

**BEFORE INDEPENDANT HEARING COMMISSIONERS  
APPOINTED BY THE MACKENZIE DISTRICT COUNCIL**

**UNDER**

the Resource Management Act  
1991

**IN THE MATTER OF**

submissions by Opuha Water  
Limited on Proposed Plan Change  
18 to the Mackenzie District Plan  
(Indigenous Biodiversity)

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**STATEMENT OF EVIDENCE OF JULIA MARGARET CROSSMAN  
FOR OPUHA WATER LIMITED (SUBMITTER #14)**

Dated: 12 February 2021

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## **1 INTRODUCTION**

- 1.1 My name is Julia Margaret Crossman. I am the Environmental Manager of Opuha Water Limited (**OWL**), a position I have held since January 2014.
- 1.2 I hold a Bachelor of Applied Science, majoring in Environmental Management (First Class Honours) from Otago University, and a Master of Resource and Environment Planning (First Class Honours) from Massey University. I also hold a Certificate of Completion (Intermediate) in Sustainable Nutrient Management in New Zealand Agriculture from Massey University.
- 1.3 My current role involves consent management for OWL, including the management of new consent applications and compliance monitoring. Prior to my work at OWL, I held various roles at ECan for a period of nine years, including Resource Care Co-ordinator (Land Management section), Community Facilitator for the Planning Section where I was involved in the Orari and Selwyn-Waihora Sub-Regional Planning Processes, and Project Manager and Lead Planner for the Waitaki Sub-Regional Planning Process.
- 1.4 OWL limited made a submission and further submissions on Plan Change 18 to the Mackenzie District Plan (**PC18**). I am authorised to give this evidence on behalf of OWL in relation to those submissions.

## **2 SCOPE OF EVIDENCE**

- 2.1 The primary purpose of my evidence is to outline the implications of PC18, as notified, for OWL, the Opuha Dam and its nationally significant hydroelectric generation activities.
- 2.2 In my evidence, I:
- (a) Provide an overview of OWL's interest in PC18;
  - (b) Describe the MDP's framework for activities associated with the Opuha Dam and hydroelectric power station to the extent relevant to the concerns raised in OWL's submission on PC18;
  - (c) Outline the implications of PC18 as notified for those activities; and

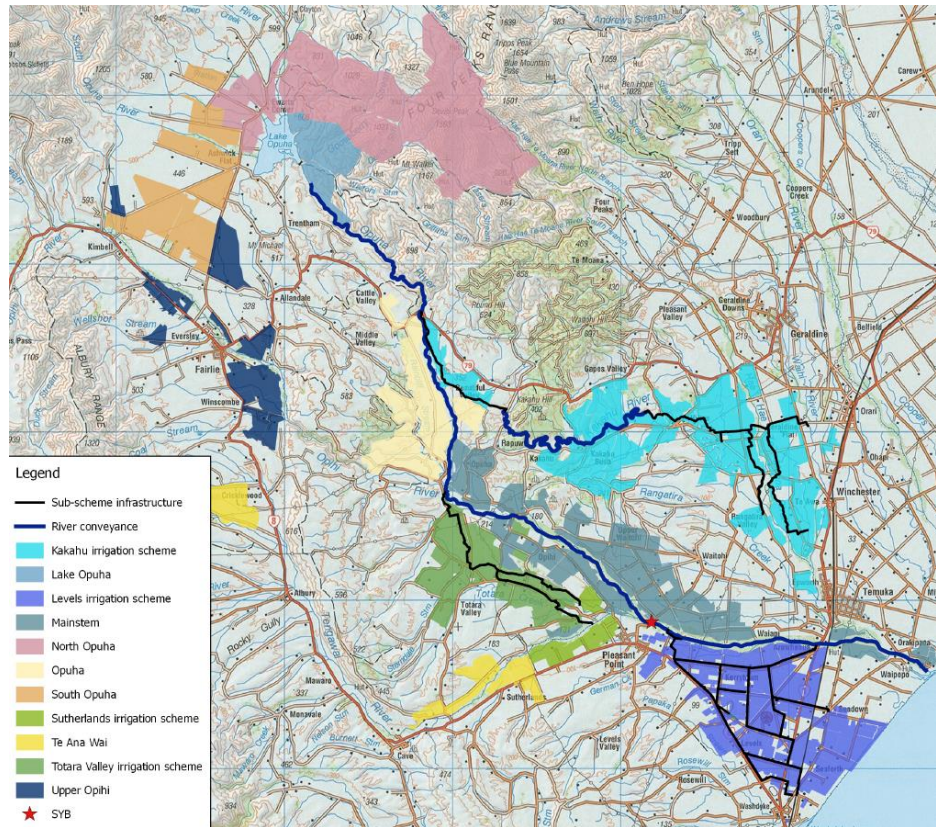
- (d) Address matters raised in the section 42A Report in relation to OWL's submission and comment on the Reporting Officer's recommendations.

### **3 SUMMARY OF EVIDENCE**

- 3.1 OWL's primary interest in PC18 is to ensure that the future planning framework for indigenous vegetation clearance in the Mackenzie District Plan (**MDP**) appropriately recognises the national importance of the existing renewable electricity generation facility at the Opuha Dam and enables the works and activities associated with it, in accordance with the National Policy Statement for Renewable Energy Generation (**NPSREG**).
- 3.2 I consider that outcome could be achieved by extending the proposed Waitaki Power Scheme rules (proposed Section 19, Rules 2.1 – 2.3) to apply to the Opuha Dam and its hydroelectric power station (**HEPS**), as set out in in **Annexure B** to my evidence. Such an approach would mirror the approach adopted by the Canterbury Land and Water Regional Plan (**CLWRP**) for hydroelectric generation activities (Policy 4.51; Rules 5.125A-D).
- 3.3 Those amendments also recognise the operational reality that the HEPS and Opuha Dam are inextricably linked; the HEPS generates power from all stored water released from the Dam. Accordingly, in my view, for the purpose of PC18, indigenous vegetation clearance associated with the HEPS should be treated as indigenous vegetation clearance associated with the wider Opuha Dam facility.
- 3.4 Without such amendments, indigenous vegetation clearance associated with the development, operation, maintenance and upgrading of the Opuha Dam's HEPS would be non-complying activities under proposed Rule 1.3 of Section 19 as notified. I do not consider such an activity status appropriately recognises the national significance of the HEPS or would fully implement proposed Policy 7 of Section 19 as notified.
- 3.5 I otherwise agree with the recommendations in the Section 42A report in response to OWL's other submission points, and those of other submitters on which OWL made a further submission.

## 4 OWL'S INTEREST IN PC18

4.1 OWL's interest in PC18 arises from its role as owner and operator of the Opuha Dam and HEPS, which form a central part of the wider Opuha Scheme, shown in Figure 1 below:



**Figure 1:** Location of Lake Opuha, the Opuha Scheme and distribution infrastructure.

4.2 The Opuha Dam and HEPS are located within the Mackenzie District, while all downstream water distribution infrastructure forming part of the Opuha Scheme and its sub-schemes (Kakahu, Totara Valley, Sutherland and Levels) lie in the Timaru District.

4.3 The Dam augments flows in the mainstems of the Opuha and Opihi Rivers to maintain environmental flow and provide water for community supplies and irrigation. In this regard, the Opuha Dam has an ongoing role in ensuring that the freshwater resources of the wider Opihi catchment are managed in a way that gives effect to Te Mana o Te Wai, as directed by the National Policy Statement for Freshwater Management 2020.<sup>1</sup>

<sup>1</sup> Policy 1.

- 4.4 The 7MW HEPS is located at the base of the Dam and generates electricity from all stored water released from the Dam<sup>2</sup>. The conditions of OWL's regional consents authorise the discharge of up to 16.5 m<sup>3</sup>/s of water (from the Dam) for the purpose of power generation, but preclude the discharge of water solely for that purpose.
- 4.5 The water from the HEPS discharges into a large 'regulating pond' and a control structure at the bottom end of the regulating pond (the downstream weir) regulates the amount of water released into the Opuha River. In the figure below, the regulating pond is the body of water between the Opuha Dam in the background and the downstream weir in the foreground. This arrangement means the power station can operate intermittently at full load to get the best electricity price while the flow into the river is managed to meet minimum flow requirements and irrigation demand.



**Figure 2.** The Opuha Dam, regulating pond and downstream weir (looking upstream).

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<sup>2</sup> Excluding those flows passed over the spillway to manage floods.

- 4.6 The areas of the impoundment structures are currently maintained to keep them free of any vegetation such that the regular visual inspections of the structures can occur unimpeded and with confidence that anything abnormal will be noticed easily. Furthermore, as a responsible dam owner, OWL commits significant resources to enhancing the safety and long-term integrity of the Dam, including physical/structural works on or around the impoundment structures. These structural works may, inevitably, involve vegetation clearance, including potentially indigenous vegetation clearance.
- 4.7 The importance of the Opuha Dam and HEPS for electricity generation from district, regional and national perspectives is acknowledged in variously by the MDP<sup>3</sup>, CLWRP<sup>4</sup>, Canterbury Regional Policy Statement<sup>5</sup> and NPSREG. The HEPS provides a valuable contribution to the local electricity network operated by Alpine Energy and onto Transpower's national grid via substations at Fairlie and Albury. It is operated and maintained under contract to Trustpower, and is monitored and operated from their control centre in Tauranga.
- 4.8 The amount of electricity generated annually by the HEPS is dependent on the hydrology of the Lake Opuha catchment, available stored water and downstream water demand. The output can vary considerably from year to year, and for any particular month. However, on average, the power generated from the Opuha Dam annually is sufficient to supply approximately 3800 households, and the revenue from the electricity sales accounts for approximately 40% of OWL's income.
- 4.9 OWL's primary interest in PC18 is to ensure that the future planning framework for indigenous vegetation clearance appropriately recognise the national importance of the existing renewable electricity generation activities undertaken at the Opuha Dam and enables the works and activities associated with it, in accordance with the directives of the NPSREG in particular.

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<sup>3</sup> Through the Special Purpose Opuha Dam Zone and associated planning framework in Section 9, including permitted activity rule 1.4.2, discussed later in my evidence.

<sup>4</sup> Through Policy 4.51 and Rule 5.125C.

<sup>5</sup> Under the CRPS, the Opuha Dam falls within the definition of "regionally significant infrastructure" being *National, regional and local renewable electricity generation activities of any scale and Established community-scale irrigation and stockwater infrastructure*.



4.10 OWL would be more than happy to facilitate a site visit to the Opuha Dam for the Commissioners should they consider that would be helpful to more fully understand the matters raised in OWL's submission and this statement of evidence.

## 5 PLANNING CONTEXT

5.1 The Opuha Dam and HEPS, together with associated infrastructure and facilities, are located within the MDP's Opuha Dam Special Purpose Zone (ODZ) as shown in blue hatching in Figure 3 below.

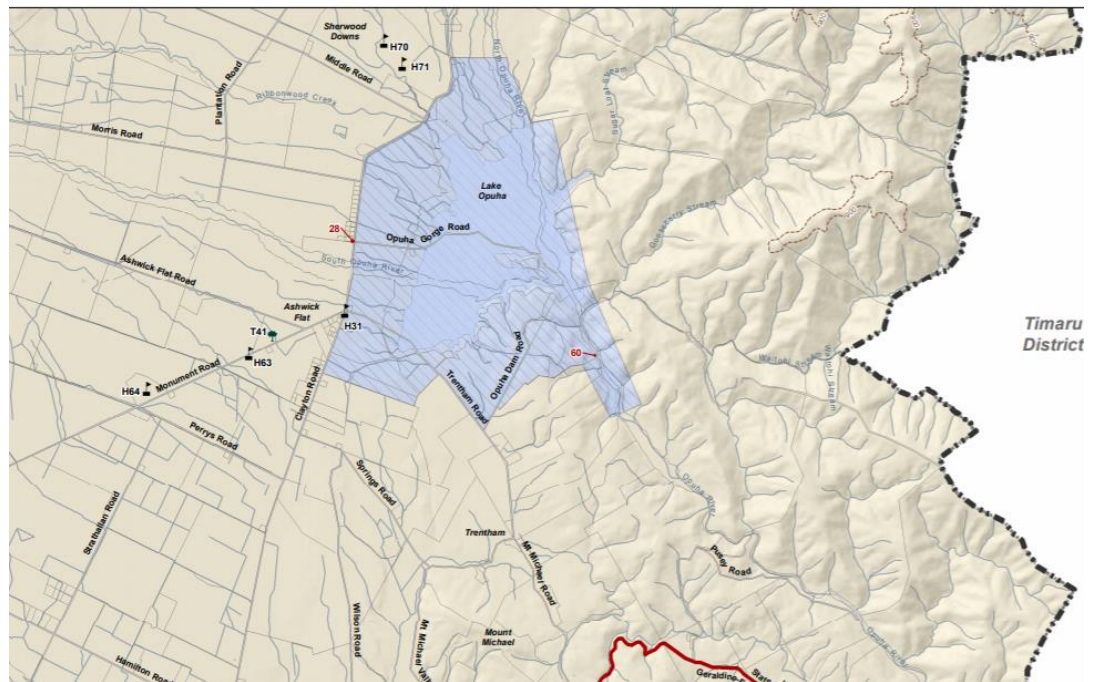


Figure 3. Opuha Dam Zone (MDP Planning Map 26).

5.2 I concur with the analysis that Ms White has provided in the Section 42A Report of the existing planning framework for the Opuha Dam and HEPS,<sup>6</sup> particularly her comment that there is an absence of any controls on indigenous vegetation clearance for activities permitted within the ODZ such as *construction, maintenance and operation of a 7.5Mw hydrogeneration electricity plant, associated switchgear, yards and facilities* (Section 9, Rule 1.4.2).

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<sup>6</sup> Section 42A Report, at [331].

- 5.3 As noted in OWL's submission, while not expressly clear from the wording of PC18 itself, OWL had understood MDC's intention to be that the proposed new Section 19: Indigenous Biodiversity would apply district wide, including to activities permitted in the ODZ.. Ms White has recommended the inclusion of additional text in Section 19 to make it clear that Section 19 applies in addition to the provisions in other sections of the MDP,<sup>7</sup> which would include Section 9 and activities in the ODZ.

## **6 CLEARANCE ASSOCIATED WITH THE OPUHA DAM AND HEPS**

### Activity status under PC18 as notified

- 6.1 PC18 as notified introduces Policy 7 in new Section 19, which states as follows:

*To recognise the economic and social importance of renewable energy generation and transmission consistent with the objectives and policies of this Plan, to provide for its upgrading, maintenance and enhancement.*

- 6.2 A suite of implementing rules for indigenous vegetation clearance associated with the maintenance and operation, emergency and/or refurbishment of the Waitaki Power Scheme follow.<sup>8</sup> However, such activities associated with the Opuha HEPS, which shares the same nationally important status as the Waitaki Power Scheme under the NPSREG, fall outside of the scope of those rules and instead would be subject to the general rules for indigenous vegetation clearance.<sup>9</sup>
- 6.3 As a consequence of this rule structure, most indigenous vegetation clearance undertaken by OWL in relation to the Opuha HEPS, and consequently the Opuha Dam, would be a non-complying activity (under Rule 1.3 of Section 19) due to the proximity of such activities to waterways (and therefore non-compliance with Rule 1.2.1(3) or 1.2.2(2) of Section 19).

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<sup>7</sup> Section 42A Report, at [102].

<sup>8</sup> Section 19, Rule 2.1 – 2.3

<sup>9</sup> Section 19, Rules 1.1 – 1.3.



- 6.4 It is unclear how this outcome would implement Policy 7 as notified (per s75(1)(c) RMA) or give effect to the directive contained in the Objective of the NPSREG (per s75(3)(a) RMA), as follows:

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, 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.

- 6.5 I can only assume that this was an omission on the part of the plan drafters; certainly, the section 32 report lacks any mention of the Opuha Dam or HEPS, despite the latter's status under the NPSREG and other statutory documents as noted earlier in my evidence.

#### OWL's submission

- 6.6 The intent of the majority of the amendments sought in OWL's submission on PC18 was to address that omission.<sup>10</sup> Bearing in mind the difficulties with retrofitting the notified planning framework, OWL settled on what appeared at the time to be the simplest option, seeking an extension of the 'Waitaki Scheme' rules to the Opuha Dam and HEPS.
- 6.7 The Reporting Officer, Ms White, does not appear to favour OWL's suggested approach in that regard. While reluctantly accepting the Opuha HEPS's status under the NPSREG, in relation to the amendments sought by OWL, she expresses the opinion:<sup>11</sup>

...it is not clear to me whether this is actually necessary from a practical point of view. This is because the hydrogeneration facility is only a small component of the overall dam facility and infrastructure and as I do not agree that the approach taken for the WPS should apply to the wider dam activities, it seems unlikely that indigenous vegetation clearance would need to be undertaken solely for maintenance and operation of the

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<sup>10</sup> I note that OWL also made further submissions supporting in part the primary submissions of Meridian Energy Limited and Genesis Energy Limited in relation to the planning provisions for renewable electricity generation activities PC18. OWL's support was subject to the extension of those provisions to all renewable electricity generation activities in the Mackenzie District, including those associated with the Opuha Scheme.

<sup>11</sup> Section 42A Report, at [322].

hydrogeneration facility. As such I consider it would add a level of complexity to add the hydrogeneration facility associated with the Opuha Dam to the WPS-related policies and rules, that would have limited, if any, practical use...

- 6.8 I struggle to understand why it is necessary, as Ms White suggests, to distinguish the hydrogeneration facility from the overall dam facility/infrastructure, as this simply does not recognise the existing operational reality. As I have already explained, the Opuha Dam has various roles, including hydroelectricity generation. The HEPS generates electricity from all stored water released from the Dam and as such could not operate without the Opuha Dam. Accordingly, for the purpose of PC18, I consider that indigenous vegetation clearance associated with the Opuha HEPS can and must be viewed as indigenous vegetation clearance associated with the Opuha Dam facility/infrastructure.
- 6.9 I note that the approach that OWL is asking be considered for PC18 is no different to that adopted by Environment Canterbury in Policy 4.51 and Rules 5.125C and D of the CLWRP. For the assistance of the Hearings Panel, I have attached these provisions as **Annexure A** to my evidence. Rule 5.125C forms part of a suite of rules that apply to the replacement of regional consents (or consents affected by the provisions of sections 124-124C RMA) for nationally important hydroelectricity generation associated with the Waitaki, Coleridge, Highbank, Montalto and Opuha Schemes (or undertaken by any principal water supplier that was lawfully established as at the date of the rule's notification). No distinction is made between the various components of the infrastructure comprising the schemes governed by those rules, and in my view, the same approach would, from a planning perspective, be entirely appropriate for PC18.
- 6.10 However, I accept that the amendments sought by OWL in its submission on PC18 were wider ranging than may be appropriate and could be improved. For the assistance of the Hearings Panel, I have therefore provided a revised set of amendments, focused on the Opuha Dam's 'hydroelectric generation activities', closer to the CLWRP approach, which are set out in **Annexure B**.

6.11 In this regard, I note Ms White's suggestion that:<sup>12</sup>

If this is not correct and indigenous vegetation clearance associated with only the hydrogeneration facility is likely, it may in any case be more appropriate to provide for this through an addition to Rule 1.1.1.

6.12 With respect, I do not consider Ms White's suggestion to be particularly helpful as it would result in the same outcome I have noted above at [6.3]; i.e. rendering most indigenous vegetation clearance activities associated with the development, operation, maintenance and upgrading of the existing Opuha HEPS as non-complying activities. In my opinion, this would not give effect to the NPSREG, and for the reasons I have already explained, extending proposed Rules 2.1 – 2.3 of the new Section 19 to apply to the Opuha HEPS would appear to be a more appropriate solution.

## **7 RULES 12.1.1 AND 12.2, POLICY 6**

7.1 With respect to the other requests made in OWL's submission:

- (a) I accept the point noted by Ms White regarding OWL's relief in relation to Rule 12.1.1 and that it is outside the scope of PC18.<sup>13</sup> On that basis OWL does not wish to pursue that submission point.
- (b) I support Ms White's recommendation that OWL's submission seeking that discretionary activity Rule 12.2 be retained is accepted.<sup>14</sup>
- (c) I am satisfied by Ms White's advice that the issues raised by OWL in relation to Policy 6 of the proposed new Section 19 will be addressed as a consequence of the changes she recommends to Policy 5.<sup>15</sup>
- (d) In relation to OWL's concerns about the numbering of the planning provisions, I acknowledge Ms White's response and recommendations.

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<sup>12</sup> Section 42A Report, at [332].

<sup>13</sup> Section 42A Report, at [491].

<sup>14</sup> Section 42A Report, at [490].

<sup>15</sup> Section 42A Report, at [255].

## **8 OWL'S FURTHER SUBMISSIONS**

- 8.1 OWL made further submissions on various aspects of the primary submissions on PC18 by Mackenzie Guardians, Environmental Defence Society and Royal Forest and Bird Protection Society Inc. OWL remains of the view that those submissions seek amendments to PC18 which go further than are necessary or justified by the RMA and relevant statutory documents. I concur with Ms White's analysis of those submissions and associated recommendations.

A handwritten signature in blue ink, appearing to read 'J. Crossman', is positioned above the printed name.

**Julia Margaret Crossman**

12 February 2021

**ANNEXURE A - CANTEBURY LAND AND WATER REGIONAL PLAN,  
POLICY 4.51 AND RULES 5.125A-D**

4.51 In recognition of their national benefits, existing hydro-electricity generation, and irrigation schemes and principal water supplier schemes and their associated water takes, use, damming, diverting and discharge of water are to be considered as part of the existing environment. On considering an application for a replacement consent for an existing scheme consideration will be given to the need for, and appropriateness of, improvements in the efficiency of water use and conveyance assessed over the life of the consent and reductions in any adverse effects on the environment. The benefits derived from the use of water for the generation of electricity from existing and new renewable energy sources are recognised and provided for in accordance with the National Policy Statement for Renewable Electricity Generation 2011 and the Regional Policy Statement.

**5.125A** Despite other discharge rules in this Plan, the discharge of contaminants or water onto or into land in circumstances where contaminants may enter surface water, or into surface water, associated with an activity that is part of the Waitaki Power Scheme, for which a resource consent is held and is the replacement of authorisation for a lawfully

established existing discharge affected by the provisions of sections 124 - 124C of the RMA, and the discharge is

- (a) generation and spill water from dams and power houses; or
- (b) from water storage; or
- (c) into or from canals; or
- (d) to protect the structural integrity of dams, power houses, canals and appurtenant structures;

is a controlled activity, provided the following condition is met:

1. The discharge does not cause the relevant water quality limits set out in Section 15B of this Plan, or in the absence of any water quality limits in Sections 15B the limits set out in Schedule 8 of this Plan, to be exceeded.

*The CRC reserves control over the following matters:*

1. Measures that will ensure any relevant water quality outcomes (freshwater objectives, limits or targets) set out in Section 15B of this Plan, or in the absence of any water quality outcomes in Sections 15B the outcomes in Tables 1a and 1b of this Plan, are met; and
2. Any mitigation measures to address adverse effects of the discharge on the environment, including effects on Ngāi Tahu culture, traditions, customary uses and relationships with land and water; and
3. Collection, recording, monitoring and provision of information concerning the exercise of consent.

**Notification**

Pursuant to section 95A of the RMA an application for resource consent under this rule will be processed and considered with public notification.

**5.125B** The discharge of contaminants or water onto or into land in circumstances where contaminants may enter surface water, or into surface water, associated with an activity that is part of the Waitaki Power Scheme, for which a resource consent is held and is the replacement of authorisation for a lawfully established existing discharge affected by the provisions of sections 124 - 124C of the RMA, and the discharge is:

- (a) generation and spill water from dams and power houses; or
- (b) from water storage; or
- (c) into or from canals; or
- (d) to protect the structural integrity of dams, power houses, canals and appurtenant structures;

that does not meet the condition of Rule 5.125A is a discretionary activity.

**5.125C** Despite any other rule or rules in this Plan:

- (a) the take and use of water; and
- (b) the discharge of water to water; and
- (c) the discharge of contaminants into surface water; and
- (d) the damming and diversion of water; and
- (e) the use and maintenance of a structure in the bed of a surface water body; and



- (f) the excavation and disturbance of the bed of lakes and rivers, and any associated clearance of vegetation in the bed of lakes and rivers associated with the use and maintenance of structures;

for hydroelectricity generation associated with either the Coleridge, Highbank, Montalto or Opuha scheme, or by a principal water supplier into or from the Rangitata Diversion Race that had been lawfully established prior to 1 November 2016 and is the replacement of an existing resource consent or resource consents affected by the provisions of sections 124 - 124C of the RMA is a controlled activity, provided the following conditions are met:

1. The application(s) for resource consent replaces an existing resource consent(s); and
2. There is no increase in the rate or volume of take or diversion; and
3. There is no increase in the volume of discharge or change to the type or characteristics of contaminants discharged; and
4. There is no change in the footprint of the infrastructure in the bed of a surface water body.

***The CRC reserves control over the following matters:***

1. The volume and rate of water taken or diverted, and the timing of the take or diversion; and
2. Intake velocities and measures to avoid or mitigate fish entrainment; and
3. The range, or rate of change of levels or flows of water; and
4. Water levels; and
5. Compliance with environmental flow and allocation limits in Sections 6 to 15 of this Plan; and
6. Any adverse effects on:
  - (a) Ngāi Tahu cultural values
  - (b) Lawfully established users of the surface water body
  - (c) Downstream sediment transport processes
  - (d) Aquatic ecosystems, areas of significant indigenous vegetation, and significant habitats of indigenous fauna
  - (e) Outstanding natural features and landscapes and natural character
  - (f) Amenity values (including recreation) and existing public access to and along the margins of rivers and lakes; and
7. Fish passage; and
8. Measures to manage land stability and erosion; and
9. Measures to control flooding; and
10. Measures to improve technical efficiency in water use; and
11. Where contaminants are discharged to water or land where they may enter surface water, contaminant concentrations and loading rates; and
12. Measures required to comply with s107(1) of the RMA; and
13. Maintenance and contingency requirements; and
14. Compliance monitoring.

***Notification***

Pursuant to section 95A of the RMA an application for resource consent under this rule will be processed and considered with public notification.

**5.125D Despite any other rule or rules in this Plan:**

- (a) the take and use of water; and**
- (b) the discharge of water to water; and**
- (c) the discharge of contaminants into surface water; and**
- (d) the damming and diversion of water; and**
- (e) the use and maintenance of a structure in the bed of a lake, river or stream; and**
- (f) the excavation and disturbance of the bed of lakes and rivers, and any associated clearance of vegetation in the bed of lakes and rivers associated with the use and maintenance of structures;**

**for hydro electricity generation associated with either the Coleridge, Highbank, Montalto or Opuha scheme, or by a principal water supplier into or from the Rangitata Diversion Race and that had been lawfully established prior to 1 November 2016 and that does not meet one or more of the conditions of Rule 5.125C is a discretionary activity.**

## ANNEXURE B – REVISED AMENDMENTS TO PC18

**Note: Section 42A Officer’s recommendations are shown in tracked changes, with additional changes (as discussed in my evidence) shown in yellow highlighted tracked changes.**

1. Amend Section 3 definitions by including the following new definition:

***Opuha Scheme:*** means the electricity generation activities in the Opuha/Opihi catchment including the structures, works, facilities, components, plant and activities to facilitate and enable the generation of electricity from water. It includes the Opuha Dam and power station, downstream weir, regulating pond, control structures, tailrace, spillway, intake, storage of goods, materials and substances, switchyards, fish and elver screens and passes, boom, 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 networks.

In the alternative, the definition of “Waitaki Power Scheme” could be expanded to become a new definition for “Waitaki Power and Opuha Schemes”, updated to include reference to the Opuha Scheme and its electricity generation activities in the Opuha/Opihi catchment.

2. Amend the following proposed new definitions:

***Maintenance of Waitaki Power and Opuha Schemes:*** means undertaking work and activities, including erosion control works, necessary to keep the Waitaki Power and Opuha Schemes operating at an efficient and safe level.

***Refurbishment of Waitaki Power and Opuha Schemes:*** means the upgrade or renewal (to gain efficiencies in generating and transmitting electricity, and/or water supply) of machinery, buildings, plant, structure, facilities works or components and operating facilities associated with the Waitaki Power and Opuha Schemes.

Note: the amendment to the definition of “operating easement” sought by OWL in its submission is not required as OWL owns all land on which the Opuha Dam/HEPS and related infrastructure is located.

3. Amend Policy 7 as follows:

*To manage effects on indigenous biodiversity in a way that recognises the economic and social importance of renewable energy generation and transmission ~~consistent with objectives and policies of this Plan, to~~ and provides for its development, operation, upgrading, and maintenance by: ~~and enhancement.~~*

1. *Enabling indigenous vegetation clearance that is essential for the operation and maintenance of the Waitaki Power Scheme and Opuha Scheme; and*
2. *Providing for the upgrading and development of renewable energy generation, while managing the effects of development on indigenous biodiversity, taking into account:*
  - a. *The location of existing structures and infrastructure and the need to locate the activity where the renewable energy resource is available; and*
  - b. *the wide extent and high value of significant indigenous vegetation and habitat within and associated with the Tekapo, Pūkaki and Ohāu river systems; and*
  - c. *logistical or technical practicalities associated with the activity; and*
  - d. *the importance of maintaining the output from existing renewable electricity generation activities; and*
  - e. *In respect of Policy 6, environmental compensation which benefits the local environment affected, as an alternate, or in addition to offsetting, to address any residual environmental effects.*

4. Amend the heading of Rule 1.1, Section 19 as follows

*1. Indigenous Vegetation Clearance excluding indigenous vegetation clearance associated with the Waitaki Power and Opuha Schemes*

5. Amend Rule 2, Section 19 as follows:

*2 INDIGENOUS VEGETATION CLEARANCE ASSOCIATED WITH THE WAITAKI POWER AND OPUHA SCHEMES*

*2.1 Permitted Activities – Indigenous Vegetation Clearance*

*2.1.1. The clearance of indigenous vegetation associated with the Waitaki Power or Opuha Schemes is a permitted activity if 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 or Opuha Schemes; or*

2. The Clearance is required for the operation and maintenance of the Waitaki Power ~~or Opuha~~ Schemes, within the following areas;

- The existing footprint of the Waitaki Power ~~or Opuha~~ Schemes.
- On core sites associated with the Waitaki Power Scheme.
- On areas covered by an operating easement associated with the Waitaki Power Scheme; ~~or~~

3. The clearance meets the conditions in Rule 1.1.1.

## 2.2 Restricted Discretionary Activity – Indigenous Vegetation Clearance

2.2.1 Any indigenous vegetation clearance associated with the refurbishment of the Waitaki Power ~~or Opuha~~ Schemes within the following areas:

- The existing footprint of the Waitaki Power ~~or Opuha~~ Schemes.
- On core sites associated with the Waitaki Power Scheme.
- On areas covered by an operating easement associated with the Waitaki Power Scheme.

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 ~~or Opuha~~ Schemes.

...

## 2.3 Discretionary Activity – Indigenous Vegetation Clearance

2.3.1 The clearance of ~~Any~~ indigenous vegetation ~~clearance~~ associated with ~~any new facility, structure or works associated with the~~ Waitaki Power ~~or Opuha~~ Schemes that is not permitted under Rule 2.1.1.