

FORM 5

SUBMISSION ON A PUBLICLY NOTIFIED PLAN CHANGE/ VARIATION

CLAUSE 6 OF FIRST SCHEDULE RESOURCE MANAGEMENT ACT 1991

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Date: 27/2/18

Signature of submitter:(Or person authorised to sign on behalf of submitter. Not required if you make your submission by email.)

Contact person (name and designation, if applicable):

I do not wish to be heard in support of my submission

If others make a similar submission I would not be prepared to consider presenting a joint case with them at any hearing.

This is a submission on proposed Plan Change 19 to the Mackenzie District Plan. The specific provisions of the proposal that my submission relates to are:

Amend Rural Zone Policies (Section 7) as follows:

- Rural Objective 8
- Rural Policy 8A – Values of Waterbodies.
- Rural Policy 8B – Lake Pukaki
- Rural Policy 8C – Commercial Activities

Amend Rural Zone Rules (Section 7) by adding new Clause 7A – Activities on or within waterbodies, specifically:

- 7A.2 Activities on or within Lake Pukaki

My submission is:

I support Plan Change 19 and, in particular, Rural Objective 8, Rural Policies 8A, 8B and 8C, and the new Clause 7A added to Section 7 - Rural Zone Rules although I would love to have a boat free Lake Pukaki I think there have been farming families and a few others that have been boating on Lake Pukaki for many years and should be able to continue to do so in a recreational manner as their impact is nowhere near what a commercial operation could be.

My wife Anna and I own Lakestone Lodge and think we are some of the luckiest people in the world to live on the shores of Lake Pukaki in a purpose built off grid eco lodge, tucked away on the other side of the highway from Lake Pukaki, we share this stunning view and serenity with guests from all over the world who are all absolutely blown away by so many aspects of the stay here, the panoramic view, the peacefulness on a still day, the wildness on a stormy day, the stars on a clear night, the lack of overbearing visible signs of human disturbance and off course the jewel in the crown Lake Pukaki and Aoraki/Mt Cook (twice as good when reflected in the lake on a still day).

To put a commercial boating operation on Lake Pukaki would be like putting a light show on in Tekapo every night, which could be great to watch but is the wrong location for such an experience as it would detract from the Dark Sky Reserve and associated businesses that bring tourists to the region to experience the night sky which is getting harder and harder to see elsewhere in the world. The same way a commercial boat/hovercraft on Lake Pukaki isn't going to bring tourists to the region, it will give them something to do while they are here but will seriously impact all the other observers of the Lake Pukaki who appreciate the lake for what it already is.

Enough has been said about the 100's of reasons why commercial activity should be prohibited on Lake Pukaki so I won't go into details here but reference my submission to the consultation about the plan change.

I seek the following decision from the Mackenzie District Council:

I agree with the proposed policy and rule changes, reasons and explanations for *Activities on Waterbodies* proposed by Mackenzie District Council in Plan Change 19, particularly the changes that will preserve and protect the special character of Lake Pukaki's visual and general amenity values, conservation values, wildlife and wildlife habitats, public health and safety, recreational values, and takata whenua values.

I submit that Mackenzie District Council implement the following Activities on and Within Waterbodies policy and rule changes as proposed by Plan Change 19.

- PART A - Adopt the amendments and additions to Rural Zone Policies (Section 7) proposed by Plan Change 19.
- PART C – Adopt the new Rural Zone Rules as proposed by Plan Change 19 and in particular rule 7A.2 – Activities on or within Lake Pukaki. Due to other uses of Lake Pukaki who have been using it for many years occasionally for motorized recreation I would like to change it to allow non commercial/recreational motorised activity on Lake Pukaki so to move 7A.2.3.b non commercial motorized activities to 7A2.1 "permitted activities" as long as they can conform to new tighter noise controls (see below).
- I submit that Mackenzie District Council also address the matters of noise control not addressed by Plan Change 19 and amend District Plan Section 14 Clause 2.3.4 Watercraft Noise to reflect the special character of the Mackenzie Lakes and specifically Lake Pukaki. Given the special character of Lake Pukaki the noise levels should be at most the same as 'Quiet Rural Noise' which is 30 dBA. Maximum noise level should apply to all craft, including recreational craft, operating in waterbodies including Lake Pukaki.



Submission by Genesis Energy Limited

Trading as Genesis

ON

Proposed Mackenzie District Plan Change 18 (Indigenous Biodiversity) & Plan
Change 19 (Activities on or within Waterbodies)

9 March 2018

Submission by Genesis Energy Limited

Trading as Genesis

ON

Proposed Mackenzie District Plan Change 18 (Indigenous Biodiversity) & 19 (Activities on or within Waterbodies)

To: Mackenzie District Council
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1. Introduction

Genesis Energy Limited, trading as Genesis (“Genesis”) welcomes the opportunity to submit on Proposed Mackenzie District Plan Changes 18 and 19 (“PC 18” and “PC 19”).

Genesis is an electricity generator and energy retailer with approximately 1648 MW of installed generation capacity and more than half a million retail customers. The generation profile of Genesis comprises a range of energy sources.

Genesis owns and operates the Tekapo Power Scheme in the Mackenzie Basin. The operation and maintenance of the Tekapo Power Scheme is reliant on the provisions in the District Plan being appropriate and not unduly restrictive, and it is in this context that Genesis is affected by PC 18 and PC 19.

In addition to this introduction, this submission contains the following four sections:

Section 2: Provides background to Genesis’ interest in PC 18 and PC19, including detail on its Tekapo Power Scheme.

Section 3: Provides detail on the statutory requirement to provide for the Tekapo Power Scheme, and the wider Waitaki Power Scheme, within the provisions of PC 18 and PC 19

Section 4: Outlines Genesis’ position on the appropriateness of the provisions contained in PC 18 and PC 19.

Section 5: Contains Genesis’ specific submission points on PC 18 and PC 19.

Genesis wishes to be heard in support of this submission.

Genesis does not gain an advantage in trade competition through this submission.

2. Background

Genesis is New Zealand's largest electricity and gas retailer, supplying energy to more than 650,000 customer connections nationwide. Genesis also generate and trade electricity and natural gas through a diverse range of assets across the country.

Genesis’ diverse portfolio of generation assets comprises:

- Thermal generation: The Huntly Power Station, the largest electricity generation facility in New Zealand by capacity (953 MW); and
- Renewable generation: Three hydro schemes including Tongariro (360 MW), Waikaremoana (138 MW) and Tekapo (190 MW). These schemes comprise eight

power stations (six in the North Island and two in the South Island), and use an extensive range of lakes, rivers and streams for generation purposes. Genesis also owns the 7.3 MW Hau Nui wind farm in the North Island.

- Genesis has a 46% interest in the Kupe Joint Venture, which owns the Kupe oil and gas field.
- Genesis holds resource consents to establish a wind farm at Castle Hill in the northern Wairarapa.

Tekapo Power Scheme and the wider Waitaki Power Scheme

The Tekapo Power Scheme sits at the head of the Waitaki Valley and comprises the Tekapo A (30MW) and Tekapo B (160MW) power stations, Lake Tekapo and its associated inflows, and the Tekapo Canal. The Tekapo Power Scheme generates approximately 980GWh per annum of renewable electricity (equivalent to the amount of electricity used annually by approximately 120,000 households). In generating this electricity, the Tekapo Power Scheme makes an important contribution to New Zealand's security of electricity supply, particularly in the South Island and in Canterbury which are dependent on hydro-electricity generation. Furthermore, the water used for generation through the Tekapo Power Scheme is then utilised six additional times to generate electricity through power stations operated by Meridian Energy. Together, the Tekapo Power Scheme and the stations operated by Meridian Energy comprise the Waitaki Power Scheme.

The Tekapo Power Scheme has been part of the existing environment of the Waitaki Catchment for many decades, with Tekapo A Power Station being commissioned in 1951 and Tekapo B Power Station in 1977.

The continued operation of the Tekapo Power Scheme is totally reliant on being able to store water in, and manage the levels of Lake Tekapo, and on being able to reticulate water from Lake Tekapo through two power stations and the Tekapo Canal. Having passed through the Tekapo Power Scheme, water is then used for electricity generation purposes in power stations operated by Meridian Energy.

Given the national importance of the Tekapo Power Scheme, Genesis has significant interest in any proposal that may result in changes to the way in which the Tekapo Power Scheme is operated, including controls on vegetation clearance and activities on the surface of waterbodies that may be necessary for the continued operation, maintenance and refurbishment of the Scheme.

3. Statutory Provisions

There are clear statutory requirements in the Resource Management Act 1991 (“RMA”), and in higher order planning documents which mean that District Plans and Plan Changes should provide for the Waitaki Catchment’s existing hydroelectricity generation (including the Tekapo Power Scheme). Of particular relevance are that District Plans and Plan Changes must:

- Be prepared in accordance with the purpose and principles set out in Part 2 of the RMA¹;
- Give effect to the National Policy Statement for Renewable Electricity Generation 2011 (“NPS REG”)²; and
- Give appropriate effect to the Canterbury Regional Policy Statement (“RPS”)³.

It is important that the Mackenzie District Plan appropriately gives effect to these statutory requirements to provide for existing renewable hydroelectricity generation, and the need for the Mackenzie District Plan to implement this statutory direction is an important consideration when the appropriateness of the PC 18 and PC 19 provisions is being assessed.

Each of the above matters is addressed in more detail below and in Appendix 1.

Statutory Context – The Resource Management Act 1991 RMA

The Mackenzie District Plan must promote the sustainable management of natural and physical resources as defined in section 5 of the RMA.

There are two general elements of sustainable management relevant to the Tekapo Power Scheme in the context of section 5 that must be addressed within the Mackenzie District Plan. They are:

- Enabling people and communities to provide for their social, economic and cultural wellbeing; and
- Protecting the quality of the environment.

To enable people and communities to provide for their social, economic and cultural wellbeing while protecting the quality of the environment, Genesis considers that the Mackenzie District Plan should recognise and provide for the national and regional significance of the hydroelectricity power schemes located within the Mackenzie District. Relevant matters to consider in this regard are set out in Appendix 1

¹ RMA Section 74(1)(b)

² RMA Section 75(3)(a)

³ RMA Section 75(3)(c)

Additional guidance on how this should be done is provided within the NPSREG and RPS which are addressed below.

The National Policy Statement on Renewable Electricity Generation

Sections 7(i) and 7(j) of the RMA require all persons exercising functions and powers under the RMA to have particular regard to the effects of climate change and the benefits to be derived from the use and development of renewable energy. In addition, under section 75(3) of the RMA the Mackenzie District Plan, PC 18 and PC19 must give effect to the NPSREG. The key matters contained in the NPSREG in respect of the existing hydroelectricity generation facilities in the Mackenzie District which must be addressed in the Mackenzie District Plan are that the NPSREG:

- Makes the operation, maintenance and upgrading of existing renewable electricity generation activities and the benefits of that generation matters of national significance.
- Acknowledges that the maintenance of generation output from existing activities may require the protection of those assets, their operational capacity, and the continued availability of the renewable resource on which they rely.
- Requires particular regard be had to managing the effects of renewable electricity generation in a manner which allows for the operational requirements of those facilities.
- Requires that decision makers have regard to the fact that even minor reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output.
- Requires the Plan to include objectives, policies and methods to provide for the operation, maintenance and upgrading of existing hydroelectricity generation facilities.

Giving effect to the NPSREG requires that an appropriate level of protection be afforded to the operation of the Tekapo Power Scheme, and that it enables the operation, maintenance, development and upgrading of that infrastructure. This should include appropriate provision for maintenance activities such as vegetation clearance or access for vessels to existing infrastructure to enable existing generation capacity and output to be maintained.

The Canterbury Regional Policy Statement

The Mackenzie District Plan must give effect to the RPS.

In that regard, the RPS includes several provisions which are of particular relevance when considering the existing hydroelectricity generation infrastructure in the Mackenzie District, including those set out in Appendix 1. Specifically:

- Having a reliable and resilient generation and supply of energy for the region, and wider contribution beyond Canterbury with a particular emphasis on renewable energy (Objective 16.2.2);
- Reducing the dependency on fossil fuels (Objective 16.2.2 (2))
- Recognising the locational constraints in the development of renewable electricity generation activities (Objective 16.2.2(6)); and
- Recognising and providing for the local, regional and national benefits when considering proposed or existing renewable energy generation facilities, having particular regard to a number of matters including to maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions, and maintaining or increasing the security of supply at local and regional levels (Policy 16.3.3).

Giving effect to the RPS does not require repeating the above provisions in the Mackenzie District Plan . However, the Mackenzie District Plan does need to positively implement the clear directions contained in the above RPS provisions.

4. Submission and Relief Sought

While Genesis supports the Council's intent to manage the indigenous biodiversity in the district and control vegetation clearance, and to manage activities on waterbodies, there are a number of matters that require further consideration to ensure the plan changes proposed do not have unintended consequences on nationally significant electricity generation infrastructure.

The NPREG records that even small reductions in the generation output of existing renewable electricity generation activities can cumulatively have significant adverse effects on national, regional and local renewable electricity generation output. Any increased regulation impacting the operation of the Waitaki Power Scheme must be justified in terms of the benefits it would provide, while ensuring that potential costs and adverse implications are minimised.

Plan Change 18 – Indigenous Biodiversity

Recognising and providing for the Waitaki Power Scheme

Genesis seeks that the Waitaki Power Scheme is provided for in the Mackenzie District Plan, and that the NPSREG is given effect to. Genesis considers that PC18 as notified does not adequately provide for the nationally significant renewable generation assets in the Mackenzie District, and may adversely affect ongoing operations.

Rule 2 sets out a specific suite of rules that are specific to indigenous vegetation clearance associated with the Waitaki Power Scheme, which is of critical importance as otherwise these activities would be assessed under Rule 1. Genesis supports the retention of a rule specifically to cover the breadth of activities required for the Waitaki Power Scheme as Rule 1 would result in any vegetation clearance becoming a non-complying activity. That situation would not give effect to (and be inconsistent with) the higher order policy documents.

To clarify, Rule 1 contains standards for permitted and restricted discretionary activities that specify that any clearance of indigenous vegetation cannot be within 100m of a lake or 20 metres of the bank of a river. By virtue of being a hydro generating asset, most vegetation clearance required to support the operation of the Waitaki Power Scheme would be within 100 metres of a lake or 20 metres of the bank of a river. The result of this is that if Rule 1 was applied to Waitaki Power Scheme activities, clearing of indigenous vegetation would require resource consent and would be assessed as a non-complying activity, irrespective of the significance of that vegetation. Genesis does not consider that this would be appropriate, effective nor efficient and Genesis therefore supports the retention of Rule 2.

As an example, Genesis is required to clear vegetation in order to maintain the integrity of key structures of the Tekapo Power Scheme assets (including in the canals). This is a key requirement of Dam Safety.

With respect to Rule 2, while Genesis supports its retention, it also considers that it should be widened to ensure PC 18 (and the wider Mackenzie District Plan) gives effect to both the RPS and the NPSREG. Specifically, refurbishment and upgrading should be included in the permitted activity rule.

Integrated Management

Genesis is of the understanding that both PC 18 and PC 19 have been prepared as part of a staged review of the District Plan. Undertaking a staged review does not adequately enable resource users to consider, in an integrated way, how plan provisions may affect them overall. In lieu of an integrated approach, Genesis is not able to understand how the provisions being proposed integrate with the current operative District Plan and how these may integrate with a future (and unknown) reviewed District Plan.

In several cases, the direction in PC 18 departs from the objective of protecting indigenous biodiversity and into areas potentially controlled by other provisions in the District Plan. Genesis considers that the focus of Section 19 needs to be on avoiding, remedying and / or mitigating the adverse effects of land use activities and practices

on indigenous biodiversity in the District including remaining areas of significant indigenous vegetation and habitat, rather than addressing broader matters (such as natural character, aquatic habitat and water quality and quantity).

Consideration of Alternatives, Costs and Benefits

The Section 32 evaluation report does not address the required matters specified in section 32(1) – (3) of the RMA. Such an assessment is not an option, it must occur. This failure to apply the RMA's requirements has in turn resulted in deficiencies in the Plan Changes that have been notified. In particular, Genesis provides the following feedback:

- The Section 32 evaluation does not adequately explain what (if any) issues have arisen in respect of the operation of the Waitaki Power Scheme that require more stringent regulation than under the current Mackenzie District Plan. Genesis does not consider that there have been any issues that warrant more stringent management, and therefore the level of regulation proposed in PC 18 is not appropriate.
- The Section 32 analysis does not consider the costs and benefits of the proposed rules as required under the RMA. Robust economic analysis is critically important when considering the implications of objectives, policies and rules on nationally significant electricity generation assets such as the Waitaki Power Scheme. Genesis is concerned that the absence of this analysis has resulted in provisions in PC 18 that will have unintended consequences for electricity generation.
- A number of provisions have simply been moved from an existing chapter to the new Section 19 without any consideration of their in-situ appropriateness, and therefore without consideration of whether those provisions are still appropriate in the context of Section 19. They have not been assessed in the Section 32 Analysis. In addition, these provisions were developed before the NPSREG and the RPS came into effect, and their appropriateness in light of those higher order policy documents has not been adequately considered by the Mackenzie District Council.
- There is no assessment of various options, and therefore no assessment of their and assessed their efficiency and effectiveness in achieving the objectives and policies.

Plan Change 19 – Activities on or within Waterbodies

With respect to activities occurring on the surface of water, there are two key matters of concern to Genesis:

- Ensuring that structures and activities associated with the Waitaki Power Scheme are enabled. The provisions as notified are not appropriately enabling of the Waitaki Power Scheme; and
- Ensuring that other activities do not result in health and safety issues affecting the continued operation of its facilities. This second matter does not appear to have been addressed or considered at all when developing the notified provisions.

Providing for the use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes is supported by Genesis. However, the specified activities in the permitted activity rule do not cover the breadth of activities involving the use of boats and activities on the surface of water associated with the maintenance and operation of the Waitaki Power Scheme. For example, Genesis requires access by water across Lake Pukaki to Tekapo B Power Station with motorised equipment for maintenance purposes. The Plan Change does not recognise Waitaki Power Scheme and the existing activities required to support its operation and maintenance.

Of particular concern is if that for Lake Pukaki all commercial motorised activities, by default including those associated with the Waitaki Power Scheme, are a prohibited activity. This means that the full range existing activities undertaken by Genesis on Lake Pukaki associated with the maintenance and operation of the Waitaki Power Scheme will not be allowed. This is completely inappropriate, and does not give effect to the NPSREG nor the RPS, nor well recognised case law on the imposition of a prohibited activity status. Proposed rules 7A.1.1a and 7.A.2.1a must be amended to provide for use of motorised craft associated with Waitaki Power Scheme Activities.

No explanation, planning assessment, or guidance has been provided in the section 32 analysis as to why the activities that Genesis may undertake on Lake Pukaki to support operations are now so inappropriate that they are prohibited, and that the activities undertaken on Lake Tekapo are a discretionary activity.

The relative functions of regional councils and territorial authorities in the Resource Management Act have not been given due attention when drafting the provisions of PC19. The appropriate functions are further informed by the RPS. Further, insufficient consideration has been given to other methods and regulations, including in regional plans that address the same resource management matters.

A District Council's relevant function, set out in RMA s31(e), is "*the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes*", whereas the PC19 heading describes it as "*Activities on or within Waterbodies*" (emphasis added).

The “within” aspect is reflected in several provisions in Plan Change 19 – for example, Rural Policy 8F (was 8B) which refers to structures “on or within” waterways. Genesis submits that it must be restricted to “on or near” waterways.

Genesis observes that the structures, facilities and activities associated with the Waitaki Power Scheme are managed through extensive Regional Plan rules which should not be repeated or duplicated through District Plan requirements. Additionally, it is considered that any rules relating to structures such as those applying to jetties and boat ramps are unnecessary. These activities are already managed by Environment Canterbury through the Canterbury Land and Water Regional Plan. Any rules relating to structures should be deleted.

As with PC18, the Section 32 report does not properly address the matters specified in Section 32(1) – (3) (3). This is especially the case with respect to activities undertaken on the surface of water associated with the Waitaki Power Scheme. The scheme and its direct and necessary relationship with the lakes and rivers are not addressed at all. This is a clear failure to properly apply section 32.

All activities associated with the operation, maintenance, refurbishment and enhancement of the Waitaki Power Scheme need to be included in the permitted activity rule for all relevant waterbodies.

5. Specific Submission Points

Genesis has identified a number of aspects of the provisions for both PC 18 and PC 19 that could be improved to ensure that the Mackenzie District Plan gives effect to the purpose of the RMA, the NPSREG, the RPS and government direction on renewable electricity and climate change targets.

The specific relief sought is outlined in the table below. The request for specific relief should not be taken as limiting the general submissions and requests for relief identified above.

Plan Change 18 – New Section 19 Ingenious Biodiversity.

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike through] or wording to similar effect
	All submission points		Genesis has identified specific changes it seeks in the submission points below. It is recognised that that alternative ways of providing the same or similar relief may be appropriate. There may be consequential changes that are necessary.	Genesis seeks the relief set out below, any relief of similar effect, alternative relief that addresses the matters of concern and any consequential amendment necessary in response to Genesis' submissions.
Sec 3	Definition of the Waitaki Power Scheme	Oppose in part	Providing a definition of the Waitaki Power Scheme is important and is supported. However, the NPSREG identifies that the benefits of renewable electricity generation is a matter of national significance. Given that the Waitaki Power Scheme is the largest generation scheme in New Zealand it is appropriate that its national significance be recognised in the definition. In addition, some minor grammatical corrections to the definition are sought.	Amend the definition of Waitaki Power Scheme: Waitaki Power Scheme: <u>means the is a nationally significant renewable electricity generation scheme comprising</u> electricity generation activities in the Waitaki River Catchment including the structures, works, facilities, components, plant and activities undertaken to facilitate and enable the generation of electricity from water. It includes power stations, dams, weirs, control structures, penstocks, canals, tunnels, siphons, spillways, intakes, storage of goods, materials and substances, switchyards, fish and elver screens and passes, booms, site investigation works, erosion and flood control, access requirements (including public access), jetties, slipways and landing places, signs, earthworks, monitoring, investigation and communication equipment and transmission network.
Sec 3	Definition of Maintenance; new definition of "Waitaki Power Scheme Activities"	Oppose in part	Providing for the maintenance and operation of the Waitaki Power Scheme as permitted activities are supported. However, Genesis considers that the permitted activity rule should be widened to include the refurbishment, renewal and upgrading of the Waitaki Power Scheme. The amended definition includes the aspects of operation, maintenance, refurbishment, and upgrading and as such will provide a more appropriate level of regulation for activities associated with the nationally significant Waitaki Power Scheme. This definition then links to the permitted activity Rule 2.	Delete the definition of maintenance on the basis that the definition of Waitaki Power Scheme Activities is inserted. Insert a new definition of "Waitaki Power Scheme Activities" as follows: Maintenance of Waitaki Power Scheme means undertaking work and activities, including erosion control works, necessary to keep the Waitaki Power Scheme operating at an efficient and safe level. <u>Waitaki Power Scheme Activities means managing and using natural and physical resources for generation of electricity and ensuring the safe and efficient performance of the Waitaki Power Scheme.</u>

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike through] or wording to similar effect
			<p>The primary objective of the NPSREG is to provide for the “.....development, operation, maintenance and <u>upgrading</u> of new and <u>existing renewable electricity generation activities</u>.....”.</p> <p>The RPS also requires territorial authorities to “enable the upgrade of existing and establishment of new electricity generation infrastructure..”</p> <p>By including refurbishment, renewal and upgrading as permitted activities, the plan will be giving effect to the NPSREG and RPS.</p>	<p><u>It includes conducting and/or undertaking work, activities and the development and operation of activities associated with the generation of electricity. This includes erosion control works, necessary to keep the Waitaki Power Scheme operating at an efficient and safe level and includes upgrading or renewal of machinery, buildings, plant, structure, facilities works or components.</u></p>
Sec 3	New Definition of Waitaki Power Scheme Management Area		<p>Existing management areas are already devoted to the operation of the Waitaki Power Scheme and this should continue.</p> <p>The definition identifies the area where these activities occur and must continue to occur. Genesis considers that there are no risks to achieving no net loss of indigenous biodiversity from the continued activities associated with the Waitaki Power Scheme within the already defined Waitaki Power Scheme Management Area.</p>	<p>Insert a new definition:</p> <p><u>Waitaki Power Scheme Management Area means land within the following areas:</u></p> <p><u>a. The existing footprint of the Waitaki Power Scheme.</u></p> <p><u>b. On core sites associated with the Waitaki Power Scheme.</u></p> <p><u>c. On areas covered by an operating easement associated with the Waitaki Power Scheme.</u></p>
Sec 3	Definition of Refurbishment	Oppose	<p>As Genesis is proposing a new definition for Waitaki Power Scheme Activities which encompasses refurbishment, the definition for refurbishment is proposed to be deleted.</p>	<p>Delete the definition of refurbishment on the basis that the definition of Waitaki Power Scheme Activities is inserted.</p> <p>Refurbishment of Waitaki Power Scheme: means the upgrade or renewal (to gain efficiencies in generating and transmitting electricity) of machinery, buildings, plant, structure, facilities works or components and operating facilities associated with the Waitaki Power Scheme.</p>
Sec 3	Definition of Indigenous Vegetation	Oppose	<p>Genesis considers that the definition of Indigenous Vegetation is too broad, and that this breadth will have significant unintended consequences on the Waitaki Power Scheme.</p> <p>This definition, when implemented in combination with a number of provisions result in a level of regulatory control that is not the most appropriate way to implement and achieve the objectives and policies.</p>	<p>Amend the definition of Indigenous Vegetation:</p> <p>Indigenous Vegetation: Means a plant community of species native to New Zealand <u>that dominate and comprise 66% or more of the ground cover</u>, which may include exotic vegetation but does not include plants within a domestic garden or that have been planted for the use of screening/shelter purposes e.g. as farm hedgerows, <u>for landscaping</u>, or that have been</p>

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			<p>In the context of Rules 1.1 and 1.2 indigenous vegetation clearance within proximity of a lake or river would be a non-complying activity. Justification of this high threshold has not been provided to support Plan Change 18.</p> <p>When considered in the context of Rules 2.2 and 2.3 if the definition remains unchanged there will be a disproportionate and inappropriate impact on the activities undertaken to support Waitaki Power Scheme Activities.</p> <p>The definition does exclude some activities, including that the definition “does not include plants within a domestic garden or that have been planted for the use of screening/shelter purposes e.g. as farm hedgerows, or that have been deliberately planted for the purpose of harvest”. None of these exclusions would apply to any activities or vegetation on any site where Genesis undertakes its activities, as the planting is not a domestic garden; nor is it necessarily for screening or shelter purposes; nor would it have been planted for the purpose of harvest. This means that even an individual plant native to New Zealand, even if within a landscaped area, is not covered by any exclusion.</p> <p>By virtue of Rules 2.2.1 and 2.2.2 the removal of any plant irrespective of its significance could render consent being required for either a restricted discretionary for any refurbishment activity or a full discretionary activity for any new activity.</p> <p>This definition in combination with the rules that apply to the Waitaki Power Scheme demonstrates that the implications of PC 18 have not been properly considered with respect to the activities associated with the Waitaki Power Scheme. This is evident from the lack of specific consideration of these matters in the Section 32.</p> <p>The proposed definition of indigenous vegetation is even less determinative than the definition that was within the operative plan. This definition has no threshold. Given the wide reach of the rules particularly those in Rules 1.1 and 1.2 where a number of activities would be rendered a non-complying activity</p>	<p>deliberately planted for the purpose of harvest, <u>or planted as part of the construction Waitaki Power Scheme.</u></p> <p>Or as an alternative to changing the definition</p> <p>Amend permitted activity rules in Rule 1.1:</p> <p>1.1 Permitted Activities – Indigenous Vegetation Clearance 1.1.1 Clearance of indigenous vegetation where native species do not dominate and comprise less than 66% of the ground cover.</p> <p>1.1.1A <u>Clearance of indigenous vegetation where native species dominate and comprise 66% or more of the ground cover</u> is a permitted activity provided the following conditions are met:</p> <ol style="list-style-type: none"> 1. The clearance is for..... <p>And</p> <p>Amend permitted activity Rule 2:</p> <p>2.1 Permitted Activities – Indigenous Vegetation Clearance</p> <p>2.1.1</p> <p>2.1.1A Clearance of indigenous vegetation required for Waitaki Power Scheme Activities where native species do not dominate and comprise less than 66% of the groundcover.</p> <p>2.1.2 <u>Clearance of indigenous vegetation where native species dominate and comprise 66% or more of the ground cover</u> is required for the operation maintenance of Waitaki Power Scheme <u>Activities</u>, within the Waitaki Power Scheme Management Area.</p>

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			<p>and in 2.2 and 2.3 where consent would be required this definition is not appropriate.</p> <p>Determining whether a plant community is indigenous should be based on estimated vegetated cover, and native species should dominate the community. This is sought to be included in the definition.</p> <p>Alternative relief is also provided if the definition sought is not changed. This is to insert new provisions into Rules 1 and Rule 2, which would have the same effect.</p>	<p>2.3 Discretionary Activity</p> <p>2.2.3 Any indigenous vegetation clearance <u>where native species dominate and comprise 66% or more of the ground cover associated</u></p> <p>Specific changes are not sought to Rule 2.2 and Rule 2.2.1 as these provisions are sought to be deleted through other submissions.</p>
New Obj	New Objective X	Oppose in part	<p>While there is a policy supporting the Waitaki Power Scheme, there is no link to an Objective. Genesis therefore considers that an Objective should be included in new Section 19.</p> <p>An objective in new Section 19 is required to provide the clear linkages between the (new) Objective, Policy 7 and Rule 2.</p> <p>The new objective recognises the significance of the scheme, and that there may be vegetation clearance required for the continued development, operation, maintenance and upgrading of the scheme. Genesis considers that the vegetation clearances should be enabled within the existing Waitaki Power Scheme Management Area, and outside of this area the objective recognises that <u>appropriate</u> vegetation clearances should be provided for given the special characteristics of the scheme.</p>	<p>Insert a new Objective:</p> <p><u>Objective X</u></p> <p><u>In respect of activities associated with the nationally significant Waitaki Power Scheme to:</u></p> <p><u>(a) Recognise and provide for special characteristics and significance of the Waitaki Power Scheme</u></p> <p><u>(b) Allow vegetation clearance for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme within the Waitaki Power Scheme Management Area</u></p> <p><u>(c) Provide for appropriate vegetation clearance necessary for the continued development, operation, maintenance and upgrading of the nationally significant Waitaki Power Scheme outside the Waitaki Power Scheme Management Area.</u></p>
Obj 1	Objective 1	Oppose in part	<p>This Objective as notified has been directly transferred from Chapter 7 without consideration of its appropriateness in the context of indigenous biodiversity. As submitted earlier, the focus on riparian margins, and the maintenance of natural and physical processes are unnecessary in the new section of the plan. Genesis considers that while these aspects may have been appropriate in the</p>	<p>Amend Objective 1:</p> <p><u>Except as provided for in Objective X, to safeguard indigenous biodiversity and ecosystem functioning through the protection and enhancement of the values of significant indigenous vegetation and habitats.</u> riparian</p>

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			<p>rural chapter at the time the plan was promulgated, this was before the RPS become operative and is more a function of a regional council. The focus of the plan change should be specific to indigenous biodiversity.</p> <p>The reference to “the values of” being inserted provides greater consistency with the approach in the CRPS, particularly Objective 9.2.3.</p>	<p>margins and the maintenance of natural biological and physical processes.</p>
Obj 2	Objective 2	Oppose in part	<p>As above, Objective 2 addresses riparian areas, maintenance of natural biological and physical processes. Genesis considers that this is unnecessary. In addition, the reference to retention of indigenous vegetation is unnecessary as the objective already seeks to manage land to ensure the maintenance of indigenous biodiversity.</p>	<p>Amend Objective 2:</p> <p><u>Except as provided for in Objective X,</u> land development activities are managed to ensure the maintenance of indigenous biodiversity <u>in the District,</u> including the protection and/or enhancement of significant indigenous vegetation and habitats, and riparian areas, the maintenance of natural biological and physical processes, and the retention of indigenous vegetation.</p>
Pol 1	Policy 1	Oppose in part	<p>This Objective has been directly transferred from Chapter 7 without consideration of its appropriateness in the context of indigenous biodiversity. Since the Mackenzie District Plan became operative, the RPS has become operative and it cannot be assumed that the current provisions give appropriate effects to the newer provisions in the RPS. The relevant provisions in the RPS reference protecting significant areas to ensure no net loss of biodiversity, rather than the blunt instrument of preventing development in its entirety.</p> <p>With respect to the Waitaki Power Scheme and renewable electricity generation activities, avoidance is not the only effects management option available. Policy 16.3.5 of the RPS provides a range of options that can be utilised to manage environmental effects – including offsetting and environmental compensation. The wording to ‘prevent development’ does not give effect to the RPS. Genesis has provided an alternative policy that specifies that these sites should be protected, but not necessarily to prevent development in the context of the Waitaki Power Scheme.</p>	<p>Amend Policy 1:</p> <p>To identify in the District Plan sites of significant indigenous vegetation or habitat in accordance with the criteria listed in the Canterbury Regional Policy Statement <u>and, outside of the Waitaki Power Scheme Management Area, to provide for their protection,</u> and to prevent development which reduces the values of these sites.</p>

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Pol 2 & 2A	Policy 2 and New Proposed Policy	Oppose in part	<p>This Objective has been directly transferred from Chapter 7 without consideration of its appropriateness in the context of indigenous biodiversity. Since the Mackenzie District Plan became operative, the Canterbury RPS has become operative and it cannot be assumed that the current provisions give appropriate effect to the newer provisions in the RPS.</p> <p>This policy clearly overlaps with the functions of a regional council – which is the statutory body responsible for managing aquatic habitat and water quality and water quantity. Genesis does not consider there to be a case for the Mackenzie District Council to duplicate a regional function.</p> <p>This policy departs from the objective of protecting indigenous biodiversity, but should focus on avoiding, remedying and / or mitigating the adverse effects of land use activities and practices on indigenous biodiversity in the District including remaining areas of significant indigenous vegetation and habitat, rather than natural character, aquatic habitat and water quality and quantity (which are already managed adequately through regional plans).</p> <p>Clause 2(b) addresses linkages between areas of remaining significant indigenous vegetation and habitat. The section 32 analysis has not articulated the rationale as to the function of linkages between remaining areas of significant vegetation and habitat. This may raise the value and protection around non-significant vegetation and habitat in situations where it does not fulfil an actual linkage function. Where linkages are important they will already have been considered in the determination of significance under the criteria within the RPS</p> <p>Within the provisions of PC 18 there is no apparent consistency in the language and terms used with the objectives and policies addressing biodiversity, while the rules focus on vegetation clearance. This creates discord and impacts on the efficient implementation of the provisions.</p>	<p>Amend Policy 2:</p> <p>To avoid, remedy or mitigate, adverse effects of <u>land use activities on the natural character and significant indigenous vegetation and significant habitats of indigenous fauna in indigenous land and water ecosystems functions in the District including:</u></p> <p>a) Landform, physical processes and hydrology b) Remaining areas of significant indigenous vegetation and habitat, and linkages between these areas c) Aquatic habitat and water quality and quantity</p> <p>AND</p> <p>Insert a new Policy 2A:</p> <p><u>2A. To manage, or offset or compensate, actual or potential effects of the use, development and protection of land to maintain indigenous biological diversity in the District.</u></p>

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Pol 7	Policy 7	Oppose in part	<p>The intent of Policy 7 which recognises the importance of renewable electricity generation and transmission is supported.</p> <p>This policy provides the basis for the provisions contained in Rule 2. It is appropriate and necessary to provide separate provisions addressing activities associated with the nationally significant Waitaki Power Scheme given its significant and special characteristics in the context of the Mackenzie District.</p> <p>The aspects of the policy that Genesis considers should be amended are addressed below.</p> <p>Policy 7 should recognise the national significance of renewable energy generation and transmission. The NPSREG specifically states that renewable electricity generation is nationally significant.</p> <p>In addition, the reference to “consistent with the objectives and policies of this Plan” are not appropriate and should be deleted. As submitted earlier, the district plan is being reviewed in a staged manner. As the full suite of provisions that will form the review of the Mackenzie District Plan are not known it is not effective to provide a policy that requires consistency with as yet unknown provisions.</p> <p>Policy 7 will be interpreted alongside other objectives and policies in the District Plan. It is not appropriate to provide a subservient relationship of this policy and all other policies of the District Plan, including policies not yet developed and notified.</p> <p>Also, given the nature and extent of the Waitaki Power Scheme it is important to recognise the practical and technical constraints on the scheme and its locational requirements. This scheme cannot be located anywhere but its current location.</p>	<p>Amend Policy 7:</p> <p>To recognise <u>and provide for</u> the <u>national significance</u>, economic and social importance of renewable energy generation and transmission, <u>including in particular activities of the Waitaki Power Scheme and the special features of that activity, including:</u></p> <ol style="list-style-type: none"> <u>the need to locate the activity where the renewable energy resource is available;</u> <u>logistical or technical practicalities associated with developing, upgrading, operating or maintaining the activity;</u> <u>maintaining the output from existing renewable electricity generation activities;</u> <u>the location of existing structures and infrastructure</u> <p>and consistent with objectives and policies of this Plan, to provide for its <u>development, upgrading operation, maintenance and upgrading by:</u> <u>enhancement.</u></p> <ol style="list-style-type: none"> <u>Treating indigenous vegetation clearance associated with development, operation, maintenance and upgrading of the Waitaki Power Scheme as distinct from Indigenous Vegetation Clearance for other activities</u> <u>Permitting Indigenous Vegetation Clearance in areas that are part of the Waitaki Power Scheme Management Area where they involve Waitaki Power Scheme Activities</u> <u>Despite Policy 6 in any areas outside the Waitaki Power Scheme Management Area to provide for development, maintenance and upgrading of the Waitaki Power Scheme by allowing appropriate environmental off-setting and / or environmental compensation of residual adverse effects (i.e. effects where it is not reasonably practicable to prevent adverse effects).</u>

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			<p>The proposed policy suite as notified does not recognise that in relation to renewable electricity generation activities Policy 16.3.5 of the RPS provides a range of effects management options – including avoiding, remedying, mitigating, offsetting measures and environmental compensation. The range of management options are defined in Policy 16.3.5 particularly Clauses 2(b) and (4).</p> <p>Given the existence of the Waitaki Power Scheme and its national significance it is appropriate for the Mackenzie District Plan to ensure that all available options to address environmental effects can be considered. This includes environmental compensation.</p> <p>The changes sought to the policy will ensure that relevant matters necessary to give effect to the RPS provisions relating to renewable electricity generation and the NPSREG are given effect to.</p>	
Rule 2	Rule 2.1.1	Support	Genesis supports a permitted activity rule that provides for vegetation clearance as a consequence of an emergency occurring on, or failure of, the Waitaki Power Scheme	Retain Rule 2.1.1
Rule 2	Rule 2.1.2	Oppose	<p>Providing for vegetation clearance associated with the operation and maintenance of the Waitaki Power Scheme as a permitted activity is supported. This includes the need to manage a variety of flows and situations, including flood and spill situations, that do not constitute an emergency.</p> <p>Genesis considers that given the significance of the Waitaki Power Scheme having specific provisions is entirely consistent with the NPSREG and the RPS.</p> <p>However, the activity status for a number of activities associated with the Waitaki Power Scheme, particularly refurbishment, enhancement and upgrading is not appropriate and does not give effect to Chapter 16 of the RPS nor the NPSREG.</p>	<p>Amend Rule 2.1.2:</p> <p>2.1 Permitted Activities – Indigenous Vegetation Clearance</p> <p>2.1.2 Clearance <u>is</u> required for the operation , and maintenance <u>and upgrading</u> of the Waitaki Power Scheme <u>Activities</u>, within the <u>Waitaki Power Scheme Management Area following areas;</u></p> <ul style="list-style-type: none"> • The existing footprint of the Waitaki Power Scheme. • On core sites associated with the Waitaki Power Scheme. • <u>On areas covered by an operating easement associated with the Waitaki Power Scheme.</u>

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			<p>PC 18 as notified imposes additional regulation on activities, and imposes a different activity status for activities associated with the Waitaki Power Scheme than the current activity status in the Operative District Plan.</p> <p>Other activities should be provided for as permitted activities within the Waitaki Power Scheme Management Area associated with the Waitaki Hydro Scheme. In addition, if indigenous vegetation clearance for any activity outside the management area of the Waitaki Scheme is provided for as a permitted activity under Rule 1 then this should not result in a more onerous activity status under Rule 2.</p> <p>The relief sought to the rules relies on the definition of "Waitaki Power Scheme Activities" addressed in the submission lodged on the definitions being adopted.</p>	<p><u>2.1.3 For any activity, clearance that is a permitted activity under Rule 1.1.1.</u></p>
Rule 2	Rule 2.2	Oppose	<p>Genesis considers that refurbishment activities which are to enable generation and transmission upgrades and renewals occurring within the existing footprint, the core land, or within the operating easements (the Waitaki Power Scheme Management Area) should be permitted activities.</p> <p>The relief sought encompasses refurbishment activities within the definition of Waitaki Power Scheme Activities, and includes these in the permitted activity rule.</p> <p>It is also noted that when considering the proposed rule (as notified) as a restricted discretionary activity the matters that discretion is restricted to do not explicitly acknowledge the national significance of the activity. Given the objective of the NPSREG Genesis does not consider this to be appropriate.</p>	<p>Delete Rule 2.2 and provide for refurbishment as part of the activities associated with the Waitaki Power Scheme, as part of the Waitaki Power Scheme Activities as a permitted activity, consistent with the submission lodged on the definitions and Rule 2.1.2.</p>
Rule 2	Rule 2.3	Oppose in part	<p>Genesis considers that any activity to enable generation and transmission upgrades and renewals occurring within the existing footprint, the core land,</p>	<p>Amend Rule 2.3:</p>

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			<p>or within the operating easements should be permitted given insignificant environmental effects. They should not be discretionary activities and therefore the rule as notified is not supported.</p> <p>The concern with the activity status is also linked to the issues with the notified definition of indigenous vegetation. A discretionary activity status for any new facility, structure or works will impose significant regulatory cost and will not give effect to the NPSREG.</p> <p>It is however appropriate that an activity that seeks to increase the maximum operating level or a lake, and activities that do not meet the permitted activity standards, is treated as a discretionary activity.</p> <p>The submission seeks a consistent approach be taken to discretionary activity status for activities associated with the Waitaki Power Scheme as in the Operative Plan.</p>	<p>2.3 Discretionary Activity – Indigenous Vegetation Clearance</p> <p>2.3.1 Any indigenous vegetation clearance associated with any new facility, structure or works associated with the Waitaki Power Scheme <u>or Waitaki Power Scheme Activities that is not permitted under Rule 2.1 or Rule 2.1.3.</u></p> <p><u>2.3.2 Indigenous vegetation clearance necessary to achieve an increase in the maximum operating level of a lake or water storage area or to create a new lake or water storage area.</u></p>
Rule 1	Rule 1	Support	<p>Genesis supports the specific rule set for the Waitaki Power Scheme and therefore that Rule 1 does not apply to vegetation clearance associated with the scheme.</p>	<p>Retain the heading of Rule 1. “Indigenous Vegetation Clearance excluding indigenous vegetation clearance associated with the Waitaki Power Scheme”.</p> <p>Insert a new permitted activity Rule in Rule 2.1:</p> <p><u>2.1.3 Clearance for any activity that is a permitted activity under Rule 1.1.</u></p>

Plan Change 19 – New Section 7A Activities on or within Waterbodies

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
	All submission points		Genesis has identified specific changes it seeks in the submission points below. However, it is recognised that that alternative ways of providing the same or similar relief may also be appropriate. There may also be consequential changes that are necessary.	Genesis seeks the relief set out below, any relief of similar effect, alternative relief that addresses the matters of concern and any consequential amendment necessary in response to Genesis' submissions.
	Scope of Plan Change		Genesis considers that the provisions in PC 19 should be changed to ensure that the activities associated with the Waitaki Power Scheme are provided for, and that the effects of other activities on the Waitaki Power Scheme are considered.	Amend the provisions within Plan Change 19 to ensure that the rules enable the operation and maintenance of the Waitaki Power Scheme is protected and provide for activities related to the operation, maintenance, upgrading and development of the Waitaki Power Scheme.
Obj 8	Objective 8 Activities on or within waterbodies	Oppose in part	<p>This objective needs to recognised that there are activities that occur on the surface of waterbodies in the Mackenzie District that are critical to the ongoing operations and maintenance of the Waitaki Power Scheme.</p> <p>Recreational activities undertaken on these waterbodies should be required to manage effects to ensure they do not compromise the Waitaki Power Scheme. In addition, it is appropriate to restrict the immediacy of recreational activities near electricity generation infrastructure for health and safety reasons.</p> <p>Lake Tekapo is a critical part of Genesis operations, as is Lake Pukaki (Tekapo B is situated in Lake Pukaki). There should be recognition of this at the Objective level in new Section 7A.</p> <p>Genesis has also provided changes to this rule to specify that it is near waterbodies that should be managed, rather than within.</p>	<p>Amend Objective 8:</p> <p>Rural Objective 8 – Activities on or <u>within near</u> Waterbodies In relation to activities being undertaken on or near water bodies to ensure that:</p> <p>(a) Recreational activities being undertaken on or within near the District waterways and riverbeds in a manner which avoids, remedies or mitigates potential adverse effects on conservation values, wildlife and wildlife habitats, public health and safety, <u>the nationally significant Waitaki Power Scheme</u>, recreational values, takata whenua values and general amenity values.</p> <p>(b) <u>The special characteristics and significance of the Waitaki Power Scheme is recognised and provided for.</u></p>
Obj 8	Objective 8 Explanation and Reasons	Oppose in part	Genesis considers that the explanation and reasons for Objective 8 should reflect that recreational activities and associated vehicle use could have adverse effects on the Waitaki Power Scheme.	<p>Amend Objective 8 reasons:</p> <p>Reasons</p>

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike through]
				<p>There is potential for recreational activities and associated vehicle use to have a number of adverse effects on waterways and riverbeds including:</p> <ul style="list-style-type: none"> - noise - reduction in navigational safety - conflict with other recreationalists - degradation of river, lake and adjoining wildlife habitats - increased bank erosion caused by wave action or activity on the banks - water contamination from turbidity, exhaust fumes and human effluent - litter and other wastes in the area - disturbance to wading birds and other wildlife, especially during the breeding season (August to January inclusive) - <u>on the nationally significant Waitaki Power Scheme</u> <p>It is appropriate in providing for recreation throughout the District that these adverse effects are minimised to enable environmental and recreational quality to be maintained.</p> <p><u>The Waitaki Power Scheme is nationally significant and its special characteristics with respect to activities undertaken on or within water bodies must be recognised and provided for.</u></p>
8B	<p>Rural Policy 8B – Lake Pukaki</p> <p>And Explanation and Reasons</p>	Oppose in part	<p>Genesis considers that Policy 8B needs to recognise Lake Pukaki is a critical part of the Waitaki Power Scheme, in addition to having unique values.</p> <p>Avoiding all motorised activities on Lake Pukaki is inappropriate as it is part of a hydro-generation infrastructure (which does require motorised activities to be undertaken).</p>	<p>Amend Policy 8B:</p> <p>Rural Policy 8B – Lake Pukaki</p> <p>To protect the unique natural quiet, beauty and tranquillity values and experience of Lake Pukaki <u>and its function in relation to the Waitaki Power scheme</u> by avoiding motorised activities on the Lake other than for essential activities <u>or those associated with the Waitaki Power Scheme.</u></p> <p>Explanation and Reasons</p> <ul style="list-style-type: none"> • As for Objective 8

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike through]
				<ul style="list-style-type: none"> The unique natural and cultural values of Lake Pukaki and its prominent position at the foot of Aoraki are highly valued locally, nationally and internationally. It is very important that these values, which include natural quiet and tranquillity, remoteness, grandeur and wildness, and the experience of these values, are not compromised by motorised boating on the Lake Pukaki. <u>Lake Pukaki is an essential part of the nationally significant Waitaki Power Scheme. The Lake is actively managed as part of this scheme and there is a range of infrastructure and activities associated with the Waitaki Power Scheme that take place in, on and around Lake Pukaki.</u>
Pol 8C	Policy 8C Commercial Activities And Explanation and Reasons	Oppose in part	<p>Genesis is concerned that the activities undertaken by its sub-contractors as part of Waitaki Power Scheme activities would be considered as commercial activities.</p> <p>Genesis submits that Waitaki Power scheme activities should be explicitly removed from this policy to ensure all necessary activities can continue on or near waterbodies.</p>	<p>Amend Policy 8C:</p> <p>Rural Policy 8C – Commercial Activities</p> <p>To avoid, remedy or mitigate the adverse effects of commercial activities, <u>other than any activities associated with Waitaki Power Scheme</u>, through assessment by way of resource consent.</p> <p>Explanation and Reasons</p> <ul style="list-style-type: none"> As for Objective 8 The potential for greater frequency and intensity of use associated with commercial activities, as compared to non-commercial activities, justifies these activities requiring resource consent. This process enables the Council to assess the impacts (including cumulative impacts) of any proposal on the waterbodies and adjoining land and recognises that it is not possible to anticipate the form and effects of future commercial activities. <u>A number of the lakes and rivers in the District are an essential part of the nationally significant Waitaki Power Scheme. The waterbodies are actively managed as part of this scheme and there is a range of infrastructure and activities associated with the Waitaki Power</u>

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike through]
				<p>Scheme that take place in, on and around these lakes and rivers. Commercial activities associated with the Waitaki Power Scheme are not managed through this policy.</p> <ul style="list-style-type: none"> It is considered unreasonable and impractical to subject non-commercial activities to control except where special values of a waterbody and its surrounds justify control or prohibition.
Pol 8GC	Policy 8GC - Regulations	Oppose in part	<p>Genesis supports managing navigational safety matters through regulations and bylaws.</p> <p>Genesis does consider however rules should be in the District Plan to address surface water activities that may conflict with significant infrastructure associated with the Waitaki Power Scheme. In addition, recreational activities can result in health and safety issues if undertaken in close proximity to significant infrastructure. It is therefore appropriate to ensure these activities are set back from infrastructure.</p>	<p>Amend Rural Policy 8GC - Regulations:</p> <p>To seek the continued administration and control of navigational safety matters principally through regulations or bylaws equivalent mechanisms under the Harbours Act and its successor.</p> <p><u>To manage the control of navigational safety matters through:</u></p> <ol style="list-style-type: none"> <u>seeking the continued administration and control through regulations and bylaws and</u> <u>avoiding conflict between water craft and the nationally significant infrastructure associated with the Waitaki Hydro Scheme.</u>
7.A1.1	Clause 7A1.1 New Clause	Oppose in part	<p>Genesis submits that activities on or near Lake Tekapo associated with the Waitaki Power Scheme should be permitted activities, as they are currently. This rule, without changes, may treat these activities are discretionary.</p> <p>There is no justification in the s 32 evaluation report that identifies why this level of management is required.</p> <p>Genesis has also provided changes to this rule to specify that it is near waterbodies that should be managed, rather than within.</p>	<p>Insert a new clause into 7A1.1:</p> <p>7A.1.1 Permitted Activities on or <u>near within</u> Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers</p> <p><u>7A1.1.1d The use of motorised and non-motorised craft related to the operation, maintenance, upgrading and development of the Waitaki Power Scheme.</u></p>
7A2.1	Clause 7A2.1	Oppose in part	<p>As it is not specified that the rules in Clause 7A only apply to recreational activities specific provision is sought for activities associated with the Waitaki Power Scheme.</p>	<p>Insert a new clause into 7A.2.1:</p> <p>7A.2.1 Permitted Activities on or <u>near within</u> Lake Pukaki</p>

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike through]
	New Clause		<p>Genesis submits that activities on or near Lake Pukaki associated with the Waitaki Power Scheme should be permitted activities, as they are currently. This rule, without changes, may treat these activities are prohibited.</p> <p>There is no justification in the s 32 evaluation report that identifies why this level of management is required.</p> <p>Genesis has also provided changes to this rule to specify that it is near waterbodies that should be managed, rather than within.</p>	<p>7A1.1.1d The use of motorised and non-motorised craft related to the operation, maintenance, upgrading and development of the Waitaki Power Scheme.</p>
Rule 7	Rules 7A.1, 7A 1.2 , 7A 1.3, 7A 2.1 and 7A.2.2	Oppose in part	<p>Recreational activities undertaken on these waterbodies should be required to manage effects to ensure they do not compromise the Waitaki Power Scheme. In addition, it is appropriate to restrict the immediacy of recreational activities near electricity generation infrastructure for health and safety reasons.</p> <p>The restrictions sought will ensure that reverse sensitively effects of recreational and commercial activities on the Waitaki Power Scheme are appropriately managed. These restrictions will ensure better safety provisions as people will be separated from the infrastructure.</p>	<p>Amend the rules:</p> <p>7A.1 Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Ophi and Opuha Rivers</p> <p>7A.1.1 Permitted Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Ophi and Opuha Rivers</p> <p>7A.1.1.a Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.</p> <p>7A.1.1.b Non-commercial motorised and non-motorised activities <u>provided the following conditions are met:</u></p> <p><u>a. The activity is not within 500 metres from any tailrace discharge forming part of the Waitaki Power Scheme.</u></p> <p><u>b. The activity is not within 200 metres from any intake or spillway structures forming part of the Waitaki Power Scheme.</u></p> <p><u>c. The activity is not within 200 metres from any other structures forming part of the Waitaki Power Scheme.</u></p>

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike through]
				<p>7A.1.1.c Craft on the surface of waterways used for accommodation where all effluent is contained on board the craft <u>provided the following conditions are met:</u></p> <p><u>a. The activity is not within 500 metres from any tailrace discharge forming part of the Waitaki Power Scheme.</u></p> <p><u>b. The activity is not within 200 metres from any intake or spillway structures forming part of the Waitaki Power Scheme.</u></p> <p><u>c. The activity is not within 200 metres from any other structures forming part of the Waitaki Power Scheme.</u></p> <p>7A.1.2 Discretionary Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers</p> <p>7A.1.2.a Commercial motorised and non-motorised activities <u>other than those provided for as permitted or non-complying activities.</u></p> <p>7A.1.2.b Jetties and boat ramps</p> <p>7A.1.3 Non-complying Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers</p> <p>7A.1.3.a Craft on the surface of waterways used for accommodation where effluent is not contained on board the craft.</p> <p><u>7A.1.3b Any permitted activity that does not meet the conditions for permitted activities.</u></p> <p>7A.2 Activities on or within Lake Pukaki</p> <p>7A.2.1 Permitted Activities on or within Lake Pukaki</p> <p>7A.2.1.a Use of motorised and non-motorised craft for search and rescue, civil emergency, scientific research and monitoring and pest control purposes.</p>

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike through]
				<p>7A.2.1.b Non-commercial non-motorised activities <u>provided the following conditions are met:</u></p> <p><u>a. The activity is not within 500 metres from any tailrace forming part of the Waitaki Power Scheme.</u></p> <p><u>b. The activity is not within 200 metres from any intake or spillway structures forming part of the Waitaki Power Scheme.</u></p> <p><u>c. The activity is not within 200 metres from any other structures forming part of the Waitaki Power Scheme.</u></p>
	<p>Provisions relating to Structures</p> <p>Policy 8F Structures</p> <p>Rules</p> <p>7A.1.2.b Jetties and boat ramps</p> <p>7A.2.2.b Jetties and boat ramps</p> <p>Other rules applying to motorised and non-motorised</p>	Oppose in part	<p>Policy 8F addresses the location, design and use of structures and facilities within or near waterways. Given the functions of the Canterbury Regional Council and regulatory approach within the Canterbury Land and Water Regional Plan this Policy and subsequent rules associated with it are not appropriate.</p> <p>The objective addresses recreational activities, the policy addresses all structures, yet the rules only address jetties and boat ramps. This means there is a significant disconnect between the objective, policies and rules as to what activities and what structures these rules are intended to provide for.</p> <p>Activities such as jetties and boat ramps are already managed within the Regional Plan therefore these provisions address activities already subject to separate regulatory control under the Resource Management Act.</p> <p>In addition to the rules addressing jetties and boat ramps, the terminology used in other provisions do not specify that these activities relate only to recreation or boating activities. These are distinguished from the drafting in other rules such as 7A1.1.a and 7A1.1.c refer to "craft".</p>	<p>Delete Policy 8F</p> <p>Delete the Explanation and Reasons for Policy 8F</p> <p>Delete Rule 7A.1.2.b Jetties and boat ramps and Rule 7A.2.2.b Jetties and boat ramps.</p> <p>Insert a new permitted activity rules into both 7A1 (Activities on or within Lakes Tekapo, Benmore and Ruataniwha and all rivers other than the Opihi and Opuha Rivers) and 7A2 (Activities on or within Lake Pukaki) to read:</p> <p><u>Permitted Activity</u></p> <p><u>1 Any Structure or activity required for Waitaki Power Scheme Activities, within the Waitaki Power Scheme Management Area.</u></p> <p>Insert a new definition of "Waitaki Power Scheme Activities" as follows:</p> <p><u>Waitaki Power Scheme Activities means managing and using natural and physical resources for generation of electricity and ensuring the safe and efficient performance of the Waitaki Power Scheme.</u></p>

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike through]
	<p>activities, including: 7A1.1.b, 7A1.2.a, 7A2.1.b, 7A2.2.a, 7A2.3.a and 7A2.3.b</p> <p>New Policy</p>		<p>Theoretically, the rules (other than those referring to craft) could apply to any activity, including any structure associated with the generation of electricity that is on the surface of a water body. Genesis generates and sells electricity meaning that any structure associated with this could be considered a commercial non-motorised activity. If not considered commercial, then it would fall under consideration of a non-commercial activity. The activities of Genesis would therefore be captured under these rules. These rules would apply to many of the structures associated with the Waitaki Hydro Power Scheme, resulting activity activities being considered as either discretionary or prohibited activities. This does not give effect to Chapter 16 of the CRPS or the NPSREG.</p> <p>In the first instance the provisions in PC 19 addressing structures should be deleted. The rules as notified are uncertain and ambiguous. They do not give effect to Chapter 16 of the CRPS and the NPSREG, and are opposed.</p> <p>Should Policy 8F and the rules relating to structures remain it is essential that any structures and facilities associated with the Waitaki Power Scheme are enabled. Specific rules to enable these activities are sought. A new policy is also sought to provide a link between the objective and new rules sought.</p> <p>Not providing the amended provisions as sought could render some of the activities associated with the Waitaki Power Scheme as a prohibited activity. The Section 32 evaluation does not identify how this level of regulation could be justified.</p> <p>In addition to these rules specific rules applying to the use of craft associated with the Waitaki Power Scheme have also been sought. These are addressed in a separate submission point.</p>	<p>It includes conducting and/or undertaking work, activities and the development and operation of activities associated with the generation of electricity. This includes erosion control works necessary to keep the Waitaki Power Scheme operating at an efficient and safe level and includes upgrading or renewal of machinery, buildings, plant, structures, facilities, works or components.</p> <p>Insert a new definition of Waitaki Power Scheme:</p> <p><u>Waitaki Power Scheme: means the nationally significant electricity generation activities in the Waitaki River Catchment including the structures, works, facilities, components, plant and activities undertaken to facilitate and enable the generation of electricity from water. It includes power stations, dams, weirs, control structures, penstocks, canals, tunnels, siphons, spillways, intakes, storage of goods, materials and substances, switchyards, fish and elver screens and passes, booms, site investigation works, erosion and flood control, access requirements (including public access), jetties, slipways and landing places, signs, earthworks, monitoring, investigation and communication equipment and transmission network.</u></p> <p>Insert a new definition of "Waitaki Power Scheme Management Area":</p> <p><u>Waitaki Power Scheme Management Area means land within the following areas:</u></p> <ul style="list-style-type: none"> <u>a. The existing footprint of the Waitaki Power Scheme.</u> <u>b. Core sites associated with the Waitaki Power Scheme.</u> <u>c. Areas covered by an operating easement associated with the Waitaki Power Scheme.</u> <p>Insert new definitions of "Core Sites" and "Operating Easement":</p>

Ref	Plan change Provision	Support/Oppose	Submission Summary	Relief Sought [New text shown as <u>underlined</u> and deleted text shown as strike-through]
				<p><u>Core Sites: means land owned by Genesis Energy or Meridian Energy that is managed for hydro generation purposes associated with the Waitaki Power Scheme.</u></p> <p><u>Operating Easement: means land Genesis Energy or Meridian Energy has an operating easement over, the purpose of which is to provide for activities to be undertaken by Genesis Energy or Meridian Energy as part of the management of the hydro facilities associated with the Waitaki Power Scheme.</u></p> <p>Insert a new policy:</p> <p><u>To recognise and provide for the nationally significant renewable energy generation and transmission activities of the Waitaki Power Scheme and the special features of that activity including:</u></p> <ul style="list-style-type: none"> e. <u>the need to locate the activity where the renewable energy resource is available;</u> f. <u>logistical or technical practicalities associated with developing, upgrading, operating or maintaining the activity;</u> c. <u>the location of existing structures and infrastructure and provide for its development, operation, maintenance and upgrading.</u>

The Best Way Forward

We invite the Mackenzie District Council to consider our submission and request that you make the necessary changes to ensure that activities fundamental to the continued operation and maintenance of the nationally significant Tekapo Power Scheme, and more broadly the Waitaki Power Scheme, are not compromised.

If you would like to discuss any of these matters outlined in the submission further, please do not hesitate to contact me on 021 630 567 or via email karen.sky@genesisenergy.co.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Karen Sky', written in a cursive style.

Karen Sky
Environmental Manager

Appendix 1: Statutory Context

The Resource Management Act 1991

In the context of section 5 of the RMA, the following matters are of particular relevance when considering the electricity generation infrastructure in the Mackenzie District:

- The hydroelectricity generation infrastructure within the Mackenzie District are nationally significant longstanding “physical resources” that have been part of the existing environment since first work began in the 1930s, and they are subject to the principle of sustainable management.
- The hydroelectricity generation infrastructure within the Mackenzie District enable people and communities (locally, regionally and nationally) to provide for their social, economic and cultural wellbeing and for their health and safety.
- The hydroelectricity power schemes located within, and adjacent to, the Mackenzie District form a substantial body of renewable electricity generation, contributing, on average, 25% of New Zealand’s renewable electricity generation.
- The hydroelectricity power schemes located within, and adjacent to, the Mackenzie District are of national significance in providing security of supply to New Zealand’s electricity network, particularly in the South Island. The Waitaki Catchment based schemes alone provide approximately 60% of New Zealand’s controllable hydro storage capacity.
- Electricity is a vital resource for New Zealand. There can be no sustainable management of natural and physical resources without energy, of which electricity is a major component.
- If the operations of the hydroelectricity power schemes are constrained, it will adversely affect the ability of the schemes to generate electricity.
- Vegetation clearance for operation and maintenance purposes are a critical part of scheme operations. Further, having structures and undertaking activities on the surface of water are also a fundamental part of the Waitaki Power Scheme activities.
- The Tekapo Power Scheme is subject to a detailed consented operational regime that robustly addresses actual and potential effects on the environment.

These circumstances mean that to promote sustainable management as required by section 5 of the RMA the Mackenzie District Plan should recognise and provide for the national and regional significance of the hydroelectricity power schemes located within the Mackenzie District.

In addition, sections 7(i) and 7(j) of the RMA require all persons exercising functions and powers under the RMA to have particular regard to the effects of climate change and the benefits to be derived from the use and development of renewable energy. These include having particular regard to these matters in the preparation of regional and district planning documents.

Giving Effect to the Canterbury Regional Policy Statement

The following provisions from the RPS are directly relevant to providing for the nationally significant Waitaki Power Scheme

Objective 5.2.2 - Integration of land-use and regionally significant infrastructure (Wider Region)

In relation to the integration of land use and regionally significant infrastructure:

- (1) To recognise the benefits of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that is regionally significant to the extent that it promotes sustainable management in accordance with the RMA.
- (2) To achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that:
 - (a) development does not result in adverse effects on the operation, use and development of regionally significant infrastructure.
 - (b) adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.
 - (c) there is increased sustainability, efficiency and liveability.

Policy 5.3.9 – Regionally significant infrastructure (Wider Region)

In relation to regionally significant infrastructure (including transport hubs):

- (1) avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;
- (2) provide for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and
- (3) provide for the expansion of existing infrastructure and development of new infrastructure, while:
 - (a) recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists;
 - (b) avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling adverse effects on the environment; and

...

Policy 7.3.11 – Existing activities and infrastructure

In relation to existing activities and infrastructure:

- (1) to recognise and provide for the continuation of existing hydro-electricity generation and irrigation schemes, and other activities which involve substantial investment in infrastructure; but

.....

Objective 16.2.2 Promote a diverse and secure supply of energy

Reliable and resilient generation and supply of energy for the region, and wider contributions beyond Canterbury, with a particular emphasis on renewable energy, which:

- (1) provides for the appropriate use of the region's renewable resources to generate energy;
- (2) reduces dependency on fossil fuels;
- (3) improves the efficient end-use of energy;
- (4) minimises transmission losses;
- (5) is diverse in the location, type and scale of renewable energy development;
- (6) recognises the locational constraints in the development of renewable electricity generation activities; and
 - (a) avoids any adverse effects on significant natural and physical resources and cultural values or where this is not practicable, remedies or mitigates; and
 - (b) appropriately controls other adverse effects on the environment.

Policy 16.3.3 – Benefits of renewable energy generation facilities

To recognise and provide for the local, regional and national benefits when considering proposed or existing renewable energy generation facilities, having particular regard to the following:

- (1) maintaining or increasing electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;
- (2) maintaining or increasing the security of supply at local and regional levels, and also wider contributions beyond Canterbury; by diversifying the type and/or location of electricity generation;
- (3) using renewable natural resources rather than finite resources;
- (4) the reversibility of the adverse effects on the environment of some renewable electricity generation facilities;
- (5) avoiding reliance on imported fuels for the purposes of generating electricity; and
- (6) assisting in meeting international climate obligations.

Methods

Territorial Authorities:

Will:

- (1) Set out objectives and policies, and may include methods in district plans that recognise the local, regional and national benefits of renewable energy supply, including security of supply, providing for electricity capacity, and assisting in meeting international climate obligations

Policy 16.3.5 — Efficient, reliable and resilient electricity generation within Canterbury

To recognise and provide for efficient, reliable and resilient electricity generation within Canterbury by:

- (1) avoiding subdivision, use and development which limits the generation capacity from existing or consented electricity generation infrastructure to be used, upgraded or maintained;
- (2) enabling the upgrade of existing, or development of new electricity generation infrastructure, with a particular emphasis on encouraging the operation, maintenance and upgrade of renewable electricity generation activities and associated infrastructure:

- (a) having particular regard to the locational, functional, operational or technical constraints that result in renewable electricity generation activities being located or designed in the manner proposed;
- (b) provided that, as a result of site, design and method selection:
 - (i) the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable remedied, mitigated or offset; and
 - (ii) other adverse effects on the environment are appropriately controlled.
- (3) providing for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation;
- (4) maintaining the generation output and enabling the maximum electricity supply benefit to be obtained from the existing electricity generation facilities within Canterbury, where this can be achieved without resulting in additional significant adverse effects on the environment which are not fully offset or compensated.

Methods

Territorial Authorities

Will:

- (3) Set out objectives and policies, and may include methods in district plans to:
 - (a) avoid land-uses that may result in adverse reverse sensitivity effects on the existing electricity generation infrastructure;
 - (b) enable the upgrade of existing and establishment of new electricity generation infrastructure, while avoiding or mitigating the adverse effects referred to in Policy 16.3.5(2)(a) - (b) above and controlling other adverse effects;
 - (c) provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable energy generation.