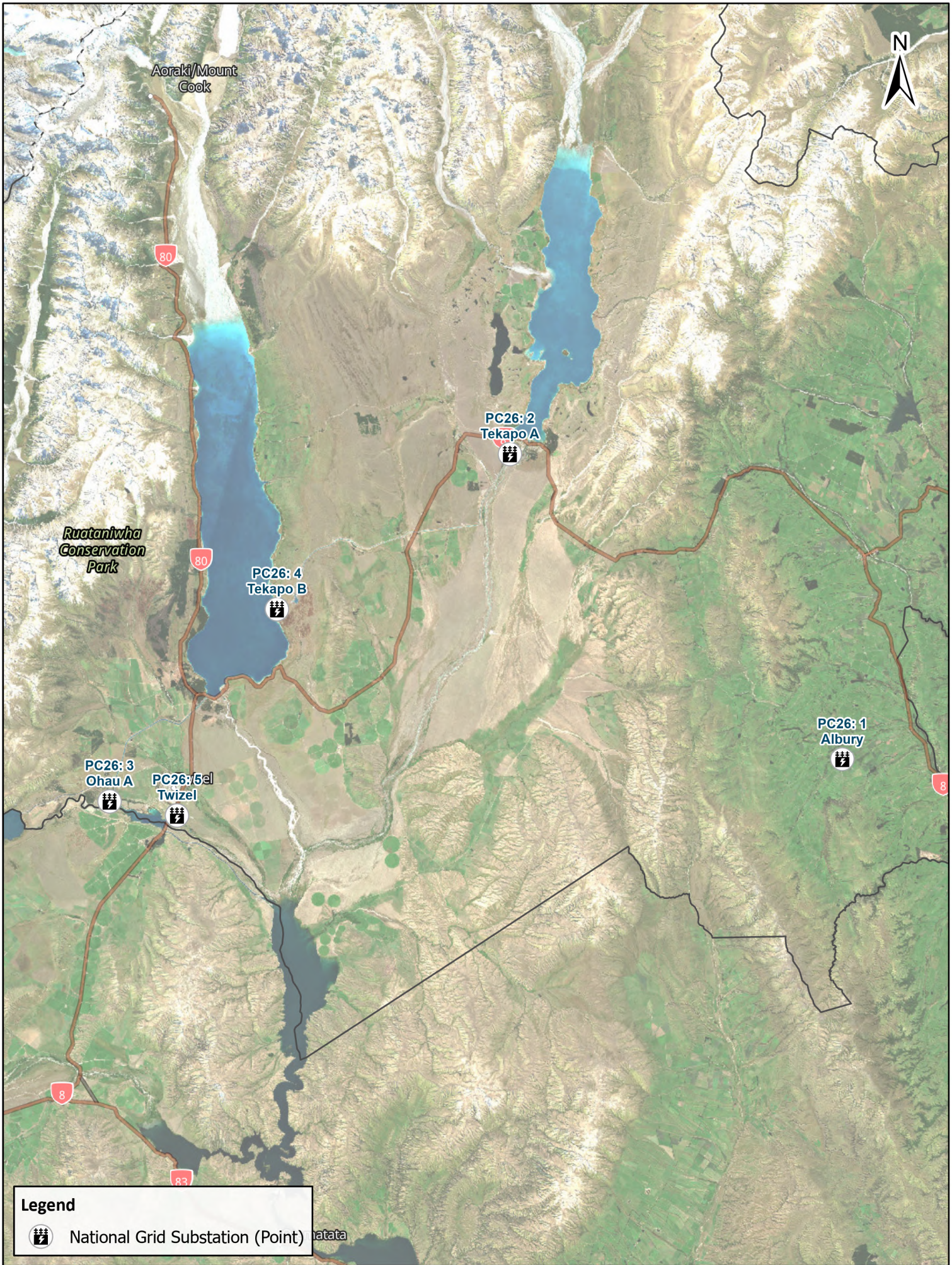
The Council will restrict its discretion to the following matters:

- (a) Whether the works are occurring on a surface that has previously been modified by the construction, operation, maintenance or refurbishment of the Waitaki Power Scheme, the National Grid or the Opuha Scheme;
- (b) The adequacy of the identification of biodiversity values, including, but not limited to identification of areas of significant indigenous vegetation or significant habitats of indigenous fauna, and values outside of these areas that are particularly important for ecosystem connectivity, function, diversity, and integrity;
- (c) Managing the actual or potential adverse effects on indigenous biodiversity, species diversity, habitat availability or ecological functions (including connectivity, function, diversity and integrity) expected to occur as a result of the proposal, particularly the impact on values significant to Ngāi Tahu;
- (d) Methods to avoid, remedy or mitigate adverse effects on indigenous biodiversity and offset or compensate for more than minor residual effects on indigenous biodiversity;
- (e) Any technical or operational constraints associated with the proposed activity requiring vegetation clearance;
- (f) The benefits the proposed activity provides to the local community and beyond;
- (g) The adequacy of monitoring;

**Appendix 1: EIB CHAPTER
PC26 DECISION VERION**

- (h) The review of conditions; and
- (i) Consent duration.

Appendix 2: Amended Planning Maps



Legend



National Grid Substation (Point)



Legend

-  National Grid Substation (Point)
-  National Grid Substation



Contains data sourced from LINZ Data Service licenced for reuse under CC BY 4.0, including imagery and property boundaries.
Property boundaries accuracy: +/-1m in urban areas, +/-30m in rural areas.
Datum: NZGD 2000
Coordinate System: NZGD 2000 New Zealand Transverse Mercator
This map was produced with ArcGIS Pro (Esri).

Plan Change 26

Twizel



PREPARED BY **Conor McIntosh**

DATE **1/07/2024**

SHEET **1 OF 1**

TPG REF **719582**

A4 Scale **1:2,500**

0  50 Metres



Legend

-  National Grid Substation (Point)
-  National Grid Substation



Legend



National Grid Substation (Point)



National Grid Substation



Contains data sourced from LINZ Data Service licenced for reuse under CC BY 4.0, including imagery and property boundaries.
Property boundaries accuracy: +/-1m in urban areas, +/-30m in rural areas.
Datum: NZGD 2000
Coordinate System: NZGD 2000 New Zealand Transverse Mercator
This map was produced with ArcGIS Pro (Esri).

PREPARED BY **Conor McIntosh** DATE **1/07/2024**

Plan Change 26

Tekapo A

SHEET 1 OF 1

TPG REF 719582

A4 Scale 1:2,500



0 50 Metres



Legend

-  National Grid Substation (Point)
-  National Grid Substation



Contains data sourced from LINZ Data Service licenced for reuse under CC BY 4.0, including imagery and property boundaries.
Property boundaries accuracy: +/-1m in urban areas, +/-30m in rural areas.
Datum: NZGD 2000
Coordinate System: NZGD 2000 New Zealand Transverse Mercator
This map was produced with ArcGIS Pro (Esri).

Plan Change 26
Tekapo B





Legend



National Grid Substation (Point)



National Grid Substation

Appendix 3: Appearances

Sub. Ref	Submitter	Name	Role
2	Telecommunications Companies	Graeme McCarrison Tom Anderson Fiona Mathews Colin Clune	Representative Planner Representative Representative
3	Department of Conservation	Susan Newell Murray Brass Dean Nelson	Counsel Planner Biodiversity Ranger
6 & FS9	Nova Energy	Emma Manohar Chris Pye	Counsel Representative
7 & FS3	Transpower	John Sutherland Ainsley McLeod	Representative Planner
10	Environmental Defence Society	Shay Schlaepfer	Counsel
13	Forest and Bird	Nicky Snoyink	Representative
16 & FS10	Opuha Water Ltd	Georgina Hamilton Julia Crossman	Counsel Environmental Manager
15 & FS4	Genesis Energy	Victoria Brunton Richard Mathews Mhairi Rademaker	Counsel Planner Representative
17	Alpine Energy Ltd	Fabia Fox Melissa McMullan	Representative Planner
18 & FS2	Meridian Energy	Andrew Feierabend Sue Ruston	Representative Planner
19 & FS6	Canterbury Regional Council	Kate Dickson Rachel Tutty	Counsel Planner

Tabled Evidence

	Submitter	Name	Role
1	Fire and Emergency New Zealand	George van Pelt	Planner
12 & FS11	Te Rūnanga o Ngāi Tahu	Hemi Bedggood	Planner
22 & FS7	The New Zealand Defence Force	Rebecca Davies	Planner