

In the Environment Court  
At Christchurch

ENV-2024-CHC-

I te Kōti Taiao o Aotearoa  
Ki Ōtautahi

**Under the** Resource Management Act 1991 (Act)

**In the matter** of an appeal under clause 14(1) of Schedule 1 of the Act

**Between** **TRANSPOWER NEW ZEALAND LIMITED**

Appellant

**And** **MACKENZIE DISTRICT COUNCIL**

Respondent

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**UPDATED NOTICE OF APPEAL BY TRANSPOWER NEW ZEALAND LIMITED**

**Dated: 16 18 September 2024**

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**SIMPSON  
GRIERSON**

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**To:** The Registrar  
Environment Court  
Christchurch

1. Transpower New Zealand Limited (**Transpower**) appeals against part of the decisions of the Mackenzie District Council (**Council**) on Plan Change 26 and Plan Change 27 (**Plan Changes**) to the Mackenzie District Plan (**Plan**).
2. Transpower made a submission and further submission on the Plan Changes, including the provisions which this appeal relates to.
3. Transpower is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**Act**).
4. The Hearings Panel recorded its decisions, and the reasoning, in its reports and appendices to those reports (**Decisions**). Notice of the Decisions was served on all parties on 5 August 2024.

### **Background**

5. Transpower is the State-Owned Enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage transmission network (**National Grid**) that links generators to distribution companies and major industrial users. The National Grid, which extends from Kaikohe in the North Island down to Tiwai in the South Island, transports electricity throughout New Zealand.
6. Transpower's assets within or traversing the Mackenzie District form part of the National Grid. They include nine high voltage transmission lines with associated poles and towers, five substations and two communications sites.
7. Transpower's role and function is constrained by the State-Owned Enterprises Act 1986, the company's Statement of Corporate Intent, and the regulatory framework within which it operates.

8. Transpower's principal objective, as set out in section 4 of the State-Owned Enterprises Act 1986, is to operate as a successful business as profitable and efficient as comparable businesses that are not owned by the Crown. This includes delivering and operating a safe, reliable, cost-efficient transmission grid that meets New Zealand's needs now and into the future. Consequently, one of Transpower's key objectives is to maintain and develop the National Grid.
9. The National Policy Statement on Electricity Transmission 2008 (**NPSET**) was gazetted on 13 March 2008 and confirms the national significance of the National Grid. It also establishes national policy direction to recognise the benefits of transmission, to manage the effects of the National Grid and the need to appropriately manage activities and development close to it. The objective of the NPSET is:

*To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

1. *Managing the adverse environmental effects of the network; and*
2. *Managing the adverse effects of other activities on the network.*

10. The NPSET policies provide for the recognition of the benefits of transmission, as well as the environmental effects of transmission, and the management of adverse effects on the transmission network.

#### **Parts of the Decisions being appealed**

11. The specific parts of the Decisions that Transpower are appealing are those relating to the following:
  - (a) Plan Change 26: Renewable Energy Generation and Infrastructure
    - (i) ~~INF-R2 Upgrading Above Ground Infrastructure;~~

- (ii) INF-R7 Below Ground Infrastructure;
- (iii) INF-R8 New Lines and Associated Support Structures including Towers and Poles;
- (iv) INF-S5 Indigenous Vegetation Clearance;

(b) Plan Change 27: Subdivision, Earthworks, Public Access and Transport:

- (i) SUB-O1 Subdivision Design; and
- (ii) EW-O1 Earthworks.

### **Reasons for the Appeal**

12. In addition to the specific reasons set out in Appendix 1, the reasons for this appeal are that, in the absence of the relief sought, the Plan Changes:

- (a) will not fully give effect to the NPSET as required by section 75(3)(a) of the Act;
- (b) do not fully reflect the NPSET's approach (nor the Mackenzie District Plan following Plan Change 18 becoming operative) to enabling the National Grid and managing effects of the National Grid. The NPSET includes a comprehensive higher order policy direction for the National Grid. Giving effect to the NPSET will ensure that:
  - (i) the National Grid is able to be safely, effectively and efficiently operated, maintained, upgraded and developed to provide a reliable, safe and secure supply of electricity to the Mackenzie district and beyond; and
  - (ii) the adverse effects of development in proximity to the National Grid are appropriately managed and are reduced, minimised or avoided depending on the context in which the development occurs;
- (c) is inconsistent with the consent order granted by the Environment Court on 14 December 2023 in relation to Plan Change 18 in

*Meridian Energy Limited v Mackenzie District Council [2023]*

NZEnvC 273; and

(d) will not fully give effect to the Canterbury Regional Policy Statement 2013 (**CRPS**) as required by section 75(3)(c) of the Act.

**Relief**

**13.** Transpower seeks the detailed relief as set out in **Attachment 1**. Transpower also seeks any consequential relief to those or other related provisions necessary to give effect to the detailed relief set out in **Attachment 1**.

**14.** Transpower **attaches** the following documents to this notice of appeal:

- (a) a copy of the amendments it seeks to the Plan Changes and additional reasons (**Attachment 1**);
- (b) a copy of the Decisions (**Attachment 2**);
- (c) a copy of Transpower's submission (**Attachment 3**) and further submission (**Attachment 4**); and
- (d) a list of names and addresses of persons to be served with a copy of this notice (**Attachment 5**).

**DATED** this 16<sup>th</sup> 18<sup>th</sup> day of September 2024



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S J Scott  
Counsel for Transpower New Zealand  
Limited

This notice of appeal is filed by SARAH JANE SCOTT solicitor for the Appellant of the firm of Simpson Grierson.

The address for service of the Appellant is at the offices of Simpson Grierson, Level 1, 151 Cambridge Terrace, Christchurch. 8013,

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

- (a) posted to the solicitor at PO Box 874, Christchurch 8140; or
- (c) emailed to the solicitor at [sarah.scott@simpsongrierson.com](mailto:sarah.scott@simpsongrierson.com).

## **Advice to recipients of copy of notice of appeal**

### *How to become party to proceedings*

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

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

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

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

### *Advice*

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

Attachment 1: Appeal Points

PROVISION	RELIEF	REASONS (IN ADDITION TO BODY OF APPEAL)
<b>Plan Change 26: Renewable Electricity Generation and Infrastructure</b>		
<del>INF-R2 – Upgrading Above Ground Infrastructure</del>	<p>Revert to the pre-clause 16(2) version of the rule title (as set out below) or amend INF-R2 so that it is clear that the rule captures both minor and non-minor upgrades.</p> <p><i>INF-R2 Upgrading of Above Ground Infrastructure</i></p>	<p>The decision has made a change in the title of the heading of Rule INF-R2 (under clause 16(2) of Schedule 1 of the RMA), as follows:</p> <p><i>Minor Upgrading of Above Ground Infrastructure</i></p> <p>This has created a gap in the rules. There is now no specific rule that applies to upgrades that are not 'minor' in nature. This means that such an activity would fall to a fully Discretionary Activity status (because they are not captured by any specific rule), whereas new lines are only a Restricted Discretionary activity status.</p> <p>Transpower anticipates that, given clause 16(2) was used to change the heading of the rule, that the change was intended to be one of neutral effect, and that the unintended consequence of that change was not foreseen at the time. Transpower would support clause 16(2) being used to revert to the previous heading of INF-R2, but has lodged an appeal given that there was no certainty at the time appeals were due.</p>
<b>INF-R7 Below Ground Infrastructure</b>	<p>Delete reference to INF-S5 in INF-R7 as follows, or amend INF-R7 so that it is clear that INF-S5 does not apply to the National Grid:</p>	<p>INF-S5 triggers NCA when an activity involves the clearance of any indigenous vegetation.</p>

PROVISION	RELIEF	REASONS (IN ADDITION TO BODY OF APPEAL)
and <b>INF-S5 Indigenous Vegetation Clearance</b>	<p><i>Activity Status: PER Where the activity complies with the following standards:</i></p> <p><i>INF-S1, INF-S5, EW-S4</i></p> <p>Alternatively amend INF-S5 so that it is clear that INF-S5 does not apply to the National Grid.</p>	<p>The inclusion of the new standard (INF-S5) could inadvertently apply to the National Grid. This means that INF-S5 and the provisions of Section 19 of the District Plan manage the same activity in different ways.</p> <p>Vegetation clearance associated with the National Grid is intended to be regulated by rules within the EIB Chapter (Section 19). For this reason, it is not necessary for INF-S5 to regulate National Grid activities. Transpower seeks the inclusion of an exception for the National Grid in INF-R7, or in INF-S5, alongside a clear direction to the relevant provisions in Section 19 of the District Plan.</p>
<b>INF-R8 New Lines and Associated Support Structures Including Towers and Poles</b>	<p>Delete reference to INF-S5 in INF-R8 as follows, or amend INF-R8 so that it is clear that INF-S5 does not apply to the National Grid</p> <p><i>Activity Status: PER</i></p> <p>and</p> <p><b>INF-S5 Indigenous Vegetation Clearance</b></p> <p><i>Where:</i></p> <ol style="list-style-type: none"> <li>1. <i>Where located within a Residential, Rural Lifestyle, Open Space, Commercial and Mixed Use, Industrial or Pukaki Village Zone:</i> <ol style="list-style-type: none"> <li>a. <i>any new lines must be located underground; or</i></li> <li>b. <i>any extension to an existing overhead line must involve no more than three additional support structures.</i></li> </ol> </li> </ol>	<p>The same reasons apply as for INF-R7 above, except in relation to the activity of: new lines and associated support structures including towers and poles.</p>

PROVISION	RELIEF	REASONS (IN ADDITION TO BODY OF APPEAL)
	<p>2. Any new lines, or any extension to an existing overhead line of more than three additional support structures, is not located within an ONL or ONF.</p> <p><b>Where the activity complies with the following standards:</b>  <i>INF-S1, INF-S2, INF-S3, INF-S5</i></p> <p>Alternatively amend INF-S5 so that it is clear that INF-S5 does not apply to the National Grid (consistent with relief above).</p>	

PROVISION	RELIEF	REASONS (IN ADDITION TO BODY OF APPEAL)
<b>Plan Change 27: Subdivision, Earthworks, Public Access and Transport</b>		
<b>SUB-O1</b> <b>Subdivision Design</b>	<p>Amend SUB-O1 as follows:</p> <p><b><i>SUB-O1 – Subdivision Design</i></b></p> <p><i>Subdivision is designed to:</i></p> <ol style="list-style-type: none"> <li><i>align with the purpose and character of the zone in which it occurs;</i></li> <li><i>maintain the values of any overlays within which it is located;</i></li> <li><i>achieve integration and connectivity with surrounding neighbourhoods; and</i></li> <li><i>provide servicing infrastructure that is appropriate for its intended use and which is integrated with existing infrastructure;</i></li> <li><i>avoid <u>adverse effects, including reverse sensitivity effects</u>, on renewable electricity generation activities and electricity transmission activities; and</i></li> <li><i>minimise conflict between incompatible activities.</i></li> </ol>	<p>SUB-O1.5 does not adequately give effect to NPSET Policy 10 and CRPS Policy 16.3.4 as it refers only to reverse sensitivity effects and not broader direct effects that might limit the operation, maintenance, upgrading and development of the National Grid.</p> <p>While the first part of Policy 10 of NPSET relates to reverse sensitivity effects, the second part relates to direct effects.</p> <p>The decisions version of the objective also does not 'cover the field' in terms of the policies, that sit under the objective.</p>
<b>EW-O1</b> Earthworks	<p>Amend EW-O1 as follows:</p> <p><b><i>EW-O1 – Earthworks</i></b></p> <p><i>Earthworks to facilitate subdivision, land use and development are undertaken in a way that minimises adverse effects on landscape values, ecosystems and indigenous biodiversity, natural character values, visual amenity and mana whenua values and protects the safety of people, and property and the</i></p>	<p>EW-O1 does not adequately give effect to NPSET Policy 10 and CRPS Policy 16.3.4 as it protects only the operation of the National Grid from earthworks and not maintenance, upgrading and development.</p> <p>The decision does not recognise that Transpower's submission sought to protect the National Grid, rather than to enable infrastructure.</p>

PROVISION	RELIEF	REASONS (IN ADDITION TO BODY OF APPEAL)
	<p><i>safe and efficient operation, maintenance, upgrading and development of infrastructure.</i></p> <p>Alternatively, amend EW-O1 as follows:</p> <p><b>EW-O1 – Earthworks</b></p> <p><i>Earthworks to facilitate subdivision, land use and development are undertaken in a way that minimises adverse effects on landscape values, ecosystems and indigenous biodiversity, natural character values, visual amenity and mana whenua values and protects the safety of people, and property and the safe and efficient operation of infrastructure.</i></p>	

**Attachment 2: Decisions on Plan Changes**



**Mackenzie**  
DISTRICT PLAN REVIEW

TOMORROW'S MACKENZIE  
KA AWATEA HŌU

## Plan Change 26

# Renewable Electricity Generation and Infrastructure Decision Report

**31 July 2024**

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

**Appendix 2:** Amended Planning Maps

**Appendix 3:** Appearances and Tabled Evidence

**List of submitters and further submitters addressed in this report:**

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

**Abbreviations used in this report:**

Abbreviation	Full Text
CRPS	Canterbury Regional Policy Statement 2013
District Plan	Mackenzie District Plan
EIB chapter	Section 19 - Ecosystems and Indigenous Biodiversity
INF chapter	Infrastructure chapter
JWS	Joint Witness Statement
MDC	Mackenzie District Council
MDPR	Mackenzie District Plan Review
NESTF	National Environmental Standards for Telecommunication Facilities
NPSET	National Policy Statement on Electricity Transmission
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSREG	National Policy Statement for Renewable Electricity Generation
NP Standards	National Planning Standards
PC	Plan Change
PC13	Plan Change 13 – Rural Zone – Mackenzie Basin
PC23	Plan Change 23 - General Rural Zone, Natural Features and Landscapes, Natural Character
PC24	Plan Change 24 - Sites and Areas of Significance to Māori
PC26	Plan Change 26 - Renewable Electricity Generation and Infrastructure
PC27	Plan Change 27 - Subdivision, Earthworks, Public Access and Transport
REG activities	Renewable electricity generation activities

<b>Abbreviation</b>	<b>Full Text</b>
REG chapter	Renewable Electricity Generation chapter
RMA	Resource Management Act 1991

## 1. Purpose of Report

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

## 2. Hearing and Submitters Heard

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

<sup>1</sup> Andrew Willis, Megen McKay, Rob van Voorthuysen and Ros Day-Cleavin.

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

<sup>3</sup> PC26 Section 42A Report Author’s Response to Hearings Panel Questions.

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

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

### **3. Our Approach**

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

#### **3.1 Statutory Framework**

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

#### **3.2 Out of Scope Submissions**

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

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<sup>4</sup> PC26 Section 42A Report, paragraph 35

<sup>5</sup> TRoNT (12.09)

<sup>6</sup> PC26 Section 42A Report, paragraph 344

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

### 3.3 Section 32AA Assessments

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

## 4. Uncontested Provisions

### 4.1 Assessment

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

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

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

## 5. Relationship Between INF / REG Chapters and Other Chapters

### 5.1 Assessment

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

**5.2 Decision**

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

**6. Infrastructure (INF) Chapter - Introduction and General Submissions****6.1 Assessment**

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

**6.2 Decision**

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

**7. INF Objectives****7.1 Assessment**

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

**7.2 Decision**

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

**8. Policies INF-P2, INF-P3 and INF-P4****8.1 Assessment**

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

**8.2 Decision**

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

**9. Policies INF-P5, INF-P6 and INF-P7****9.1 Assessment**

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

<sup>8</sup> Section 42A Report, PC24, paragraphs 47 and 65

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

INF-P5 and INF-P7 for the National Grid are not extended to the State Highway network or to energy storage facilities<sup>10</sup> given the specific requirements of the NPSET.

## 9.2 Decision

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

## 10. INF Rules

### 10.1 Assessment

43. Having considered the submissions received and the evidence presented at the Hearing, we accept Ms White's analysis and recommendations on the INF rules. We note the evidence of Julia Crossman for Opuha Water Ltd (OWL) (16.16) seeking further activity standards for new buildings and structures being included in INF-R3,<sup>11</sup> however we agree with Ms White that new buildings and structures are covered by INF-R6 which already contains these standards.<sup>12</sup>

44. With regard to Alpine's (17.17) request that INF-R8 is amended so that undergrounding of lines is not required in Rural Lifestyle or Industrial zones, Ms White revisited this matter in her Reply Report.<sup>13</sup> We accept Ms White's assessment and conclusions that the proposed requirement is a continuation of the Operative District Plan's approach, that undergrounding electricity lines in the RLZ will not have unreasonable costs, and that requiring undergrounding in industrial zones is appropriate as they are urban areas, and in Takapō and Twizel they sit alongside an ONL.

45. We have already addressed the proposed inclusion of standard INF-SX for indigenous vegetation clearance associated with new infrastructure in our assessment of the relationship of the INF chapter to other chapters. In her Section 42A Reply Report version of the INF chapter, Ms White has proposed including INF-SX as a standard in rules that cover new or upgraded infrastructure that could involve indigenous vegetation clearance, but not those related to the National Grid. We accept this approach.

46. We considered whether INF-R2 (minor upgrading of above ground infrastructure) should also require assessment against INF-SX. INF-R2(1) covers the realignment, reconfiguration, relocation or replacement of infrastructure components while INF-R2(5) covers footprints of replacement towers. Both could result in indigenous vegetation clearance and neither requires an assessment of adverse effects on indigenous vegetation (under INF-MD1 Scale, Location and Design of Infrastructure). However, we note that INF-R2 is consistent with the operative EIB chapter as it excluded Rule 16.1.1J (utilities) from application of the EIB chapter, and therefore we have continued this approach.

47. We have however made Clause 16(2) amendments to include omitted references for non-compliance with the standards (in INF-R3 and INF-R4).

### 10.2 Decision

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

## 11. INF Standards and Matters of Discretion

### 11.1 Assessment

49. Having considered the submissions received and the evidence presented we accept Ms White's analysis and recommendation on the INF standards and matters of discretion.

50. Regarding INF-S3 specifically, we note that in her Section 42A Reply Report Ms White assesses the evidence of Tom Anderson (for the Telcos (2.29))<sup>14</sup> and agrees with amending the height limits in the GRUZ (outside an ONF/ONL) and for the LFRZ and TCZ zones, but not within the RLZ. In her view, these are smaller areas located adjoining urban areas, and the difference in the height limit between the urban zones

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

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

<sup>12</sup> Section 42A Report, paragraph 144 and Section 42A Reply Report, paragraph 11

<sup>13</sup> Section 42A Reply Report, paragraphs 12 to 17

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

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

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

## **11.2 Decision**

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

## **12. REG Chapter – Introduction, Objectives and Policies**

### **12.1 Assessment**

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

### **12.2 Decision**

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

## **13. REG - New Policies**

### **13.1 Assessment**

58. F&B (13.05) seek that two new policies are added to the chapter which would limit solar generation and wind turbines. Genesis (15.20) and Meridian (18.38) seek that a new policy is added directing that the operation, maintenance and upgrade of the Waitaki Power Scheme is enabled, stating that REG activities within the existing footprint and core sites should be specifically enabled.
59. With regard to the F&B submission and their evidence presented at the Hearing, we accept Ms White's analysis of the NPSREG and CRPS and her reasoning that the new policies sought are not consistent with direction in these higher order documents, nor REG-O1.
60. With regard to the Genesis and Meridian requested new policy, we note that a corresponding new policy REG-PX is proposed in the JWS. We accept the reasoning provided in the JWS for this new policy and agree it is appropriate.

### 13.2 Decisions

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

## 14. All REG Rules

### 14.1 Assessment

62. The expert conferencing and JWS also covered the rules in the REG chapter. In her Reply Report Ms White considered the matters that F&B and OWL submitted on and whether these are addressed or not in the JWS version of the REG chapter. We agree with Ms White's analysis and recommendations that applying the proposed JWS approach in the rules for significant indigenous vegetation and significant habitats of indigenous fauna is appropriate given the requirements in s6(c), s31(1)(b)(iii) and the NPSREG.

63. However, we do not agree with Ms White's analysis in response to OWL's (16.30) submission on REG-R2. As we understand it, OWL (16.03) sought that the definition of "upgrade" is extended to include new buildings and structures that may be required as part of an upgrade for the Opuha Dam. Alternatively, OWL (16.16) sought to enable new buildings to be constructed under INF-R3 by including a standard that any new building or structure shall comply with the height limit for the zone in which the activity is located. We note that in the INF chapter, minor upgrades in relation to the Opuha Dam are covered by INF-R3, while INF-R6 covers any infrastructure buildings or structures or accessory buildings not otherwise listed. We understand from Ms White's Section 42A Report that upgrades are works to existing buildings or structures and are covered under INF-R3,<sup>15</sup> while wholly new buildings would be captured under INF-R6 which provides a permitted pathway for these, subject to standards. Turning to the REG provisions, similarly we understand that REG-R2 applies to upgrades of an existing hydroelectric power station and structures associated with the Opuha Scheme and does not anticipate new structures.<sup>16</sup> However, there is no equivalent to INF-R6 in the REG chapter so we are unclear which rule would apply to wholly new buildings associated with the Opuha Scheme. It appears to us that if REG-R2 was limited to upgrading of existing structures then wholly new buildings would be restricted discretionary activities under REG-R7, unless they were captured under INF-R6 when not associated with renewable electricity generation activities.

64. In her analysis of OWL's (16.30) submission, Ms White considered that the addition of a condition to REG-R2 relating to new buildings or structures would conflict with the rule itself, which is limited to existing structures. We agree with her. Ms White goes on to say that should the Hearing Panel consider that REG-R2 should allow for new buildings and structures, that the limitations applying to these should align with INF-R6, and not simply the height limit of the zone.<sup>17</sup> In response to Panel questions Ms Crossman clarified that OWL would accept applying all the standards of INF-R6 to new buildings and structures in the REG chapter, rather than just the height limit of the zone as requested in OWL's submission.

65. For clarity, we consider that a new rule (REG-R6A) is required in the REG chapter that replicates INF-R6 for wholly new buildings and structures. We consider that matter of discretion REG-MD1 (Existing Hydroelectric power) is sufficient for this new rule. We note that EIB Rules 2.1.1 and 2.2.1 (relating to the Waitaki Power Scheme and Opuha Scheme) will apply. Accordingly, the submission of OWL (16.30) is accepted.

66. We have also made some other changes to the REG rules (under clause 16(2)) for consistency of capitalisations. We have also corrected minor numbering errors in the additional provisions recommended by Ms White for REG-R5 and REG-R6.

### Section 32AA

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

<sup>15</sup> Section 42A Report, paragraph 361

<sup>16</sup> Section 42A Report, paragraph 262

<sup>17</sup> Section 42A Report, paragraph 262

<sup>18</sup> Section 42A Reply Report, paragraphs 42 to 46

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

#### **14.2 Decision**

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

### **15. REG – Matters of Control or Discretion**

#### **15.1 Assessment**

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

#### **15.2 Decisions**

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

### **16. Definitions**

#### **16.1 Assessment**

71. Having considered the submissions received and evidence presented at the Hearing, we accept Ms White's analysis and recommendations regarding definitions. In particular, we note that the definition of "infrastructure" was added through PC20 and is operative and therefore agree it is out of scope and that submissions to include energy storage facilities within the infrastructure definition can be considered in Stage 4 of the MDPR.

72. We also agree that the definition of "Small-scale Renewable Electricity Generation" is generally consistent with that used in the NPSREG, and agree with the additional limits and greater clarity provided in the proposed definition. We agree that the electricity generation should be ancillary to the principal use of the site, and agree with a limit of 20 other sites that can be supplied with the electricity generated. We agree that these limits in the definition better manage potential adverse effects.

73. We also agree that the definition of "upgrade" need not include new buildings (OWL (16.03) given the approach to upgrades versus new buildings in the rules and our decision to include a new rule to cover new buildings and structures (in response to OWL (16.30)).

74. Regarding new definitions covering: "customer connections"; "minimise"; "Opuha Dam"; and "core sites" for the Waitaki Power Scheme, having considered the submissions received and the evidence presented at the Hearing, we accept Ms White's analysis and recommendations regarding these definitions.

#### **16.2 Decision**

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

### **17. Mapping**

#### **17.1 Assessment**

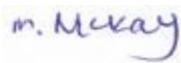
76. Having considered the submissions received, we accept Ms White's analysis and recommendations regarding mapping. In particular, we note that PC26 does not propose any zoning and as such the zoning of roads sits outside the scope of PC26. We agree that the National Grid substations should be included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

## 17.2 Decision

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



Rob van Voorthuysen (Chair)



Megen McKay



Andrew Willis



Ros Day- Cleavin

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<sup>19</sup> Section 42A Report, paragraphs 389 and 390



**Mackenzie**  
DISTRICT PLAN REVIEW  
TOMORROW'S MACKENZIE  
KA AWATEA HŌU

## **Plan Change 27**

### **Earthworks, Subdivision, Public Access and Transport**

#### **Decision Report**

**31 July 2024**

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**Appendix 1:** Amended Provisions

**Appendix 2:** Appearances and Tabled Evidence

**List of submitters addressed in this report:**

Submitter	Further Submitter	Submitter Name	Abbreviation
1	FS1	Robin McCarthy	
2	FS3	Bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited	Fuel Companies
4		Springwater Trust	
5		Fire and Emergency New Zealand	FENZ
6		Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	The Telcos
7		Director General of Conservation	DOC
8		Helios Energy Limited	Helios
9		Tekapo Landco Limited and Godwit Leisure Limited	TLGL
10	FS13	Nova Energy Limited	Nova
11	FS7	Transpower New Zealand Limited	Transpower
12	FS5	Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Limited	PTHLP and PVHL
14	FS4	New Zealand Transport Agency, Waka Kotahi	NZTA
15		Chorus New Zealand Limited	Chorus
16		Chris and Rachael Pudney	
17		PF Olsen	PFO
18		Timothy Bartlett	
19		Te Rūnanga o Ngāi Tahu	TRoNT
20		New Zealand Pork	NZ Pork
21		South Canterbury Province, Federated Farmers of New Zealand	Fed Farmers
22		Lake Alexandrina Outlet Hutholders Society	LAOHS
23	FS2	Port Blakely	PB
24		Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Limited	Telco Companies
25*		Road Metals Company Limited	Road Metals
26	FS14	Lisburn Farm Limited	Lisburn Farm
27		Ministry of Education	MoE
28	FS9	Genesis Energy Limited	Genesis
29	FS15	Opuha Water Limited	OWL
30	FS6	Meridian Energy Limited	Meridian
31	FS10	Canterbury Regional Council	CRC
33	FS16	The Wolds Station Limited	Wolds Station
35	FS11	Milward Finlay Lobb Limited	MFL
36		Grampians Station Limited	Grampians Station
37		Mackenzie Properties Limited	MPL
38	FS12	New Zealand Defence Force	NZDF
	FS8	Davis Ogilvie (Aoraki) Limited	
	FS17	Mt Gerald Station Limited	

**Abbreviations used in this report:**

Abbreviation	Full Text
AECL	Aoraki Environmental Consultancy Limited
CON	Controlled activity
MDC	Mackenzie District Council
CRPS	Canterbury Regional Policy Statement
DIS	Discretionary Activity
District Plan	Mackenzie District Plan
EW Chapter	Earthworks Chapter
INF Chapter	Infrastructure Chapter
LUI	Lifeline Utility Infrastructure
MDPR	Mackenzie District Plan Review
NC	Non-Complying Activity
NES	National Environmental Standard
NESCF	National Environmental Standard for Commercial Forestry
NESCS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NESET	National Policy Statement on Electricity Transmission
NP Standards	National Planning Standards
ONL	Outstanding Natural Landscape
PA chapter	Public Access chapter
PC13	Plan Change 13 – Rural Zone – Mackenzie Basin
PC18	Plan Change 18 – Indigenous Biodiversity
PC23	Plan Change 23 - General Rural Zone, Natural Features and Landscapes, Natural Character
PC24	Plan Change 24 - Sites and Areas of Significance to Māori
PC25	Plan Change 25 – Rural Lifestyle Zones
PC26	Plan Change 26 - Renewable Electricity Generation and Infrastructure
PC27	Plan Change 27 – Earthworks, Subdivision, Public Access and Transport
PER	Permitted activity
RDIS	Restricted Discretionary Activity
REG activities	Renewable electricity generation activities
REG chapter	Renewable Electricity Generation Chapter
RMA	Resource Management Act 1991
SUB chapter	Subdivision chapter
TRAN chapter	Transport chapter

## 1. Purpose of Report

1. Pursuant to section 43(1) of the Resource Management Act 1991 (RMA), the Mackenzie District Council (MDC) has appointed a combined Hearings Panel of four independent commissioners<sup>1</sup> to hear and decide the submissions and further submissions on Plan Change 27 - Earthworks, Subdivision, Public Access and Transport which forms part of the Mackenzie District Plan Review (MDPR).
2. The content of Plan Change 27 was set out in the MDC Overview Report<sup>2</sup>, which was four pages long. We do not repeat that information here for the sake of brevity but note that the Overview Report is available on the MDC webpage.
3. This Decision sets out the Hearings Panel's decisions on the submissions and further submissions received on Plan Change 27.
4. The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for PC27 were:
  - Section 42A Report: Plan Change 27 – Earthworks, Subdivision, Public Access and Transport, Report on submissions and further submissions, Author: Rachael Willox, Date: 19 April 2024.
  - Section 42A Report: Plan Change 27 – Earthworks, Subdivision, Public Access and Transport, Reply Report, Author: Rachael Willox Date: 14 June 2024
5. In our Minute 12 for PC27 dated 6 May 2024 we posed a number of questions to the PC27 Section 42A Report author (hereafter referred to as Ms Willox or the Section 42A Report author). We received written answers to those questions on 15 May 2024.
6. The Hearing Panel's amendments to the notified provisions of PC27 are set out in Appendix 1. Amendments to the Definitions are included in Appendix 1 to the PC23 Decision. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments made by the Hearing Panel are shown in **red font** as **strike out** and **underlining**. There are no amendments to the District Plan planning maps as a result of PC27.

## 2. Hearing and Submitters Heard

7. There were 38 primary submissions and 17 further submissions on PC27. Of the 38 primary submissions, four submissions were subsequently withdrawn prior to the hearing<sup>3</sup>. Further submissions are generally not discussed in this Decision, because they are either accepted or rejected in conformance with our decisions on the primary submissions to which they relate.
8. The hearing for PC27 was held on Wednesday 22 to Friday 24 May 2024 in Fairlie. 16 submitters were heard:

Submitter Ref	Submitter Name
1	Robin McCarthy
6	Telcos
7	Department of Conservation
10, FS13	Nova Energy
11	Transpower
20	NZ Pork
21	South Canterbury Province Federated Farmers of New Zealand
22	Lake Alexandrina Outlet Hut Holders Society
25	Road Metals Ltd
26, FS14	Lisburn Farms Ltd
28, FS09	Genesis Energy
29, FS15	Opuha Water Ltd
30	Meridian Energy Limited
31, FS10	Canterbury Regional Council
33, FS16	The Wolds Station
35	Milward Finlay Lobb

<sup>1</sup> Andrew Willis, Megen McKay, Rob van Voorthuysen and Ros Day-Cleavin.

<sup>2</sup> Mackenzie District Plan, Plan Change 27 – Earthworks, Subdivision, Public Access and Transport, Final for Notification, 4 November 2023.

<sup>3</sup> Submitters PC27.03, PC27.13, PC27.17, PC27.32.

9. The people we heard from are listed in Appendix 2. Submitters who tabled evidence but did not appear at the hearing are also listed in Appendix 2.
10. Copies of any legal submissions or evidence (either pre-circulated or tabled at the hearing) are held by the MDC. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Decision. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.
11. We received opening legal submissions from MDC's legal counsel Michael Garbett who addressed the statutory framework, moving provisions from operative PC13 into the proposed PC format; the scope of changes to definitions; the relationships between District Plan chapters; DOC's submission relating to the status of Section 19 of the District Plan (the EIB chapter post- mediation version); and minor changes to be made under Clause 16 of Schedule 1 of the RMA.
12. We also received 'overview' evidence from Rachael Willox regarding the current stage of the MDPR, the PCs notified as part of Stage 3 and their integration with existing operative District Plan provisions. Michael McMillan gave evidence regarding Kati Huirapa's and AECL's involvement in the drafting of the PCs, particularly the Mana Whenua and SASM chapters that are addressed in PC24.
13. We note the tabled evidence from TRoNT dated 2 May 2024 stated that having considered the recommendations in the Section 42A Report relating to PC27, it accepted the position of the Section 42A Report author and provided no further evidence to the Panel.

### **3. Our Approach**

14. We have decided to structure this Decision in the following manner.
15. Ms Willox's initial Section 42A Report sequentially addressed the provisions in the MDP's proposed Earthworks, Subdivision, Public Access and Transport chapters. For the ease of readers of our Decision, we have adopted the same approach here and mimic the headings used in the Section 42A Report.
16. The submissions received on the provisions covered by each of these headings were summarised in the initial Section 42A Report. We adopt those summaries, but do not repeat them here for the sake of brevity.
17. Where, having considered the submissions and the submitters evidence and legal submissions, we nevertheless agree with Ms Willox's final recommendations, we state that we adopt her analysis and recommendations as our reasons and decisions. Where we disagree with Ms Willox's final recommendations, we set out our own reasons based on the evidence received and state our decisions on the relevant submissions.
18. The consequence of our approach is that readers of this Decision should also avail themselves of the Section 42A reports listed in paragraph 4 above.

#### **3.1 Statutory Framework**

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

#### **3.2 Out of Scope Submissions**

20. We adopt the scope assessment set out in section 7 paragraph 22 of the Section 42A Report. The consequence of that is that we decline to consider the following submission points:
  - TRoNT (19.16) in relation to SUB-P8
  - TRoNT (19.20) in relation to SUB-R4
  - MFL (35.05) in relation to SUB-S1<sup>4</sup>.

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<sup>4</sup> However, we note a Clause 16(2) amendment has been made to SUB-S1 to correct the drafting error identified by MFL.

### **3.3 Uncontested Provisions**

21. As discussed in section 8 of the Section 42A Report, PC27 proposes to delete various provisions of the Operative District Plan as well as Appendix C and Appendix D. No submitters opposed those deletions. Accordingly, we adopt the Section 42A Report author's recommendation that those provisions be deleted.
22. There were a large number of provisions that were either not submitted on or were supported by submitters. Accordingly, we adopt the Section 42A Report author's recommendation that those provisions be retained as notified (except where a clause 16(2) amendment is recommended). Those provisions are listed in tabular form under paragraph 27 of the Section 42A Report; however, we do not repeat that table here for the sake of brevity.
23. We also adopt the Section 42A Report author's recommendation in paragraph 30 of the Section 42A Report that the operative definitions contained in the District Plan proposed to be applied to the PC27 provisions are applied (where relevant) to the provisions contained within PC27 (noting that no submissions were received opposing that).

### **3.4 Section 32AA Assessments**

24. Where we adopt the Section 42A Report author's recommendations we also adopt her section 32AA assessments. For those submissions we are satisfied that Ms Willox's recommendations are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of the District Plan and for giving effect to other relevant statutory instruments
25. Where we differ from those recommendations, we set out our own assessment or reasons at a level of detail that corresponds to the scale and significance of the changes we recommend to the provisions. We are satisfied that those amendments are a more efficient and effective means of giving effect to the purpose and principles of the RMA and the higher order statutory instruments, for the reasons set out in the body of this Decision.

## **4. Relationship between the EW, SUB and PA Chapters and the REG and INF Chapters**

### **4.1 Assessment**

26. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the relationship between the EW, SUB and PA chapters and the REG and INF chapters.
27. Having said that, we record our finding that the approach taken to the MDPR is consistent with the NP Standards; namely the INF and REG chapters are standalone, with provisions across the remainder of the District Plan not applying to the activities addressed therein unless explicitly stated.
28. However, we note that the Section 42A Report author for PC26 has helpfully recommended the insertion of a Table into the Introduction sections of the INF and REG chapters that lists the provisions in other chapters that apply to infrastructure and renewable energy activities in addition to the INF and REG chapter provisions themselves.

### **4.2 Decision**

29. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on the relationship between the EW, SUB and PA chapters and the REG and INF chapters.

## **5. Earthworks (EW)**

### **5.1 EW-Introduction and Advice Note Assessment**

30. Having considered the submissions received and any evidence presented at the Hearing, we generally agree with Ms Willox's analysis and recommendations on the EW-Introduction and Advice Note, however we note that in response to Minute 12, Ms Willox recommended that the Introduction to the EW Chapter be amended to refer to important natural environmental values to provide greater clarity to Plan users. We find this to be appropriate and consider this change can be made as a minor amendment under clause 16(2) Schedule 1 of the RMA.

**5.2 Decision**

31. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on the EW-Introduction and Advice Note. The amended EW Introduction text is set out in Appendix 1 to this Decision.

**5.3 EW-O1 Assessment**

32. In response to DoC and NZTA submissions, Ms Willox recommended amendments to EW-O1 to include adverse effects on 'natural values' and to include the 'safe and efficient operation of infrastructure'. In response to Minute 12, Ms Willox also recommended that the amendment to EW-O1 related to 'natural values' should use wording that was more clearly aligned with the provisions in the EIB and NATC chapters of the MDP, thus addressing the submission from DoC. We find the recommended amendments to be appropriate.

33. We heard from Ms McLeod, planner for Transpower, who disagreed with the Section 42A Report author's recommendation for EW-O1. She explained that the proposed amendment put forward by Ms Willox does not give effect to Policy 10 of the NPSET which directs decision-makers "*to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.*" In her view, the addition of 'the safe and efficient operation of' to EW-O1 as recommended by Ms Willox inappropriately confines the Objective and does not achieve consistency or alignment with the relevant provisions in the Infrastructure chapter. Ms McLeod put forward two drafting options for our consideration. Ms Willox provided no further comment on this matter in her Reply Report and did not offer any amendments to the provision in response to Transpower.

34. Having considered Ms McLeod's evidence we are satisfied that EW-O1 is more appropriately amended as outlined above, noting Ms Willox's assessment that her recommended amendments align with the terminology used in the TRAN chapter and are therefore consistent with the approach applied to INF activities in the MDP, with the EW provisions generally only applying to infrastructure for the construction of new roads, and access tracks.

**5.4 Decision**

35. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-O1. The amendments to EW-O1 are set out in Appendix 1 to this Decision.

**5.5 EW-P1 Assessment**

36. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on EW-P1. In that regard we find it appropriate to amend EW-P1 to enable earthworks that are small in scale or limited to the maintenance and repair of existing activities as sought by NZTA, and we note that this change also addresses concerns raised by NZ Pork in its submission. NZ Pork raised no further matters or concerns with regard to EW-P1 at the Hearing.

**5.6 Decision**

37. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-P1. The amendment to EW-P1 is set out in Appendix 1 to this Decision.

**5.7 EW-P2 Assessment**

38. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendation that EW-P2.2 is amended in response to Transpower's submission.

**5.8 Decision**

39. We adopt Ms Willox's analysis and recommendation as our reasons and decision to amend EW-P2.2 to ensure the stability of adjoining land, infrastructure, buildings and structures is not compromised. The amendment to EW-P2.2 is set out in Appendix 1 to this Decision.

**5.9 Rules and Standards Assessment**

40. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the Management of Silt and Sediment Loss in the EW chapter and the Relationship between the EW chapter and the NESCF. In particular we agree that a note for plan users will provide clarity regarding the relationship between the EW chapter and relevant higher order documents, and to inform plan users that any activity managed in the EW chapter are also required to comply with the NESCS.

**5.10 Decision**

41. We adopt Ms Willox's analysis and recommendations to add a note for Plan users to the EW chapter (that outlines the relationship between the earthworks provisions and the NESCF and informs plan users that any activities managed in the EW chapter must also comply with the NESCS) as our reasons and decisions on Rules and Standards. The added Note is set out in Appendix 1 to this Decision.

**5.11 EW-R1 Assessment**

42. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations that the activities listed in EW-R1 are also required to comply with EW-S6.

**5.12 Decision**

43. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-R1. The amendment to EW-R1 is set out in Appendix 1 to this Decision.

**5.13 EW-R2 Assessment**

44. We heard evidence from NZ Pork at the Hearing in support of the relief sought to extend the permitted activity list to include earthworks associated with the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer and as directed by a person authorised under the Biosecurity Act 1993. Vance Hodgson, in his planning evidence for NZ Pork, helpfully provided the example of the Ōpōtiki District Plan where the permitted activity pathway provides for earthworks ancillary to the removal and disposal of plants and plant material infected by unwanted organisms.

45. In her Reply Report, Ms Willox stated that although in her view, burying of material infected by unwanted organisms falls within the realm of an offal or farm rubbish pit, for the avoidance of doubt she recommended that EW-R2 be amended to permit any earthworks associated with the burying of material infected by unwanted organisms as sought by NZ Pork. We agree and find the recommended amendment to be appropriate.

46. Ms McLeod, planner for Transpower, explained to us at the Hearing that while she supported the recommended amendments to EW-R2, she was concerned that the 'nesting' solution put forward (i.e. the definition of 'land disturbance' as a subset of the definition of 'earthworks') was problematic. In her view, the definitions of 'land disturbance' and 'earthworks' are both NP Standards definitions and the proposed solution may be inconsistent with the Definitions Standard mandatory directions.

47. Ms Willox, in her response to Minute 12 and having considered the evidence of Ms McLeod, agreed that including 'land disturbance' as a subset of the definition of 'earthworks' may be inconsistent with the mandatory direction in the NP Standards. On that basis she recommended that the definition of 'land disturbance' not be included as a subset of 'earthworks' in the Definitions Nesting Table, and consequently recommended amendments to EW-R2 to refer directly to land disturbance.

48. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations to refer to both earthworks and land disturbance in EW-R2, and to add clause (g) to EW-R2 to permit any earthworks associated with the burying of material infected by unwanted organisms as declared by the Ministry of Primary Industries and carried out as directed by a person authorised under the Biosecurity Act 1993.

**5.13 Decision**

49. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on "EW-R2". The amendments to EW-R2 are shown in Appendix 1 to this Decision.

**5.14 EW-R3 & EW-R4 Assessment**

50. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on EW-R3 and EW-R4. In particular, we are satisfied that:

- there is a clear rationale for deleting EW-R3 as recommended and ensuring any earthworks to facilitate subdivision are assessed under EW-R4;
- it is appropriate to have activities that do not comply with what is now EW-R4.1 and 4.2 to default to RDIS, as opposed to firstly CON and thereafter DIS as notified;
- it is appropriate to increase the permitted activity thresholds to 1500m<sup>3</sup> by volume and 2500m<sup>2</sup> by area in the GRUZ and to 1000m<sup>3</sup> by volume and 2500m<sup>2</sup> by area in other zones;
- the time period applying to the EW-R4 is reduced from 5 years to 12 months.

51. In Minute 12 we asked Ms Willox questions about EW-R4 and the recommended matters of discretion. In response, Ms Willox recommended further amendments to EW-R4, including:

- removal of the reference to 'landscape context' in what are now EW-R4.1 and 4.2 matters of discretion (a), along with a consequential Clause 16 amendment to EW-S2 matter of discretion (a) on the basis that the term 'landscape context' is essentially the same as an assessment of 'landscape character';
- deletion of her previously recommended matters of discretion (b) in what are now EW-R4.1 and 4.2, for the reason that the effects of vehicle movements are already managed under TRAN-R7; and
- amendment to matters of discretion in what are now EW-R4.1 and 4.2 to refer more directly to the effects resulting from or associated with the earthworks.

52. Having considered Ms Willox's response to Minute 12, we are satisfied that while the matters of discretion listed in EW-S1 and EW-S4 are similar to the matters listed in EW-R4, the context in which the matters of discretion are to be assessed are clearly different.

**5.15 Decision**

53. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-R3 and EW-R4. The amendments to those rules are set out in Appendix 1 to this Decision.

**5.16 Relationship between the EW Matters of Discretion and SASM-MD1 Assessment**

54. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the matters of discretion in what are now EW-R4.1 and 4.2 relating to activities in a SASM. In reaching this view we note TRoNT's tabled evidence stated acceptance of the recommendations in the Section 42A Reports in response to its submissions. On this basis we find it appropriate to amend EW-S1 and EW-S3 to include additional matters of discretion which require an assessment of those matters listed in SASM-MD1 for any earthworks within an SASM.

**5.17 Decision**

55. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on the relationship between the EW matters of discretion and SASM-MD1. The amendments are set out in Appendix 1 to this Decision.

**5.18 Standards EW-S4 and EW-S5 Assessment**

56. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on EW-S4. In reaching this view we note TRoNT submitted in support of EW-S4 as notified.

57. We also agree with Ms Willox's analysis and recommendations on EW-S5. We note that submitters on EW-S5 including Mr Murray of Wolds Station, and Ms Johnson and Mr Anderson for Fed Farmers, attended the Hearing and neither party raised any concern in response to Ms Willox's recommendation in this regard.

#### **5.19 Decision**

58. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-S4 and EW-S5.

#### **5.18 Standard EW-S6 Assessment**

59. We discussed the inclusion of the definition of 'land disturbance' as a subset of the 'earthworks' definition in response to Transpower's submission on EW-R2 and make the same finding for EW-S6.

#### **5.19 Decision**

60. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-S6. The amendments to EW-S6 are set out in Appendix 1 to this Decision.

#### **5.20 Definitions Assessment**

61. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on Definitions.

#### **5.19 Decision**

62. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

### **6. Subdivision**

#### **6.1 SUB-O1 Assessment**

63. Ms McLeod for Transpower provided clear reasoning for why Ms Willox's proposed amended wording to clause 5 of the SUB-O1 was inappropriate. In her view, Ms Wilcox's wording does not give effect to Policy 10 of the NPSET or CRPS Policy 16.3.4(2), is inconsistent with the CRPS Method associated with Policy 16.3.4 and inconsistent with PC27 Policies SUB-P3 and SUB-P10 that implement SUB-O1. Ms McLeod offered alternative wording for clause 5 of the objective.

64. In her Reply Report, Ms Willox agreed that SUB-O1.5 should be amended to include different approaches to achieve the District Plan Strategic Directions and to give effect to higher order documents. On that basis she recommended that SUB-O1.5 be amended to avoid reverse sensitivity effects on renewable electricity generation activities and electricity transmission activities (in line with ATC-O4), noting the previously recommended additional clause<sup>5</sup> to minimise conflicts between other incompatible activities (ACT-O6).

65. We were provided a copy of correspondence between Ms Willox and Ms McLeod on the recommended amendment to SUB-O1.5. We are satisfied that there is no need to expand the objective to incorporate any effects resulting from the subdivision itself, with the purpose of the objective being in relation to the outcome of the subdivision, as opposed to the subdivision process. We agree with Ms Willox that SUB-P3 already deals with these effects by only allowing subdivision within the National Grid Corridor where it can be demonstrated that any adverse effects will be appropriately managed and that the operation, maintenance, repair, upgrading and development of the National Grid will not be compromised.

66. In a response to Minute 12, Ms Willox agreed that as notified, SUB-O1 was general and would be clearer if SUB-O1.4 was amended to include a reference to servicing. We find that to be appropriate.

67. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to submissions on SUB-O1.

#### **6.2 Decision**

68. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-O1. The amendments are set out in Appendix 1 to this Decision.

<sup>5</sup> Section 42A Report paragraph 169

**6.3 SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P7, SUB-P10, and New Policy Assessment**

69. Having considered the submissions received and any evidence presented at the hearing, we agree with Ms Willox's analysis and recommendation to delete SUB-P2 and merge the requirement (from SUB-P2) for subdivision to follow natural and physical features into SUB-P1. Having heard from Mr Murray for Wolds Station at the Hearing we agree that deleting SUB-P2 provides a clearer pathway for obtaining a subdivision resource consent. We note that while TRoNT supported the provision as notified, their tabled evidence to the Hearing panel signalled support for the recommendations in the Section 42A Report in response to submissions.

70. With regard to SUB-P3, we agree with Ms Willox's analysis and recommendation in response to the submission from Transpower to amend SUB-P3 to give effect to the policy direction in the NESET.

71. We generally agree with Ms Willox's analysis and recommendations on SUB-P4. However, we note that in response to Minute 12, she recommended an amendment to SUB-P4 to provide greater clarity for Plan users on what specific natural values the policy is intended to capture. We agree with the recommended change and note that Mr Murray of Wolds Station attended the Hearing and raised no concern with Ms Willox's recommendation.

72. We generally agree with Ms Willox's analysis and recommendations on SUB-P7. However, we note that in response to Minute 12 Ms Willox confirmed she no longer considered that the term 'sufficient' properly allowed an assessment of the quality of the infrastructure being installed as intended, and on that basis revised her recommendation so that the term 'adequate' was retained as notified. We agree.

73. Mr Anderson, planner for the Telcos, spoke to us at the Hearing and remained of the view that the subdivision chapter should require sufficient infrastructure to service the scale of development. In his view SUB-P7 should be amended to include 'integration' into the title as this would support an integrated outcome and better achieve Strategic Direction UFD-O1. At the Hearing we asked Mr Anderson if the insertion of the words 'Provision of' to the title of SUB-P7 would address his concern, which he confirmed it would.

74. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-P10, noting an error in the Section 42A Report at paragraph 200, which should read that the submission from NZDF is recommended to be accepted in part.

75. Having considered the submission received by OWL, we agree with Ms Willox's analysis and recommendation to not include a new policy for subdivisions to create access, reserves, or to house infrastructure. We note that OWL attended the Hearing and did not raise any concerns regarding that recommendation.

**6.4 Decision**

76. We generally adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P7, SUB-P10, and New Policy.

77. However, we have amended the title of SUB-P7 so that it reads "Provision of Infrastructure". The Telcos submission (6.02) is therefore now accepted in part. We consider this change can be made as a minor amendment under clause 16(2) Schedule 1 of the RMA.

**6.5 Rules, Standards and Matters of Discretion Assessment**

78. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to DoC's submission on Recognition of the Quality of the Environment, Amenity Values and Public Open Space in the SUB chapter. We note that at the Hearing DoC raised no further matters or concerns in response to the recommendations presented in the Section 42A Report relating to its submission.

**6.6 Decision**

79. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Recognition of the Quality of the Environment, Amenity Values and Public Open Space.

**6.7 Subdivision Activity Status Assessment**

80. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to MPL's submission on subdivision activity status.

**6.8 Decision**

81. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Subdivision Activity Status.

**6.9 Application of the SUB Standards to SUB-R3 Assessment**

82. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the Application of the SUB Standards.

**6.10 Decision**

83. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Application of the SUB Standards to SUB-R3.

**6.11 SUB-R3 and SUB-R5 Assessment**

84. The Telcos and Transpower submissions opposed SUB-R3 on the basis that the RDIS status is overly onerous in situations where subdivision is for infrastructure. Both submitters requested the activity status be changed to CON. Ms Willox disagreed and recommended that the RDIS activity status was retained. We are not persuaded by the evidence presented by Transpower and the Telcos and instead are satisfied that the RDIS activity status in SUB-R3 is appropriate.

85. In response to Minute 12 Ms Willox agreed that where property access is to a State Highway, SUB-S2.2 is not met, and that the matters of discretion in SUB-S2 are sufficient to address the matters raised in SUB-R3(a). On that basis she recommended that SUB-R3 matter of discretion (a) can be deleted as a Clause 16 (2) amendment.

86. In all other respects, having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-R3 and SUB-R5.

**6.12 Decision**

87. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-R3 and SUB-R5.

**6.13 SUB-R6 and Standard SUB-S8 Assessment**

88. As discussed in our Decision on PC25 in relation to the Ōhau River Precinct PREC4, we heard from Mr Brass, planner for DoC. We accept his evidence that the CRPS provisions relating to ecosystems and indigenous biodiversity are directly relevant to our consideration of PC27, namely CRPS Objective 9.2.1, Objective 9.2.3, and Policy 9.3.1.

89. Mr Brass pointed out that building platforms would be established through subdivision Rule SUB-R6 and Standard SUB-S8. Matters of discretion under the Rule address a range of matters, but in terms of biodiversity only relate to vegetation management within the site. Standard SUB-S8 is specific to the Ōhau River Precinct, and covers a range of matters, but in terms of biodiversity also only relates to vegetation management within the Precinct. While the Section 42A Report for PC27 recommended additions to SUB-S8 to address significant indigenous vegetation and significant habitats of indigenous fauna, Mr Brass noted that (as currently drafted) would only apply to the location of building platforms and the content of a Vegetation Management Plan within the Precinct.

90. In his view, there is a gap in the rule framework in PC25 and PC27 as the rules would not allow control or discretion over effects of development on indigenous biodiversity values outside the footprint of the Precinct. He emphasised that PC18 would not close this gap as the rules in the EIB Chapter 19 only related to vegetation clearance, and not the offsite effects of land use. In his view, this would fail to give effect to the CRPS, particularly Policy 9.3.1.3, as it would allow a net loss of indigenous biodiversity values within the tern colony and skink habitat to occur as a result of land use within the Precinct. It would also fail to achieve District Plan Objective PREC4-O1.

91. Mr Brass sought that the gap be addressed by either extending the recommended additions to Standard SUB-S8 so that they can apply outside the Precinct or adding to the matters of control in Rule PREC4-R1.
92. In response to a Panel question, Ms Willox confirmed that the EIB chapter of the District Plan makes it clear that land use and development activities are to be managed to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. On that basis, she recommended that the reference to "if necessary" be removed from SUB-S8(3).
93. In her Reply Report, Ms Willox agreed with the evidence of Mr Nelson and Mr Brass that additional provisions are required to protect identified nearby significant indigenous fauna (black-fronted tern and Lakes skinks) which could be adversely affected by development in the Ōhau River Precinct. She agreed that the rules to manage indigenous vegetation clearance (in EIB chapter 19), which apply when development occurs within the Precinct, may not allow control or discretion over the actual and potential effects of development and associated land uses on indigenous biodiversity values outside the footprint of the Precinct. She therefore recommended an additional matter of discretion in SUB-R6, that applies exclusively to Tern Island and the Ōhau River margin. This will enable conditions of consent (and as appropriate, consent notices) to be imposed on any subdivision consent, to manage potential effects arising from subdivisions and future land use on these identified species.
94. We are satisfied that the amendments recommended by Ms Willox to SUB-R6, together with Meg Justice's recommended amendment to PREC4-R1 as set out in our PC25 Decision, will protect the identified nearby significant indigenous fauna (black-fronted tern and Lakes skinks) from development in the Ōhau River Precinct. We note that the recommended amendments to these provisions (including SUB-R6, and PREC4-R1 (PC25)) were accepted by Mr Brass as addressing the relief sought by DoC.

#### **6.1.1 Decision**

95. We adopt Ms Willox's analysis and recommendations on SUB-R6 and SUB-S8 as our reasons and decisions. The amendments to those provisions are set out in Appendix 1 to this Decision.

#### **6.15 SUB-R13 Assessment**

96. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations that SUB-R13 be retained as notified.

#### **6.16 Decision**

97. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-R13.

#### **6.18 SUB-S1 and Table SUB-Table 1 Assessment**

98. Several submitters opposed SUB-S1 and requested amendments to the minimum allotment sizes. We acknowledge the views of the submitters who spoke to us at the Hearing, however, we are not of the view that any amendments to the minimum allotment sizes are required. In reaching this position, we note that the approach taken in the District Plan is that the minimum allotment size and minimum density applying in each zone is determined at the time the review of each zone chapter is undertaken. We further note that for PC23 we have decided that no amendments to the SUB-S1/SUB-Table 1 are made to reduce the minimum allotment sizes in the GRUZ. We also record that the 200ha minimum allotment size applying to the Te Manahuna / Mackenzie Basin ONL (SUB-S1.10) is outside the scope of PC27.
99. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-S1 and Table SUB-Table 1.

#### **6.19 Decision**

100. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-S1 and Table SUB-Table 1, including her recommendation to amend the chapter introduction to make it clear that the underlying zone chapters may also contain provisions that are relevant to subdivision.

#### **6.18 SUB-S2, SUB-S3 Assessment**

101. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-S2 and SUB-S3.

102. We were not persuaded by Ms McMullen's view that amendments should be made to SUB-S3 to provide for alternative firefighting solutions that are approved by FENZ. We note that in its tabled evidence, FENZ did not pursue this matter further.

#### **6.19 Decision**

103. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-S2 and SUB-S3.

#### **6.20 SUB-S7 Assessment**

104. At the Hearing we heard from the Telcos who considered that all allotments created by subdivision in SUB-S7 should be provided with a connection to a telecommunication systems network and, where available, an open access fibre connection. Ms Willox agreed, recommending SUB-S7 be amended to require all allotments (other than allotments for access, roads, utilities, or reserves) be provided with a connection to a telecommunication system network at the boundary of the allotment. She further noted that, while she initially considered it more efficient to remove the requirement for telecommunication connections in the RLZ and GRUZ, advancements in alternative satellite telecommunication solutions meant that when a connection to the boundary is not available the activity status should remain RDIS. In her view, the matters of discretion, provided a clear consent pathway in absence of a specific boundary connection by allowing the consideration of alternative methods (SUB-S7.b) and methods to be used to inform prospective purchasers of an allotment that these connections are not installed (SUB-S7.c). Ms Willox recommended that the amendments sought by the Telcos to SUB-S7 be adopted, with minor amendments.

105. Based on the evidence we heard at the Hearing, along with Ms Willox's discussion in her Section 42A Reply Report, we agree with the recommended amendments to SUB-S7. We were provided a copy of correspondence confirming that the Telcos have no concerns with the recommendation.

#### **6.21 Decision**

106. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-S7. The amendments to SUB-S7 are set out in Appendix 1 to this Decision.

#### **6.22 Matters of Discretion SUB-MD2, SUB-MD7 Assessment**

107. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-MD2 and SUB-MD7.

#### **6.19 Decision**

108. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-MD2 and SUB-MD7.

#### **6.23 Definitions Assessment**

109. Having considered the submission received by Meridian, we agree with Ms Willox's analysis and recommendations relating to including the definition of reverse sensitivity and lifeline utility infrastructure in PC27.

110. In response to Minute 12, Ms Willox confirmed that in her view the definition of telecommunications used in PC26 should also be applied to PC27. We have made a minor Clause 16(2) in Appendix 1 to the Definitions chapter to reflect this.

#### **6.24 Decision**

111. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

### **7. Public Access**

#### **7.1 Health and Safety in the PA Chapter Assessment**

112. Ms McLeod, for Transpower, stated that in her view PA-O1, as recommended by Ms Willox, did not recognise situations where it is necessary to restrict public access to protect public health and safety. John Sutherland (Transpower Environmental Planner) described where transmission lines in Mackenzie District

intersect with areas likely to be subject to Objective PA-O1. He provided examples of works to maintain, upgrade and develop the National Grid that may require public access to be prevented to protect the health and safety of people and communities, including the stringing of new conductors, transmission line tower refurbishment or replacement, urgent emergency repairs and the replacement of insulators. In his view, there are situations where access (to and along surface waterbodies with recreational, scenic, ecological, indigenous biodiversity, conservation, mana whenua or amenity values) would present a health and safety risk or constrain Transpower's ability to undertake the works otherwise enabled by the NPSET (being Policies 1, 2 and 5). Ms McLeod provided an amended Objective PA-O1 and the inclusion of a new policy to implement the objective.

113. Similarly, we heard from OWL who considered that PA-O1 does not recognise that access restrictions on access may be appropriate in some instances due to the health and safety obligations of infrastructure providers. Julia Crossman (OWL Environmental and Regulatory Manager) explained her concerns with PA-O1, PA-P1 and PA-P2 and provided an amended objective along with amended policies PA-P1 and PA-P2.
114. In her Reply Report, Ms Willox stated that while she agreed with Transpower that public access may need to be restricted within an esplanade reserve or strip to protect public health and safety, she did not agree that amendments to the PA chapter are necessary.
115. Having heard the evidence presented at the hearing by Transpower and OWL, we agree that the District Plan provisions do not override legal requirements for access or prevent access under other legislation. We are not persuaded by the evidence of Transpower or OWL and accept the advice of Ms Willox that the PA chapter has a narrow focus, applying only to future subdivision adjoining a waterbody listed in PA PA-SCHED1 and PA-SCHED2. The provisions set out the procedure to be followed at the time of subdivision as opposed to on-going management. On this basis we find there is no need to amend PA-O1, PA-P1, PA-P2 and PA-S1 in response to the submissions from Transpower or OWL.

## 7.2 Decision

116. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Health and Safety in the PA chapter.

## 7.3 Indigenous Biodiversity and Cultural and Historical Values in the PA Chapter Assessment

117. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to DoC's submission points on PA-P1 and PA-P2. We agree that PA-P1 only requires 'appropriate' public access. This allows for situations where public access may not be appropriate to protect the natural values associated with the esplanade reserve or to protect conservation values as directed in Section 229 of the RMA. The direction in PA-P2 only encourages opportunities and mechanisms to enhance public access.

## 7.4 Decision

118. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on PA-P1 and PA-P2 with regard to Indigenous Biodiversity and Cultural and Historical Values in the PA chapter.

## 7.5 PA-O1, PA-P1, PA-P2, Standard PA-S1 Assessment

119. With regard to PA-S1, we note that OWL confirmed acceptance of Ms Willox's recommendation that the Public Access chapter provides a mandatory requirement for public access only for allotments less than 4ha created by future subdivisions adjoining a waterbody listed in PA-SCHED1. No OWL infrastructure exists in the section of waterbodies identified in PA-SCHED1, and accordingly, Ms Crossman indicated OWL no longer pursued changes to PA-S1.
120. We were not persuaded by Ms McMullen's justification for requiring an esplanade strip as opposed to an esplanade reserve or to reduce the esplanade strip from 20m to 5m. We accept Ms Willox's assessment and recommendation in this regard.
121. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on PA-O1, PA-P1, PA-P2 and PA-S1.

**7.6 Decision**

122. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on PA-O1, PA-P1, PA-P2 and PA-S1.

**7.7 PA-SCHED2 Assessment**

123. Having considered the submission received and any legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on PA-SCHED2.

**7.8 Decision**

124. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on PA-SCHED2.

**7.9 Definitions Assessment**

125. Having considered the submission received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on Definitions.

**7.8 Decision**

126. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

**8. Transport****8.1 TRAN-P1 and TRAN-P4 Assessment**

127. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-P1 and TRAN-P4.

128. We note that in its tabled evidence, FENZ acknowledged Ms Willox's recommendation in response to its submission points and raised no further concerns.

**8.2 Decision**

129. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-P1 and TRAN-P4.

**8.3 TRAN-R1, TRAN-R2, TRAN-R4, TRAN-S11 and TRAN-Table 10 Assessment**

130. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R1, TRAN-R2, TRAN-R4, TRAN-S11 and TRAN-Table 10.

131. We note that in its tabled evidence, FENZ acknowledged Ms Willox's recommendations in response to its submission points and raised no further concerns.

**8.4 Decision**

132. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R1, TRAN-R2, TRAN-R4, TRAN-S11 and TRAN-Table 10.

**8.5 TRAN-R3, TRAN-R4, TRAN-S9, TRAN-S10, TRAN-Table 7, TRAN-Figure 3 and TRAN-Figure 7 Assessment**

133. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R3, TRAN-R4, TRAN-S9, TRAN-S10, TRAN-Table 7, TRAN-Figure 3 and TRAN-Figure 7.

134. We note that in its tabled evidence, FENZ acknowledged Ms Willox's recommendations in response to its submission points and raised no further concerns.

**8.6 Decision**

135. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R3, TRAN-R4, TRAN-S9, TRAN-S10, TRAN-Table 7, TRAN-Figure 3 and TRAN-Figure 7.

**8.7 TRAN-R3 to TRAN-R6 Assessment**

136. Having considered the submission received, we agree with Ms Willox's analysis and recommendations on TRAN-R3 to TRAN-R6.
137. We note that in its tabled evidence, TRoNT accepted Ms Willox's recommendations and raised no further concerns.

**8.8 Decision**

138. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R3 to TRAN-R6.

**8.9 TRAN-R5, TRAN-R6 and TRAN-S8 Assessment**

139. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R5, TRAN-R6 and TRAN-S8.
140. In response to Minute 12, Ms Willox provided a detailed account of how other Councils manage trees adjacent to roads. We accept that while the recommended approach removes the prescriptive tree requirements, it still achieves the purpose of the standard by requiring a combination of trees, shrubs and groundcover.
141. We acknowledge that while FENZ, in its tabled evidence, appeared to reiterate the relief sought in its submission relating to TRAN-S8, TRAN-R5 and TRAN-6, no additional analysis was provided to support its position. Further, FENZ did not specifically respond to Ms Willox's analysis of the FENZ relief sought nor to her recommendations in relation to that relief. On this basis, we do not consider these matters further.

**8.10 Decision**

142. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R5, TRAN-R6 and TRAN-S8.

**8.11 TRAN-R7, TRAN-Table 1 and TRAN-Table 2 Assessment**

143. We heard from the Fuel Companies who did not oppose the recommended amendments to TRAN-Table 1, and instead sought clarity on how TRAN-R7 and TRAN-Table 1 would apply in the context of other provisions in the Transport chapter (most notably TRAN-R8). The Fuel Companies sought clarification of what constituted an expansion for TRAN-R7.
144. In her Section 42A Reply Report, Ms Willox noted that the Oxford Dictionary defines an expansion as "*the action or process of causing something to occupy or contain a larger space, or of acquiring a greater volume or capacity.*" In her view, TRAN-R7 would not apply to activities permitted under TRAN-R8 because that rule is specific to existing, permitted or consented vehicle parking spaces and therefore does not constitute an expansion (occupying the same space as an existing activity i.e., not creating additional parking spaces). But, the installation of additional parking spaces (not otherwise provided for) specifically for electric vehicle charging stations would constitute an expansion and need to be assessed against TRAN-R7, which is provided for in the rules as notified. Ms Willox did not recommend any amendments to TRAN-R7 and TRAN-R8 in response to the Hearing statement of the Fuel Companies. We accept her analysis in this regard.
145. While we acknowledge that FENZ, in its tabled evidence, appeared to reiterate the relief sought in its submission relating to TRAN-R7, TRAN-Table 1 and TRAN-Table 2, no additional analysis was provided to support its position. Further, FENZ did not specifically respond to Ms Willox's analysis of their relief sought nor her recommendations in relation to that relief. On this basis, we do not consider these matters further.
146. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R7, TRAN-Table 1 and TRAN-Table 2 including the consequential amendments to TRAN-P2, TRAN-R7, TRAN-Table1, TRAN-Table 2 and TRAN-S9 to remove the reference to 'vehicle trips' from the provisions.

**8.12 Decision**

147. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R7, TRAN-Table 1 and TRAN-Table 2.

**8.13 TRAN-R8, TRAN-S3, TRAN-S6, TRAN-Figure 2, TRAN-Table 3 Assessment**

148. The MoE tabled evidence and asked that should their submissions on TRAN-S1 and TRAN-Table 3 be rejected, TRAN-Table 3 be amended to remove the requirement for educational facilities to provide one parking space per 10 students over 15 years of age. Ms Willox in her Section 42A Reply Report advised that Ashley McLachlan (MDC Engineering Manager) did not support the suggested changes to TRAN-Table 3 because, based on current school rolls, the number of carparks required under that standard was not overly onerous. In his view, carparks for students old enough to drive, are necessary to ensure an efficient transport network (TRAN-O1). He recommended that the driving age be changed to 16 years to align with the correct driving age in New Zealand. We accept Ms Willox's recommendation that TRAN-Table 3 is amended to increase the age of students from 15 years to 16 years of age.

149. We were not persuaded by Ms McMullen's (for MFL) justification to amend TRAN-Table 3 to make specific provision for residential accommodation activity.

150. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R8, TRAN-S3, TRAN-S6, TRAN-Figure 2, and TRAN-Table 3.

**8.14 Decision**

151. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R8, TRAN-S3, TRAN-S6, TRAN-Figure 2, and TRAN-Table 3.

**8.15 Definitions Assessment**

152. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on Definitions.

**8.16 Decision**

153. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

**8.17 Other submissions Assessment**

Having considered the submissions received and any evidence presented at the Hearing we agree with Ms Willox's analysis and recommendations on Other Submissions. In particular, while we acknowledge the concerns of Robin McCarthy as presented to us at the Hearing, the relief he sought sits outside the jurisdiction of the MDC, so we are unable to consider his submission as part of this Decision.

154. With regard to the submission and tabled evidence of Springwater Trust, we are satisfied that there are already appropriate measures in place to protect the Twizel community water drinking supply from the effects of subdivision and that there is no need to prohibit further subdivision of any land that relies on the Twizel water supply.

**8.18 Decision**

155. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Other Submissions.



Rob van Voorthuysen (Chair)



Megen McKay



Andrew Willis



Ros Day- Cleavin

**Attachment 3: Transpower's submission**

# **Submission by Transpower New Zealand Limited Proposed Plan Changes 23, 24, 25, 26 and 27 to the Mackenzie District Plan**

**26 January 2024**

*Keeping the energy flowing*



**TRANSPOWER** 

## Form 5

### Submission on notified proposal for policy statement or plan, change or variation

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To** Mackenzie District Council (“the Council”)

**Name of submitter:** Transpower New Zealand Limited (“Transpower”)

**This is a submission on the following proposed plan (“the proposal”):**

Proposed Plan Changes 23, 24, 25, 26 and 27 (“Proposed Plan Changes”) to the Mackenzie District Plan (“District Plan”).

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

**The specific provisions of the proposal that my submission relates to are:**

The Proposed Plan Changes in its entirety insofar as it relates to the National Grid, and particularly the extent to which the provisions of the Proposed Plan Changes give effect to the National Policy Statement on Electricity Transmission 2008 (“NPSET”). A copy of the NPSET is attached as **Appendix B**.

The specific details of Transpower’s submission, and decisions sought in relation to the provisions of the Proposed Plan Changes, are set out in detail in the Table at **Appendix A**.

**Transpower’s submission is:**

#### Executive summary

The National Grid is nationally (and regionally) significant infrastructure that is recognised in the Resource Management Act 1991 (“RMA”) context by the NPSET; the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”) and the Canterbury Regional Policy Statement 2013 (“CRPS”)<sup>1</sup>.

The Proposed Plan Changes are required, amongst other things, to:

- (a) give effect to the provisions of the NPSET and CRPS; and
- (b) not be in conflict with, nor duplicate, the provisions of the NESETA.

Transpower acknowledges Councils’ intent to meet these obligations. Transpower is also appreciative of the collaborative approach to the development of the Proposed Plan Changes; the opportunity to engage with the Councils’ representatives; and the ability to provide feedback on draft provisions on more than one occasion.

It is Transpower’s submission that the Proposed Plan Changes go a long way to achieving the statutory requirements set out above (insofar as is necessary in respect of the scope of the Proposed Plan Changes) but that further amendments to the Proposed Plan Changes are required to:

- (a) give effect to the NPSET;
- (b) give effect to the CRPS;
- (d) achieve the purpose of the RMA;

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<sup>1</sup> As published in July 2021 to include Change 1 to Chapter 6.

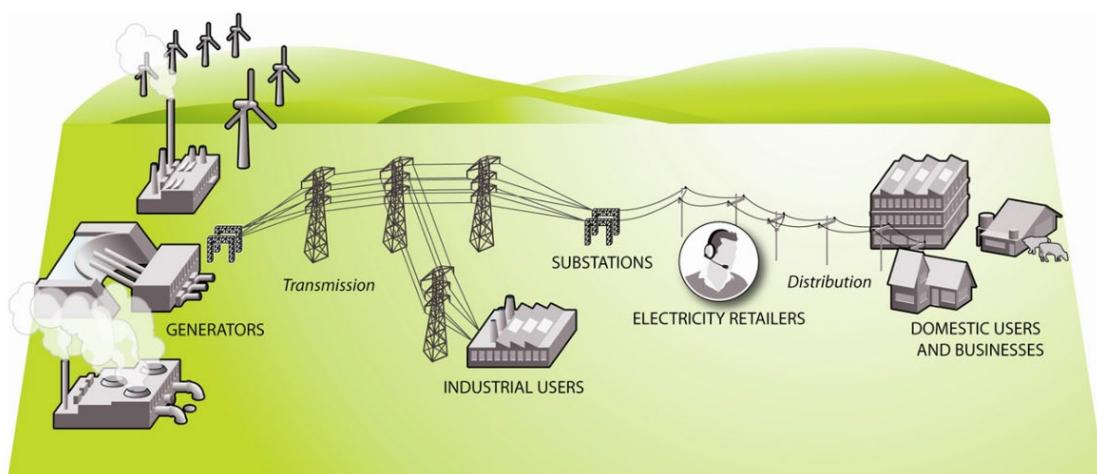
- (e) represent the most appropriate means of exercising Council's functions having regard to the efficiency and effectiveness of the provisions relative to other means; and
- (f) discharge Council's duty under section 32 of the RMA.

This submission outlines those provisions that Transpower supports and also sets out limited amendments to the Proposed Plan Changes that are necessary to meet the statutory requirements set out above.

#### The National Grid

Transpower is the state-owned enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage electricity transmission network, known as the National Grid. The National Grid connects power stations, owned by electricity generating companies, directly to major industrial users and distribution companies feeding electricity to the local networks that, in turn, distribute electricity to homes and businesses. The role of Transpower is illustrated in Figure 1.

*Figure 1: Role of Transpower in New Zealand's Electricity Industry (source: MBIE)*



The National Grid stretches over the length and breadth of New Zealand from Kaikohe in the North Island to Tiwai Point in the South Island and comprises some 11,000 circuit kilometres of transmission lines and cables and more than 170 substations, supported by a telecommunications network of some 300 telecommunication sites that help link together the components that make up the National Grid.

Transpower's role and function is determined by the State-Owned Enterprises Act 1986, the company's Statement of Corporate Intent, and the regulatory framework within which it operates. Transpower does not generate electricity, nor does it have any retail functions.

It is important to note that Transpower's role is distinct from electricity generation, distribution or retail. Transpower provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies, which supply electricity to everyday users. These users may be a considerable distance from the point of generation.

Transpower's Statement of Corporate Intent for 1 July 2023, states that:

*"Transpower is central to the New Zealand electricity industry. We connect generators to distribution companies and large users over long distances, providing open access and helping to balance supply and demand. The nature and scope of the activities we undertake are:*

- as grid owner, we own, build, maintain, replace, and enhance the physical infrastructure that connects those who generate and those who need electricity to live, work and play across the country; and
- as system operator, through a service provided under contract to the Electricity Authority under the Electricity Industry Participation Code, we operate the electricity market, managing supply and demand for electricity in real time to ensure that the power system remains stable and secure.”

In line with this role, Transpower needs to efficiently operate, maintain and develop the network to meet increasing demand and to maintain security of supply, thereby contributing to New Zealand’s economic and social aspirations. It must be emphasised that the National Grid is an ever-developing system, responding to changing supply and demand patterns, growth, reliability and security needs.

As the economy electrifies in pursuit of the most cost efficient and renewable sources, the base case in Transpower’s ‘Whakamana i Te Mauri Hiko’ predicts that electricity demand is likely to increase around 55% by 2050. ‘Whakamana i Te Mauri Hiko’ suggests that meeting this projected demand will require significant and frequent investment in New Zealand’s electricity generation portfolio over the coming 30 years, including new sources of resilient and reliable grid connected renewable generation. In addition, new connections and capacity increases will be required across the transmission system to support demand growth driven by the electrification of transport and process heat. Simply put, New Zealand’s electricity transmission system is the infrastructure on which our zero-carbon future will be built. This work supports Transpower’s view that there will be an enduring role for the National Grid in the future, and the need to build new National Grid lines and substations to connect new, renewable generation sources to the electricity network.

The National Grid has operational requirements and engineering constraints that dictate and constrain where it is located and the way it is operated, maintained, upgraded and developed. Operational requirements are set out in legislation, rules and regulations that govern the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code, the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”), and the Electricity (Hazards from Trees) Regulations 2003.

Transpower therefore has a significant interest in the development of effective, workable and efficient District Plan provisions through the Proposed Plan Change, where those provisions may affect the National Grid, including in respect of existing assets, and the development of new assets, in the Mackenzie District (“District”).

#### National Grid Assets in Mackenzie District

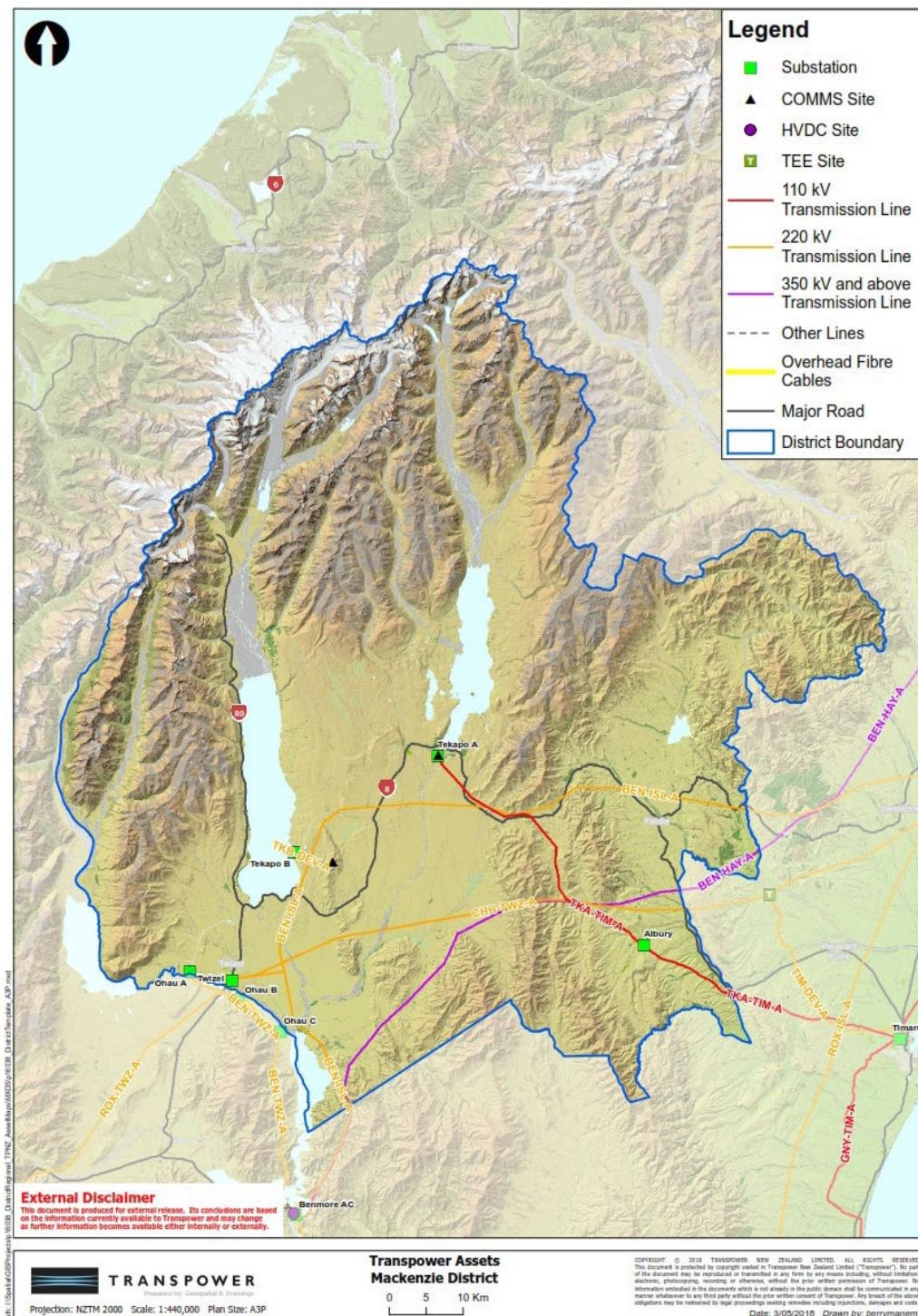
Transpower owns and operates a number of assets within, and traversing Mackenzie District. These assets supply electricity to Mackenzie District, as well as transmit electricity to the rest of New Zealand, and include around 320 kilometres of transmission lines, five substations, communications cables and associated equipment and include the following:

- Benmore – Haywards A (BEN-HAY-A) 350kV HVDC overhead transmission line on towers;
- Benmore – Islington A (BEN-ISL-A) 220kV overhead transmission line on towers;
- Benmore – Twizel A (BEN-TWZ-A) 220kV overhead transmission line on towers;
- Christchurch – Twizel A (CHH-TWZ-A) 220kV overhead transmission line on towers;
- Ohau A – Twizel A (OHA-TWZ-A) 220kV overhead transmission line on towers;
- Roxburgh – Twizel A (ROX-TWZ-A) 220kV overhead transmission line on towers;
- Tekapo A – Timaru A (TKA-TIM-A) 110kV overhead transmission line on poles (including pi poles);
- Tekapo B – Deviation A (TKB-DEV-A) 220kV overhead transmission line on towers;
- Twizel – Deviation A (TWZ-DEV-A) 220kV overhead transmission line on towers;
- Albury Substation;
- Ohau A Substation;

- Tekapo A Substation;
- Tekapo B Substation;
- Twizel Substation; and
- Two communications sites (Mt Mary and Tekapo A).

The location of these assets is shown on the plan at Figure 2.

Figure 2: Location of Transpower's assets in Mackenzie District



## Statutory Framework

The national significance of the National Grid is recognised, in an RMA context, by the NPSET and the NESETA. These documents apply only to the National Grid, and do not apply to local electricity distribution networks, nor lines owned and operated by electricity generators.

### *National Policy Statement on Electricity Transmission 2008*

The NPSET was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid and provides policy direction to ensure that decision makers under the RMA:

- recognise the benefits of the National Grid;
- manage the adverse effects on the environment of the National Grid;
- manage the adverse effects of third parties on the National Grid; and
- facilitate long term strategic planning for transmission assets.

The NPSET sets a clear directive on how to provide for National Grid resources (including future activities) in planning documents and therefore councils have to work through how to make appropriate provision for the National Grid in their plans, in order to give effect to the NPSET.

A key reason for introducing the NPSET in 2008 was to resolve the inconsistencies that resulted from the variable provision for the National Grid in RMA plans and policy statements. This variance was despite the National Grid being largely the same across the country. In promoting the NPSET, central government accepted the importance of, and benefits of, a nationally consistent approach to decisions on transmission activities. The preamble of the NPSET highlights that the National Grid has particular physical characteristics and operational/security requirements that create challenges for its management under the RMA, and it is important there are consistent policy and regulatory approaches by local authorities.

The single Objective of the NPSET is:

*"To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *manging the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network."*

The NPSET's Objective is implemented by fourteen policies. The policies have to be applied by both Transpower and decision-makers under the RMA, as relevant. In a general sense these policies address the following:

- Policy 1: Recognising the benefits of the National Grid;
- Policy 2: Recognising and providing for the effective operation, maintenance, upgrading and development of the National Grid;
- Policies 3 to 5: Weighing the management of environmental effects against the operational constraints, site/route selection approach, and the requirements of existing assets;
- Policies 6 to 8: Reducing, minimising and avoiding adverse effects in differing contexts;
- Policy 9: Potential health effects;
- Policies 10 and 11: Managing adverse effects on the National Grid and providing for "buffer corridors";
- Policy 12: Mapping the National Grid; and
- Policies 13 and 14: Long-term development and planning for transmission assets.

Sections 55 and 75(3) of the RMA require the Council to give effect to the objectives and policies of the NPSET in the District Plan. Case law has established that the words "give effect to" means to implement, which is a strong directive, creating a firm obligation on the part of those subject to it.

Giving effect to the NPSET will ensure that:

- the National Grid is able to be safely, effectively and efficiently operated, maintained, upgraded and developed to provide a reliable, safe and secure supply of electricity to the Mackenzie District and beyond; and
- the adverse effects of development in proximity to the National Grid are appropriately managed and are reduced, minimised or avoided depending on the context in which the development occurs.

*Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009*

The NESETA came into effect on 14 January 2010 and sets out a national regulatory framework for activities related to existing National Grid lines, including the operation, maintenance and upgrading of such lines. The NESETA specifies permitted electricity transmission activities (subject to standards) and sets out resource consent requirements where these activities do not meet the standards. The NESETA only applies to the Transpower's National Grid lines that existed on 14 January 2010 and does not apply to new transmission lines or new or existing substations.

Under section 44A of the RMA, local authorities are required to ensure that there are no duplications or conflicts between the provisions of the NESETA and a district plan. That said, there are situations where the NESETA Regulations defer to a district plan. It is therefore important that the relevant district plan provisions are consistent with the intent and effect of the NESETA Regulations.

*Canterbury Regional Policy Statement 2013*

Section 75(3) of the RMA also requires the Proposed Plan Changes to give effect to a regional policy statement. The operative CRPS (republished in July 2021) includes the following Policy 16.3.4 that is specific to the National Grid and must be given effect to:

***"16.3.4 Reliable and resilient electricity transmission network within Canterbury***

*To encourage a reliable and resilient national electricity transmission network within Canterbury by:*

1. *having particular regard to the local, regional and national benefits when considering operation, maintenance, upgrade or development of the electricity transmission network;*
2. *avoiding subdivision, use and development including urban or semi urban development patterns, which would otherwise limit the ability of the electricity transmission network to be operated, maintained, upgraded and developed;*
3. *enabling the operational, maintenance, upgrade, and development of the electricity transmission network provided that, as a result of route, site and method selection, where:*
  - a. *the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable, remedied or mitigated; and*
  - b. *other adverse effects on the environment are appropriately controlled."*

*Other National Planning Instruments*

It is also noted that the National Policy Statement for Indigenous Biodiversity 2023 ("NPSIB") and National Policy Statement for Highly Productive Land 2022 ("NPSHPL") are relevant to the Proposed Plan Changes. Of particular relevance in respect of the National Grid:

- Section 1.3(3) of the NPSIB states that:  
*"Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network*

*assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not “specified infrastructure” for the purposes of this National Policy Statement.”*

As such, the provisions of the Proposed Plan Changes that are intended to give effect to the NPSIB should not apply to the National Grid.

- The NPSHPL includes specific direction and exemptions for the development of ‘specified infrastructure’ (that includes regionally significant infrastructure, such as the National Grid) on highly productive land. Such exemptions must be reflected in any provisions of the Proposed Plan Changes that are to give effect to the NPSHPL and protect highly productive land.

#### Transpower’s Submission

Transpower supports the vast majority of the provisions included in the Proposed Plan Changes and particularly acknowledges earlier opportunities to engage with the Councils’ representatives and provide feedback on these provisions. Transpower is generally supportive of:

- those provisions that give effect to the NPSET and the CRPS;
- the reference to and provisions that are consistent with, and do not conflict with, the NESETA;
- provisions that recognise the specific needs for, and needs of, infrastructure/network utilities;
- the inclusion of rules that regulate activities in the vicinity of the National Grid; and
- the identification of the National Grid on the planning maps.

Transpower also acknowledges and supports the incorporation by reference, or general reference to the following:

- the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001;
- the Electricity (Hazards from Trees) Regulation 2003); and
- the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz to 100kHz) (Health physics, 2010, 99(6); 818-836).

Transpower provides a detailed submission on the Proposed Plan Changes’ provisions in **Appendix A** that identifies the many provisions that Transpower supports and highlights areas where provisions need to be amended in order to:

- fully give effect to the NPSET;
- fully give effect to the CRPS;
- recognise the benefits of, and national significance of, the National Grid and enable its operation, maintenance, upgrade and development;
- reflect Transpower’s nationally consistent, engineering based, approach to the management of activities near the National Grid, including subdivision;
- meet the requirements of sections 32 and 75 of the RMA; and
- achieve the purpose of the RMA.

Transpower particularly supports the clear direction given in the Infrastructure Chapter in respect of the provisions that do, and don’t, apply to infrastructure activities. In preparing this submission, Transpower has relied on this direction in identifying those provisions that are relevant to the National Grid, and those that are not. While Transpower may not support the provisions that are not relevant, if they were to be relevant it is possible that those provisions may not give effect to the NPSET (or meet the statutory requirements in respect of the National Grid).

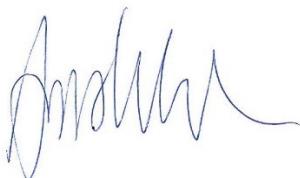
**Transpower seeks the following decision from the local authority:**

Amend the Proposed Plan Changes to make all required changes, including the specific amendments set out in the Table at **Appendix A**, and such further alternative or consequential relief as may be necessary to fully give effect to this submission.

Transpower welcomes the opportunity, and is available, to continue to work alongside the Council to further develop the Proposed Plan Changes in response to this submission and the submissions made by other parties.

**Transpower wishes to be heard in support of its submission.**

**Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.**



Signature of person authorised to sign  
on behalf of Transpower New Zealand Limited

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## Appendix A: Transpower New Zealand Limited – Submission on Proposed Plan Changes 23, 24, 25, 26 and 27 to the Mackenzie District Plan

The following table sets out the decisions sought by Transpower, including specific amendments to the provisions of the Proposed Plan Changes (shown in double red underline and ~~double red strikethrough~~) and further reasons, in addition to those set out in the body of this submission (above), for Transpower's support for, or opposition to, the notified provisions of the Proposed Plan Changes.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
<b>PLAN CHANGE 23 – GENERAL RURAL ZONE, NATURAL FEATURES AND LANDSCAPES, NATURAL CHARACTER</b>			
<b>Part 2 – District-Wide Matters</b>			
<b>Natural Environment Values</b>			
NATC – Natural character Introduction	<b>Oppose</b>	Transpower understands, with reference to the Introduction to the Infrastructure Chapter, that the provisions of the NATC Chapter do not apply to infrastructure activities. Transpower considers that the Introduction to the NATC Chapter should include a reciprocal direction for the avoidance of any ambiguity.	<b>Amend</b> the 'Introduction' to include explicit direction that the provisions of the NATC Chapter do not apply to Infrastructure, with the effects of Infrastructure on natural character values being managed in the INF Chapter.
NFL – Natural Features and Landscapes Introduction	<b>Oppose</b>	Transpower understands, with reference to the Introduction to the Infrastructure Chapter, that the provisions of the NFL Chapter do not apply to infrastructure activities. Transpower considers that the Introduction to the NFL Chapter should include a reciprocal direction for the avoidance of any ambiguity.	<b>Amend</b> the 'Introduction' to include explicit direction that the provisions of the NFL Chapter do not apply to Infrastructure, with the effects of Infrastructure on natural features and landscape values being managed in the INF Chapter.
<b>Part 3 – Area-Specific Matters</b>			
<b>Zones: Rural Zones</b>			
GRUZ - General Rural Zone Policies GRUZ-P2 Other Activities	<b>Support</b>	While it is noted that the provisions that apply in the Rural Lifestyle Zone do not apply to infrastructure, Transpower acknowledges and supports the intent of Policy GRUZ-P2 to the extent that clause (3) provides a policy 'pathway' for situations	<b>Retain</b> Policy GRUZ-P2 as notified

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		where infrastructure has a functional need or operational need to establish in the Rural Lifestyle Zone.	
GRUZ - General Rural Zone Policies GRUZ-P3 Reverse Sensitivity	<b>Oppose</b>	Transpower opposes Policy GRUZ to the extent that the Policy may inappropriately constrain the operation, maintenance, upgrade and development of the National Grid. Transpower seeks limited amendment to the Policy to ensure that farm activities do not, for reverse sensitivity reasons, limit the National Grid in a manner that is inconsistent with, and does not give effect to, Policies 1 and 2 of the NPSET.	<b>Amend</b> Policy GRUZ-P3 as follows: "Avoid reverse sensitivity effects of non-farm development and residential activity on lawfully established primary production activities, activities that have a direct relationship with or are dependent on primary production, existing renewable electricity generation activities, <u>the operation, maintenance, upgrade and development of the National Grid</u> and the Tekapo Military Training Area."
<b>PLAN CHANGE 24 – SITES AND AREAS OF SIGNIFICANCE TO MĀORI</b>			
<b>Part 2 – District-Wide Matters</b> <b>Historical and Cultural Values</b>			
SASM – Sites and Areas of Significance to Māori Introduction	<b>Oppose</b>	Transpower opposes the Introduction to the extent that the direction given in the Introduction could be understood to contradict the unambiguous direction in the Infrastructure Chapter. That is, the Infrastructure Chapter clearly directs the chapters and provisions that apply to infrastructure activities. In the case of the SASM provisions, the Infrastructure Chapter directs (by omission) that the SASM provisions do not apply, and instead infrastructure located in SASM is addressed through the INF provisions (and the definition of 'sensitive area'). Conversely, the SASM Introduction implies that the SASM provisions might apply to an activity requiring resource consent under the INF Rules. Transpower supports the approach taken to the standalone INF chapter and therefore considers that the SASM Introduction be amended to confirm this.	<b>Amend</b> the Introduction as follows: "This chapter is not the only chapter in the District Plan <u>that which</u> manages activities that are located within SASM and should be read alongside other sections of the District Plan which also consider the effects on SASM. <u>In the case of infrastructure, all provisions that relate to infrastructure are contained in the Infrastructure Chapter (unless explicitly stated otherwise) and the SASM provisions do not apply.</u> In particular, it should be noted that there are rules in other chapters, including the Natural Character, Natural Features and Landscapes, Public Access and Earthworks chapters which manage activities that occur in SASM, and where an activity is proposed within a SASM which requires resource consent under those chapters, the objectives, policies and matters of discretion in this chapter may also be relevant to consideration of that activity."
<b>PLAN CHANGE 25 - RURAL LIFESTYLE ZONES</b>			
<b>Part 3 – Area-Specific Matters</b> <b>Zones: Rural Zones</b>			
RLZ - Rural Lifestyle Zone	<b>Support</b>	While it is noted that the provisions that apply in the Rural Lifestyle Zone do not apply to infrastructure, Transpower	<b>Retain</b> Policy RLZ-P4 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Policies Policy RLZ-P4 Other Non-Residential Activities		acknowledges and supports the intent of Policy RLZ-P4 to the extent that clause (3) provides a policy 'pathway' for situations where infrastructure has a functional need or operational need to establish in the Rural Lifestyle Zone.	
<b>PLAN CHANGE 26: RENEWABLE ELECTRICITY GENERATION AND INFRASTRUCTURE</b>			
<b>Part 1 – Introduction and General Provisions</b>			
<b>Interpretation</b>			
General	<b>Support in part</b>	Transpower generally supports the use of the term 'national grid', but seeks that, in all locations where the term is used, each word be capitalised to read 'National Grid'. It is Transpower's experience that the most District Plans use initial capital letters in the way. Such an approach is also consistent with the use of the term within Transpower.	<b>Amend</b> 'national grid' to be capitalised to read 'National Grid' in all places where the term is used in the Proposed Plan Changes.
Definitions 'national grid'	<b>Support</b>	Transpower supports the definition of 'National Grid' and acknowledges that the definition is the same as the definition in the NPSET.	<b>Retain</b> the definition of 'national grid' as notified.
Definitions 'national grid support structure'	<b>Support</b>	Transpower supports the inclusion of a definition of 'National Grid support structure' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	<b>Retain</b> the definition of 'national grid support structure' as notified.
Definitions 'national grid yard'	<b>Support</b>	Transpower supports the inclusion of a definition of 'National Grid yard' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	<b>Retain</b> the definition of 'national grid yard' as notified.
Definitions 'regionally significant infrastructure'	<b>Support</b>	Transpower supports the inclusion of a definition of 'regionally significant infrastructure', but considers that there may be some merit in the term 'electricity transmission network' being replaced with 'National Grid' because these are the same thing	<b>Amend</b> the definition of 'regionally significant infrastructure' as follows: "regionally significant infrastructure means: a. strategic land transport network and arterial roads b. telecommunication facilities

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		and using the term 'National Grid' is consistent with provisions elsewhere in the Proposed Plan Changes.	<ul style="list-style-type: none"> <li>c. the <del>electricity transmission network</del> <u>National Grid</u></li> <li>d. wastewater collection, treatment and disposal networks</li> <li>e. community land drainage infrastructure</li> <li>f. community potable water systems</li> <li>g. established community-scale irrigation and stockwater infrastructure</li> <li>h. electricity distribution network"</li> </ul>
Definitions 'sensitive activity'	<b>Support</b>	Transpower supports the definition of 'sensitive activity' on the basis that it is generally consistent with the definition included in the NPSET.	<b>Retain</b> the definition of 'sensitive activity' as notified.
Definitions 'tower'	<b>Support</b>	Transpower supports the definition of 'tower' on the basis that it is generally consistent with the definition included in the NESETA.	<b>Retain</b> the definition of 'tower' as notified.
Definitions 'transmission line'	<b>Support</b>	Transpower supports the definition of 'transmission line' on the basis that it is consistent with the definition included in the NESETA.	<b>Retain</b> the definition of 'transmission line' as notified.
Definitions 'upgrade'	<b>Support</b>	Transpower supports the definition of 'upgrade' because the definition appropriately describes those activities that may be undertaken in respect of the National Grid.	<b>Retain</b> the definition of 'upgrade' as notified.
<b>Part 2 – District-Wide Matters</b> <b>Energy, Infrastructure and Transport: Infrastructure</b>			
Introduction	<b>Support</b>	Transpower supports the 'Introduction', and in particular is supportive of the approach (and clear direction) that the provisions that relate to infrastructure are standalone, except where explicitly stated. It is on this basis that Transpower's submission is confined.	<b>Retain</b> the 'Introduction' as notified.
Objectives Objective INF-O1 Infrastructure	<b>Support</b>	Transpower supports Objective INF-O1 on the basis that, as it applies to the National Grid, the Objective seeks outcomes in respect of the development and maintenance of infrastructure that are generally consistent with the Matter of National Significance and Objective of the NPSET.	<b>Retain</b> Objective INF-O1 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Objectives Objective INF-O2 Adverse Effects of Infrastructure	<b>Support</b>	Transpower supports Objective INF-O2 because, as it applies to the National Grid, the Objective is generally consistent with the approach to managing adverse effects of the National Grid set out in the NPSET, including by recognising differing sensitivities of different receiving environments and by acknowledging operation needs and functional needs of infrastructure.	<b>Retain</b> Objective INF-O2 as notified.
Objectives Objective INF-O3 Adverse Effects on Infrastructure	<b>Support</b>	Transpower supports Objective INF-O3 on the basis that the Objective gives effect to Policies 10 and 11 of the NPSET and Policies 5.2.2 and 16.3.4 of the CRPS.	<b>Retain</b> Objective INF-O3 as notified.
Policies Policy INF-P1 Benefits of Infrastructure	<b>Support</b>	Transpower supports Policy INF-P1 because, insofar as the Policy relates to the National Grid, the Policy gives effect to Policy 1 on the NPSET and Policies 5.2.2 and 16.3.4 of the CRPS.	<b>Retain</b> Policy INF-P1 as notified.
Policies Policy INF-P2 Ongoing Use of Existing Infrastructure	<b>Support</b>	Transpower supports Policy INF-P2 on the basis that the Policy, to the extent it relates to the National Grid, gives effect to Policies 2 and 5 of the NPSET.	<b>Retain</b> Policy INF-P2 as notified.
Policies Policy INF-P4 Managing Adverse Effects of Infrastructure	<b>Support in part</b>	<p>Transpower generally supports Policy INF-P4 but considers that the Policy may be interpreted as requiring effects to be minimised at the same time as regard is had to operational needs and functional needs. In the case of the National Grid, it is not always possible for adverse effects to be minimal. This is acknowledged in the preamble to the NPSET that states:</p> <ul style="list-style-type: none"> <li>- <i>These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.</i></li> <li>- <i>Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.</i></li> </ul>	<p><b>Amend</b> Policy INF-P4 as follows:</p> <p><u><a href="#">Subject to the operational needs and functional needs of infrastructure, manage</a></u> infrastructure, including ancillary earthworks, so that:</p> <ol style="list-style-type: none"> <li>1. its form, location and scale minimises adverse effects on the environment; and</li> <li>2. it is compatible with the values and anticipated character of the surrounding environment;</li> </ol> <p><u><a href="#">while having regard to the operational needs and functional needs of the infrastructure.</a></u></p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		Transpower seeks that the Policy is amended to clearly express that operational needs and functional needs may limit the extent to which effects can be minimised.	
Policies Policy INF-P5 Infrastructure in Sensitive or Significant Areas	<b>Support</b>	Transpower supports Policy INF-P5 because the Policy generally reflects, and gives effect to, the direction for the management of the effects of the National Grid included in Policies 3, 4, 7 and 8 of the NPSET and Policy 16.3.4 of the CRPS. Further, Transpower acknowledges and supports the exclusion of the National Grid from clause (4) and considers that this approach appropriately reflects the explicit exclusion of the National Grid included in clause 1.3(3) of the NPSIB.	<b>Retain</b> Policy INF-P5 as notified.
Policies Policy INF-P6 Infrastructure on Highly Productive Land	<b>Support</b>	Transpower supports Policy INF-P6 on the basis that the Policy appropriately reconciles the NPSHPL and the NPSET by providing a 'pathway' for specified infrastructure/regionally significant infrastructure.	<b>Retain</b> Policy INF-P6 as notified.
Policies Policy INF-P7 Infrastructure in Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna	<b>Support in part</b>	Transpower supports Policy INF-P7 to the extent that it is understood that the Policy is not intended to apply to the National Grid, given the explicit exclusion of the National Grid included in clause 1.3(3) of the NPSIB. However, Transpower seeks amendments to the Policy to more clearly express this exclusion.	<b>Amend</b> Policy INF-P7 as follows: <b>"INF-P7 Infrastructure that is not the National Grid in Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna</b> In addition to INF-P5, avoid new infrastructure <del>that is not</del> excluding the national grid) that has adverse effects on the following, in an area of significant indigenous vegetation and significant habitats of indigenous fauna: ...."
Policies Policy INF-P8 Radiofrequency, Electric and Magnetic Fields	<b>Support</b>	Transpower supports Policy INF-P8 because the Policy gives effect to Policy 9 of the NPSET.	<b>Retain</b> Policy INF-P8 as notified.
Policies Policy INF-P9 Managing Activities in the National Grid Yard	<b>Support</b>	Transpower supports Policy INF-P9 because the Policy gives effects to Policies 10 and 11 of the NPSET and Policy 16.3.4 of the CRPS.	<b>Retain</b> Policy INF-P9 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rules Notes for Plan Users	<b>Support</b>	<p>Transpower supports the 'Notes for Plan Users' and, in particular, supports the inclusion for reference to the need for activities to comply with NZECP34:2001 and the Electricity (Hazards from Trees) Regulations 2003.</p> <p>Further, Transpower supports the inclusion of reference to the NESETA prevailing over the provisions of the District Plan.</p>	<b>Retain</b> the 'Notes for Plan Users' as notified.
Rules Existing Infrastructure Rule INF-R1 Operation, Maintenance or Removal of Existing Infrastructure, Including Access Tracks	<b>Support</b>	Transpower supports Rule INF-R1 because the Rule appropriately gives effect to Policy 2 of the NPSET and effectively implements Policy INF-P2.	<b>Retain</b> Rule INF-R1 as notified.
Rules Existing Infrastructure Rule INF-R2 Upgrading Above Ground Infrastructure	<b>Support</b>	To the extent that Rule INF-R2 may apply to future National Grid assets, Transpower supports Rule INF-R2 on the basis that the Rule gives effect to Policies 2 and 5 of the NPSET; is generally consistent with the NESETA and appropriately implements Policy INF-P2.	<b>Retain</b> Rule INF-R2 as notified.
Rules All Infrastructure Rule INF-R4 Temporary Infrastructure	<b>Support</b>	Transpower supports Rule INF-R4 because the Rule appropriately provides for infrastructure that might be necessary in the short term so that the benefits of infrastructure to the health, safety and wellbeing of people and communities are realised.	<b>Retain</b> Rule INF-R4 as notified.
Rules All Infrastructure Rule INF-R7 Below Ground Infrastructure	<b>Support</b>	Transpower supports Rule INF-R7 and considers that the proposed permitted activity status appropriately responds to the anticipated minimal adverse effects of below ground infrastructure.	<b>Retain</b> Rule INF-R7 as notified.
Rules All Infrastructure	<b>Support</b>	Transpower supports Rule INF-R8 on the basis that the Rule provides an appropriate regulatory framework for the establishment of new National Grid assets in a manner	<b>Retain</b> Rule INF-R8 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rule INF-R8 New Lines and Associated Support Structures Including Towers and Poles		consistent with the direction given by the NPSET and CRPS. Transpower particular supports the restricted discretionary activity status that is likely to apply to such assets, given the scale of the National Grid.	
Rules All Infrastructure Rule INF-R11 Any Infrastructure not Otherwise Listed	<b>Support</b>	Transpower supports Rule INF-R11 and considers that discretionary activity status is the most appropriate activity status for other infrastructure activities, having regard to the provisions of the NPSET (if Rule INF-R11 applies to the National Grid), CRPS and objectives and policies included in the Proposed Plan Change.	<b>Retain</b> Rule INF-R11 as notified.
Rules Activities in the National Grid Yard Rule INF-R17 Accessory Buildings to any Sensitive Activity within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R17 to the extent that the Rule regulates buildings accessory to sensitive activities in a manner that gives effect, in part, to Policies 10 and 11 of the NPSET and Policy 16.3.4 of the CRPS.	<b>Retain</b> Rule INF-R17 as notified.
Rules Activities in the National Grid Yard Rule INF-R18 Network Utility Operation, Infrastructure and Electricity Generation that Connects to the National Grid within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R18 on the basis that the Rule appropriately provides for network utilities and infrastructure (including infrastructure that connects to the National Grid, as a permitted activity, subject to standards that give effect to Policy 10 of the NPSET.	<b>Retain</b> Rule INF-R18 as notified.
Rules Activities in the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R19 to the extent that the Rule regulates fences in a manner that gives effect, in part, to Policies 10 and is consistent with NZECP34:2001.	<b>Retain</b> Rule INF-R19 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rule INF-R19 Fences within the National Grid Yard			
Rules Activities in the National Grid Yard Rule INF-R20 Ancillary Stockyards and Platforms, Including those Associated with Milking Sheds within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R20 on the basis that the Rule appropriately provides for activities that will not compromise the National Grid in a manner that gives effect to Policy 10 of the NPSET.	<b>Retain</b> Rule INF-R20 as notified.
Rules Activities in the National Grid Yard Rule INF-R21 Uninhabited Farm and Horticultural Buildings and Structures within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R21 on the basis that the Rule appropriately provides for activities that will not compromise the National Grid in a manner that gives effect to Policy 10 of the NPSET.	<b>Retain</b> Rule INF-R21 as notified.
Rules Activities in the National Grid Yard Rule INF-R22 Artificial Crop Protection Structures or Crop Support Structures within the National Grid Yard	<b>Support in part</b>	Transpower generally supports Rule INF-R21, but considers that the Rule would benefit from refinement to also provide for artificial crop protection structures or crop support structures in the National Grid Yard provided that the structure is greater than 12 metres from National Grid support structures that are not pi-poles.	<b>Amend</b> Rule INF-R21 as follows: 1. The structure does not exceed 2.5m in height; and 2. The structure is located at least 8m from a national grid transmission line pi-pole <u>and 12m from any other National Grid support structure</u> ; and 3. The structure is removable or temporary to allow a clear working space of 12m from the pi-pole for maintenance; and 4. All weather access and a sufficient area for maintenance equipment, including a crane, is provided to the transmission line pi-pole."
Rules	<b>Support</b>	Transpower supports Rule INF-R23 on the basis that the Rule appropriately provides for activities that will not compromise	<b>Retain</b> Rule INF-R23 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Activities in the National Grid Yard Rule INF-R23 Alterations and Additions to an Existing Building or Structure for a Sensitive Activity within the National Grid Yard		the National Grid in a manner that gives effect to Policy 10 of the NPSET.	
Rules Activities in the National Grid Yard Rule INF-R24 New Sensitive Activities (including the use of an existing building for a new Sensitive Activity), within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R24 on the basis that the Rule appropriately gives effect to Policy 11 of the NPSET and Policy 16.3.4 of the CRPS through non-complying activity status for new sensitive activities in the National Grid Yard.	<b>Retain</b> Rule INF-R24 as notified.
Rules Activities in the National Grid Yard Rule INF-R25 Wintering barns, commercial greenhouses, immoveable protective canopies, produce packing facilities and milking sheds within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R25 on the basis that the Rule appropriately gives effect to Policy 10 of the NPSET and Policy 16.3.4 of the CRPS through non-complying activity status for some new agricultural and horticultural buildings in the National Grid Yard.	<b>Retain</b> Rule INF-R25 as notified.
Rules	<b>Support</b>	Transpower supports Rule INF-R26 on the basis that the Rule appropriately gives effect to Policy 10 of the NPSET and Policy	<b>Retain</b> Rule INF-R26 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Activities in the National Grid Yard Rule INF-R26 Buildings or structures for the handling or storage of hazardous substances with explosive or flammable intrinsic properties within the National Grid Yard, excluding the accessory use and storage of hazardous substances in domestic scale quantities		16.3.4 of the CRPS through non-complying activity status for the handling and storage of hazardous substances in the National Grid Yard.	
Rules Activities in the National Grid Yard Rule INF-R27 Any Other Activity, Building or Structure within the National Grid Yard Not Otherwise Listed	<b>Support</b>	Transpower supports 'default' Rule INF-R27 on the basis that the Rule appropriately gives effect to Policy 10 of the NPSET and Policy 16.3.4 of the CRPS through non-complying activity status for other activities in the National Grid Yard.	<b>Retain</b> Rule INF-R26 as notified.
Standards Standard INF-S1 Sensitive Areas	<b>Support</b>	Transpower supports Standard INF-S1, and particularly the 'default' to restricted discretionary activity status where the standard is not met. Transpower considers the activity status is appropriate for infrastructure activities in sensitive areas because the effects of infrastructure are well understood, such that the consideration of potential effects can be confined.	<b>Retain</b> Standard INF-S1 as notified.
Standards Standard INF-S2 Radiofrequency,	<b>Support</b>	Transpower supports Standard INF-S2 on the basis that the Standard gives effect to Policy 9 of the NPSET; is consistent with the NESETA; and appropriately implements Policy INF-P8.	<b>Retain</b> Standard INF-S2 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Electric and Magnetic Fields			
Standards Standard INF-S4 National Grid Yard	<b>Support</b>	Transpower supports Standard INF-S4 because the Standard appropriately manages activities that are permitted in the National Grid Yard in order ensure that the National Grid is not compromised in accordance with Policy 10 of the NPSET.	<b>Retain</b> Standard INF-S4 as notified.
Matters of Control or Discretion INF-MD1 Scale, Location and Design of Infrastructure	<b>Support</b>	Transpower supports INF-MD1 on the basis that the provision allows for a fulsome, infrastructure specific, consideration of the potential adverse effects of new infrastructure.	<b>Retain</b> the Matters of Control or Discretion in INF-MD1 as notified.
<b>Part 2 – District-Wide Matters</b> <b>Energy, Infrastructure and Transport: Renewable Electricity Generation</b>			
Matters of Control or Discretion REG-MD4 New Renewable Electricity Generation	<b>Support in part</b>	Transpower generally supports REG-MD4, but seeks a limited amendment to clause (d), consistent with REG-MD3, to include reference to the electricity transmission network, alongside electricity distribution.	<b>Amend</b> the Matters of Control or Discretion in REG-MD4 as follows: "d. The location of existing electricity generation, <u>electricity transmission</u> and distribution infrastructure and the extent to which the proposal contributes to its efficient use."
<b>Part 4 – Appendices and Maps</b>			
Planning Map – National Grid	<b>Support in part</b>	Transpower generally supports the mapping of the National Grid, including distinguishing the voltage of the various transmission lines that traverse the District because mapping in this manner allows the related provisions to be easily understood. Transpower notes that Policy 12 of the NPSET requires the whole of the electricity transmission network to be identified on planning maps. In this instance, the planning maps do not identify all of the assets listed in this submission. Transpower therefore seeks that all National Grid assets are shown on the Planning Map.	<b>Amend</b> the Planning Map to show all National Grid assets (listed in the submission).

Provision	Support/Oppose	Submission/Reasons	Decision Sought
<b>PLAN CHANGE 27: SUBDIVISION, EARTHWORKS, PUBLIC ACCESS AND TRANSPORT</b>			
<b>Part 1 – Introduction and General Provisions</b>			
<b>Interpretation</b>			
Definitions 'national grid'	<b>Support</b>	Transpower supports the definition of 'National Grid' and acknowledges that the definition is the same as the definition in the NPSET.	<b>Retain</b> the definition of 'national grid' as notified.
Definitions 'national grid subdivision corridor'	<b>Support</b>	Transpower supports the inclusion of a definition of 'National Grid subdivision corridor' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	<b>Retain</b> the definition of 'national grid subdivision corridor' as notified.
Definitions 'national grid yard'	<b>Support</b>	Transpower supports the inclusion of a definition of 'National Grid yard' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	<b>Retain</b> the definition of 'national grid yard' as notified.
<b>Part 2 – District-Wide Matters</b>			
<b>Natural Environment Values: Public Access</b>			
Objectives Objective PA-O1 Provision of Public Access	<b>Oppose</b>	Transpower opposed Objective PA-O1 to the extent that the Objective fails to recognise that there are situations where it is necessary to restrict public access in order to protect public health and safety. Transpower notes that there are situations where public access must be restricted when works to operation, maintain, upgrade and develop the National Grid in order to appropriately manage risk to public health and safety. Transpower seeks that the Objective is amended to reflect this outcome.	<b>Amend</b> Objective PA-O1 as follows: "Access to and along surface waterbodies with recreational, scenic, ecological, indigenous biodiversity, conservation, mana whenua or amenity values is maintained or improved <u>unless restriction to access are necessary to protect public health and safety.</u> "
Policies New Policy PA-PX Restrictions on Public Access	<b>Oppose</b>	For the reasons set out above, Transpower considers that there is a need to recognise and provide for situations where it is necessary to restrict public access in order to protect public health and safety.	<b>Insert</b> a new Policy as follows: <b><u>PA-PX Restrictions on Public Access</u></b>

Provision	Support/Oppose	Submission/Reasons	Decision Sought			
			<u>Recognise and provide for permanent and temporary restrictions on public access where restrictions are necessary to protect public health and safety."</u>			
<b>Part 2 – District-Wide Matters</b>						
<b>Subdivision</b>						
Objectives Objective SUB-O1 Subdivision Design	<b>Oppose</b>	Transpower is concerned that Objective SUB-O1 does not describe the role subdivision plays in manage the effects of future land uses. Transpower considers that this is necessary to provide a 'hook' on which the subsequent policies, that do address effects of subdivision, 'hang'. That is, the policies that relate to subdivision need to implement an objective and, as proposed, there is no clear objective that addresses the recognises the role of subdivision in managing adverse effects of future uses. Transpower therefore seeks the inclusion of a further clause that is implemented by the subsequent subdivision policies.	<p><b>Amend</b> Objective SUB-O1 as follows:</p> <p><u>"Subdivision is designed to:</u></p> <ol style="list-style-type: none"> <li><u>1. align with the purpose and character of the zone in which it occurs;</u></li> <li><u>2. maintain the values of any overlays within which it is located;</u></li> <li><u>3. achieve integration and connectivity with surrounding neighbourhoods; and</u></li> <li><u>4. provide infrastructure that is appropriate for the intended use <del>of the subdivision</del>, which is integrated with existing infrastructure, and</u></li> <li><u>5. avoid conflict between incompatible intended uses."</u></li> </ol>			
Policies Policy SUB-P3 National Grid Subdivision Corridor	<b>Support in part</b>	Transpower generally supports Policy SUB-P3 but seeks minor amendment to align the Policy with the Policy 10 of the NPSET that expressly refers to ensuring that " <i>that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised</i> ".	<p><b>Amend</b> Policy SUB-P3 as follows:</p> <p><u>"Only allow subdivision within the national grid subdivision corridor where it can be demonstrated that any adverse effects on and from the national grid, including <del>effects on</del> public health and safety, will be appropriately avoided, remedied, or mitigated managed and the operation, maintenance, repair, upgrading and development of the national grid will not be compromised."</u></p>			
Rules Rule SUB-R3 Subdivision to Create Access, Reserve, or Infrastructure Sites	<b>Oppose</b>	Transpower does not support Rule SUB-R3 because it is considered that restricted discretionary activity status is overly onerous in situations where the subdivision is for infrastructure and the relevant standards are met. Transpower considers that the Plan Change 27 Section 32 Report does not include an evaluation of subdivision for infrastructure (and the appropriate activity status) in sufficient detail to justify restricted discretionary activity status. Transpower therefore seeks that	<p><b>Amend</b> Rule SUB-R3 as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; padding: 5px;"><u>"All Zones</u></td><td style="width: 25%; padding: 5px;"><u>Activity Status: <del>RDISCON</del></u> <u>Where:</u> <u>1. The subdivision is to create:</u> <u>a. An allotment to be used to provide</u></td><td style="width: 50%; padding: 5px;"><u>Activity status when compliance with standard(s) is not achieved with R3.1-R3.2, SUB-2 or SUB-S10: RDIS</u> <u>Matters of discretion are restricted to:</u></td></tr> </table>	<u>"All Zones</u>	<u>Activity Status: <del>RDISCON</del></u> <u>Where:</u> <u>1. The subdivision is to create:</u> <u>a. An allotment to be used to provide</u>	<u>Activity status when compliance with standard(s) is not achieved with R3.1-R3.2, SUB-2 or SUB-S10: RDIS</u> <u>Matters of discretion are restricted to:</u>
<u>"All Zones</u>	<u>Activity Status: <del>RDISCON</del></u> <u>Where:</u> <u>1. The subdivision is to create:</u> <u>a. An allotment to be used to provide</u>	<u>Activity status when compliance with standard(s) is not achieved with R3.1-R3.2, SUB-2 or SUB-S10: RDIS</u> <u>Matters of discretion are restricted to:</u>				

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		<p>Rule SUB-R3 is amended to apply a controlled activity status (along with consequential amendments to the Rule).</p> <p>Further, Transpower seeks that the default activity status in situations where compliance with the conditions and standards in Rule SUB-R3 are not achieved is uniformly restricted discretionary on the basis that the potential effects of such subdivision are sufficiently known and able to be managed through matters of discretion. It is noted that non-compliance with SUB-S2 for other activities has restricted discretionary status and taking the same approach in Rule SUB-R3 is consistent in this regard.</p> <p>In addition, Transpower seeks that the matters of discretion or, subject to the relief sought by Transpower, the matters of control, provide for a consideration of the positive effects of allowing a subdivision of a site for infrastructure purposes.</p> <p>Insofar as the Rule relates to the National Grid, Transpower is of the view that providing for a consideration of the benefits of the National Grid is necessary to give effect to Policy 1 of the NPSET.</p>	<p><u>legal access (including roads).</u></p> <p><u>b. A reserve that will vest in a local authority or the Crown.</u></p> <p><u>c. An allotment to be used solely to house infrastructure.</u></p> <p><u>2. And any balance allotment complies with the requirements set out in the SUB-Standards relevant to the allotment so that no new non-compliance with the standards is created by the subdivision.</u></p> <p><u>And the activity complies with the following standards:</u></p> <p><u>SUB-S2 Property Access</u></p> <p><u>SUB-S10 Stormwater Disposal</u></p> <p><u>Matters over which control is reserved of discretion are restricted to:</u></p> <p><u>a. If legal access is to be to a State Highway:</u></p> <p><u>i. Any adverse effects, including</u></p> <p><u>a. If legal access is to be to a State Highway:</u></p> <p><u>i. Any adverse effects, including</u></p> <p><u>i. Any adverse effects, including</u></p> <p><u>ii. Whether access can be obtained from an alternative road that is not a State Highway; and</u></p> <p><u>iii. The design and siting of any accessway or vehicle crossing.</u></p> <p><u>b. Whether the allotment needs to be supplied with infrastructure or services, and if so:</u></p> <p><u>SUB-MD2 Infrastructure</u></p> <p><u>SUB-MD3 Water Supply</u></p> <p><u>SUB-MD4 Stormwater Disposal</u></p> <p><u>SUB-MD6 Easements</u></p> <p><u>SUB-MD9 Wastewater Disposal</u></p> <p><u>c. SUB-MD7 Reverse Sensitivity.</u></p> <p><u>d. Where all or part of the site is within a SASM:</u></p> <p><u>SASM-MD1 Activities in a SASM</u></p> <p><u>e. the positive effects of, or benefits of, the access.</u></p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
			<p><u>cumulative effects on traffic safety, and flow;</u></p> <p>ii. <u>Whether access can be obtained from an alternative road that is not a State Highway; and</u></p> <p>iii. <u>The design and siting of any accessway or vehicle crossing.</u></p> <p>b. <u>Whether the allotment needs to be supplied with infrastructure or services, and if so:</u></p> <p><u>SUB-MD2 Infrastructure</u></p> <p><u>SUB-MD3 Water Supply</u></p> <p><u>SUB-MD4 Stormwater Disposal</u></p> <p><u>SUB-MD6 Easements</u></p> <p><u>SUB-MD9 Wastewater Disposal</u></p> <p>c. <u>SUB-MD7 Reverse Sensitivity.</u></p> <p>d. <u>Where all or part of the site is within a SASM:</u></p> <p><u>SASM-MD1 Activities in a SASM</u></p> <p>e. <u>the positive effects of, or benefits of, the</u></p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
			<u>access, reserve or infrastructure.</u>
Rules SUB-R5 Subdivision within the National Grid Subdivision Corridor	<b>Support in part</b>	<p>Transpower supports Rule SUB-R5 on the basis that the Rule gives effect to Policies 10 and 11 of the NPSET and is consistent with the approach that Transpower seeks to the management of subdivision in the vicinity of the National Grid in district plans across New Zealand.</p> <p>Transpower seeks a limited amendment to the Rule to correctly reference NZECP34:2001 and to clarify that the condition in the Rule need only require that each lot is capable of accommodating a building platform outside of the National Grid Yard.</p>	<p><b>Amend</b> Rule SUB-R5 as follows:</p> <p>“1. <del>A building platform is identified on, the The subdivision plan demonstrates that each lot is capable of accommodating a building platform located is outside of the national grid yard, and proposed to be secured by way of a consent notice.</del>”</p> <p><b>Amend</b> Rule SUB-R5, matter of discretion (b) as follows:</p> <p>b. <del>The extent to which the subdivision allows for earthworks, buildings, and structures to comply with the safe distance requirements of the NZECP 34:2001 New Zealand Electrical Electricity Code of Practice for Electrical Electricity Safe Distances.</del>”</p>
Standards SUB-S1 Allotment Size and Dimensions	<b>Support in part</b>	Transpower does not oppose Standard SUB-S1 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for access, reserves, or network utility operations</i> ” is not necessary. Transpower therefore seeks that this reference be deleted.	<p><b>Amend</b> Standard SUB-S1(2) and (5) as follows:</p> <p>“<del>Every allotment created shall contain a building square not less than 15m x 15m. This requirement shall not apply to any allotment created solely for access, reserves, or network utility operations.</del>”</p>
Standards SUB-S3 Water Supply	<b>Support in part</b>	Transpower does not oppose Standard SUB-S3 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for access, reserves, or network utility operations</i> ” is not necessary. Transpower therefore seeks that this reference be deleted.	<p><b>Amend</b> Standard SUB-S3(1) as follows:</p> <p>“<del>Every allotment created shall be supplied with a separate connection to a Council reticulated water supply. This requirement shall not apply to any allotment created solely for access or network utility operations.</del>”</p>
Standards SUB-S4 Wastewater Disposal	<b>Support in part</b>	Transpower does not oppose Standard SUB-S4 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for access, reserves, or network utility operations</i> ” is not necessary. Transpower therefore seeks that this reference be deleted.	<p><b>Amend</b> Standard SUB-S4(1) as follows:</p> <p>“<del>Every allotment created in a township with a Council reticulated wastewater network shall be supplied with a separate connection to that network. This requirement shall not apply to any allotment created solely for access or network utility operations.</del>”</p>
Standards	<b>Support in part</b>	Transpower does not oppose Standard SUB-S7 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for access, reserves, or network utility operations</i> ” is not necessary. Transpower therefore seeks that this reference be deleted.	<p><b>Amend</b> Standard SUB-S7(1) as follows:</p> <p>“<del>All allotments, other than allotments for access, roads, utilities, or reserves, must be provided with connections at the boundary of the</del>”</p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
SUB-S7 Electricity Supply and Telecommunications		<i>access, reserves, or network utility operations</i> " is not necessary. Transpower therefore seeks that this reference be deleted.	<u>allotment to an electricity supply and telecommunication system networks.</u> "
<b>Part 2 – District-Wide Matters</b> <b>General District Wide Matters: Earthworks</b>			
Advice Note	<b>Oppose</b>	Transpower acknowledges the Advice Note that directs that the proposed earthworks rules do not apply in the Open Space and Recreation and Special Purpose Zone. Transpower considers that the Advice Note may result in a gap in the provisions such that there are zones where the rules do not protect the National Grid from the adverse effects of earthworks and land disturbance. Transpower seeks that Standard EW-S6 applies on a districtwide basis and, to achieve this outcome, seeks that the Advice Note be deleted or such alternative relief to have the same effect.	<b>Delete</b> the Advice Note as follows: <del>"Advice Note: The rules in this chapter do not apply to the Open Space and Recreation and Special Purpose Zones."</del>
Objectives Objective EW-O1 Earthworks	<b>Support</b>	Transpower supports Objective EW-O1 on the basis that, insofar as it relates to the National Grid, the Objective directs the protection of infrastructure from the adverse effects of earthworks in a manner that gives effect to Policy 10 of the NPSET.	<b>Retain</b> Objective EW-O1 as notified.
Policies Policy EW-P2 Manage Earthworks	<b>Support in part</b>	Transpower generally supports Policy EW-P2 but is concerned that clause (2) of the Policy could be understood to suggest that earthworks can have 'reasonable' effects on the stability of adjoining land, infrastructure, buildings, and structures. Insofar as the Policy relates to the National Grid, Transpower considers that allowing adverse effects on the National Grid is contrary to Policy 10 of the NPSET. Transpower is of the view that compromising the stability of adjoining land and land uses is inappropriate and the Policy should more clearly direct that this is the case.  Further, Transpower considers that Policies EW-P1 and EW-P2 do not directly provide for earthworks other than small-scale	Amend Policy EW-P2 as follows: <u>"Allow larger scale earthworks where Manage the adverse effects of earthworks, including their scale and nature, are managed to:</u> <ol style="list-style-type: none"> <li>1. <u>minimise adverse effects on the character, values and qualities of the surrounding environment, relative to the sensitivity of the surrounding environment;</u></li> <li>2. <u>avoid unreasonable effects on stability of adjoining land, infrastructure, buildings, and structures;</u></li> <li>3. <u>minimise silt and sediment loss from the site; and</u></li> <li>4. <u>ensure that sites are appropriately rehabilitated following completion of earthworks.</u></li> </ol>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		earthworks. It is considered that this creates a policy gap and does not appropriately implement Objective EW-O1 or provide a policy basis for the subsequent rule framework. Transpower considers that this can be rectified by a limited amendment in Policy EW-P2.	
Rules Rule EW-R1 Earthworks for Maintenance or Repair of Existing Activities	<b>Oppose</b>	Transpower opposes Rule EW-R1 because the Rule is not subject to Standard EW-S6 – Proximity to the National Grid. While the activities regulated by Rule EW-R1 are generally small-scale, these earthworks still have the potential to have an adverse effect on the National Grid, including by destabilising National Grid assets or creating ground to conductor clearance violations. For this reason, Transpower seeks that Rule EW-R1 is subject to Standard EW-S6.	<b>Amend</b> Rule EW-R1 as follows: <b>"And the activity complies with the following standards:</b> EW-S4 – Accidental Discovery Protocol <b><u>EW-S6 – Proximity to the National Grid</u></b> "
Rules Rule EW-R2 Earthworks General	<b>Oppose</b>	Transpower opposes Rule EW-R2 because the Rule is not subject to Standard EW-S6 – Proximity to the National Grid. While the activities regulated by Rule EW-R2 are generally small-scale, these earthworks still have the potential to have an adverse effect on the National Grid, particularly in the case of fenceposts.  That said, Transpower notes that the definition of 'earthworks' excludes gardening, cultivation, and disturbance of land for the installation of fence posts. Instead, these activities fall within the definition of 'land disturbance'. In order for the Rule to appropriately reflect the definitions and activities that are regulated by the Rule, it is important that the rule also relates to 'land disturbance'.  Transpower seeks that: Rule EW-R1 applies to 'land disturbance' and is subject to Standard EW-S6.	<b>Amend</b> Rule EW-R2 to include reference to 'land disturbance' as follows: <b>"EW-R2 Earthworks <u>and Land Disturbance</u> General"</b>  <b>Amend</b> Rule EW-R2 as follows: <b>"And the activity complies with the following standards:</b> EW-S4 – Accidental Discovery Protocol <b><u>EW-S6 – Proximity to the National Grid</u></b> "
Rules Rule EW-R3 Earthworks for Subdivision	<b>Support</b>	Transpower supports Rule EW-R3 to the extent that the Rule is subject to Standard EW-S6 – Proximity to the National Grid and, as such, gives effect to Policy 10 of the NPSET.	<b>Retain</b> Rule EW-R3 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rules Rule EW-R4 Earthworks not Specified in EW-R1, EW-R2 or EW-R3	<b>Support</b>	Transpower supports Rule EW-R4 to the extent that the Rule is subject to Standard EW-S6 – Proximity to the National Grid and, as such, gives effect to Policy 10 of the NPSET.	<b>Retain</b> Rule EW-R4 as notified.
Standards Standard EW-S6 Proximity to the National Grid	<b>Support in part</b>	<p>Transpower supports Standard EW-S6 to the extent that the Standard seeks to manage land disturbance and earthworks in the vicinity of the National Grid in a manner that gives effect to Policy 10 of the NPSET and is generally consistent with the requirements established by NZECP34:2001. That said, Transpower notes that the various clauses of the Standard address either earthworks or land disturbance. Due to the nuances of the definitions of 'earthworks' and 'land disturbance' when considered relative to NZECP34:2001, Transpower considers that limited amendments to the Standard are necessary to ensure consistency with NZECP34 and to ensure that the National Grid is not compromised in a manner consistent with Policy 10 of the NPSET.</p>	<p><b>Amend</b> Standard EW-S6 as follows:</p> <ol style="list-style-type: none"> <li>1. The earthworks <u>or land disturbance</u> shall be no deeper than 300mm within 6m of the outer visible edge of a foundation of a national grid transmission line tower or pole.</li> <li>2. The earthworks <u>or land disturbance</u> shall be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a national grid transmission line tower or pole.</li> <li>3. The <u>earthworks or</u> land disturbance does not compromise the stability of a national grid transmission line tower or pole.</li> <li>4. The <u>earthworks or</u> land disturbance does not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).</li> <li>5. The earthworks <u>or land disturbance</u> do not permanently physically impede access to a national grid support structure.</li> </ol> <p>Standards EW-R6.1-5 do not apply to the following:</p> <ol style="list-style-type: none"> <li>a. Land disturbance undertaken as part of agricultural, horticultural, or domestic cultivation, or repair or resealing of a road, footpath, driveway, or farm track.</li> <li>b. Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5 metres from outer visible edge of foundation of a national grid transmission line pole or stay wire.</li> <li>c. Earthworks <u>or land disturbance</u> that otherwise comply with NZECP 34:2001."</li> </ol>

Appendix B: National Policy Statement on Electricity Transmission  
2008

**Attachment 4: Transpower's further submission**

# Further Submission by Transpower New Zealand Limited

## Proposed Plan Changes 23, 26 and 27 to the Mackenzie District Plan

**1 March 2024**

*Keeping the energy flowing*



**TRANSPOWER** 

## Form 6

### Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation

*Clause 8 of Schedule 1, Resource Management Act 1991*

**To** Mackenzie District Council (“the Council”)

**Name of person making further submission:** Transpower New Zealand Limited (“Transpower”)

**This is a further submission in support of, and in opposition to, submissions on:** Proposed Plan Changes 23, 26 and 27 (“Proposed Plan Changes”) to the Mackenzie District Plan (“District Plan”).

Transpower has an interest in the Proposed Plan Changes that is greater than the interest the general public has, for reasons including the following:

- Transpower is the owner and operator of the National Grid and the National Grid is enabled, protected and regulated by the National Policy Statement on Electricity Transmission 2008 (“NPSET”) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”). The proposed District Plan must give effect to the NPSET and must not duplicate or conflict with the regulations in the NESETA. Transpower has an interest in ensuring that the proposed District Plan meets these statutory obligations.
- Transpower has an interest as a landowner and/or occupier in respect of existing and future National Grid infrastructure that is potentially affected (directly or indirectly) by the relevant submissions.
- Transpower made an original submission on matters raised or affected by other submissions.

#### **Transpower’s further submissions**

Transpower’s support of, or opposition to, a particular submission including the reason for Transpower’s support or opposition and the relief sought are detailed in the table attached as Appendix A. The general reasons for Transpower’s further submission are set out below. These reasons apply to each submission listed in Appendix A and are supplemented by specific reasons and relief in Appendix A.

#### **General reasons and decisions sought in respect of submissions supported by Transpower**

For each of the submissions identified as being supported by Transpower, they are supported to the extent that they:

- give effect to the NPSET;
- give effect to relevant provisions of the Canterbury Regional Policy Statement 2013 (July 2021) (“CRPS”);
- are consistent with and/or promote the outcomes sought by the NESETA;
- are the most appropriate means of exercising the Council’s functions in respect of section 32 of the RMA;
- enable people and communities to provide for their social, economic and cultural well-being and for their health and safety.

Transpower seeks that the submissions it supports be allowed to the extent that they achieve the matters set out above or such further alternate relief or amendments as may be necessary to achieve those matters.

#### **General reasons and decisions sought in respect of submissions opposed by Transpower**

For each of the submissions identified as being opposed by Transpower, they are opposed to the extent that they failed to achieve the matters set out above.

Transpower seeks that the submissions it opposes be disallowed to the extent that they fail to achieve the matters set out above or such further alternative relief or amendments as may be necessary to achieve those matters.

**Transpower wishes to be heard in support of its further submissions.**

**Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.**



Signature of person authorised to sign  
on behalf of Transpower New Zealand Limited

Date: **1 March 2024**

Electronic address for service: **ainsley@amconsulting.co.nz**

Telephone: **+64 27 215 0600**

Postal address: **8 Aikmans Road, Merivale, Christchurch 8014**

Contact person: **Ainsley McLeod**

## Appendix A – Transpower New Zealand Limited: Further Submission on Submissions Made on Proposed Plan Changes 23, 26 and 27 to the Mackenzie District Plan

The following table sets out the decisions sought by Transpower in respect of submissions made on the Proposed Plan Changes, including the reasons for Transpower's support or opposition in respect of the original submission. The Proposed Plan Change text is shown without underlining; the relief sought in primary submission is shown as red underlined and ~~red strikethrough~~.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
<b>PLAN CHANGE 23 – GENERAL RURAL ZONE, NATURAL FEATURES AND LANDSCAPES, NATURAL CHARACTER</b>				
<b>New Zealand Transport Agency (Submission number PC23.15)</b>				
PC23.15 15.02	<p>Interpretation Definitions Sensitive Activity</p> <p>Supports the inclusion of the activities identified in the proposed condition. However, it is considered that it should also include the following:</p> <ul style="list-style-type: none"> <li>. Hospitals, healthcare facilities and any elderly persons housing, and</li> <li>. Marae and places of worship</li> </ul> <p>The above activities are subject to adverse effects from noise and they should be included in the definition to ensure any provisions related to address such effects.</p> <p>Amend the definition as follows:</p> <p><i>"Means any:</i></p> <p>...</p> <p><i>e. <u>Hospitals, healthcare facilities and any elderly persons housing, and</u></i></p> <p><i>f. <u>Marae and places of worship.</u>"</i></p>	Support	Transpower supports the submission on the basis that the relief sought is generally consistent with the definition of 'sensitive activities' in the NPSET.	<b>Allow</b> the submission.
<b>New Zealand Pork (Submission number PC23.26)</b>				
PC23.26 26.06	<p>Interpretation Definitions Sensitive Activity</p>	Support in part	Transpower does not oppose the relief sought but is concerned that, insofar as the definition is necessary to give effect to Policy 11 of the NPSET,	<b>Allow</b> the submission to the extent that any amendment is

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Oppose the narrow definition of sensitive activity which does not cover other activities that are equally sensitive to the effects of rural production and could give rise to reverse sensitivity effects. Amend the definition to cover other activities that are equally sensitive to the effects of rural production. E.g., Home business, Rural tourism activity, Residential visitor accommodation, Conservation activity, Camping grounds, Conference facilities, Healthcare facilities.		any amendment to the definition is consistent with the definition of 'sensitive activities' in the NPSET.	consistent with the definition of 'sensitive activities' in the NPSET.
PC23.26 26.12	General Rural Zone Policies Policy GRUZ-P3 Support policy to avoid reverse sensitivity, but activities giving rise to reverse sensitivity effects extend beyond residential and activities, and the term 'non-farm development' is vague. Suggest that the policy instead references sensitive activities, which is defined in the plan. Amend as follows: <i>"Avoid reverse sensitivity effects of <del>non-farm development and residential activity</del> <ins>sensitive activities</ins> on lawfully established primary production activities, activities that have a direct relationship with or are dependent on primary production, existing renewable electricity generation activities and the Tekapo Military Training Area."</i>	Oppose	Subject to the relief sought in Transpower's primary submission, Transpower does not support the submission because the relief sought inappropriately narrows the Policy to only sensitive activities whereas (consistent with Policy 10 of the NPSET) activities that do not fall within the definition of a sensitive activity may still give rise to reverse sensitivity effects on the operation, maintenance, upgrade and development of the National Grid.	<b>Disallow</b> the submission.
<b>PLAN CHANGE 26: RENEWABLE ELECTRICITY GENERATION AND INFRASTRUCTURE</b>				
<b>Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group, One New Zealand Group Limited and Spark New Zealand Trading Limited (Submission number PC26.02)</b>				
PC26.02 2.03	Infrastructure Introduction While the telecommunications companies preference is to have an out and out standalone chapter for network utilities which incorporates all overlays and other district wide matters, the rolling review structure for the Operative Mackenzie District Plan means that this is fraught. As such, the clear wording provided in the introduction to the Infrastructure Chapter about which other chapters in the Operative District Plan apply. Retain as notified.	Support	Consistent with Transpower's primary submission, Transpower supports the inclusion of clear wording to direct which provisions of the District Plan apply to infrastructure.	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
PC26.02 2.27	<p>Infrastructure Rules New Rule</p> <p>A new rule, listed under the “all Infrastructure” subsection, which explicitly permits infrastructure within existing buildings should be included so it is abundantly clear such proposals are permitted. Amend as follows:</p> <p><i><u>All zones:</u></i> <i><u>Activity Status: PER</u></i> <i><u>Where:</u></i> <i><u>1. The infrastructure is located entirely within an existing building.</u></i></p>	Support	Transpower supports the relief sought and similarly considers that it is appropriate for infrastructure located within an existing building to be permitted on the basis that the activity would not have an adverse effect on the environment.	<b>Allow</b> the submission.
<b>Director General of Conservation (Submission number PC26.03)</b>				
PC26.03 3.03	<p>Infrastructure Entire Chapter</p> <p>There is no justification for limiting the applicability of the Ecosystem and Indigenous Biodiversity chapter to only the objective and rules, as policies and methods may also be relevant.</p> <p>Amend the Introduction as follows:</p> <p>“The provisions of other chapter in this District Plan do not apply to activities managed in this chapter, except as follows:... ...<del>The objective and rules in</del> Ecosystems and Indigenous Biodiversity...”</p>	Oppose	Transpower does not support the relief sought on the basis that the policies in the INF Chapter are intended to implement the Objective in the Ecosystems and Indigenous Biodiversity Chapter in a manner that is specific to infrastructure and that gives effect to the higher order planning instruments’ direction in respect of infrastructure. Further, it is considered problematic to introduce additional provisions to apply to infrastructure activities through a submission because submissions have been made on the Proposed Plan Changes on the understanding that certain provisions do not apply. A change in approach does not afford parties an opportunity to make submissions on the provisions that are relevant to the relief sought.	<b>Disallow</b> the submission.
PC26.03 3.05	Infrastructure Policies Policy INF-P5	Oppose	Transpower does not support the relief sought, insofar as the relief relates to the National Grid, because the amendments sought to clauses (2) and (3) do not give effect to the NPSET. That is, the NPSET does not have a requirement to minimise adverse effects on indigenous vegetation and	<b>Disallow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>This policy adopts an effects management hierarchy approach, which is appropriate, but the drafting could better align with best practice.</p> <p>The policy would allow loss of significant indigenous vegetation and habitats and their values, which is inconsistent with s6(c) and s31(1)(b)(iii) of the RMA, the Objective and Clause 3.10 of the National Policy Statement for Indigenous Biodiversity (NPSIB), and Objective 9.2.3 and Policy 9.3.1 of the CRPS.</p> <p>Amend as follows, or words to like effect:</p> <p><i>"Avoid locating infrastructure in identified sensitive areas (outside the road reserve) or within an area of significant indigenous vegetation or significant habitat of indigenous fauna, unless:</i></p> <ol style="list-style-type: none"> <li><i>1. there is a functional or operational need for the infrastructure to be in that location;</i></li> <li><i>2. it is demonstrated through site, route or method selection, design measures and other management methods how significant adverse effects on the values of the sensitive or significant area have been avoided as far as practicable, and otherwise <u>minimised or remedied or mitigated</u>;</i></li> <li><i>3. where there are more than minor adverse effects that cannot be avoided, <u>minimised or remedied or mitigated</u>, regard is had to any offsetting or compensation; and</i></li> <li><i>4. Following application of 1. - 3. above, there are no <u>significant more than minor</u> residual adverse effects remaining, (except that this clause shall not apply to the national grid)."</i></li> </ol>		<p>habitats, rather the NPSET has a generic direction to avoid, remedy or mitigate such effects. Further, the NPSIB does not apply to the National Grid and therefore any direction to minimise adverse effects in the NPSIB is not relevant or appropriate for the National Grid.</p>	

**Helios Energy Limited (Submission number PC26.04)**

PC26.04 4.03	<p>Interpretation</p> <p>Definitions</p> <p>Transmission Lines</p> <p>The definition does not take into account the transmission infrastructure (such as transmission lines) required from a solar farm to a substation, which may not be part of the National Grid.</p> <p>Amend as follows:</p>	Oppose	<p>Transpower does not support the submission on the basis that the relief sought is of no consequence to any provision in the Proposed Plan Change. That is, the term is used only in respect of the National Grid Yard and National Grid Subdivision Corridor provisions that only apply to the National Grid in any case. It is noted that the definition replicates the NESETA definition that</p>	<b>Disallow</b> the submission.
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Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>"a. means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity <u>to and</u> in the national grid; and..."</i>		also relates only to the National Grid. For this reason, Transpower prefers that the notified definition be retained.	
<b>Tekapo Landco Limited and Godwit Leisure Limited</b>				
P26.05 5.03	Infrastructure  Introduction  The submitter supports the exclusion of earthworks rules for infrastructure activities as stated by "The provisions in the earthworks chapter do not apply to earthworks that form part of the activities managed in this chapter (unless specified within the rules in this chapter), but do apply to the construction of new roads and access tracks associated with any infrastructure"; however it is sought that this provision be made into a rule, and also referenced within the Earthworks Chapter.  The exclusion of earthworks for infrastructure is supported however the wording is included in the 'Introduction' part of the Chapter and it is considered that this should be made into a 'Rule' in order to have legal effect.	Support	Transpower supports the submission and similarly considers that there is merit in including the direction in respect of provisions that apply to infrastructure as a rule in order to have legal effect.	<b>Allow</b> the submission.
<b>Nova Energy Limited (Submission number PC26.06)</b>				
P26.06 6.05	Interpretation  Definitions  Transmission Line  This definition could also apply to the connection of transmission lines between electricity generation infrastructure and distribution networks, as well as the national grid. The additional wording is not required within the definition.  Amend as follows:  "a. means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity <u>in the</u> <u>national grid</u> ; and b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a. applies; but	Oppose	Transpower does not support the submission on the basis that the relief sought is of no consequence to any provision in the Proposed Plan Change. That is, the term is used only in respect of the National Grid Yard and National Grid Subdivision Corridor provisions that only apply to the National Grid in any case. It is noted that the definition replicates the NESETA definition that also relates only to the National Grid. For this reason, Transpower prefers that the notified definition be retained.	<b>Disallow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	c. does not include an electricity substation."			
<b>NZ Transport Agency Waka Kotahi (Submission number PC26.08)</b>				
P26.08 8.03	<p>Interpretation Definitions Sensitive Activity</p> <p>Supports the general intent of this definition. However, relief is sought to include hospitals, healthcare facilities and any elderly person housing or complex, as well as marae and places of worship in the list of sensitive activities.</p> <p>Hospitals, healthcare facilities and any elderly person housing or complex are included under the definition of 'noise sensitive activities' in the CRPS. Places of worship and maraes are generally susceptible to noise and should therefore also be included under this definition.</p> <p>Amend as follows:</p> <p><i>"means any:</i></p> <ul style="list-style-type: none"> <li><i>a. residential activity</i></li> <li><i>b. visitor accommodation</i></li> <li><i>c. community facility</i></li> <li><i>d. educational facility</i></li> <li><i>e. Hospitals, healthcare facilities and any elderly person housing or complex</i></li> <li><i>f. Marae and places of worship"</i></li> </ul>	Support	<p>Transpower supports the submission on the basis that the relief sought is generally consistent with the definition of 'sensitive activities' in the NPSET.</p>	<b>Allow</b> the submission.
<b>Te Rūnanga o Ngāi Tahu (Submission number PC26.12)</b>				
P26.12 12.01	<p>Infrastructure Introduction</p> <p>While the introduction does acknowledge the impacts that infrastructure can have on Mana whenua values the introduction does not include the SASM chapter as a chapter that applies to these provisions however the infrastructure refers to matters covered in the SASM chapter.</p> <p>Amend as follows:</p>	Oppose	<p>Transpower does not support the relief sought on the basis that:</p> <ul style="list-style-type: none"> <li>- it is understood that the provisions in the INF Chapter are intended to address the impact of infrastructure activities on SASM in a specific way;</li> <li>- it is problematic to introduce such a fundamental change through a submission such that the parties affected by the change do not have the</li> </ul>	<b>Disallow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p><i>The provisions in other chapters in this District Plan do not apply to activities managed in this chapter, except as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>Sites and Areas of Significance to Māori</i></li> <li>• <i>Natural Hazards</i></li> <li>• <i>Historical Heritage..."</i></li> </ul>		opportunity to submit on the SASM provisions (given the Proposed Plan Change was notified with a clear understanding that these provisions do not apply to infrastructure).	
<b>Royal Forest and Bird Protection Society of New Zealand Inc (Submission number PC26.13)</b>				
P26.13 13.15	<p>Infrastructure</p> <p>Entire Chapter</p> <p>Forest &amp; Bird has similar concerns with the wording and approach in the INF chapter that would override the objective and policies of the EIB chapter and that the scope of permitted and controlled activities is inappropriate to protect significant and outstanding natural areas and the need for appropriate discretion in RDIS rules for effects on ecological, natural landscape, features, and character.</p> <p>Amend the INF chapter to address concerns, including that the EIB chapter applies with respect to effects on indigenous biodiversity.</p>	Oppose	<p>Transpower does not support the relief sought on the basis that the policies in the INF Chapter are intended to implement the Objective in the Ecosystems and Indigenous Biodiversity Chapter in a manner that is specific to infrastructure and that gives effect to the higher order planning instruments' direction in respect of infrastructure. Further, it is considered problematic to introduce additional provisions to apply to infrastructure activities through a submission because submissions have been made on the Proposed Plan Changes on the understanding that certain provisions do not apply. A change in approach does not afford parties an opportunity to make submissions on the provisions that are relevant to the relief sought.</p>	<b>Disallow</b> the submission.
<b>Genesis Energy Limited (Submission number P26.15)</b>				
PC26.15 15.01	<p>Interpretation</p> <p>Definitions</p> <p>New Definition -Minimise</p> <p>The term "minimise" is used in INF-P4 and INF-P6 but is not defined in the plan change. Genesis seeks adoption of a new definition set out in the relief sought.</p> <p>Insert new definition as follows:</p> <p><i>"Minimise means:</i></p> <p><i>To reduce to the smallest amount reasonably practicable."</i></p>	Support	<p>Transpower does not oppose the proposed definition of "minimise". However, it is considered that the definition is not necessary to assist in understanding Policies INF-P4 and INF-P6 on the basis that the term is well understood.</p>	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
PC26.15 15.38	<p>Infrastructure Objectives INF-O3</p> <p>Support the intent of Objective INF-O3 which seeks to ensure that the efficient operation, maintenance, upgrading and development of regionally significant infrastructure is not constrained or compromised by other activities; however, consider that infrastructure of local and national significance along with lifeline utility infrastructure should also be included alongside regionally significant infrastructure.</p> <p>Amend Objective INF-O3 as follows:</p> <p><i>"The efficient operation, maintenance, upgrading and development of <u>locally</u>, <u>regionally</u> or <u>nationally</u> significant infrastructure and lifeline utility infrastructure is not constrained or compromised by other activities."</i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference locally and nationally significant infrastructure, along with lifeline utilities, in the Objective.	<b>Allow</b> the submission.
PC26.15 15.44	<p>Infrastructure Policies Policy INF-P6</p> <p>Gensis generally supports the policy pathway provided by INF-P6 for the establishment of regionally significant infrastructure or lifeline utility infrastructure that has a functional or operational need to be located on highly productive land. However, Genesis considers that nationally significant infrastructure should also be included.</p> <p>Amend INF-P6 as follows:</p> <p><i>"Avoid locating infrastructure on Highly Productive Land, unless:</i></p> <ol style="list-style-type: none"> <li><i>1. it is small-scale and does not impact the productive capacity of the land; or</i></li> <li><i>2. it is regionally or nationally significant infrastructure or lifeline utility infrastructure and has a functional need or operational need to be located on the highly productive land;</i></li> </ol> <p><i>and..."</i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference nationally significant infrastructure in the Policy.	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
<b>Alpine Energy Limited (Submission number PC26.17)</b>				
PC26.17 17.07	<p>Infrastructure</p> <p>Rules</p> <p>INF-R8</p> <p>Seeks an amendment to this rule to permit the installation of new overhead lines and structures in Rural Lifestyle and Industrial zones. A requirement to underground all new lines and extensions of more than three structures in these zones could add significant cost to customers seeking to connect to the electricity distribution network, and to all Mackenzie District electricity consumers through the increased cost to underground significant parts of our expanding network across a growing District. The undergrounding of new lines in Rural Lifestyle and Industrial zones is out of step with other Canterbury District Plans.</p> <p>We acknowledge the role of objectives and policies requiring further compliance for new lines within ONL and ONF overlays. We look forward to working with Mackenzie District Council to avoid and mitigate any adverse effects on ONL and ONF from the essential distribution infrastructure required to support district wide development, and to achieve objectives including REG-O1 – to maintain or increase output from renewable electricity generation in the District.</p> <p>Amend as follows:</p> <p><i>"1. Where located within a Residential, <u>Rural Lifestyle</u>, Open Space, Commercial and Mixed Use, <u>Industrial</u> or Pukaki Village Zone:</i></p> <ul style="list-style-type: none"> <li><i>a. Any new lines must be located underground; or</i></li> <li><i>b. Any extension to an existing overhead line must involve no more than three additional support structures."</i> </li></ul>	Support	<p>Transpower supports the submission to the extent that a requirement to underground all new lines is expensive. Transpower also notes undergrounding lines may not be the most appropriate in respect of operational constraints. That said, it is acknowledged that a consent pathway remains for overhead lines in the listed zones.</p>	<b>Allow</b> the submission.
<b>Meridian Energy Limited (Submission number PC26.18)</b>				
PC26.18 18.01	<p>Interpretation</p> <p>Definitions</p> <p>New Definition – Minimise</p>	Support	<p>Transpower does not oppose the proposed definition of "minimise". However, it is considered that the definition is not necessary to assist in</p>	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>The term “minimise” is used in INF-P4 and INF-P6 but is not defined in the plan change. Seeks adoption of the definition of “minimise” set out its relief sought.</p> <p>Insert new definition as follows:</p> <p><i><u>Minimise means:</u></i> <i><u>to reduce to the smallest amount reasonably practicable.</u></i></p>		understanding Policies INF-P4 and INF-P6 on the basis that the term is well understood.	
PC26.18 18.13	<p>Infrastructure</p> <p>Objectives</p> <p>Objective INF-O3</p> <p>While Meridian generally supports INF-O3, Meridian considers that it should be extended to address locally, regionally and nationally significant infrastructure. With this, Meridian notes that the notified definition of regionally significant infrastructure does not include nationally significant infrastructure, and considers that specific reference to nationally significant infrastructure is needed in this objective.</p> <p>Amend Objective INF-O3 as follows:</p> <p><i><u>The efficient operation, maintenance, upgrading and development of <b>locally, regionally and nationally</b> significant infrastructure is not constrained or compromised by other activities.</u></i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference locally and nationally significant infrastructure in the Objective.	<b>Allow</b> the submission.
PC26.18 18.19	<p>Infrastructure</p> <p>Policies</p> <p>Policy INF-P6</p> <p>Generally supports INF-P6, but considers that nationally significant infrastructure should also be listed in condition 2 of this policy. It is possible that nationally significant infrastructure, that is not otherwise described in the definition of ‘regionally significant infrastructure’ or ‘lifeline utility infrastructure’, may have a functional need or operational need to be located on highly productive land.</p> <p>Amend INF-P6 as follows:</p> <p><i><u>Avoid locating infrastructure on Highly Productive Land, unless:</u></i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference nationally significant infrastructure in the Policy.	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>1. <i>it is small-scale and does not impact the productive capacity of the land; or</i></p> <p>2. <i>it is regionally <u>or nationally</u> significant infrastructure or lifeline utility infrastructure and has a functional need or operational need to be located on the highly productive land; and...</i>"</p>			
<b>Canterbury Regional Council (Submission number PC26.19)</b>				
PC26.19 19.02	<p>Interpretation</p> <p>Definitions</p> <p>National Grid</p> <p>For consistency with national direction, use the NPSREG definition.</p> <p>Delete the definition and replace with:</p> <p><i>"<u>The lines and associated equipment used or owned by Transpower to convey electricity.</u></i></p> <p><i>(National Policy Statement for Renewable Energy Generation Definition)"</i></p>	Oppose	<p>The definition included in the Proposed Plan Change replicates the definition in the NPSET. As such, the definition is consistent with national direction that relates to the National Grid. It is not clear why the submitter prefers the NPSREG definition.</p>	<b>Disallow</b> the submission.
PC26.19 19.04	<p>Interpretation</p> <p>Definitions</p> <p>Transmission Lines</p> <p>This definition is sourced from the NESETA, but the source has not been acknowledged.</p> <p>Add note to definition:</p> <p><i>"<u>National Environmental Standards for Electricity Transmission Activities Definition)"</u></i></p>	Support	<p>Transpower supports including reference to the NESETA.</p>	<b>Allow</b> the submission.
<b>PLAN CHANGE 27: SUBDIVISION, EARTHWORKS, PUBLIC ACCESS AND TRANSPORT</b>				
<b>Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group, One New Zealand Group Limited and Spark New Zealand Trading Limited (Submission number PC27.6)</b>				
PC27.06 6.04	<p>Earthworks</p> <p>Introduction</p> <p>Seek a similar statement to that found in the Infrastructure chapter that earthworks rules do not cover infrastructure activities.</p> <p>Amend as follows:</p>	Support	<p>Transpower supports the relief sought on the basis that the additional sentence provides greater clarity for plan users by setting out how the Proposed Plan Change manages earthworks associated with infrastructure activities.</p>	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p><i>"This earthworks chapter covers general earthworks provisions in all rural, residential, commercial and mixed use and industrial zones. Additional earthworks provisions may apply within overlays such as Outstanding Natural Landscapes and Sites and Areas of Significance to Māori. These earthworks provisions have been included in the respective Overlay chapters because they address the overlay related effects of earthworks on the identified values, characteristics, risks, or features. <u>The earthworks provisions within overlays apply in addition to the provisions of this chapter unless specified otherwise.</u> <u>The chapter does not cover earthworks associated with infrastructure activities, unless it is specified within the rules in the infrastructure chapter that earthworks provisions apply.</u>"</i></p>			

**Attachment 5: list of names and addresses of persons to be served with a copy of this notice**

**1. INF-R2 Upgrading Above Ground Infrastructure**

***Submitters***

**New Zealand Defence Force 22.06** [rebecca.davies@nzdf.mil.nz](mailto:rebecca.davies@nzdf.mil.nz),  
[mwoods@tonkintaylor.co.nz](mailto:mwoods@tonkintaylor.co.nz)

**Fire and Emergency New Zealand 1.06** [Lydia.Shirley@beca.com](mailto:Lydia.Shirley@beca.com)

**Chorus, Connexa, Forty South, One NZ, Spark 2.16** [tom@incite.co.nz](mailto:tom@incite.co.nz)

**NZ Transport Agency Waka Kotahi 8.18** [environmentalplanning@nzta.govt.nz](mailto:environmentalplanning@nzta.govt.nz)

**Opuha Water Limited 16.15** [georgina@gressons.co.nz](mailto:georgina@gressons.co.nz)

**Alpine Energy Limited 17.06** [fabia.fox@alpineenergy.co.nz](mailto:fabia.fox@alpineenergy.co.nz)

**Meridian Energy Limited 18.22** [andrew.feierabend@meridianenergy.co.nz](mailto:andrew.feierabend@meridianenergy.co.nz)

**2. INF-R7 Below Ground Infrastructure**

***Submitters***

**Grampians Station Limited 21.11** [nicola@gressons.co.nz](mailto:nicola@gressons.co.nz)

**Chorus, Connexa, FortySouth, One NZ, Spark 2.20** [tom@incite.co.nz](mailto:tom@incite.co.nz)

**NZ Transport Agency Waka Kotahi 8.22** [environmentalplanning@nzta.govt.nz](mailto:environmentalplanning@nzta.govt.nz)

**Opuha Water Limited 16.20** [georgina@gressons.co.nz](mailto:georgina@gressons.co.nz)

**Meridian Energy Limited 18.25** [andrew.feierabend@meridianenergy.co.nz](mailto:andrew.feierabend@meridianenergy.co.nz)

***Further submitters***

**Meridian Energy Limited** [andrew.feierabend@meridianenergy.co.nz](mailto:andrew.feierabend@meridianenergy.co.nz)

**Genesis Energy Limited** [alice.barnett@genesisenergy.co.nz](mailto:alice.barnett@genesisenergy.co.nz)

**Te Rūnanga o Ngāi Tahu** [hemi.bedggood@ngaitahu.iwi.nz](mailto:hemi.bedggood@ngaitahu.iwi.nz)

**3. INF-R8 New Lines and Associated Support Structures including Towers and Poles**

***Submitters***

**Chorus, Connexa, FortySouth, One NZ, Spark 2.21** [tom@incite.co.nz](mailto:tom@incite.co.nz)

**NZ Transport Agency Waka Kotahi 8.23** [environmentalplanning@nzta.govt.nz](mailto:environmentalplanning@nzta.govt.nz)

**Opuha Water Limited 16.21** [georgina@gressons.co.nz](mailto:georgina@gressons.co.nz)

**Alpine Energy Limited 17.07** [fabia.fox@alpineenergy.co.nz](mailto:fabia.fox@alpineenergy.co.nz)

**4. SUB-O1 Subdivision Design**

***Submissions***

**Fire and Emergency New Zealand 5.21** [Lydia.Shirley@beca.com](mailto:Lydia.Shirley@beca.com)

**Chorus, Connexa, FortySouth, One NZ, Spark 6.01** [tom@incite.co.nz](mailto:tom@incite.co.nz)

**New Zealand Transport Agency, Waka Kotahi 14.40**  
[environmentalplanning@nzta.govt.nz](mailto:environmentalplanning@nzta.govt.nz)

**Te Rūnanga o Ngāi Tahu 19.13** [hemi.bedggood@ngaitahu.iwi.nz](mailto:hemi.bedggood@ngaitahu.iwi.nz)

**New Zealand Pork 20.05** [hannah.ritchie@pork.co.nz](mailto:hannah.ritchie@pork.co.nz)

**Opuha Water Limited 29.06** [georgina@gressons.co.nz](mailto:georgina@gressons.co.nz)

***Further submissions***

**Genesis Energy Limited** [alice.barnett@genesisenergy.co.nz](mailto:alice.barnett@genesisenergy.co.nz)

**5. EW-O1 Earthworks**

***Submissions***

**Director-General of Conservation 7.08** [mbrass@doc.govt.nz](mailto:mbrass@doc.govt.nz)

**New Zealand Transport Agency, Waka Kotahi 14.57**  
[environmentalplanning@nzta.govt.nz](mailto:environmentalplanning@nzta.govt.nz)

**Ministry of Education 27.06**  
[daly.williams@beca.com](mailto:daly.williams@beca.com)

**Genesis Energy Limited 28.03** [alice.barnett@genesisenergy.co.nz](mailto:alice.barnett@genesisenergy.co.nz)

**Bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited 2.01**  
[Georgia.alston@slrconsulting.com](mailto:Georgia.alston@slrconsulting.com)

**Te Rūnanga o Ngāi Tahu 19.30** [hemi.bedggood@ngaitahu.iwi.nz](mailto:hemi.bedggood@ngaitahu.iwi.nz)

**South Canterbury Province, Federated Farmers of New Zealand 21.01**

[ajohnston@fedfarm.org.nz](mailto:ajohnston@fedfarm.org.nz)

**New Zealand Defence Force 38.02** [rebecca.davies@nzdf.mil.nz](mailto:rebecca.davies@nzdf.mil.nz),

[mwoods@tonkintaylor.co.nz](mailto:mwoods@tonkintaylor.co.nz)

*Further submissions*

**Nova Energy Limited** [swells@novaenergy.co.nz](mailto:swells@novaenergy.co.nz), [dcollins@novaenergy.co.nz](mailto:dcollins@novaenergy.co.nz)

In the Environment Court  
At Christchurch

ENV-2024-CHC-

I te Kōti Taiao o Aotearoa  
Ki Ōtautahi

**Under the** Resource Management Act 1991 (**Act**)

**In the matter** of an appeal under clause 14(1) of Schedule 1 of the Act

**Between** **TRANSPOWER NEW ZEALAND LIMITED**

Appellant

**And** **MACKENZIE DISTRICT COUNCIL**

Respondent

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**NOTICE OF APPEAL BY TRANSPOWER NEW ZEALAND LIMITED**

**Dated: 16 September 2024**

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**SIMPSON  
GRIERSON**

**Sarah Scott**  
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PO Box 874 Christchurch

**To:** The Registrar  
Environment Court  
Christchurch

1. Transpower New Zealand Limited (**Transpower**) appeals against part of the decisions of the Mackenzie District Council (**Council**) on Plan Change 26 and Plan Change 27 (**Plan Changes**) to the Mackenzie District Plan (**Plan**).
2. Transpower made a submission and further submission on the Plan Changes, including the provisions which this appeal relates to.
3. Transpower is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**Act**).
4. The Hearings Panel recorded its decisions, and the reasoning, in its reports and appendices to those reports (**Decisions**). Notice of the Decisions was served on all parties on 5 August 2024.

### **Background**

5. Transpower is the State-Owned Enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage transmission network (**National Grid**) that links generators to distribution companies and major industrial users. The National Grid, which extends from Kaikohe in the North Island down to Tiwai in the South Island, transports electricity throughout New Zealand.
6. Transpower's assets within or traversing the Mackenzie District form part of the National Grid. They include nine high voltage transmission lines with associated poles and towers, five substations and two communications sites.
7. Transpower's role and function is constrained by the State-Owned Enterprises Act 1986, the company's Statement of Corporate Intent, and the regulatory framework within which it operates.

8. Transpower's principal objective, as set out in section 4 of the State-Owned Enterprises Act 1986, is to operate as a successful business as profitable and efficient as comparable businesses that are not owned by the Crown. This includes delivering and operating a safe, reliable, cost-efficient transmission grid that meets New Zealand's needs now and into the future. Consequently, one of Transpower's key objectives is to maintain and develop the National Grid.
9. The National Policy Statement on Electricity Transmission 2008 (**NPSET**) was gazetted on 13 March 2008 and confirms the national significance of the National Grid. It also establishes national policy direction to recognise the benefits of transmission, to manage the effects of the National Grid and the need to appropriately manage activities and development close to it. The objective of the NPSET is:

*To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

1. *Managing the adverse environmental effects of the network; and*
2. *Managing the adverse effects of other activities on the network.*

10. The NPSET policies provide for the recognition of the benefits of transmission, as well as the environmental effects of transmission, and the management of adverse effects on the transmission network.

#### **Parts of the Decisions being appealed**

11. The specific parts of the Decisions that Transpower are appealing are those relating to the following:
  - (a) Plan Change 26: Renewable Energy Generation and Infrastructure
    - (i) INF-R2 Upgrading Above Ground Infrastructure;

- (ii) INF-R7 Below Ground Infrastructure;
- (iii) INF-R8 New Lines and Associated Support Structures including Towers and Poles;
- (iv) INF-S5 Indigenous Vegetation Clearance;

(b) Plan Change 27: Subdivision, Earthworks, Public Access and Transport:

- (i) SUB-O1 Subdivision Design; and
- (ii) EW-O1 Earthworks.

### **Reasons for the Appeal**

12. In addition to the specific reasons set out in Appendix 1, the reasons for this appeal are that, in the absence of the relief sought, the Plan Changes:

- (a) will not fully give effect to the NPSET as required by section 75(3)(a) of the Act;
- (b) do not fully reflect the NPSET's approach (nor the Mackenzie District Plan following Plan Change 18 becoming operative) to enabling the National Grid and managing effects of the National Grid. The NPSET includes a comprehensive higher order policy direction for the National Grid. Giving effect to the NPSET will ensure that:
  - (i) the National Grid is able to be safely, effectively and efficiently operated, maintained, upgraded and developed to provide a reliable, safe and secure supply of electricity to the Mackenzie district and beyond; and
  - (ii) the adverse effects of development in proximity to the National Grid are appropriately managed and are reduced, minimised or avoided depending on the context in which the development occurs;
- (c) is inconsistent with the consent order granted by the Environment Court on 14 December 2023 in relation to Plan Change 18 in

*Meridian Energy Limited v Mackenzie District Council [2023]*

NZEnvC 273; and

(d) will not fully give effect to the Canterbury Regional Policy Statement 2013 (**CRPS**) as required by section 75(3)(c) of the Act.

**Relief**

**13.** Transpower seeks the detailed relief as set out in **Attachment 1**. Transpower also seeks any consequential relief to those or other related provisions necessary to give effect to the detailed relief set out in **Attachment 1**.

**14.** Transpower **attaches** the following documents to this notice of appeal:

- (a) a copy of the amendments it seeks to the Plan Changes and additional reasons (**Attachment 1**);
- (b) a copy of the Decisions (**Attachment 2**);
- (c) a copy of Transpower's submission (**Attachment 3**) and further submission (**Attachment 4**); and
- (d) a list of names and addresses of persons to be served with a copy of this notice (**Attachment 5**).

**DATED** this 16<sup>th</sup> day of September 2024



---

S J Scott  
Counsel for Transpower New Zealand  
Limited

This notice of appeal is filed by SARAH JANE SCOTT solicitor for the Appellant of the firm of Simpson Grierson.

The address for service of the Appellant is at the offices of Simpson Grierson, Level 1, 151 Cambridge Terrace, Christchurch. 8013,

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

- (a) posted to the solicitor at PO Box 874, Christchurch 8140; or
- (c) emailed to the solicitor at [sarah.scott@simpsongrierson.com](mailto:sarah.scott@simpsongrierson.com).

## **Advice to recipients of copy of notice of appeal**

### *How to become party to proceedings*

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

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

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

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

### *Advice*

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

**Attachment 1: Appeal Points**

PROVISION	RELIEF	REASONS (IN ADDITION TO BODY OF APPEAL)
<b>Plan Change 26: Renewable Electricity Generation and Infrastructure</b>		
<b>INF-R2 Upgrading Above Ground Infrastructure</b>	<p>Revert to the pre-clause 16(2) version of the rule title (as set out below) or amend INF-R2 so that it is clear that the rule captures both minor and non-minor upgrades.</p> <p><i>INF-R2 Upgrading of Above Ground Infrastructure</i></p>	<p>The decision has made a change in the title of the heading of Rule INF-R2 (under clause 16(2) of Schedule 1 of the RMA), as follows:</p> <p><i>Minor Upgrading of Above Ground Infrastructure</i></p> <p>This has created a gap in the rules. There is now no specific rule that applies to upgrades that are not 'minor' in nature. This means that such an activity would fall to a fully Discretionary Activity status (because they are not captured by any specific rule), whereas new lines are only a Restricted Discretionary activity status.</p> <p>Transpower anticipates that, given clause 16(2) was used to change the heading of the rule, that the change was intended to be one of neutral effect, and that the unintended consequence of that change was not foreseen at the time. Transpower would support clause 16(2) being used to revert to the previous heading of INF-R2, but has lodged an appeal given that there was no certainty at the time appeals were due.</p>
<b>INF-R7 Below Ground Infrastructure</b>	<p>Delete reference to INF-S5 in INF-R7 as follows, or amend INF-R7 so that it is clear that INF-S5 does not apply to the National Grid:</p>	<p>INF-S5 triggers NCA when an activity involves the clearance of any indigenous vegetation.</p>

PROVISION	RELIEF	REASONS (IN ADDITION TO BODY OF APPEAL)
<p>and</p> <p><b>INF-S5 Indigenous Vegetation Clearance</b></p>	<p><i>Activity Status: PER Where the activity complies with the following standards:</i></p> <p><i>INF-S1, INF-S5, EW-S4</i></p> <p>Alternatively amend INF-S5 so that it is clear that INF-S5 does not apply to the National Grid.</p>	<p>The inclusion of the new standard (INF-S5) could inadvertently apply to the National Grid. This means that INF-S5 and the provisions of Section 19 of the District Plan manage the same activity in different ways.</p> <p>Vegetation clearance associated with the National Grid is intended to be regulated by rules within the EIB Chapter (Section 19). For this reason, it is not necessary for INF-S5 to regulate National Grid activities. Transpower seeks the inclusion of an exception for the National Grid in INF-R7, or in INF-S5, alongside a clear direction to the relevant provisions in Section 19 of the District Plan.</p>
<p><b>INF-R8 New Lines and Associated Support Structures Including Towers and Poles</b></p>	<p>Delete reference to INF-S5 in INF-R8 as follows, or amend INF-R8 so that it is clear that INF-S5 does not apply to the National Grid</p> <p><i>Activity Status: PER</i></p>	<p>The same reasons apply as for INF-R7 above, except in relation to the activity of: new lines and associated support structures including towers and poles.</p>
<p>and</p> <p><b>INF-S5 Indigenous Vegetation Clearance</b></p>	<p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. <i>Where located within a Residential, Rural Lifestyle, Open Space, Commercial and Mixed Use, Industrial or Pukaki Village Zone:</i> <ol style="list-style-type: none"> <li>a. <i>any new lines must be located underground; or</i></li> <li>b. <i>any extension to an existing overhead line must involve no more than three additional support structures.</i></li> </ol> </li> </ol>	

PROVISION	RELIEF	REASONS (IN ADDITION TO BODY OF APPEAL)
	<p>2. Any new lines, or any extension to an existing overhead line of more than three additional support structures, is not located within an ONL or ONF.</p> <p><b>Where the activity complies with the following standards:</b>  <i>INF-S1, INF-S2, INF-S3, INF-S5</i></p> <p>Alternatively amend INF-S5 so that it is clear that INF-S5 does not apply to the National Grid (consistent with relief above).</p>	

PROVISION	RELIEF	REASONS (IN ADDITION TO BODY OF APPEAL)
<b>Plan Change 27: Subdivision, Earthworks, Public Access and Transport</b>		
<b>SUB-O1</b> <b>Subdivision Design</b>	<p>Amend SUB-O1 as follows:</p> <p><b><i>SUB-O1 – Subdivision Design</i></b></p> <p><i>Subdivision is designed to:</i></p> <ol style="list-style-type: none"> <li><i>align with the purpose and character of the zone in which it occurs;</i></li> <li><i>maintain the values of any overlays within which it is located;</i></li> <li><i>achieve integration and connectivity with surrounding neighbourhoods; and</i></li> <li><i>provide servicing infrastructure that is appropriate for its intended use and which is integrated with existing infrastructure;</i></li> <li><i>avoid <u>adverse effects, including reverse sensitivity effects</u>, on renewable electricity generation activities and electricity transmission activities; and</i></li> <li><i>minimise conflict between incompatible activities.</i></li> </ol>	<p>SUB-O1.5 does not adequately give effect to NPSET Policy 10 and CRPS Policy 16.3.4 as it refers only to reverse sensitivity effects and not broader direct effects that might limit the operation, maintenance, upgrading and development of the National Grid.</p> <p>While the first part of Policy 10 of NPSET relates to reverse sensitivity effects, the second part relates to direct effects.</p> <p>The decisions version of the objective also does not 'cover the field' in terms of the policies, that sit under the objective.</p>
<b>EW-O1</b> Earthworks	<p>Amend EW-O1 as follows:</p> <p><b><i>EW-O1 – Earthworks</i></b></p> <p><i>Earthworks to facilitate subdivision, land use and development are undertaken in a way that minimises adverse effects on landscape values, ecosystems and indigenous biodiversity, natural character values, visual amenity and mana whenua values and protects the safety of people, and property and the</i></p>	<p>EW-O1 does not adequately give effect to NPSET Policy 10 and CRPS Policy 16.3.4 as it protects only the operation of the National Grid from earthworks and not maintenance, upgrading and development.</p> <p>The decision does not recognise that Transpower's submission sought to protect the National Grid, rather than to enable infrastructure.</p>

PROVISION	RELIEF	REASONS (IN ADDITION TO BODY OF APPEAL)
	<p><i>safe and efficient operation, maintenance, upgrading and development of infrastructure.</i></p> <p>Alternatively, amend EW-O1 as follows:</p> <p><b>EW-O1 – Earthworks</b></p> <p><i>Earthworks to facilitate subdivision, land use and development are undertaken in a way that minimises adverse effects on landscape values, ecosystems and indigenous biodiversity, natural character values, visual amenity and mana whenua values and protects the safety of people, and property and the safe and efficient operation of infrastructure.</i></p>	

**Attachment 2: Decisions on Plan Changes**



**Mackenzie**  
DISTRICT PLAN REVIEW

TOMORROW'S MACKENZIE  
KA AWATEA HŌU

## Plan Change 26

# Renewable Electricity Generation and Infrastructure Decision Report

**31 July 2024**

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

**Appendix 2:** Amended Planning Maps

**Appendix 3:** Appearances and Tabled Evidence

**List of submitters and further submitters addressed in this report:**

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

**Abbreviations used in this report:**

Abbreviation	Full Text
CRPS	Canterbury Regional Policy Statement 2013
District Plan	Mackenzie District Plan
EIB chapter	Section 19 - Ecosystems and Indigenous Biodiversity
INF chapter	Infrastructure chapter
JWS	Joint Witness Statement
MDC	Mackenzie District Council
MDPR	Mackenzie District Plan Review
NESTF	National Environmental Standards for Telecommunication Facilities
NPSET	National Policy Statement on Electricity Transmission
NPSIB	National Policy Statement for Indigenous Biodiversity
NPSREG	National Policy Statement for Renewable Electricity Generation
NP Standards	National Planning Standards
PC	Plan Change
PC13	Plan Change 13 – Rural Zone – Mackenzie Basin
PC23	Plan Change 23 - General Rural Zone, Natural Features and Landscapes, Natural Character
PC24	Plan Change 24 - Sites and Areas of Significance to Māori
PC26	Plan Change 26 - Renewable Electricity Generation and Infrastructure
PC27	Plan Change 27 - Subdivision, Earthworks, Public Access and Transport
REG activities	Renewable electricity generation activities

<b>Abbreviation</b>	<b>Full Text</b>
REG chapter	Renewable Electricity Generation chapter
RMA	Resource Management Act 1991

## 1. Purpose of Report

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

## 2. Hearing and Submitters Heard

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

<sup>1</sup> Andrew Willis, Megen McKay, Rob van Voorthuysen and Ros Day-Cleavin.

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

<sup>3</sup> PC26 Section 42A Report Author’s Response to Hearings Panel Questions.

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

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

### **3. Our Approach**

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

#### **3.1 Statutory Framework**

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

#### **3.2 Out of Scope Submissions**

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

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<sup>4</sup> PC26 Section 42A Report, paragraph 35

<sup>5</sup> TRoNT (12.09)

<sup>6</sup> PC26 Section 42A Report, paragraph 344

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

### 3.3 Section 32AA Assessments

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

## 4. Uncontested Provisions

### 4.1 Assessment

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

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

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

## 5. Relationship Between INF / REG Chapters and Other Chapters

### 5.1 Assessment

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

**5.2 Decision**

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

**6. Infrastructure (INF) Chapter - Introduction and General Submissions****6.1 Assessment**

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

**6.2 Decision**

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

**7. INF Objectives****7.1 Assessment**

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

**7.2 Decision**

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

**8. Policies INF-P2, INF-P3 and INF-P4****8.1 Assessment**

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

**8.2 Decision**

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

**9. Policies INF-P5, INF-P6 and INF-P7****9.1 Assessment**

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

<sup>8</sup> Section 42A Report, PC24, paragraphs 47 and 65

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

INF-P5 and INF-P7 for the National Grid are not extended to the State Highway network or to energy storage facilities<sup>10</sup> given the specific requirements of the NPSET.

## 9.2 Decision

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

## 10. INF Rules

### 10.1 Assessment

43. Having considered the submissions received and the evidence presented at the Hearing, we accept Ms White's analysis and recommendations on the INF rules. We note the evidence of Julia Crossman for Opuha Water Ltd (OWL) (16.16) seeking further activity standards for new buildings and structures being included in INF-R3,<sup>11</sup> however we agree with Ms White that new buildings and structures are covered by INF-R6 which already contains these standards.<sup>12</sup>

44. With regard to Alpine's (17.17) request that INF-R8 is amended so that undergrounding of lines is not required in Rural Lifestyle or Industrial zones, Ms White revisited this matter in her Reply Report.<sup>13</sup> We accept Ms White's assessment and conclusions that the proposed requirement is a continuation of the Operative District Plan's approach, that undergrounding electricity lines in the RLZ will not have unreasonable costs, and that requiring undergrounding in industrial zones is appropriate as they are urban areas, and in Takapō and Twizel they sit alongside an ONL.

45. We have already addressed the proposed inclusion of standard INF-SX for indigenous vegetation clearance associated with new infrastructure in our assessment of the relationship of the INF chapter to other chapters. In her Section 42A Reply Report version of the INF chapter, Ms White has proposed including INF-SX as a standard in rules that cover new or upgraded infrastructure that could involve indigenous vegetation clearance, but not those related to the National Grid. We accept this approach.

46. We considered whether INF-R2 (minor upgrading of above ground infrastructure) should also require assessment against INF-SX. INF-R2(1) covers the realignment, reconfiguration, relocation or replacement of infrastructure components while INF-R2(5) covers footprints of replacement towers. Both could result in indigenous vegetation clearance and neither requires an assessment of adverse effects on indigenous vegetation (under INF-MD1 Scale, Location and Design of Infrastructure). However, we note that INF-R2 is consistent with the operative EIB chapter as it excluded Rule 16.1.1J (utilities) from application of the EIB chapter, and therefore we have continued this approach.

47. We have however made Clause 16(2) amendments to include omitted references for non-compliance with the standards (in INF-R3 and INF-R4).

### 10.2 Decision

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

## 11. INF Standards and Matters of Discretion

### 11.1 Assessment

49. Having considered the submissions received and the evidence presented we accept Ms White's analysis and recommendation on the INF standards and matters of discretion.

50. Regarding INF-S3 specifically, we note that in her Section 42A Reply Report Ms White assesses the evidence of Tom Anderson (for the Telcos (2.29))<sup>14</sup> and agrees with amending the height limits in the GRUZ (outside an ONF/ONL) and for the LFRZ and TCZ zones, but not within the RLZ. In her view, these are smaller areas located adjoining urban areas, and the difference in the height limit between the urban zones

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

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

<sup>12</sup> Section 42A Report, paragraph 144 and Section 42A Reply Report, paragraph 11

<sup>13</sup> Section 42A Reply Report, paragraphs 12 to 17

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

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

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

## **11.2 Decision**

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

## **12. REG Chapter – Introduction, Objectives and Policies**

### **12.1 Assessment**

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

### **12.2 Decision**

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

## **13. REG - New Policies**

### **13.1 Assessment**

58. F&B (13.05) seek that two new policies are added to the chapter which would limit solar generation and wind turbines. Genesis (15.20) and Meridian (18.38) seek that a new policy is added directing that the operation, maintenance and upgrade of the Waitaki Power Scheme is enabled, stating that REG activities within the existing footprint and core sites should be specifically enabled.
59. With regard to the F&B submission and their evidence presented at the Hearing, we accept Ms White's analysis of the NPSREG and CRPS and her reasoning that the new policies sought are not consistent with direction in these higher order documents, nor REG-O1.
60. With regard to the Genesis and Meridian requested new policy, we note that a corresponding new policy REG-PX is proposed in the JWS. We accept the reasoning provided in the JWS for this new policy and agree it is appropriate.

### 13.2 Decisions

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

### 14. All REG Rules

#### 14.1 Assessment

62. The expert conferencing and JWS also covered the rules in the REG chapter. In her Reply Report Ms White considered the matters that F&B and OWL submitted on and whether these are addressed or not in the JWS version of the REG chapter. We agree with Ms White's analysis and recommendations that applying the proposed JWS approach in the rules for significant indigenous vegetation and significant habitats of indigenous fauna is appropriate given the requirements in s6(c), s31(1)(b)(iii) and the NPSREG.

63. However, we do not agree with Ms White's analysis in response to OWL's (16.30) submission on REG-R2. As we understand it, OWL (16.03) sought that the definition of "upgrade" is extended to include new buildings and structures that may be required as part of an upgrade for the Opuha Dam. Alternatively, OWL (16.16) sought to enable new buildings to be constructed under INF-R3 by including a standard that any new building or structure shall comply with the height limit for the zone in which the activity is located. We note that in the INF chapter, minor upgrades in relation to the Opuha Dam are covered by INF-R3, while INF-R6 covers any infrastructure buildings or structures or accessory buildings not otherwise listed. We understand from Ms White's Section 42A Report that upgrades are works to existing buildings or structures and are covered under INF-R3,<sup>15</sup> while wholly new buildings would be captured under INF-R6 which provides a permitted pathway for these, subject to standards. Turning to the REG provisions, similarly we understand that REG-R2 applies to upgrades of an existing hydroelectric power station and structures associated with the Opuha Scheme and does not anticipate new structures.<sup>16</sup> However, there is no equivalent to INF-R6 in the REG chapter so we are unclear which rule would apply to wholly new buildings associated with the Opuha Scheme. It appears to us that if REG-R2 was limited to upgrading of existing structures then wholly new buildings would be restricted discretionary activities under REG-R7, unless they were captured under INF-R6 when not associated with renewable electricity generation activities.

64. In her analysis of OWL's (16.30) submission, Ms White considered that the addition of a condition to REG-R2 relating to new buildings or structures would conflict with the rule itself, which is limited to existing structures. We agree with her. Ms White goes on to say that should the Hearing Panel consider that REG-R2 should allow for new buildings and structures, that the limitations applying to these should align with INF-R6, and not simply the height limit of the zone.<sup>17</sup> In response to Panel questions Ms Crossman clarified that OWL would accept applying all the standards of INF-R6 to new buildings and structures in the REG chapter, rather than just the height limit of the zone as requested in OWL's submission.

65. For clarity, we consider that a new rule (REG-R6A) is required in the REG chapter that replicates INF-R6 for wholly new buildings and structures. We consider that matter of discretion REG-MD1 (Existing Hydroelectric power) is sufficient for this new rule. We note that EIB Rules 2.1.1 and 2.2.1 (relating to the Waitaki Power Scheme and Opuha Scheme) will apply. Accordingly, the submission of OWL (16.30) is accepted.

66. We have also made some other changes to the REG rules (under clause 16(2)) for consistency of capitalisations. We have also corrected minor numbering errors in the additional provisions recommended by Ms White for REG-R5 and REG-R6.

#### Section 32AA

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

<sup>15</sup> Section 42A Report, paragraph 361

<sup>16</sup> Section 42A Report, paragraph 262

<sup>17</sup> Section 42A Report, paragraph 262

<sup>18</sup> Section 42A Reply Report, paragraphs 42 to 46

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

#### **14.2 Decision**

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

### **15. REG – Matters of Control or Discretion**

#### **15.1 Assessment**

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

#### **15.2 Decisions**

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

### **16. Definitions**

#### **16.1 Assessment**

71. Having considered the submissions received and evidence presented at the Hearing, we accept Ms White's analysis and recommendations regarding definitions. In particular, we note that the definition of "infrastructure" was added through PC20 and is operative and therefore agree it is out of scope and that submissions to include energy storage facilities within the infrastructure definition can be considered in Stage 4 of the MDPR.

72. We also agree that the definition of "Small-scale Renewable Electricity Generation" is generally consistent with that used in the NPSREG, and agree with the additional limits and greater clarity provided in the proposed definition. We agree that the electricity generation should be ancillary to the principal use of the site, and agree with a limit of 20 other sites that can be supplied with the electricity generated. We agree that these limits in the definition better manage potential adverse effects.

73. We also agree that the definition of "upgrade" need not include new buildings (OWL (16.03) given the approach to upgrades versus new buildings in the rules and our decision to include a new rule to cover new buildings and structures (in response to OWL (16.30)).

74. Regarding new definitions covering: "customer connections"; "minimise"; "Opuha Dam"; and "core sites" for the Waitaki Power Scheme, having considered the submissions received and the evidence presented at the Hearing, we accept Ms White's analysis and recommendations regarding these definitions.

#### **16.2 Decision**

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

### **17. Mapping**

#### **17.1 Assessment**

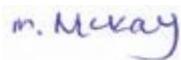
76. Having considered the submissions received, we accept Ms White's analysis and recommendations regarding mapping. In particular, we note that PC26 does not propose any zoning and as such the zoning of roads sits outside the scope of PC26. We agree that the National Grid substations should be included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

## 17.2 Decision

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



Rob van Voorthuysen (Chair)



Megen McKay



Andrew Willis



Ros Day- Cleavin

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<sup>19</sup> Section 42A Report, paragraphs 389 and 390



**Mackenzie**  
DISTRICT PLAN REVIEW  
TOMORROW'S MACKENZIE  
KA AWATEA HŌU

## **Plan Change 27**

### **Earthworks, Subdivision, Public Access and Transport**

#### **Decision Report**

**31 July 2024**

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**Appendix 1:** Amended Provisions

**Appendix 2:** Appearances and Tabled Evidence

**List of submitters addressed in this report:**

Submitter	Further Submitter	Submitter Name	Abbreviation
1	FS1	Robin McCarthy	
2	FS3	Bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited	Fuel Companies
4		Springwater Trust	
5		Fire and Emergency New Zealand	FENZ
6		Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Trading Limited	The Telcos
7		Director General of Conservation	DOC
8		Helios Energy Limited	Helios
9		Tekapo Landco Limited and Godwit Leisure Limited	TLGL
10	FS13	Nova Energy Limited	Nova
11	FS7	Transpower New Zealand Limited	Transpower
12	FS5	Pukaki Tourism Holdings Limited Partnership and Pukaki Village Holdings Limited	PTHLP and PVHL
14	FS4	New Zealand Transport Agency, Waka Kotahi	NZTA
15		Chorus New Zealand Limited	Chorus
16		Chris and Rachael Pudney	
17		PF Olsen	PFO
18		Timothy Bartlett	
19		Te Rūnanga o Ngāi Tahu	TRoNT
20		New Zealand Pork	NZ Pork
21		South Canterbury Province, Federated Farmers of New Zealand	Fed Farmers
22		Lake Alexandrina Outlet Hutholders Society	LAOHS
23	FS2	Port Blakely	PB
24		Connexa Limited, Aotearoa Tower Group (trading as FortySouth), One New Zealand Group Limited and Spark New Zealand Limited	Telco Companies
25*		Road Metals Company Limited	Road Metals
26	FS14	Lisburn Farm Limited	Lisburn Farm
27		Ministry of Education	MoE
28	FS9	Genesis Energy Limited	Genesis
29	FS15	Opuha Water Limited	OWL
30	FS6	Meridian Energy Limited	Meridian
31	FS10	Canterbury Regional Council	CRC
33	FS16	The Wolds Station Limited	Wolds Station
35	FS11	Milward Finlay Lobb Limited	MFL
36		Grampians Station Limited	Grampians Station
37		Mackenzie Properties Limited	MPL
38	FS12	New Zealand Defence Force	NZDF
	FS8	Davis Ogilvie (Aoraki) Limited	
	FS17	Mt Gerald Station Limited	

**Abbreviations used in this report:**

Abbreviation	Full Text
AECL	Aoraki Environmental Consultancy Limited
CON	Controlled activity
MDC	Mackenzie District Council
CRPS	Canterbury Regional Policy Statement
DIS	Discretionary Activity
District Plan	Mackenzie District Plan
EW Chapter	Earthworks Chapter
INF Chapter	Infrastructure Chapter
LUI	Lifeline Utility Infrastructure
MDPR	Mackenzie District Plan Review
NC	Non-Complying Activity
NES	National Environmental Standard
NESCF	National Environmental Standard for Commercial Forestry
NESCS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
NESET	National Policy Statement on Electricity Transmission
NP Standards	National Planning Standards
ONL	Outstanding Natural Landscape
PA chapter	Public Access chapter
PC13	Plan Change 13 – Rural Zone – Mackenzie Basin
PC18	Plan Change 18 – Indigenous Biodiversity
PC23	Plan Change 23 - General Rural Zone, Natural Features and Landscapes, Natural Character
PC24	Plan Change 24 - Sites and Areas of Significance to Māori
PC25	Plan Change 25 – Rural Lifestyle Zones
PC26	Plan Change 26 - Renewable Electricity Generation and Infrastructure
PC27	Plan Change 27 – Earthworks, Subdivision, Public Access and Transport
PER	Permitted activity
RDIS	Restricted Discretionary Activity
REG activities	Renewable electricity generation activities
REG chapter	Renewable Electricity Generation Chapter
RMA	Resource Management Act 1991
SUB chapter	Subdivision chapter
TRAN chapter	Transport chapter

## 1. Purpose of Report

1. Pursuant to section 43(1) of the Resource Management Act 1991 (RMA), the Mackenzie District Council (MDC) has appointed a combined Hearings Panel of four independent commissioners<sup>1</sup> to hear and decide the submissions and further submissions on Plan Change 27 - Earthworks, Subdivision, Public Access and Transport which forms part of the Mackenzie District Plan Review (MDPR).
2. The content of Plan Change 27 was set out in the MDC Overview Report<sup>2</sup>, which was four pages long. We do not repeat that information here for the sake of brevity but note that the Overview Report is available on the MDC webpage.
3. This Decision sets out the Hearings Panel's decisions on the submissions and further submissions received on Plan Change 27.
4. The initial Section 42A Report and the end of hearing Section 42A Report (Reply Report) for PC27 were:
  - Section 42A Report: Plan Change 27 – Earthworks, Subdivision, Public Access and Transport, Report on submissions and further submissions, Author: Rachael Willox, Date: 19 April 2024.
  - Section 42A Report: Plan Change 27 – Earthworks, Subdivision, Public Access and Transport, Reply Report, Author: Rachael Willox Date: 14 June 2024
5. In our Minute 12 for PC27 dated 6 May 2024 we posed a number of questions to the PC27 Section 42A Report author (hereafter referred to as Ms Willox or the Section 42A Report author). We received written answers to those questions on 15 May 2024.
6. The Hearing Panel's amendments to the notified provisions of PC27 are set out in Appendix 1. Amendments to the Definitions are included in Appendix 1 to the PC23 Decision. Amendments recommended by the Section 42A Report author that have been adopted by the Hearing Panel are shown in strike out and underlining. Further or different amendments made by the Hearing Panel are shown in **red font** as **strike out** and **underlining**. There are no amendments to the District Plan planning maps as a result of PC27.

## 2. Hearing and Submitters Heard

7. There were 38 primary submissions and 17 further submissions on PC27. Of the 38 primary submissions, four submissions were subsequently withdrawn prior to the hearing<sup>3</sup>. Further submissions are generally not discussed in this Decision, because they are either accepted or rejected in conformance with our decisions on the primary submissions to which they relate.
8. The hearing for PC27 was held on Wednesday 22 to Friday 24 May 2024 in Fairlie. 16 submitters were heard:

Submitter Ref	Submitter Name
1	Robin McCarthy
6	Telcos
7	Department of Conservation
10, FS13	Nova Energy
11	Transpower
20	NZ Pork
21	South Canterbury Province Federated Farmers of New Zealand
22	Lake Alexandrina Outlet Hut Holders Society
25	Road Metals Ltd
26, FS14	Lisburn Farms Ltd
28, FS09	Genesis Energy
29, FS15	Opuha Water Ltd
30	Meridian Energy Limited
31, FS10	Canterbury Regional Council
33, FS16	The Wolds Station
35	Milward Finlay Lobb

<sup>1</sup> Andrew Willis, Megen McKay, Rob van Voorthuysen and Ros Day-Cleavin.

<sup>2</sup> Mackenzie District Plan, Plan Change 27 – Earthworks, Subdivision, Public Access and Transport, Final for Notification, 4 November 2023.

<sup>3</sup> Submitters PC27.03, PC27.13, PC27.17, PC27.32.

9. The people we heard from are listed in Appendix 2. Submitters who tabled evidence but did not appear at the hearing are also listed in Appendix 2.
10. Copies of any legal submissions or evidence (either pre-circulated or tabled at the hearing) are held by the MDC. We do not separately summarise that material here, but we refer to or quote from some of it in the remainder of this Decision. We record that we considered all submissions and further submissions, regardless of whether the submitter or further submitter appeared at the hearing and whether or not they were represented by counsel or expert witnesses.
11. We received opening legal submissions from MDC's legal counsel Michael Garbett who addressed the statutory framework, moving provisions from operative PC13 into the proposed PC format; the scope of changes to definitions; the relationships between District Plan chapters; DOC's submission relating to the status of Section 19 of the District Plan (the EIB chapter post- mediation version); and minor changes to be made under Clause 16 of Schedule 1 of the RMA.
12. We also received 'overview' evidence from Rachael Willox regarding the current stage of the MDPR, the PCs notified as part of Stage 3 and their integration with existing operative District Plan provisions. Michael McMillan gave evidence regarding Kati Huirapa's and AECL's involvement in the drafting of the PCs, particularly the Mana Whenua and SASM chapters that are addressed in PC24.
13. We note the tabled evidence from TRoNT dated 2 May 2024 stated that having considered the recommendations in the Section 42A Report relating to PC27, it accepted the position of the Section 42A Report author and provided no further evidence to the Panel.

### **3. Our Approach**

14. We have decided to structure this Decision in the following manner.
15. Ms Willox's initial Section 42A Report sequentially addressed the provisions in the MDP's proposed Earthworks, Subdivision, Public Access and Transport chapters. For the ease of readers of our Decision, we have adopted the same approach here and mimic the headings used in the Section 42A Report.
16. The submissions received on the provisions covered by each of these headings were summarised in the initial Section 42A Report. We adopt those summaries, but do not repeat them here for the sake of brevity.
17. Where, having considered the submissions and the submitters evidence and legal submissions, we nevertheless agree with Ms Willox's final recommendations, we state that we adopt her analysis and recommendations as our reasons and decisions. Where we disagree with Ms Willox's final recommendations, we set out our own reasons based on the evidence received and state our decisions on the relevant submissions.
18. The consequence of our approach is that readers of this Decision should also avail themselves of the Section 42A reports listed in paragraph 4 above.

#### **3.1 Statutory Framework**

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

#### **3.2 Out of Scope Submissions**

20. We adopt the scope assessment set out in section 7 paragraph 22 of the Section 42A Report. The consequence of that is that we decline to consider the following submission points:
  - TRoNT (19.16) in relation to SUB-P8
  - TRoNT (19.20) in relation to SUB-R4
  - MFL (35.05) in relation to SUB-S1<sup>4</sup>.

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<sup>4</sup> However, we note a Clause 16(2) amendment has been made to SUB-S1 to correct the drafting error identified by MFL.

### **3.3 Uncontested Provisions**

21. As discussed in section 8 of the Section 42A Report, PC27 proposes to delete various provisions of the Operative District Plan as well as Appendix C and Appendix D. No submitters opposed those deletions. Accordingly, we adopt the Section 42A Report author's recommendation that those provisions be deleted.
22. There were a large number of provisions that were either not submitted on or were supported by submitters. Accordingly, we adopt the Section 42A Report author's recommendation that those provisions be retained as notified (except where a clause 16(2) amendment is recommended). Those provisions are listed in tabular form under paragraph 27 of the Section 42A Report; however, we do not repeat that table here for the sake of brevity.
23. We also adopt the Section 42A Report author's recommendation in paragraph 30 of the Section 42A Report that the operative definitions contained in the District Plan proposed to be applied to the PC27 provisions are applied (where relevant) to the provisions contained within PC27 (noting that no submissions were received opposing that).

### **3.4 Section 32AA Assessments**

24. Where we adopt the Section 42A Report author's recommendations we also adopt her section 32AA assessments. For those submissions we are satisfied that Ms Willox's recommendations are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of the District Plan and for giving effect to other relevant statutory instruments
25. Where we differ from those recommendations, we set out our own assessment or reasons at a level of detail that corresponds to the scale and significance of the changes we recommend to the provisions. We are satisfied that those amendments are a more efficient and effective means of giving effect to the purpose and principles of the RMA and the higher order statutory instruments, for the reasons set out in the body of this Decision.

## **4. Relationship between the EW, SUB and PA Chapters and the REG and INF Chapters**

### **4.1 Assessment**

26. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the relationship between the EW, SUB and PA chapters and the REG and INF chapters.
27. Having said that, we record our finding that the approach taken to the MDPR is consistent with the NP Standards; namely the INF and REG chapters are standalone, with provisions across the remainder of the District Plan not applying to the activities addressed therein unless explicitly stated.
28. However, we note that the Section 42A Report author for PC26 has helpfully recommended the insertion of a Table into the Introduction sections of the INF and REG chapters that lists the provisions in other chapters that apply to infrastructure and renewable energy activities in addition to the INF and REG chapter provisions themselves.

### **4.2 Decision**

29. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on the relationship between the EW, SUB and PA chapters and the REG and INF chapters.

## **5. Earthworks (EW)**

### **5.1 EW-Introduction and Advice Note Assessment**

30. Having considered the submissions received and any evidence presented at the Hearing, we generally agree with Ms Willox's analysis and recommendations on the EW-Introduction and Advice Note, however we note that in response to Minute 12, Ms Willox recommended that the Introduction to the EW Chapter be amended to refer to important natural environmental values to provide greater clarity to Plan users. We find this to be appropriate and consider this change can be made as a minor amendment under clause 16(2) Schedule 1 of the RMA.

**5.2 Decision**

31. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on the EW-Introduction and Advice Note. The amended EW Introduction text is set out in Appendix 1 to this Decision.

**5.3 EW-O1 Assessment**

32. In response to DoC and NZTA submissions, Ms Willox recommended amendments to EW-O1 to include adverse effects on 'natural values' and to include the 'safe and efficient operation of infrastructure'. In response to Minute 12, Ms Willox also recommended that the amendment to EW-O1 related to 'natural values' should use wording that was more clearly aligned with the provisions in the EIB and NATC chapters of the MDP, thus addressing the submission from DoC. We find the recommended amendments to be appropriate.

33. We heard from Ms McLeod, planner for Transpower, who disagreed with the Section 42A Report author's recommendation for EW-O1. She explained that the proposed amendment put forward by Ms Willox does not give effect to Policy 10 of the NPSET which directs decision-makers "*to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.*" In her view, the addition of 'the safe and efficient operation of' to EW-O1 as recommended by Ms Willox inappropriately confines the Objective and does not achieve consistency or alignment with the relevant provisions in the Infrastructure chapter. Ms McLeod put forward two drafting options for our consideration. Ms Willox provided no further comment on this matter in her Reply Report and did not offer any amendments to the provision in response to Transpower.

34. Having considered Ms McLeod's evidence we are satisfied that EW-O1 is more appropriately amended as outlined above, noting Ms Willox's assessment that her recommended amendments align with the terminology used in the TRAN chapter and are therefore consistent with the approach applied to INF activities in the MDP, with the EW provisions generally only applying to infrastructure for the construction of new roads, and access tracks.

**5.4 Decision**

35. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-O1. The amendments to EW-O1 are set out in Appendix 1 to this Decision.

**5.5 EW-P1 Assessment**

36. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on EW-P1. In that regard we find it appropriate to amend EW-P1 to enable earthworks that are small in scale or limited to the maintenance and repair of existing activities as sought by NZTA, and we note that this change also addresses concerns raised by NZ Pork in its submission. NZ Pork raised no further matters or concerns with regard to EW-P1 at the Hearing.

**5.6 Decision**

37. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-P1. The amendment to EW-P1 is set out in Appendix 1 to this Decision.

**5.7 EW-P2 Assessment**

38. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendation that EW-P2.2 is amended in response to Transpower's submission.

**5.8 Decision**

39. We adopt Ms Willox's analysis and recommendation as our reasons and decision to amend EW-P2.2 to ensure the stability of adjoining land, infrastructure, buildings and structures is not compromised. The amendment to EW-P2.2 is set out in Appendix 1 to this Decision.

**5.9 Rules and Standards Assessment**

40. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the Management of Silt and Sediment Loss in the EW chapter and the Relationship between the EW chapter and the NESCF. In particular we agree that a note for plan users will provide clarity regarding the relationship between the EW chapter and relevant higher order documents, and to inform plan users that any activity managed in the EW chapter are also required to comply with the NESCS.

**5.10 Decision**

41. We adopt Ms Willox's analysis and recommendations to add a note for Plan users to the EW chapter (that outlines the relationship between the earthworks provisions and the NESCF and informs plan users that any activities managed in the EW chapter must also comply with the NESCS) as our reasons and decisions on Rules and Standards. The added Note is set out in Appendix 1 to this Decision.

**5.11 EW-R1 Assessment**

42. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations that the activities listed in EW-R1 are also required to comply with EW-S6.

**5.12 Decision**

43. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-R1. The amendment to EW-R1 is set out in Appendix 1 to this Decision.

**5.13 EW-R2 Assessment**

44. We heard evidence from NZ Pork at the Hearing in support of the relief sought to extend the permitted activity list to include earthworks associated with the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer and as directed by a person authorised under the Biosecurity Act 1993. Vance Hodgson, in his planning evidence for NZ Pork, helpfully provided the example of the Ōpōtiki District Plan where the permitted activity pathway provides for earthworks ancillary to the removal and disposal of plants and plant material infected by unwanted organisms.

45. In her Reply Report, Ms Willox stated that although in her view, burying of material infected by unwanted organisms falls within the realm of an offal or farm rubbish pit, for the avoidance of doubt she recommended that EW-R2 be amended to permit any earthworks associated with the burying of material infected by unwanted organisms as sought by NZ Pork. We agree and find the recommended amendment to be appropriate.

46. Ms McLeod, planner for Transpower, explained to us at the Hearing that while she supported the recommended amendments to EW-R2, she was concerned that the 'nesting' solution put forward (i.e. the definition of 'land disturbance' as a subset of the definition of 'earthworks') was problematic. In her view, the definitions of 'land disturbance' and 'earthworks' are both NP Standards definitions and the proposed solution may be inconsistent with the Definitions Standard mandatory directions.

47. Ms Willox, in her response to Minute 12 and having considered the evidence of Ms McLeod, agreed that including 'land disturbance' as a subset of the definition of 'earthworks' may be inconsistent with the mandatory direction in the NP Standards. On that basis she recommended that the definition of 'land disturbance' not be included as a subset of 'earthworks' in the Definitions Nesting Table, and consequently recommended amendments to EW-R2 to refer directly to land disturbance.

48. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations to refer to both earthworks and land disturbance in EW-R2, and to add clause (g) to EW-R2 to permit any earthworks associated with the burying of material infected by unwanted organisms as declared by the Ministry of Primary Industries and carried out as directed by a person authorised under the Biosecurity Act 1993.

**5.13 Decision**

49. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on "EW-R2". The amendments to EW-R2 are shown in Appendix 1 to this Decision.

**5.14 EW-R3 & EW-R4 Assessment**

50. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on EW-R3 and EW-R4. In particular, we are satisfied that:

- there is a clear rationale for deleting EW-R3 as recommended and ensuring any earthworks to facilitate subdivision are assessed under EW-R4;
- it is appropriate to have activities that do not comply with what is now EW-R4.1 and 4.2 to default to RDIS, as opposed to firstly CON and thereafter DIS as notified;
- it is appropriate to increase the permitted activity thresholds to 1500m<sup>3</sup> by volume and 2500m<sup>2</sup> by area in the GRUZ and to 1000m<sup>3</sup> by volume and 2500m<sup>2</sup> by area in other zones;
- the time period applying to the EW-R4 is reduced from 5 years to 12 months.

51. In Minute 12 we asked Ms Willox questions about EW-R4 and the recommended matters of discretion. In response, Ms Willox recommended further amendments to EW-R4, including:

- removal of the reference to 'landscape context' in what are now EW-R4.1 and 4.2 matters of discretion (a), along with a consequential Clause 16 amendment to EW-S2 matter of discretion (a) on the basis that the term 'landscape context' is essentially the same as an assessment of 'landscape character';
- deletion of her previously recommended matters of discretion (b) in what are now EW-R4.1 and 4.2, for the reason that the effects of vehicle movements are already managed under TRAN-R7; and
- amendment to matters of discretion in what are now EW-R4.1 and 4.2 to refer more directly to the effects resulting from or associated with the earthworks.

52. Having considered Ms Willox's response to Minute 12, we are satisfied that while the matters of discretion listed in EW-S1 and EW-S4 are similar to the matters listed in EW-R4, the context in which the matters of discretion are to be assessed are clearly different.

**5.15 Decision**

53. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-R3 and EW-R4. The amendments to those rules are set out in Appendix 1 to this Decision.

**5.16 Relationship between the EW Matters of Discretion and SASM-MD1 Assessment**

54. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the matters of discretion in what are now EW-R4.1 and 4.2 relating to activities in a SASM. In reaching this view we note TRoNT's tabled evidence stated acceptance of the recommendations in the Section 42A Reports in response to its submissions. On this basis we find it appropriate to amend EW-S1 and EW-S3 to include additional matters of discretion which require an assessment of those matters listed in SASM-MD1 for any earthworks within an SASM.

**5.17 Decision**

55. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on the relationship between the EW matters of discretion and SASM-MD1. The amendments are set out in Appendix 1 to this Decision.

**5.18 Standards EW-S4 and EW-S5 Assessment**

56. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on EW-S4. In reaching this view we note TRoNT submitted in support of EW-S4 as notified.

57. We also agree with Ms Willox's analysis and recommendations on EW-S5. We note that submitters on EW-S5 including Mr Murray of Wolds Station, and Ms Johnson and Mr Anderson for Fed Farmers, attended the Hearing and neither party raised any concern in response to Ms Willox's recommendation in this regard.

#### **5.19 Decision**

58. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-S4 and EW-S5.

#### **5.18 Standard EW-S6 Assessment**

59. We discussed the inclusion of the definition of 'land disturbance' as a subset of the 'earthworks' definition in response to Transpower's submission on EW-R2 and make the same finding for EW-S6.

#### **5.19 Decision**

60. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on EW-S6. The amendments to EW-S6 are set out in Appendix 1 to this Decision.

#### **5.20 Definitions Assessment**

61. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on Definitions.

#### **5.19 Decision**

62. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

### **6. Subdivision**

#### **6.1 SUB-O1 Assessment**

63. Ms McLeod for Transpower provided clear reasoning for why Ms Willox's proposed amended wording to clause 5 of the SUB-O1 was inappropriate. In her view, Ms Wilcox's wording does not give effect to Policy 10 of the NPSET or CRPS Policy 16.3.4(2), is inconsistent with the CRPS Method associated with Policy 16.3.4 and inconsistent with PC27 Policies SUB-P3 and SUB-P10 that implement SUB-O1. Ms McLeod offered alternative wording for clause 5 of the objective.

64. In her Reply Report, Ms Willox agreed that SUB-O1.5 should be amended to include different approaches to achieve the District Plan Strategic Directions and to give effect to higher order documents. On that basis she recommended that SUB-O1.5 be amended to avoid reverse sensitivity effects on renewable electricity generation activities and electricity transmission activities (in line with ATC-O4), noting the previously recommended additional clause<sup>5</sup> to minimise conflicts between other incompatible activities (ACT-O6).

65. We were provided a copy of correspondence between Ms Willox and Ms McLeod on the recommended amendment to SUB-O1.5. We are satisfied that there is no need to expand the objective to incorporate any effects resulting from the subdivision itself, with the purpose of the objective being in relation to the outcome of the subdivision, as opposed to the subdivision process. We agree with Ms Willox that SUB-P3 already deals with these effects by only allowing subdivision within the National Grid Corridor where it can be demonstrated that any adverse effects will be appropriately managed and that the operation, maintenance, repair, upgrading and development of the National Grid will not be compromised.

66. In a response to Minute 12, Ms Willox agreed that as notified, SUB-O1 was general and would be clearer if SUB-O1.4 was amended to include a reference to servicing. We find that to be appropriate.

67. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to submissions on SUB-O1.

#### **6.2 Decision**

68. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-O1. The amendments are set out in Appendix 1 to this Decision.

<sup>5</sup> Section 42A Report paragraph 169

**6.3 SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P7, SUB-P10, and New Policy Assessment**

69. Having considered the submissions received and any evidence presented at the hearing, we agree with Ms Willox's analysis and recommendation to delete SUB-P2 and merge the requirement (from SUB-P2) for subdivision to follow natural and physical features into SUB-P1. Having heard from Mr Murray for Wolds Station at the Hearing we agree that deleting SUB-P2 provides a clearer pathway for obtaining a subdivision resource consent. We note that while TRoNT supported the provision as notified, their tabled evidence to the Hearing panel signalled support for the recommendations in the Section 42A Report in response to submissions.

70. With regard to SUB-P3, we agree with Ms Willox's analysis and recommendation in response to the submission from Transpower to amend SUB-P3 to give effect to the policy direction in the NESET.

71. We generally agree with Ms Willox's analysis and recommendations on SUB-P4. However, we note that in response to Minute 12, she recommended an amendment to SUB-P4 to provide greater clarity for Plan users on what specific natural values the policy is intended to capture. We agree with the recommended change and note that Mr Murray of Wolds Station attended the Hearing and raised no concern with Ms Willox's recommendation.

72. We generally agree with Ms Willox's analysis and recommendations on SUB-P7. However, we note that in response to Minute 12 Ms Willox confirmed she no longer considered that the term 'sufficient' properly allowed an assessment of the quality of the infrastructure being installed as intended, and on that basis revised her recommendation so that the term 'adequate' was retained as notified. We agree.

73. Mr Anderson, planner for the Telcos, spoke to us at the Hearing and remained of the view that the subdivision chapter should require sufficient infrastructure to service the scale of development. In his view SUB-P7 should be amended to include 'integration' into the title as this would support an integrated outcome and better achieve Strategic Direction UFD-O1. At the Hearing we asked Mr Anderson if the insertion of the words 'Provision of' to the title of SUB-P7 would address his concern, which he confirmed it would.

74. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-P10, noting an error in the Section 42A Report at paragraph 200, which should read that the submission from NZDF is recommended to be accepted in part.

75. Having considered the submission received by OWL, we agree with Ms Willox's analysis and recommendation to not include a new policy for subdivisions to create access, reserves, or to house infrastructure. We note that OWL attended the Hearing and did not raise any concerns regarding that recommendation.

**6.4 Decision**

76. We generally adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-P1, SUB-P2, SUB-P3, SUB-P4, SUB-P7, SUB-P10, and New Policy.

77. However, we have amended the title of SUB-P7 so that it reads "Provision of Infrastructure". The Telcos submission (6.02) is therefore now accepted in part. We consider this change can be made as a minor amendment under clause 16(2) Schedule 1 of the RMA.

**6.5 Rules, Standards and Matters of Discretion Assessment**

78. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to DoC's submission on Recognition of the Quality of the Environment, Amenity Values and Public Open Space in the SUB chapter. We note that at the Hearing DoC raised no further matters or concerns in response to the recommendations presented in the Section 42A Report relating to its submission.

**6.6 Decision**

79. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Recognition of the Quality of the Environment, Amenity Values and Public Open Space.

**6.7 Subdivision Activity Status Assessment**

80. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to MPL's submission on subdivision activity status.

**6.8 Decision**

81. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Subdivision Activity Status.

**6.9 Application of the SUB Standards to SUB-R3 Assessment**

82. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on the Application of the SUB Standards.

**6.10 Decision**

83. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Application of the SUB Standards to SUB-R3.

**6.11 SUB-R3 and SUB-R5 Assessment**

84. The Telcos and Transpower submissions opposed SUB-R3 on the basis that the RDIS status is overly onerous in situations where subdivision is for infrastructure. Both submitters requested the activity status be changed to CON. Ms Willox disagreed and recommended that the RDIS activity status was retained. We are not persuaded by the evidence presented by Transpower and the Telcos and instead are satisfied that the RDIS activity status in SUB-R3 is appropriate.

85. In response to Minute 12 Ms Willox agreed that where property access is to a State Highway, SUB-S2.2 is not met, and that the matters of discretion in SUB-S2 are sufficient to address the matters raised in SUB-R3(a). On that basis she recommended that SUB-R3 matter of discretion (a) can be deleted as a Clause 16 (2) amendment.

86. In all other respects, having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-R3 and SUB-R5.

**6.12 Decision**

87. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-R3 and SUB-R5.

**6.13 SUB-R6 and Standard SUB-S8 Assessment**

88. As discussed in our Decision on PC25 in relation to the Ōhau River Precinct PREC4, we heard from Mr Brass, planner for DoC. We accept his evidence that the CRPS provisions relating to ecosystems and indigenous biodiversity are directly relevant to our consideration of PC27, namely CRPS Objective 9.2.1, Objective 9.2.3, and Policy 9.3.1.

89. Mr Brass pointed out that building platforms would be established through subdivision Rule SUB-R6 and Standard SUB-S8. Matters of discretion under the Rule address a range of matters, but in terms of biodiversity only relate to vegetation management within the site. Standard SUB-S8 is specific to the Ōhau River Precinct, and covers a range of matters, but in terms of biodiversity also only relates to vegetation management within the Precinct. While the Section 42A Report for PC27 recommended additions to SUB-S8 to address significant indigenous vegetation and significant habitats of indigenous fauna, Mr Brass noted that (as currently drafted) would only apply to the location of building platforms and the content of a Vegetation Management Plan within the Precinct.

90. In his view, there is a gap in the rule framework in PC25 and PC27 as the rules would not allow control or discretion over effects of development on indigenous biodiversity values outside the footprint of the Precinct. He emphasised that PC18 would not close this gap as the rules in the EIB Chapter 19 only related to vegetation clearance, and not the offsite effects of land use. In his view, this would fail to give effect to the CRPS, particularly Policy 9.3.1.3, as it would allow a net loss of indigenous biodiversity values within the tern colony and skink habitat to occur as a result of land use within the Precinct. It would also fail to achieve District Plan Objective PREC4-O1.

91. Mr Brass sought that the gap be addressed by either extending the recommended additions to Standard SUB-S8 so that they can apply outside the Precinct or adding to the matters of control in Rule PREC4-R1.
92. In response to a Panel question, Ms Willox confirmed that the EIB chapter of the District Plan makes it clear that land use and development activities are to be managed to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. On that basis, she recommended that the reference to "if necessary" be removed from SUB-S8(3).
93. In her Reply Report, Ms Willox agreed with the evidence of Mr Nelson and Mr Brass that additional provisions are required to protect identified nearby significant indigenous fauna (black-fronted tern and Lakes skinks) which could be adversely affected by development in the Ōhau River Precinct. She agreed that the rules to manage indigenous vegetation clearance (in EIB chapter 19), which apply when development occurs within the Precinct, may not allow control or discretion over the actual and potential effects of development and associated land uses on indigenous biodiversity values outside the footprint of the Precinct. She therefore recommended an additional matter of discretion in SUB-R6, that applies exclusively to Tern Island and the Ōhau River margin. This will enable conditions of consent (and as appropriate, consent notices) to be imposed on any subdivision consent, to manage potential effects arising from subdivisions and future land use on these identified species.
94. We are satisfied that the amendments recommended by Ms Willox to SUB-R6, together with Meg Justice's recommended amendment to PREC4-R1 as set out in our PC25 Decision, will protect the identified nearby significant indigenous fauna (black-fronted tern and Lakes skinks) from development in the Ōhau River Precinct. We note that the recommended amendments to these provisions (including SUB-R6, and PREC4-R1 (PC25)) were accepted by Mr Brass as addressing the relief sought by DoC.

#### **6.1.1 Decision**

95. We adopt Ms Willox's analysis and recommendations on SUB-R6 and SUB-S8 as our reasons and decisions. The amendments to those provisions are set out in Appendix 1 to this Decision.

#### **6.15 SUB-R13 Assessment**

96. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations that SUB-R13 be retained as notified.

#### **6.16 Decision**

97. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-R13.

#### **6.18 SUB-S1 and Table SUB-Table 1 Assessment**

98. Several submitters opposed SUB-S1 and requested amendments to the minimum allotment sizes. We acknowledge the views of the submitters who spoke to us at the Hearing, however, we are not of the view that any amendments to the minimum allotment sizes are required. In reaching this position, we note that the approach taken in the District Plan is that the minimum allotment size and minimum density applying in each zone is determined at the time the review of each zone chapter is undertaken. We further note that for PC23 we have decided that no amendments to the SUB-S1/SUB-Table 1 are made to reduce the minimum allotment sizes in the GRUZ. We also record that the 200ha minimum allotment size applying to the Te Manahuna / Mackenzie Basin ONL (SUB-S1.10) is outside the scope of PC27.
99. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-S1 and Table SUB-Table 1.

#### **6.19 Decision**

100. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-S1 and Table SUB-Table 1, including her recommendation to amend the chapter introduction to make it clear that the underlying zone chapters may also contain provisions that are relevant to subdivision.

#### **6.18 SUB-S2, SUB-S3 Assessment**

101. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-S2 and SUB-S3.

102. We were not persuaded by Ms McMullen's view that amendments should be made to SUB-S3 to provide for alternative firefighting solutions that are approved by FENZ. We note that in its tabled evidence, FENZ did not pursue this matter further.

#### **6.19 Decision**

103. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-S2 and SUB-S3.

#### **6.20 SUB-S7 Assessment**

104. At the Hearing we heard from the Telcos who considered that all allotments created by subdivision in SUB-S7 should be provided with a connection to a telecommunication systems network and, where available, an open access fibre connection. Ms Willox agreed, recommending SUB-S7 be amended to require all allotments (other than allotments for access, roads, utilities, or reserves) be provided with a connection to a telecommunication system network at the boundary of the allotment. She further noted that, while she initially considered it more efficient to remove the requirement for telecommunication connections in the RLZ and GRUZ, advancements in alternative satellite telecommunication solutions meant that when a connection to the boundary is not available the activity status should remain RDIS. In her view, the matters of discretion, provided a clear consent pathway in absence of a specific boundary connection by allowing the consideration of alternative methods (SUB-S7.b) and methods to be used to inform prospective purchasers of an allotment that these connections are not installed (SUB-S7.c). Ms Willox recommended that the amendments sought by the Telcos to SUB-S7 be adopted, with minor amendments.

105. Based on the evidence we heard at the Hearing, along with Ms Willox's discussion in her Section 42A Reply Report, we agree with the recommended amendments to SUB-S7. We were provided a copy of correspondence confirming that the Telcos have no concerns with the recommendation.

#### **6.21 Decision**

106. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-S7. The amendments to SUB-S7 are set out in Appendix 1 to this Decision.

#### **6.22 Matters of Discretion SUB-MD2, SUB-MD7 Assessment**

107. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on SUB-MD2 and SUB-MD7.

#### **6.19 Decision**

108. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on SUB-MD2 and SUB-MD7.

#### **6.23 Definitions Assessment**

109. Having considered the submission received by Meridian, we agree with Ms Willox's analysis and recommendations relating to including the definition of reverse sensitivity and lifeline utility infrastructure in PC27.

110. In response to Minute 12, Ms Willox confirmed that in her view the definition of telecommunications used in PC26 should also be applied to PC27. We have made a minor Clause 16(2) in Appendix 1 to the Definitions chapter to reflect this.

#### **6.24 Decision**

111. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

### **7. Public Access**

#### **7.1 Health and Safety in the PA Chapter Assessment**

112. Ms McLeod, for Transpower, stated that in her view PA-O1, as recommended by Ms Willox, did not recognise situations where it is necessary to restrict public access to protect public health and safety. John Sutherland (Transpower Environmental Planner) described where transmission lines in Mackenzie District

intersect with areas likely to be subject to Objective PA-O1. He provided examples of works to maintain, upgrade and develop the National Grid that may require public access to be prevented to protect the health and safety of people and communities, including the stringing of new conductors, transmission line tower refurbishment or replacement, urgent emergency repairs and the replacement of insulators. In his view, there are situations where access (to and along surface waterbodies with recreational, scenic, ecological, indigenous biodiversity, conservation, mana whenua or amenity values) would present a health and safety risk or constrain Transpower's ability to undertake the works otherwise enabled by the NPSET (being Policies 1, 2 and 5). Ms McLeod provided an amended Objective PA-O1 and the inclusion of a new policy to implement the objective.

113. Similarly, we heard from OWL who considered that PA-O1 does not recognise that access restrictions on access may be appropriate in some instances due to the health and safety obligations of infrastructure providers. Julia Crossman (OWL Environmental and Regulatory Manager) explained her concerns with PA-O1, PA-P1 and PA-P2 and provided an amended objective along with amended policies PA-P1 and PA-P2.
114. In her Reply Report, Ms Willox stated that while she agreed with Transpower that public access may need to be restricted within an esplanade reserve or strip to protect public health and safety, she did not agree that amendments to the PA chapter are necessary.
115. Having heard the evidence presented at the hearing by Transpower and OWL, we agree that the District Plan provisions do not override legal requirements for access or prevent access under other legislation. We are not persuaded by the evidence of Transpower or OWL and accept the advice of Ms Willox that the PA chapter has a narrow focus, applying only to future subdivision adjoining a waterbody listed in PA PA-SCHED1 and PA-SCHED2. The provisions set out the procedure to be followed at the time of subdivision as opposed to on-going management. On this basis we find there is no need to amend PA-O1, PA-P1, PA-P2 and PA-S1 in response to the submissions from Transpower or OWL.

## 7.2 Decision

116. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Health and Safety in the PA chapter.

## 7.3 Indigenous Biodiversity and Cultural and Historical Values in the PA Chapter Assessment

117. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations in response to DoC's submission points on PA-P1 and PA-P2. We agree that PA-P1 only requires 'appropriate' public access. This allows for situations where public access may not be appropriate to protect the natural values associated with the esplanade reserve or to protect conservation values as directed in Section 229 of the RMA. The direction in PA-P2 only encourages opportunities and mechanisms to enhance public access.

## 7.4 Decision

118. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on PA-P1 and PA-P2 with regard to Indigenous Biodiversity and Cultural and Historical Values in the PA chapter.

## 7.5 PA-O1, PA-P1, PA-P2, Standard PA-S1 Assessment

119. With regard to PA-S1, we note that OWL confirmed acceptance of Ms Willox's recommendation that the Public Access chapter provides a mandatory requirement for public access only for allotments less than 4ha created by future subdivisions adjoining a waterbody listed in PA-SCHED1. No OWL infrastructure exists in the section of waterbodies identified in PA-SCHED1, and accordingly, Ms Crossman indicated OWL no longer pursued changes to PA-S1.
120. We were not persuaded by Ms McMullen's justification for requiring an esplanade strip as opposed to an esplanade reserve or to reduce the esplanade strip from 20m to 5m. We accept Ms Willox's assessment and recommendation in this regard.
121. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on PA-O1, PA-P1, PA-P2 and PA-S1.

**7.6 Decision**

122. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on PA-O1, PA-P1, PA-P2 and PA-S1.

**7.7 PA-SCHED2 Assessment**

123. Having considered the submission received and any legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on PA-SCHED2.

**7.8 Decision**

124. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on PA-SCHED2.

**7.9 Definitions Assessment**

125. Having considered the submission received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on Definitions.

**7.8 Decision**

126. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

**8. Transport****8.1 TRAN-P1 and TRAN-P4 Assessment**

127. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-P1 and TRAN-P4.

128. We note that in its tabled evidence, FENZ acknowledged Ms Willox's recommendation in response to its submission points and raised no further concerns.

**8.2 Decision**

129. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-P1 and TRAN-P4.

**8.3 TRAN-R1, TRAN-R2, TRAN-R4, TRAN-S11 and TRAN-Table 10 Assessment**

130. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R1, TRAN-R2, TRAN-R4, TRAN-S11 and TRAN-Table 10.

131. We note that in its tabled evidence, FENZ acknowledged Ms Willox's recommendations in response to its submission points and raised no further concerns.

**8.4 Decision**

132. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R1, TRAN-R2, TRAN-R4, TRAN-S11 and TRAN-Table 10.

**8.5 TRAN-R3, TRAN-R4, TRAN-S9, TRAN-S10, TRAN-Table 7, TRAN-Figure 3 and TRAN-Figure 7 Assessment**

133. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R3, TRAN-R4, TRAN-S9, TRAN-S10, TRAN-Table 7, TRAN-Figure 3 and TRAN-Figure 7.

134. We note that in its tabled evidence, FENZ acknowledged Ms Willox's recommendations in response to its submission points and raised no further concerns.

**8.6 Decision**

135. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R3, TRAN-R4, TRAN-S9, TRAN-S10, TRAN-Table 7, TRAN-Figure 3 and TRAN-Figure 7.

**8.7 TRAN-R3 to TRAN-R6 Assessment**

136. Having considered the submission received, we agree with Ms Willox's analysis and recommendations on TRAN-R3 to TRAN-R6.
137. We note that in its tabled evidence, TRoNT accepted Ms Willox's recommendations and raised no further concerns.

**8.8 Decision**

138. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R3 to TRAN-R6.

**8.9 TRAN-R5, TRAN-R6 and TRAN-S8 Assessment**

139. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R5, TRAN-R6 and TRAN-S8.
140. In response to Minute 12, Ms Willox provided a detailed account of how other Councils manage trees adjacent to roads. We accept that while the recommended approach removes the prescriptive tree requirements, it still achieves the purpose of the standard by requiring a combination of trees, shrubs and groundcover.
141. We acknowledge that while FENZ, in its tabled evidence, appeared to reiterate the relief sought in its submission relating to TRAN-S8, TRAN-R5 and TRAN-6, no additional analysis was provided to support its position. Further, FENZ did not specifically respond to Ms Willox's analysis of the FENZ relief sought nor to her recommendations in relation to that relief. On this basis, we do not consider these matters further.

**8.10 Decision**

142. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R5, TRAN-R6 and TRAN-S8.

**8.11 TRAN-R7, TRAN-Table 1 and TRAN-Table 2 Assessment**

143. We heard from the Fuel Companies who did not oppose the recommended amendments to TRAN-Table 1, and instead sought clarity on how TRAN-R7 and TRAN-Table 1 would apply in the context of other provisions in the Transport chapter (most notably TRAN-R8). The Fuel Companies sought clarification of what constituted an expansion for TRAN-R7.
144. In her Section 42A Reply Report, Ms Willox noted that the Oxford Dictionary defines an expansion as "*the action or process of causing something to occupy or contain a larger space, or of acquiring a greater volume or capacity.*" In her view, TRAN-R7 would not apply to activities permitted under TRAN-R8 because that rule is specific to existing, permitted or consented vehicle parking spaces and therefore does not constitute an expansion (occupying the same space as an existing activity i.e., not creating additional parking spaces). But, the installation of additional parking spaces (not otherwise provided for) specifically for electric vehicle charging stations would constitute an expansion and need to be assessed against TRAN-R7, which is provided for in the rules as notified. Ms Willox did not recommend any amendments to TRAN-R7 and TRAN-R8 in response to the Hearing statement of the Fuel Companies. We accept her analysis in this regard.
145. While we acknowledge that FENZ, in its tabled evidence, appeared to reiterate the relief sought in its submission relating to TRAN-R7, TRAN-Table 1 and TRAN-Table 2, no additional analysis was provided to support its position. Further, FENZ did not specifically respond to Ms Willox's analysis of their relief sought nor her recommendations in relation to that relief. On this basis, we do not consider these matters further.
146. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R7, TRAN-Table 1 and TRAN-Table 2 including the consequential amendments to TRAN-P2, TRAN-R7, TRAN-Table1, TRAN-Table 2 and TRAN-S9 to remove the reference to 'vehicle trips' from the provisions.

**8.12 Decision**

147. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R7, TRAN-Table 1 and TRAN-Table 2.

**8.13 TRAN-R8, TRAN-S3, TRAN-S6, TRAN-Figure 2, TRAN-Table 3 Assessment**

148. The MoE tabled evidence and asked that should their submissions on TRAN-S1 and TRAN-Table 3 be rejected, TRAN-Table 3 be amended to remove the requirement for educational facilities to provide one parking space per 10 students over 15 years of age. Ms Willox in her Section 42A Reply Report advised that Ashley McLachlan (MDC Engineering Manager) did not support the suggested changes to TRAN-Table 3 because, based on current school rolls, the number of carparks required under that standard was not overly onerous. In his view, carparks for students old enough to drive, are necessary to ensure an efficient transport network (TRAN-O1). He recommended that the driving age be changed to 16 years to align with the correct driving age in New Zealand. We accept Ms Willox's recommendation that TRAN-Table 3 is amended to increase the age of students from 15 years to 16 years of age.

149. We were not persuaded by Ms McMullen's (for MFL) justification to amend TRAN-Table 3 to make specific provision for residential accommodation activity.

150. Having considered the submissions received and any evidence presented at the Hearing, we agree with Ms Willox's analysis and recommendations on TRAN-R8, TRAN-S3, TRAN-S6, TRAN-Figure 2, and TRAN-Table 3.

**8.14 Decision**

151. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on TRAN-R8, TRAN-S3, TRAN-S6, TRAN-Figure 2, and TRAN-Table 3.

**8.15 Definitions Assessment**

152. Having considered the submissions received and any evidence and legal submissions presented at the Hearing, we agree with Ms Willox's analysis and recommendations on Definitions.

**8.16 Decision**

153. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Definitions.

**8.17 Other submissions Assessment**

Having considered the submissions received and any evidence presented at the Hearing we agree with Ms Willox's analysis and recommendations on Other Submissions. In particular, while we acknowledge the concerns of Robin McCarthy as presented to us at the Hearing, the relief he sought sits outside the jurisdiction of the MDC, so we are unable to consider his submission as part of this Decision.

154. With regard to the submission and tabled evidence of Springwater Trust, we are satisfied that there are already appropriate measures in place to protect the Twizel community water drinking supply from the effects of subdivision and that there is no need to prohibit further subdivision of any land that relies on the Twizel water supply.

**8.18 Decision**

155. We adopt Ms Willox's analysis and recommendations as our reasons and decisions on Other Submissions.



Rob van Voorthuysen (Chair)



Megen McKay



Andrew Willis



Ros Day- Cleavin

**Attachment 3: Transpower's submission**

# **Submission by Transpower New Zealand Limited Proposed Plan Changes 23, 24, 25, 26 and 27 to the Mackenzie District Plan**

**26 January 2024**

*Keeping the energy flowing*



**TRANSPOWER** 

## Form 5

### Submission on notified proposal for policy statement or plan, change or variation

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To** Mackenzie District Council (“the Council”)

**Name of submitter:** Transpower New Zealand Limited (“Transpower”)

**This is a submission on the following proposed plan (“the proposal”):**

Proposed Plan Changes 23, 24, 25, 26 and 27 (“Proposed Plan Changes”) to the Mackenzie District Plan (“District Plan”).

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

**The specific provisions of the proposal that my submission relates to are:**

The Proposed Plan Changes in its entirety insofar as it relates to the National Grid, and particularly the extent to which the provisions of the Proposed Plan Changes give effect to the National Policy Statement on Electricity Transmission 2008 (“NPSET”). A copy of the NPSET is attached as **Appendix B**.

The specific details of Transpower’s submission, and decisions sought in relation to the provisions of the Proposed Plan Changes, are set out in detail in the Table at **Appendix A**.

**Transpower’s submission is:**

#### Executive summary

The National Grid is nationally (and regionally) significant infrastructure that is recognised in the Resource Management Act 1991 (“RMA”) context by the NPSET; the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”) and the Canterbury Regional Policy Statement 2013 (“CRPS”)<sup>1</sup>.

The Proposed Plan Changes are required, amongst other things, to:

- (a) give effect to the provisions of the NPSET and CRPS; and
- (b) not be in conflict with, nor duplicate, the provisions of the NESETA.

Transpower acknowledges Councils’ intent to meet these obligations. Transpower is also appreciative of the collaborative approach to the development of the Proposed Plan Changes; the opportunity to engage with the Councils’ representatives; and the ability to provide feedback on draft provisions on more than one occasion.

It is Transpower’s submission that the Proposed Plan Changes go a long way to achieving the statutory requirements set out above (insofar as is necessary in respect of the scope of the Proposed Plan Changes) but that further amendments to the Proposed Plan Changes are required to:

- (a) give effect to the NPSET;
- (b) give effect to the CRPS;
- (d) achieve the purpose of the RMA;

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<sup>1</sup> As published in July 2021 to include Change 1 to Chapter 6.

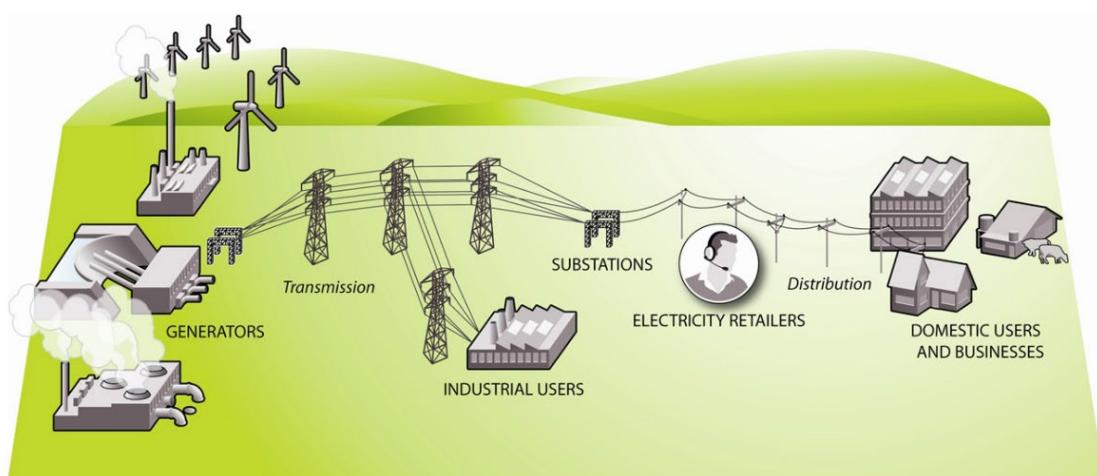
- (e) represent the most appropriate means of exercising Council's functions having regard to the efficiency and effectiveness of the provisions relative to other means; and
- (f) discharge Council's duty under section 32 of the RMA.

This submission outlines those provisions that Transpower supports and also sets out limited amendments to the Proposed Plan Changes that are necessary to meet the statutory requirements set out above.

#### The National Grid

Transpower is the state-owned enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage electricity transmission network, known as the National Grid. The National Grid connects power stations, owned by electricity generating companies, directly to major industrial users and distribution companies feeding electricity to the local networks that, in turn, distribute electricity to homes and businesses. The role of Transpower is illustrated in Figure 1.

*Figure 1: Role of Transpower in New Zealand's Electricity Industry (source: MBIE)*



The National Grid stretches over the length and breadth of New Zealand from Kaikohe in the North Island to Tiwai Point in the South Island and comprises some 11,000 circuit kilometres of transmission lines and cables and more than 170 substations, supported by a telecommunications network of some 300 telecommunication sites that help link together the components that make up the National Grid.

Transpower's role and function is determined by the State-Owned Enterprises Act 1986, the company's Statement of Corporate Intent, and the regulatory framework within which it operates. Transpower does not generate electricity, nor does it have any retail functions.

It is important to note that Transpower's role is distinct from electricity generation, distribution or retail. Transpower provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies, which supply electricity to everyday users. These users may be a considerable distance from the point of generation.

Transpower's Statement of Corporate Intent for 1 July 2023, states that:

*"Transpower is central to the New Zealand electricity industry. We connect generators to distribution companies and large users over long distances, providing open access and helping to balance supply and demand. The nature and scope of the activities we undertake are:*

- as grid owner, we own, build, maintain, replace, and enhance the physical infrastructure that connects those who generate and those who need electricity to live, work and play across the country; and
- as system operator, through a service provided under contract to the Electricity Authority under the Electricity Industry Participation Code, we operate the electricity market, managing supply and demand for electricity in real time to ensure that the power system remains stable and secure.”

In line with this role, Transpower needs to efficiently operate, maintain and develop the network to meet increasing demand and to maintain security of supply, thereby contributing to New Zealand’s economic and social aspirations. It must be emphasised that the National Grid is an ever-developing system, responding to changing supply and demand patterns, growth, reliability and security needs.

As the economy electrifies in pursuit of the most cost efficient and renewable sources, the base case in Transpower’s ‘Whakamana i Te Mauri Hiko’ predicts that electricity demand is likely to increase around 55% by 2050. ‘Whakamana i Te Mauri Hiko’ suggests that meeting this projected demand will require significant and frequent investment in New Zealand’s electricity generation portfolio over the coming 30 years, including new sources of resilient and reliable grid connected renewable generation. In addition, new connections and capacity increases will be required across the transmission system to support demand growth driven by the electrification of transport and process heat. Simply put, New Zealand’s electricity transmission system is the infrastructure on which our zero-carbon future will be built. This work supports Transpower’s view that there will be an enduring role for the National Grid in the future, and the need to build new National Grid lines and substations to connect new, renewable generation sources to the electricity network.

The National Grid has operational requirements and engineering constraints that dictate and constrain where it is located and the way it is operated, maintained, upgraded and developed. Operational requirements are set out in legislation, rules and regulations that govern the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code, the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”), and the Electricity (Hazards from Trees) Regulations 2003.

Transpower therefore has a significant interest in the development of effective, workable and efficient District Plan provisions through the Proposed Plan Change, where those provisions may affect the National Grid, including in respect of existing assets, and the development of new assets, in the Mackenzie District (“District”).

#### National Grid Assets in Mackenzie District

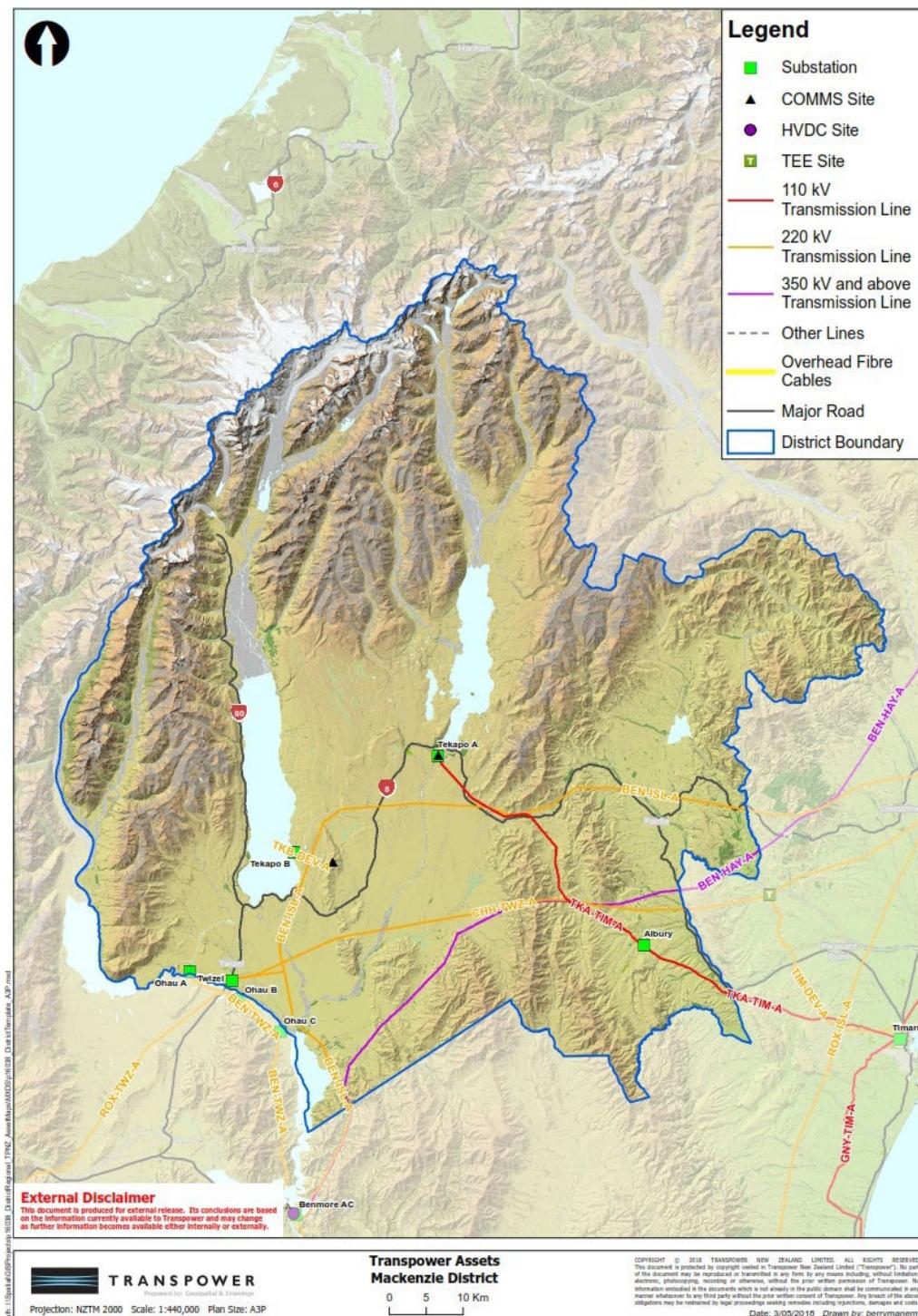
Transpower owns and operates a number of assets within, and traversing Mackenzie District. These assets supply electricity to Mackenzie District, as well as transmit electricity to the rest of New Zealand, and include around 320 kilometres of transmission lines, five substations, communications cables and associated equipment and include the following:

- Benmore – Haywards A (BEN-HAY-A) 350kV HVDC overhead transmission line on towers;
- Benmore – Islington A (BEN-ISL-A) 220kV overhead transmission line on towers;
- Benmore – Twizel A (BEN-TWZ-A) 220kV overhead transmission line on towers;
- Christchurch – Twizel A (CHH-TWZ-A) 220kV overhead transmission line on towers;
- Ohau A – Twizel A (OHA-TWZ-A) 220kV overhead transmission line on towers;
- Roxburgh – Twizel A (ROX-TWZ-A) 220kV overhead transmission line on towers;
- Tekapo A – Timaru A (TKA-TIM-A) 110kV overhead transmission line on poles (including pi poles);
- Tekapo B – Deviation A (TKB-DEV-A) 220kV overhead transmission line on towers;
- Twizel – Deviation A (TWZ-DEV-A) 220kV overhead transmission line on towers;
- Albury Substation;
- Ohau A Substation;

- Tekapo A Substation;
- Tekapo B Substation;
- Twizel Substation; and
- Two communications sites (Mt Mary and Tekapo A).

The location of these assets is shown on the plan at Figure 2.

Figure 2: Location of Transpower's assets in Mackenzie District



## Statutory Framework

The national significance of the National Grid is recognised, in an RMA context, by the NPSET and the NESETA. These documents apply only to the National Grid, and do not apply to local electricity distribution networks, nor lines owned and operated by electricity generators.

### *National Policy Statement on Electricity Transmission 2008*

The NPSET was gazetted on 13 March 2008. The NPSET confirms the national significance of the National Grid and provides policy direction to ensure that decision makers under the RMA:

- recognise the benefits of the National Grid;
- manage the adverse effects on the environment of the National Grid;
- manage the adverse effects of third parties on the National Grid; and
- facilitate long term strategic planning for transmission assets.

The NPSET sets a clear directive on how to provide for National Grid resources (including future activities) in planning documents and therefore councils have to work through how to make appropriate provision for the National Grid in their plans, in order to give effect to the NPSET.

A key reason for introducing the NPSET in 2008 was to resolve the inconsistencies that resulted from the variable provision for the National Grid in RMA plans and policy statements. This variance was despite the National Grid being largely the same across the country. In promoting the NPSET, central government accepted the importance of, and benefits of, a nationally consistent approach to decisions on transmission activities. The preamble of the NPSET highlights that the National Grid has particular physical characteristics and operational/security requirements that create challenges for its management under the RMA, and it is important there are consistent policy and regulatory approaches by local authorities.

The single Objective of the NPSET is:

*"To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*

- *manging the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network."*

The NPSET's Objective is implemented by fourteen policies. The policies have to be applied by both Transpower and decision-makers under the RMA, as relevant. In a general sense these policies address the following:

- Policy 1: Recognising the benefits of the National Grid;
- Policy 2: Recognising and providing for the effective operation, maintenance, upgrading and development of the National Grid;
- Policies 3 to 5: Weighing the management of environmental effects against the operational constraints, site/route selection approach, and the requirements of existing assets;
- Policies 6 to 8: Reducing, minimising and avoiding adverse effects in differing contexts;
- Policy 9: Potential health effects;
- Policies 10 and 11: Managing adverse effects on the National Grid and providing for "buffer corridors";
- Policy 12: Mapping the National Grid; and
- Policies 13 and 14: Long-term development and planning for transmission assets.

Sections 55 and 75(3) of the RMA require the Council to give effect to the objectives and policies of the NPSET in the District Plan. Case law has established that the words "give effect to" means to implement, which is a strong directive, creating a firm obligation on the part of those subject to it.

Giving effect to the NPSET will ensure that:

- the National Grid is able to be safely, effectively and efficiently operated, maintained, upgraded and developed to provide a reliable, safe and secure supply of electricity to the Mackenzie District and beyond; and
- the adverse effects of development in proximity to the National Grid are appropriately managed and are reduced, minimised or avoided depending on the context in which the development occurs.

*Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009*

The NESETA came into effect on 14 January 2010 and sets out a national regulatory framework for activities related to existing National Grid lines, including the operation, maintenance and upgrading of such lines. The NESETA specifies permitted electricity transmission activities (subject to standards) and sets out resource consent requirements where these activities do not meet the standards. The NESETA only applies to the Transpower's National Grid lines that existed on 14 January 2010 and does not apply to new transmission lines or new or existing substations.

Under section 44A of the RMA, local authorities are required to ensure that there are no duplications or conflicts between the provisions of the NESETA and a district plan. That said, there are situations where the NESETA Regulations defer to a district plan. It is therefore important that the relevant district plan provisions are consistent with the intent and effect of the NESETA Regulations.

*Canterbury Regional Policy Statement 2013*

Section 75(3) of the RMA also requires the Proposed Plan Changes to give effect to a regional policy statement. The operative CRPS (republished in July 2021) includes the following Policy 16.3.4 that is specific to the National Grid and must be given effect to:

***"16.3.4 Reliable and resilient electricity transmission network within Canterbury***

*To encourage a reliable and resilient national electricity transmission network within Canterbury by:*

1. *having particular regard to the local, regional and national benefits when considering operation, maintenance, upgrade or development of the electricity transmission network;*
2. *avoiding subdivision, use and development including urban or semi urban development patterns, which would otherwise limit the ability of the electricity transmission network to be operated, maintained, upgraded and developed;*
3. *enabling the operational, maintenance, upgrade, and development of the electricity transmission network provided that, as a result of route, site and method selection, where:*
  - a. *the adverse effects on significant natural and physical resources or cultural values are avoided, or where this is not practicable, remedied or mitigated; and*
  - b. *other adverse effects on the environment are appropriately controlled."*

*Other National Planning Instruments*

It is also noted that the National Policy Statement for Indigenous Biodiversity 2023 ("NPSIB") and National Policy Statement for Highly Productive Land 2022 ("NPSHPL") are relevant to the Proposed Plan Changes. Of particular relevance in respect of the National Grid:

- Section 1.3(3) of the NPSIB states that:  
*"Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network*

*assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not “specified infrastructure” for the purposes of this National Policy Statement.”*

As such, the provisions of the Proposed Plan Changes that are intended to give effect to the NPSIB should not apply to the National Grid.

- The NPSHPL includes specific direction and exemptions for the development of ‘specified infrastructure’ (that includes regionally significant infrastructure, such as the National Grid) on highly productive land. Such exemptions must be reflected in any provisions of the Proposed Plan Changes that are to give effect to the NPSHPL and protect highly productive land.

#### Transpower’s Submission

Transpower supports the vast majority of the provisions included in the Proposed Plan Changes and particularly acknowledges earlier opportunities to engage with the Councils’ representatives and provide feedback on these provisions. Transpower is generally supportive of:

- those provisions that give effect to the NPSET and the CRPS;
- the reference to and provisions that are consistent with, and do not conflict with, the NESETA;
- provisions that recognise the specific needs for, and needs of, infrastructure/network utilities;
- the inclusion of rules that regulate activities in the vicinity of the National Grid; and
- the identification of the National Grid on the planning maps.

Transpower also acknowledges and supports the incorporation by reference, or general reference to the following:

- the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001;
- the Electricity (Hazards from Trees) Regulation 2003); and
- the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz to 100kHz) (Health physics, 2010, 99(6); 818-836).

Transpower provides a detailed submission on the Proposed Plan Changes’ provisions in **Appendix A** that identifies the many provisions that Transpower supports and highlights areas where provisions need to be amended in order to:

- fully give effect to the NPSET;
- fully give effect to the CRPS;
- recognise the benefits of, and national significance of, the National Grid and enable its operation, maintenance, upgrade and development;
- reflect Transpower’s nationally consistent, engineering based, approach to the management of activities near the National Grid, including subdivision;
- meet the requirements of sections 32 and 75 of the RMA; and
- achieve the purpose of the RMA.

Transpower particularly supports the clear direction given in the Infrastructure Chapter in respect of the provisions that do, and don’t, apply to infrastructure activities. In preparing this submission, Transpower has relied on this direction in identifying those provisions that are relevant to the National Grid, and those that are not. While Transpower may not support the provisions that are not relevant, if they were to be relevant it is possible that those provisions may not give effect to the NPSET (or meet the statutory requirements in respect of the National Grid).

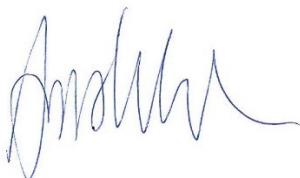
**Transpower seeks the following decision from the local authority:**

Amend the Proposed Plan Changes to make all required changes, including the specific amendments set out in the Table at **Appendix A**, and such further alternative or consequential relief as may be necessary to fully give effect to this submission.

Transpower welcomes the opportunity, and is available, to continue to work alongside the Council to further develop the Proposed Plan Changes in response to this submission and the submissions made by other parties.

**Transpower wishes to be heard in support of its submission.**

**Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.**



Signature of person authorised to sign  
on behalf of Transpower New Zealand Limited

Date: **26 January 2024**

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## Appendix A: Transpower New Zealand Limited – Submission on Proposed Plan Changes 23, 24, 25, 26 and 27 to the Mackenzie District Plan

The following table sets out the decisions sought by Transpower, including specific amendments to the provisions of the Proposed Plan Changes (shown in double red underline and ~~double red strikethrough~~) and further reasons, in addition to those set out in the body of this submission (above), for Transpower's support for, or opposition to, the notified provisions of the Proposed Plan Changes.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
<b>PLAN CHANGE 23 – GENERAL RURAL ZONE, NATURAL FEATURES AND LANDSCAPES, NATURAL CHARACTER</b>			
<b>Part 2 – District-Wide Matters</b>			
<b>Natural Environment Values</b>			
NATC – Natural character Introduction	<b>Oppose</b>	Transpower understands, with reference to the Introduction to the Infrastructure Chapter, that the provisions of the NATC Chapter do not apply to infrastructure activities. Transpower considers that the Introduction to the NATC Chapter should include a reciprocal direction for the avoidance of any ambiguity.	<b>Amend</b> the 'Introduction' to include explicit direction that the provisions of the NATC Chapter do not apply to Infrastructure, with the effects of Infrastructure on natural character values being managed in the INF Chapter.
NFL – Natural Features and Landscapes Introduction	<b>Oppose</b>	Transpower understands, with reference to the Introduction to the Infrastructure Chapter, that the provisions of the NFL Chapter do not apply to infrastructure activities. Transpower considers that the Introduction to the NFL Chapter should include a reciprocal direction for the avoidance of any ambiguity.	<b>Amend</b> the 'Introduction' to include explicit direction that the provisions of the NFL Chapter do not apply to Infrastructure, with the effects of Infrastructure on natural features and landscape values being managed in the INF Chapter.
<b>Part 3 – Area-Specific Matters</b>			
<b>Zones: Rural Zones</b>			
GRUZ - General Rural Zone Policies GRUZ-P2 Other Activities	<b>Support</b>	While it is noted that the provisions that apply in the Rural Lifestyle Zone do not apply to infrastructure, Transpower acknowledges and supports the intent of Policy GRUZ-P2 to the extent that clause (3) provides a policy 'pathway' for situations	<b>Retain</b> Policy GRUZ-P2 as notified

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		where infrastructure has a functional need or operational need to establish in the Rural Lifestyle Zone.	
GRUZ - General Rural Zone Policies GRUZ-P3 Reverse Sensitivity	<b>Oppose</b>	Transpower opposes Policy GRUZ to the extent that the Policy may inappropriately constrain the operation, maintenance, upgrade and development of the National Grid. Transpower seeks limited amendment to the Policy to ensure that farm activities do not, for reverse sensitivity reasons, limit the National Grid in a manner that is inconsistent with, and does not give effect to, Policies 1 and 2 of the NPSET.	<b>Amend</b> Policy GRUZ-P3 as follows: "Avoid reverse sensitivity effects of non-farm development and residential activity on lawfully established primary production activities, activities that have a direct relationship with or are dependent on primary production, existing renewable electricity generation activities, <u>the operation, maintenance, upgrade and development of the National Grid</u> and the Tekapo Military Training Area."
<b>PLAN CHANGE 24 – SITES AND AREAS OF SIGNIFICANCE TO MĀORI</b>			
<b>Part 2 – District-Wide Matters</b> <b>Historical and Cultural Values</b>			
SASM – Sites and Areas of Significance to Māori Introduction	<b>Oppose</b>	Transpower opposes the Introduction to the extent that the direction given in the Introduction could be understood to contradict the unambiguous direction in the Infrastructure Chapter. That is, the Infrastructure Chapter clearly directs the chapters and provisions that apply to infrastructure activities. In the case of the SASM provisions, the Infrastructure Chapter directs (by omission) that the SASM provisions do not apply, and instead infrastructure located in SASM is addressed through the INF provisions (and the definition of 'sensitive area'). Conversely, the SASM Introduction implies that the SASM provisions might apply to an activity requiring resource consent under the INF Rules. Transpower supports the approach taken to the standalone INF chapter and therefore considers that the SASM Introduction be amended to confirm this.	<b>Amend</b> the Introduction as follows: "This chapter is not the only chapter in the District Plan <u>that which</u> manages activities that are located within SASM and should be read alongside other sections of the District Plan which also consider the effects on SASM. <u>In the case of infrastructure, all provisions that relate to infrastructure are contained in the Infrastructure Chapter (unless explicitly stated otherwise) and the SASM provisions do not apply.</u> In particular, it should be noted that there are rules in other chapters, including the Natural Character, Natural Features and Landscapes, Public Access and Earthworks chapters which manage activities that occur in SASM, and where an activity is proposed within a SASM which requires resource consent under those chapters, the objectives, policies and matters of discretion in this chapter may also be relevant to consideration of that activity."
<b>PLAN CHANGE 25 - RURAL LIFESTYLE ZONES</b>			
<b>Part 3 – Area-Specific Matters</b> <b>Zones: Rural Zones</b>			
RLZ - Rural Lifestyle Zone	<b>Support</b>	While it is noted that the provisions that apply in the Rural Lifestyle Zone do not apply to infrastructure, Transpower	<b>Retain</b> Policy RLZ-P4 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Policies Policy RLZ-P4 Other Non-Residential Activities		acknowledges and supports the intent of Policy RLZ-P4 to the extent that clause (3) provides a policy 'pathway' for situations where infrastructure has a functional need or operational need to establish in the Rural Lifestyle Zone.	
<b>PLAN CHANGE 26: RENEWABLE ELECTRICITY GENERATION AND INFRASTRUCTURE</b>			
<b>Part 1 – Introduction and General Provisions</b>			
<b>Interpretation</b>			
General	<b>Support in part</b>	Transpower generally supports the use of the term 'national grid', but seeks that, in all locations where the term is used, each word be capitalised to read 'National Grid'. It is Transpower's experience that the most District Plans use initial capital letters in the way. Such an approach is also consistent with the use of the term within Transpower.	<b>Amend</b> 'national grid' to be capitalised to read 'National Grid' in all places where the term is used in the Proposed Plan Changes.
Definitions 'national grid'	<b>Support</b>	Transpower supports the definition of 'National Grid' and acknowledges that the definition is the same as the definition in the NPSET.	<b>Retain</b> the definition of 'national grid' as notified.
Definitions 'national grid support structure'	<b>Support</b>	Transpower supports the inclusion of a definition of 'National Grid support structure' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	<b>Retain</b> the definition of 'national grid support structure' as notified.
Definitions 'national grid yard'	<b>Support</b>	Transpower supports the inclusion of a definition of 'National Grid yard' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	<b>Retain</b> the definition of 'national grid yard' as notified.
Definitions 'regionally significant infrastructure'	<b>Support</b>	Transpower supports the inclusion of a definition of 'regionally significant infrastructure', but considers that there may be some merit in the term 'electricity transmission network' being replaced with 'National Grid' because these are the same thing	<b>Amend</b> the definition of 'regionally significant infrastructure' as follows: "regionally significant infrastructure means: a. strategic land transport network and arterial roads b. telecommunication facilities

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		and using the term 'National Grid' is consistent with provisions elsewhere in the Proposed Plan Changes.	<ul style="list-style-type: none"> <li>c. the <del>electricity transmission network</del> <u>National Grid</u></li> <li>d. wastewater collection, treatment and disposal networks</li> <li>e. community land drainage infrastructure</li> <li>f. community potable water systems</li> <li>g. established community-scale irrigation and stockwater infrastructure</li> <li>h. electricity distribution network"</li> </ul>
Definitions 'sensitive activity'	<b>Support</b>	Transpower supports the definition of 'sensitive activity' on the basis that it is generally consistent with the definition included in the NPSET.	<b>Retain</b> the definition of 'sensitive activity' as notified.
Definitions 'tower'	<b>Support</b>	Transpower supports the definition of 'tower' on the basis that it is generally consistent with the definition included in the NESETA.	<b>Retain</b> the definition of 'tower' as notified.
Definitions 'transmission line'	<b>Support</b>	Transpower supports the definition of 'transmission line' on the basis that it is consistent with the definition included in the NESETA.	<b>Retain</b> the definition of 'transmission line' as notified.
Definitions 'upgrade'	<b>Support</b>	Transpower supports the definition of 'upgrade' because the definition appropriately describes those activities that may be undertaken in respect of the National Grid.	<b>Retain</b> the definition of 'upgrade' as notified.
<b>Part 2 – District-Wide Matters</b> <b>Energy, Infrastructure and Transport: Infrastructure</b>			
Introduction	<b>Support</b>	Transpower supports the 'Introduction', and in particular is supportive of the approach (and clear direction) that the provisions that relate to infrastructure are standalone, except where explicitly stated. It is on this basis that Transpower's submission is confined.	<b>Retain</b> the 'Introduction' as notified.
Objectives Objective INF-O1 Infrastructure	<b>Support</b>	Transpower supports Objective INF-O1 on the basis that, as it applies to the National Grid, the Objective seeks outcomes in respect of the development and maintenance of infrastructure that are generally consistent with the Matter of National Significance and Objective of the NPSET.	<b>Retain</b> Objective INF-O1 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Objectives Objective INF-O2 Adverse Effects of Infrastructure	<b>Support</b>	Transpower supports Objective INF-O2 because, as it applies to the National Grid, the Objective is generally consistent with the approach to managing adverse effects of the National Grid set out in the NPSET, including by recognising differing sensitivities of different receiving environments and by acknowledging operation needs and functional needs of infrastructure.	<b>Retain</b> Objective INF-O2 as notified.
Objectives Objective INF-O3 Adverse Effects on Infrastructure	<b>Support</b>	Transpower supports Objective INF-O3 on the basis that the Objective gives effect to Policies 10 and 11 of the NPSET and Policies 5.2.2 and 16.3.4 of the CRPS.	<b>Retain</b> Objective INF-O3 as notified.
Policies Policy INF-P1 Benefits of Infrastructure	<b>Support</b>	Transpower supports Policy INF-P1 because, insofar as the Policy relates to the National Grid, the Policy gives effect to Policy 1 on the NPSET and Policies 5.2.2 and 16.3.4 of the CRPS.	<b>Retain</b> Policy INF-P1 as notified.
Policies Policy INF-P2 Ongoing Use of Existing Infrastructure	<b>Support</b>	Transpower supports Policy INF-P2 on the basis that the Policy, to the extent it relates to the National Grid, gives effect to Policies 2 and 5 of the NPSET.	<b>Retain</b> Policy INF-P2 as notified.
Policies Policy INF-P4 Managing Adverse Effects of Infrastructure	<b>Support in part</b>	<p>Transpower generally supports Policy INF-P4 but considers that the Policy may be interpreted as requiring effects to be minimised at the same time as regard is had to operational needs and functional needs. In the case of the National Grid, it is not always possible for adverse effects to be minimal. This is acknowledged in the preamble to the NPSET that states:</p> <ul style="list-style-type: none"> <li>- <i>These facilities can create environmental effects of a local, regional and national scale. Some of these effects can be significant.</i></li> <li>- <i>Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.</i></li> </ul>	<p><b>Amend</b> Policy INF-P4 as follows:</p> <p><u><a href="#">Subject to the operational needs and functional needs of infrastructure, manage</a></u> infrastructure, including ancillary earthworks, so that:</p> <ol style="list-style-type: none"> <li>1. its form, location and scale minimises adverse effects on the environment; and</li> <li>2. it is compatible with the values and anticipated character of the surrounding environment;</li> </ol> <p><u><a href="#">while having regard to the operational needs and functional needs of the infrastructure.</a></u></p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		Transpower seeks that the Policy is amended to clearly express that operational needs and functional needs may limit the extent to which effects can be minimised.	
Policies Policy INF-P5 Infrastructure in Sensitive or Significant Areas	<b>Support</b>	Transpower supports Policy INF-P5 because the Policy generally reflects, and gives effect to, the direction for the management of the effects of the National Grid included in Policies 3, 4, 7 and 8 of the NPSET and Policy 16.3.4 of the CRPS. Further, Transpower acknowledges and supports the exclusion of the National Grid from clause (4) and considers that this approach appropriately reflects the explicit exclusion of the National Grid included in clause 1.3(3) of the NPSIB.	<b>Retain</b> Policy INF-P5 as notified.
Policies Policy INF-P6 Infrastructure on Highly Productive Land	<b>Support</b>	Transpower supports Policy INF-P6 on the basis that the Policy appropriately reconciles the NPSHPL and the NPSET by providing a 'pathway' for specified infrastructure/regionally significant infrastructure.	<b>Retain</b> Policy INF-P6 as notified.
Policies Policy INF-P7 Infrastructure in Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna	<b>Support in part</b>	Transpower supports Policy INF-P7 to the extent that it is understood that the Policy is not intended to apply to the National Grid, given the explicit exclusion of the National Grid included in clause 1.3(3) of the NPSIB. However, Transpower seeks amendments to the Policy to more clearly express this exclusion.	<b>Amend</b> Policy INF-P7 as follows: <b>"INF-P7 Infrastructure that is not the National Grid in Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna</b> In addition to INF-P5, avoid new infrastructure <del>that is not</del> excluding the national grid) that has adverse effects on the following, in an area of significant indigenous vegetation and significant habitats of indigenous fauna: ...."
Policies Policy INF-P8 Radiofrequency, Electric and Magnetic Fields	<b>Support</b>	Transpower supports Policy INF-P8 because the Policy gives effect to Policy 9 of the NPSET.	<b>Retain</b> Policy INF-P8 as notified.
Policies Policy INF-P9 Managing Activities in the National Grid Yard	<b>Support</b>	Transpower supports Policy INF-P9 because the Policy gives effects to Policies 10 and 11 of the NPSET and Policy 16.3.4 of the CRPS.	<b>Retain</b> Policy INF-P9 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rules Notes for Plan Users	<b>Support</b>	<p>Transpower supports the 'Notes for Plan Users' and, in particular, supports the inclusion for reference to the need for activities to comply with NZECP34:2001 and the Electricity (Hazards from Trees) Regulations 2003.</p> <p>Further, Transpower supports the inclusion of reference to the NESETA prevailing over the provisions of the District Plan.</p>	<b>Retain</b> the 'Notes for Plan Users' as notified.
Rules Existing Infrastructure Rule INF-R1 Operation, Maintenance or Removal of Existing Infrastructure, Including Access Tracks	<b>Support</b>	Transpower supports Rule INF-R1 because the Rule appropriately gives effect to Policy 2 of the NPSET and effectively implements Policy INF-P2.	<b>Retain</b> Rule INF-R1 as notified.
Rules Existing Infrastructure Rule INF-R2 Upgrading Above Ground Infrastructure	<b>Support</b>	To the extent that Rule INF-R2 may apply to future National Grid assets, Transpower supports Rule INF-R2 on the basis that the Rule gives effect to Policies 2 and 5 of the NPSET; is generally consistent with the NESETA and appropriately implements Policy INF-P2.	<b>Retain</b> Rule INF-R2 as notified.
Rules All Infrastructure Rule INF-R4 Temporary Infrastructure	<b>Support</b>	Transpower supports Rule INF-R4 because the Rule appropriately provides for infrastructure that might be necessary in the short term so that the benefits of infrastructure to the health, safety and wellbeing of people and communities are realised.	<b>Retain</b> Rule INF-R4 as notified.
Rules All Infrastructure Rule INF-R7 Below Ground Infrastructure	<b>Support</b>	Transpower supports Rule INF-R7 and considers that the proposed permitted activity status appropriately responds to the anticipated minimal adverse effects of below ground infrastructure.	<b>Retain</b> Rule INF-R7 as notified.
Rules All Infrastructure	<b>Support</b>	Transpower supports Rule INF-R8 on the basis that the Rule provides an appropriate regulatory framework for the establishment of new National Grid assets in a manner	<b>Retain</b> Rule INF-R8 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rule INF-R8 New Lines and Associated Support Structures Including Towers and Poles		consistent with the direction given by the NPSET and CRPS. Transpower particular supports the restricted discretionary activity status that is likely to apply to such assets, given the scale of the National Grid.	
Rules All Infrastructure Rule INF-R11 Any Infrastructure not Otherwise Listed	<b>Support</b>	Transpower supports Rule INF-R11 and considers that discretionary activity status is the most appropriate activity status for other infrastructure activities, having regard to the provisions of the NPSET (if Rule INF-R11 applies to the National Grid), CRPS and objectives and policies included in the Proposed Plan Change.	<b>Retain</b> Rule INF-R11 as notified.
Rules Activities in the National Grid Yard Rule INF-R17 Accessory Buildings to any Sensitive Activity within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R17 to the extent that the Rule regulates buildings accessory to sensitive activities in a manner that gives effect, in part, to Policies 10 and 11 of the NPSET and Policy 16.3.4 of the CRPS.	<b>Retain</b> Rule INF-R17 as notified.
Rules Activities in the National Grid Yard Rule INF-R18 Network Utility Operation, Infrastructure and Electricity Generation that Connects to the National Grid within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R18 on the basis that the Rule appropriately provides for network utilities and infrastructure (including infrastructure that connects to the National Grid, as a permitted activity, subject to standards that give effect to Policy 10 of the NPSET.	<b>Retain</b> Rule INF-R18 as notified.
Rules Activities in the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R19 to the extent that the Rule regulates fences in a manner that gives effect, in part, to Policies 10 and is consistent with NZECP34:2001.	<b>Retain</b> Rule INF-R19 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rule INF-R19 Fences within the National Grid Yard			
Rules Activities in the National Grid Yard Rule INF-R20 Ancillary Stockyards and Platforms, Including those Associated with Milking Sheds within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R20 on the basis that the Rule appropriately provides for activities that will not compromise the National Grid in a manner that gives effect to Policy 10 of the NPSET.	<b>Retain</b> Rule INF-R20 as notified.
Rules Activities in the National Grid Yard Rule INF-R21 Uninhabited Farm and Horticultural Buildings and Structures within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R21 on the basis that the Rule appropriately provides for activities that will not compromise the National Grid in a manner that gives effect to Policy 10 of the NPSET.	<b>Retain</b> Rule INF-R21 as notified.
Rules Activities in the National Grid Yard Rule INF-R22 Artificial Crop Protection Structures or Crop Support Structures within the National Grid Yard	<b>Support in part</b>	Transpower generally supports Rule INF-R21, but considers that the Rule would benefit from refinement to also provide for artificial crop protection structures or crop support structures in the National Grid Yard provided that the structure is greater than 12 metres from National Grid support structures that are not pi-poles.	<b>Amend</b> Rule INF-R21 as follows: 1. The structure does not exceed 2.5m in height; and 2. The structure is located at least 8m from a national grid transmission line pi-pole <u>and 12m from any other National Grid support structure</u> ; and 3. The structure is removable or temporary to allow a clear working space of 12m from the pi-pole for maintenance; and 4. All weather access and a sufficient area for maintenance equipment, including a crane, is provided to the transmission line pi-pole."
Rules	<b>Support</b>	Transpower supports Rule INF-R23 on the basis that the Rule appropriately provides for activities that will not compromise	<b>Retain</b> Rule INF-R23 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Activities in the National Grid Yard Rule INF-R23 Alterations and Additions to an Existing Building or Structure for a Sensitive Activity within the National Grid Yard		the National Grid in a manner that gives effect to Policy 10 of the NPSET.	
Rules Activities in the National Grid Yard Rule INF-R24 New Sensitive Activities (including the use of an existing building for a new Sensitive Activity), within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R24 on the basis that the Rule appropriately gives effect to Policy 11 of the NPSET and Policy 16.3.4 of the CRPS through non-complying activity status for new sensitive activities in the National Grid Yard.	<b>Retain</b> Rule INF-R24 as notified.
Rules Activities in the National Grid Yard Rule INF-R25 Wintering barns, commercial greenhouses, immoveable protective canopies, produce packing facilities and milking sheds within the National Grid Yard	<b>Support</b>	Transpower supports Rule INF-R25 on the basis that the Rule appropriately gives effect to Policy 10 of the NPSET and Policy 16.3.4 of the CRPS through non-complying activity status for some new agricultural and horticultural buildings in the National Grid Yard.	<b>Retain</b> Rule INF-R25 as notified.
Rules	<b>Support</b>	Transpower supports Rule INF-R26 on the basis that the Rule appropriately gives effect to Policy 10 of the NPSET and Policy	<b>Retain</b> Rule INF-R26 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Activities in the National Grid Yard Rule INF-R26 Buildings or structures for the handling or storage of hazardous substances with explosive or flammable intrinsic properties within the National Grid Yard, excluding the accessory use and storage of hazardous substances in domestic scale quantities		16.3.4 of the CRPS through non-complying activity status for the handling and storage of hazardous substances in the National Grid Yard.	
Rules Activities in the National Grid Yard Rule INF-R27 Any Other Activity, Building or Structure within the National Grid Yard Not Otherwise Listed	<b>Support</b>	Transpower supports 'default' Rule INF-R27 on the basis that the Rule appropriately gives effect to Policy 10 of the NPSET and Policy 16.3.4 of the CRPS through non-complying activity status for other activities in the National Grid Yard.	<b>Retain</b> Rule INF-R26 as notified.
Standards Standard INF-S1 Sensitive Areas	<b>Support</b>	Transpower supports Standard INF-S1, and particularly the 'default' to restricted discretionary activity status where the standard is not met. Transpower considers the activity status is appropriate for infrastructure activities in sensitive areas because the effects of infrastructure are well understood, such that the consideration of potential effects can be confined.	<b>Retain</b> Standard INF-S1 as notified.
Standards Standard INF-S2 Radiofrequency,	<b>Support</b>	Transpower supports Standard INF-S2 on the basis that the Standard gives effect to Policy 9 of the NPSET; is consistent with the NESETA; and appropriately implements Policy INF-P8.	<b>Retain</b> Standard INF-S2 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Electric and Magnetic Fields			
Standards Standard INF-S4 National Grid Yard	<b>Support</b>	Transpower supports Standard INF-S4 because the Standard appropriately manages activities that are permitted in the National Grid Yard in order ensure that the National Grid is not compromised in accordance with Policy 10 of the NPSET.	<b>Retain</b> Standard INF-S4 as notified.
Matters of Control or Discretion INF-MD1 Scale, Location and Design of Infrastructure	<b>Support</b>	Transpower supports INF-MD1 on the basis that the provision allows for a fulsome, infrastructure specific, consideration of the potential adverse effects of new infrastructure.	<b>Retain</b> the Matters of Control or Discretion in INF-MD1 as notified.
<b>Part 2 – District-Wide Matters</b> <b>Energy, Infrastructure and Transport: Renewable Electricity Generation</b>			
Matters of Control or Discretion REG-MD4 New Renewable Electricity Generation	<b>Support in part</b>	Transpower generally supports REG-MD4, but seeks a limited amendment to clause (d), consistent with REG-MD3, to include reference to the electricity transmission network, alongside electricity distribution.	<b>Amend</b> the Matters of Control or Discretion in REG-MD4 as follows: "d. The location of existing electricity generation, <u>electricity transmission</u> and distribution infrastructure and the extent to which the proposal contributes to its efficient use."
<b>Part 4 – Appendices and Maps</b>			
Planning Map – National Grid	<b>Support in part</b>	Transpower generally supports the mapping of the National Grid, including distinguishing the voltage of the various transmission lines that traverse the District because mapping in this manner allows the related provisions to be easily understood. Transpower notes that Policy 12 of the NPSET requires the whole of the electricity transmission network to be identified on planning maps. In this instance, the planning maps do not identify all of the assets listed in this submission. Transpower therefore seeks that all National Grid assets are shown on the Planning Map.	<b>Amend</b> the Planning Map to show all National Grid assets (listed in the submission).

Provision	Support/Oppose	Submission/Reasons	Decision Sought
<b>PLAN CHANGE 27: SUBDIVISION, EARTHWORKS, PUBLIC ACCESS AND TRANSPORT</b>			
<b>Part 1 – Introduction and General Provisions</b>			
<b>Interpretation</b>			
Definitions 'national grid'	<b>Support</b>	Transpower supports the definition of 'National Grid' and acknowledges that the definition is the same as the definition in the NPSET.	<b>Retain</b> the definition of 'national grid' as notified.
Definitions 'national grid subdivision corridor'	<b>Support</b>	Transpower supports the inclusion of a definition of 'National Grid subdivision corridor' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	<b>Retain</b> the definition of 'national grid subdivision corridor' as notified.
Definitions 'national grid yard'	<b>Support</b>	Transpower supports the inclusion of a definition of 'National Grid yard' on the basis that such a definition is necessary for the implementation of associated rules and is consistent with the approach sought by Transpower across New Zealand.	<b>Retain</b> the definition of 'national grid yard' as notified.
<b>Part 2 – District-Wide Matters</b>			
<b>Natural Environment Values: Public Access</b>			
Objectives Objective PA-O1 Provision of Public Access	<b>Oppose</b>	Transpower opposed Objective PA-O1 to the extent that the Objective fails to recognise that there are situations where it is necessary to restrict public access in order to protect public health and safety. Transpower notes that there are situations where public access must be restricted when works to operation, maintain, upgrade and develop the National Grid in order to appropriately manage risk to public health and safety. Transpower seeks that the Objective is amended to reflect this outcome.	<b>Amend</b> Objective PA-O1 as follows: "Access to and along surface waterbodies with recreational, scenic, ecological, indigenous biodiversity, conservation, mana whenua or amenity values is maintained or improved <u>unless restriction to access are necessary to protect public health and safety.</u> "
Policies New Policy PA-PX Restrictions on Public Access	<b>Oppose</b>	For the reasons set out above, Transpower considers that there is a need to recognise and provide for situations where it is necessary to restrict public access in order to protect public health and safety.	<b>Insert</b> a new Policy as follows: <b><u>PA-PX Restrictions on Public Access</u></b>

Provision	Support/Oppose	Submission/Reasons	Decision Sought			
			<u>Recognise and provide for permanent and temporary restrictions on public access where restrictions are necessary to protect public health and safety."</u>			
<b>Part 2 – District-Wide Matters</b>						
<b>Subdivision</b>						
Objectives Objective SUB-O1 Subdivision Design	<b>Oppose</b>	Transpower is concerned that Objective SUB-O1 does not describe the role subdivision plays in manage the effects of future land uses. Transpower considers that this is necessary to provide a 'hook' on which the subsequent policies, that do address effects of subdivision, 'hang'. That is, the policies that relate to subdivision need to implement an objective and, as proposed, there is no clear objective that addresses the recognises the role of subdivision in managing adverse effects of future uses. Transpower therefore seeks the inclusion of a further clause that is implemented by the subsequent subdivision policies.	<p><b>Amend</b> Objective SUB-O1 as follows:</p> <p><u>"Subdivision is designed to:</u></p> <ol style="list-style-type: none"> <li><u>1. align with the purpose and character of the zone in which it occurs;</u></li> <li><u>2. maintain the values of any overlays within which it is located;</u></li> <li><u>3. achieve integration and connectivity with surrounding neighbourhoods; and</u></li> <li><u>4. provide infrastructure that is appropriate for the intended use <del>of the subdivision</del>, which is integrated with existing infrastructure, and</u></li> <li><u>5. avoid conflict between incompatible intended uses."</u></li> </ol>			
Policies Policy SUB-P3 National Grid Subdivision Corridor	<b>Support in part</b>	Transpower generally supports Policy SUB-P3 but seeks minor amendment to align the Policy with the Policy 10 of the NPSET that expressly refers to ensuring that " <i>that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised</i> ".	<p><b>Amend</b> Policy SUB-P3 as follows:</p> <p><u>"Only allow subdivision within the national grid subdivision corridor where it can be demonstrated that any adverse effects on and from the national grid, including <del>effects on</del> public health and safety, will be appropriately avoided, remedied, or mitigated managed and the operation, maintenance, repair, upgrading and development of the national grid will not be compromised."</u></p>			
Rules Rule SUB-R3 Subdivision to Create Access, Reserve, or Infrastructure Sites	<b>Oppose</b>	Transpower does not support Rule SUB-R3 because it is considered that restricted discretionary activity status is overly onerous in situations where the subdivision is for infrastructure and the relevant standards are met. Transpower considers that the Plan Change 27 Section 32 Report does not include an evaluation of subdivision for infrastructure (and the appropriate activity status) in sufficient detail to justify restricted discretionary activity status. Transpower therefore seeks that	<p><b>Amend</b> Rule SUB-R3 as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; padding: 5px;"><u>"All Zones</u></td><td style="width: 25%; padding: 5px;"><u>Activity Status: <del>RDISCON</del></u> <u>Where:</u> <u>1. The subdivision is to create:</u> <u>a. An allotment to be used to provide</u></td><td style="width: 50%; padding: 5px;"><u>Activity status when compliance with standard(s) is not achieved with R3.1-R3.2, SUB-2 or SUB-S10: RDIS</u> <u>Matters of discretion are restricted to:</u></td></tr> </table>	<u>"All Zones</u>	<u>Activity Status: <del>RDISCON</del></u> <u>Where:</u> <u>1. The subdivision is to create:</u> <u>a. An allotment to be used to provide</u>	<u>Activity status when compliance with standard(s) is not achieved with R3.1-R3.2, SUB-2 or SUB-S10: RDIS</u> <u>Matters of discretion are restricted to:</u>
<u>"All Zones</u>	<u>Activity Status: <del>RDISCON</del></u> <u>Where:</u> <u>1. The subdivision is to create:</u> <u>a. An allotment to be used to provide</u>	<u>Activity status when compliance with standard(s) is not achieved with R3.1-R3.2, SUB-2 or SUB-S10: RDIS</u> <u>Matters of discretion are restricted to:</u>				

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		<p>Rule SUB-R3 is amended to apply a controlled activity status (along with consequential amendments to the Rule).</p> <p>Further, Transpower seeks that the default activity status in situations where compliance with the conditions and standards in Rule SUB-R3 are not achieved is uniformly restricted discretionary on the basis that the potential effects of such subdivision are sufficiently known and able to be managed through matters of discretion. It is noted that non-compliance with SUB-S2 for other activities has restricted discretionary status and taking the same approach in Rule SUB-R3 is consistent in this regard.</p> <p>In addition, Transpower seeks that the matters of discretion or, subject to the relief sought by Transpower, the matters of control, provide for a consideration of the positive effects of allowing a subdivision of a site for infrastructure purposes.</p> <p>Insofar as the Rule relates to the National Grid, Transpower is of the view that providing for a consideration of the benefits of the National Grid is necessary to give effect to Policy 1 of the NPSET.</p>	<p><u>legal access (including roads).</u></p> <p><u>b. A reserve that will vest in a local authority or the Crown.</u></p> <p><u>c. An allotment to be used solely to house infrastructure.</u></p> <p><u>2. And any balance allotment complies with the requirements set out in the SUB-Standards relevant to the allotment so that no new non-compliance with the standards is created by the subdivision.</u></p> <p><u>And the activity complies with the following standards:</u></p> <p><u>SUB-S2 Property Access</u></p> <p><u>SUB-S10 Stormwater Disposal</u></p> <p><u>Matters over which control is reserved of discretion are restricted to:</u></p> <p><u>a. If legal access is to be to a State Highway:</u></p> <p><u>i. Any adverse effects, including</u></p> <p><u>a. If legal access is to be to a State Highway:</u></p> <p><u>i. Any adverse effects, including</u></p> <p><u>i. Any adverse effects, including</u></p> <p><u>ii. Whether access can be obtained from an alternative road that is not a State Highway; and</u></p> <p><u>iii. The design and siting of any accessway or vehicle crossing.</u></p> <p><u>b. Whether the allotment needs to be supplied with infrastructure or services, and if so:</u></p> <p><u>SUB-MD2 Infrastructure</u></p> <p><u>SUB-MD3 Water Supply</u></p> <p><u>SUB-MD4 Stormwater Disposal</u></p> <p><u>SUB-MD6 Easements</u></p> <p><u>SUB-MD9 Wastewater Disposal</u></p> <p><u>c. SUB-MD7 Reverse Sensitivity.</u></p> <p><u>d. Where all or part of the site is within a SASM:</u></p> <p><u>SASM-MD1 Activities in a SASM</u></p> <p><u>e. the positive effects of, or benefits of, the access.</u></p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
			<p><u>cumulative effects on traffic safety, and flow;</u></p> <p>ii. <u>Whether access can be obtained from an alternative road that is not a State Highway; and</u></p> <p>iii. <u>The design and siting of any accessway or vehicle crossing.</u></p> <p>b. <u>Whether the allotment needs to be supplied with infrastructure or services, and if so:</u></p> <p><u>SUB-MD2 Infrastructure</u></p> <p><u>SUB-MD3 Water Supply</u></p> <p><u>SUB-MD4 Stormwater Disposal</u></p> <p><u>SUB-MD6 Easements</u></p> <p><u>SUB-MD9 Wastewater Disposal</u></p> <p>c. <u>SUB-MD7 Reverse Sensitivity.</u></p> <p>d. <u>Where all or part of the site is within a SASM:</u></p> <p><u>SASM-MD1 Activities in a SASM</u></p> <p>e. <u>the positive effects of, or benefits of, the</u></p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
			<u>access, reserve or infrastructure.</u>
Rules SUB-R5 Subdivision within the National Grid Subdivision Corridor	<b>Support in part</b>	<p>Transpower supports Rule SUB-R5 on the basis that the Rule gives effect to Policies 10 and 11 of the NPSET and is consistent with the approach that Transpower seeks to the management of subdivision in the vicinity of the National Grid in district plans across New Zealand.</p> <p>Transpower seeks a limited amendment to the Rule to correctly reference NZECP34:2001 and to clarify that the condition in the Rule need only require that each lot is capable of accommodating a building platform outside of the National Grid Yard.</p>	<p><b>Amend</b> Rule SUB-R5 as follows:</p> <p>“1. <del>A building platform is identified on, the</del> The subdivision plan demonstrates that each lot is capable of accommodating a building platform located <del>is</del> outside of the national grid yard, <del>and proposed to be</del> secured by way of a consent notice.”</p> <p><b>Amend</b> Rule SUB-R5, matter of discretion (b) as follows:</p> <p>b. The extent to which the subdivision allows for earthworks, buildings, and structures to comply with the safe distance requirements of the NZECP 34:2001 New Zealand <del>Electrical Electricity</del> Code of Practice for <del>Electrical Electricity</del> Safe Distances.”</p>
Standards SUB-S1 Allotment Size and Dimensions	<b>Support in part</b>	Transpower does not oppose Standard SUB-S1 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for access, reserves, or network utility operations</i> ” is not necessary. Transpower therefore seeks that this reference be deleted.	<p><b>Amend</b> Standard SUB-S1(2) and (5) as follows:</p> <p>“Every allotment created shall contain a building square not less than 15m x 15m. <del>This requirement shall not apply to any allotment created solely for access, reserves, or network utility operations.</del>”</p>
Standards SUB-S3 Water Supply	<b>Support in part</b>	Transpower does not oppose Standard SUB-S3 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for access, reserves, or network utility operations</i> ” is not necessary. Transpower therefore seeks that this reference be deleted.	<p><b>Amend</b> Standard SUB-S3(1) as follows:</p> <p>“Every allotment created shall be supplied with a separate connection to a Council reticulated water supply. <del>This requirement shall not apply to any allotment created solely for access or network utility operations.</del>”</p>
Standards SUB-S4 Wastewater Disposal	<b>Support in part</b>	Transpower does not oppose Standard SUB-S4 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for access, reserves, or network utility operations</i> ” is not necessary. Transpower therefore seeks that this reference be deleted.	<p><b>Amend</b> Standard SUB-S4(1) as follows:</p> <p>“Every allotment created in a township with a Council reticulated wastewater network shall be supplied with a separate connection to that network. <del>This requirement shall not apply to any allotment created solely for access or network utility operations.</del>”</p>
Standards	<b>Support in part</b>	Transpower does not oppose Standard SUB-S7 but, given that this Standard does not apply to Rule SUB-R3, consider that the reference in the Standard to “ <i>any allotment created solely for</i>	<p><b>Amend</b> Standard SUB-S7(1) as follows:</p> <p>“All allotments, <del>other than allotments for access, roads, utilities, or reserves,</del> must be provided with connections at the boundary of the</p>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
SUB-S7 Electricity Supply and Telecommunications		<i>access, reserves, or network utility operations</i> " is not necessary. Transpower therefore seeks that this reference be deleted.	<u>allotment to an electricity supply and telecommunication system networks.</u> "
<b>Part 2 – District-Wide Matters</b> <b>General District Wide Matters: Earthworks</b>			
Advice Note	<b>Oppose</b>	Transpower acknowledges the Advice Note that directs that the proposed earthworks rules do not apply in the Open Space and Recreation and Special Purpose Zone. Transpower considers that the Advice Note may result in a gap in the provisions such that there are zones where the rules do not protect the National Grid from the adverse effects of earthworks and land disturbance. Transpower seeks that Standard EW-S6 applies on a districtwide basis and, to achieve this outcome, seeks that the Advice Note be deleted or such alternative relief to have the same effect.	<b>Delete</b> the Advice Note as follows: <del>"Advice Note: The rules in this chapter do not apply to the Open Space and Recreation and Special Purpose Zones."</del>
Objectives Objective EW-O1 Earthworks	<b>Support</b>	Transpower supports Objective EW-O1 on the basis that, insofar as it relates to the National Grid, the Objective directs the protection of infrastructure from the adverse effects of earthworks in a manner that gives effect to Policy 10 of the NPSET.	<b>Retain</b> Objective EW-O1 as notified.
Policies Policy EW-P2 Manage Earthworks	<b>Support in part</b>	Transpower generally supports Policy EW-P2 but is concerned that clause (2) of the Policy could be understood to suggest that earthworks can have 'reasonable' effects on the stability of adjoining land, infrastructure, buildings, and structures. Insofar as the Policy relates to the National Grid, Transpower considers that allowing adverse effects on the National Grid is contrary to Policy 10 of the NPSET. Transpower is of the view that compromising the stability of adjoining land and land uses is inappropriate and the Policy should more clearly direct that this is the case.  Further, Transpower considers that Policies EW-P1 and EW-P2 do not directly provide for earthworks other than small-scale	Amend Policy EW-P2 as follows: <u>"Allow larger scale earthworks where Manage the adverse effects of earthworks, including their scale and nature, are managed to:</u> <ol style="list-style-type: none"> <li>1. <u>minimise adverse effects on the character, values and qualities of the surrounding environment, relative to the sensitivity of the surrounding environment;</u></li> <li>2. <u>avoid unreasonable effects on stability of adjoining land, infrastructure, buildings, and structures;</u></li> <li>3. <u>minimise silt and sediment loss from the site; and</u></li> <li>4. <u>ensure that sites are appropriately rehabilitated following completion of earthworks.</u></li> </ol>

Provision	Support/Oppose	Submission/Reasons	Decision Sought
		earthworks. It is considered that this creates a policy gap and does not appropriately implement Objective EW-O1 or provide a policy basis for the subsequent rule framework. Transpower considers that this can be rectified by a limited amendment in Policy EW-P2.	
Rules Rule EW-R1 Earthworks for Maintenance or Repair of Existing Activities	<b>Oppose</b>	Transpower opposes Rule EW-R1 because the Rule is not subject to Standard EW-S6 – Proximity to the National Grid. While the activities regulated by Rule EW-R1 are generally small-scale, these earthworks still have the potential to have an adverse effect on the National Grid, including by destabilising National Grid assets or creating ground to conductor clearance violations. For this reason, Transpower seeks that Rule EW-R1 is subject to Standard EW-S6.	<b>Amend</b> Rule EW-R1 as follows: <b>"And the activity complies with the following standards:</b> EW-S4 – Accidental Discovery Protocol <b><u>EW-S6 – Proximity to the National Grid</u></b> "
Rules Rule EW-R2 Earthworks General	<b>Oppose</b>	Transpower opposes Rule EW-R2 because the Rule is not subject to Standard EW-S6 – Proximity to the National Grid. While the activities regulated by Rule EW-R2 are generally small-scale, these earthworks still have the potential to have an adverse effect on the National Grid, particularly in the case of fenceposts.  That said, Transpower notes that the definition of 'earthworks' excludes gardening, cultivation, and disturbance of land for the installation of fence posts. Instead, these activities fall within the definition of 'land disturbance'. In order for the Rule to appropriately reflect the definitions and activities that are regulated by the Rule, it is important that the rule also relates to 'land disturbance'.  Transpower seeks that: Rule EW-R1 applies to 'land disturbance' and is subject to Standard EW-S6.	<b>Amend</b> Rule EW-R2 to include reference to 'land disturbance' as follows: <b>"EW-R2 Earthworks <u>and Land Disturbance</u> General"</b>  <b>Amend</b> Rule EW-R2 as follows: <b>"And the activity complies with the following standards:</b> EW-S4 – Accidental Discovery Protocol <b><u>EW-S6 – Proximity to the National Grid</u></b> "
Rules Rule EW-R3 Earthworks for Subdivision	<b>Support</b>	Transpower supports Rule EW-R3 to the extent that the Rule is subject to Standard EW-S6 – Proximity to the National Grid and, as such, gives effect to Policy 10 of the NPSET.	<b>Retain</b> Rule EW-R3 as notified.

Provision	Support/Oppose	Submission/Reasons	Decision Sought
Rules Rule EW-R4 Earthworks not Specified in EW-R1, EW-R2 or EW-R3	Support	Transpower supports Rule EW-R4 to the extent that the Rule is subject to Standard EW-S6 – Proximity to the National Grid and, as such, gives effect to Policy 10 of the NPSET.	<b>Retain</b> Rule EW-R4 as notified.
Standards Standard EW-S6 Proximity to the National Grid	Support in part	Transpower supports Standard EW-S6 to the extent that the Standard seeks to manage land disturbance and earthworks in the vicinity of the National Grid in a manner that gives effect to Policy 10 of the NPSET and is generally consistent with the requirements established by NZECP34:2001. That said, Transpower notes that the various clauses of the Standard address either earthworks or land disturbance. Due to the nuances of the definitions of 'earthworks' and 'land disturbance' when considered relative to NZECP34:2001, Transpower considers that limited amendments to the Standard are necessary to ensure consistency with NZECP34 and to ensure that the National Grid is not compromised in a manner consistent with Policy 10 of the NPSET.	<p><b>Amend</b> Standard EW-S6 as follows:</p> <ol style="list-style-type: none"> <li>1. The earthworks <u>or land disturbance</u> shall be no deeper than 300mm within 6m of the outer visible edge of a foundation of a national grid transmission line tower or pole.</li> <li>2. The earthworks <u>or land disturbance</u> shall be no deeper than 3m between 6m and 12m of the outer visible edge of a foundation of a national grid transmission line tower or pole.</li> <li>3. The <u>earthworks or</u> land disturbance does not compromise the stability of a national grid transmission line tower or pole.</li> <li>4. The <u>earthworks or</u> land disturbance does not result in a reduction in the ground to conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001).</li> <li>5. The earthworks <u>or land disturbance</u> do not permanently physically impede access to a national grid support structure.</li> </ol> <p>Standards EW-R6.1-5 do not apply to the following:</p> <ol style="list-style-type: none"> <li>a. Land disturbance undertaken as part of agricultural, horticultural, or domestic cultivation, or repair or resealing of a road, footpath, driveway, or farm track.</li> <li>b. Excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5 metres from outer visible edge of foundation of a national grid transmission line pole or stay wire.</li> <li>c. Earthworks <u>or land disturbance</u> that otherwise comply with NZECP 34:2001."</li> </ol>

Appendix B: National Policy Statement on Electricity Transmission  
2008

**Attachment 4: Transpower's further submission**

# Further Submission by Transpower New Zealand Limited

## Proposed Plan Changes 23, 26 and 27 to the Mackenzie District Plan

**1 March 2024**

*Keeping the energy flowing*



**TRANSPOWER** 

## Form 6

### Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation

*Clause 8 of Schedule 1, Resource Management Act 1991*

**To** Mackenzie District Council (“the Council”)

**Name of person making further submission:** Transpower New Zealand Limited (“Transpower”)

**This is a further submission in support of, and in opposition to, submissions on:** Proposed Plan Changes 23, 26 and 27 (“Proposed Plan Changes”) to the Mackenzie District Plan (“District Plan”).

Transpower has an interest in the Proposed Plan Changes that is greater than the interest the general public has, for reasons including the following:

- Transpower is the owner and operator of the National Grid and the National Grid is enabled, protected and regulated by the National Policy Statement on Electricity Transmission 2008 (“NPSET”) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“NESETA”). The proposed District Plan must give effect to the NPSET and must not duplicate or conflict with the regulations in the NESETA. Transpower has an interest in ensuring that the proposed District Plan meets these statutory obligations.
- Transpower has an interest as a landowner and/or occupier in respect of existing and future National Grid infrastructure that is potentially affected (directly or indirectly) by the relevant submissions.
- Transpower made an original submission on matters raised or affected by other submissions.

#### **Transpower’s further submissions**

Transpower’s support of, or opposition to, a particular submission including the reason for Transpower’s support or opposition and the relief sought are detailed in the table attached as Appendix A. The general reasons for Transpower’s further submission are set out below. These reasons apply to each submission listed in Appendix A and are supplemented by specific reasons and relief in Appendix A.

#### **General reasons and decisions sought in respect of submissions supported by Transpower**

For each of the submissions identified as being supported by Transpower, they are supported to the extent that they:

- give effect to the NPSET;
- give effect to relevant provisions of the Canterbury Regional Policy Statement 2013 (July 2021) (“CRPS”);
- are consistent with and/or promote the outcomes sought by the NESETA;
- are the most appropriate means of exercising the Council’s functions in respect of section 32 of the RMA;
- enable people and communities to provide for their social, economic and cultural well-being and for their health and safety.

Transpower seeks that the submissions it supports be allowed to the extent that they achieve the matters set out above or such further alternate relief or amendments as may be necessary to achieve those matters.

#### **General reasons and decisions sought in respect of submissions opposed by Transpower**

For each of the submissions identified as being opposed by Transpower, they are opposed to the extent that they failed to achieve the matters set out above.

Transpower seeks that the submissions it opposes be disallowed to the extent that they fail to achieve the matters set out above or such further alternative relief or amendments as may be necessary to achieve those matters.

**Transpower wishes to be heard in support of its further submissions.**

**Due to the specific interests of Transpower, and particularly the national significance of the National Grid, Transpower will not consider presenting a joint case.**



Signature of person authorised to sign  
on behalf of Transpower New Zealand Limited

Date: **1 March 2024**

Electronic address for service: **ainsley@amconsulting.co.nz**

Telephone: **+64 27 215 0600**

Postal address: **8 Aikmans Road, Merivale, Christchurch 8014**

Contact person: **Ainsley McLeod**

## Appendix A – Transpower New Zealand Limited: Further Submission on Submissions Made on Proposed Plan Changes 23, 26 and 27 to the Mackenzie District Plan

The following table sets out the decisions sought by Transpower in respect of submissions made on the Proposed Plan Changes, including the reasons for Transpower's support or opposition in respect of the original submission. The Proposed Plan Change text is shown without underlining; the relief sought in primary submission is shown as red underlined and ~~red strikethrough~~.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
<b>PLAN CHANGE 23 – GENERAL RURAL ZONE, NATURAL FEATURES AND LANDSCAPES, NATURAL CHARACTER</b>				
<b>New Zealand Transport Agency (Submission number PC23.15)</b>				
PC23.15 15.02	<p>Interpretation Definitions Sensitive Activity</p> <p>Supports the inclusion of the activities identified in the proposed condition. However, it is considered that it should also include the following:</p> <ul style="list-style-type: none"> <li>. Hospitals, healthcare facilities and any elderly persons housing, and</li> <li>. Marae and places of worship</li> </ul> <p>The above activities are subject to adverse effects from noise and they should be included in the definition to ensure any provisions related to address such effects.</p> <p>Amend the definition as follows:</p> <p><i>"Means any:</i></p> <p>...</p> <p><i>e. <u>Hospitals, healthcare facilities and any elderly persons housing, and</u></i></p> <p><i>f. <u>Marae and places of worship.</u>"</i></p>	Support	Transpower supports the submission on the basis that the relief sought is generally consistent with the definition of 'sensitive activities' in the NPSET.	<b>Allow</b> the submission.
<b>New Zealand Pork (Submission number PC23.26)</b>				
PC23.26 26.06	<p>Interpretation Definitions Sensitive Activity</p>	Support in part	Transpower does not oppose the relief sought but is concerned that, insofar as the definition is necessary to give effect to Policy 11 of the NPSET,	<b>Allow</b> the submission to the extent that any amendment is

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	Oppose the narrow definition of sensitive activity which does not cover other activities that are equally sensitive to the effects of rural production and could give rise to reverse sensitivity effects. Amend the definition to cover other activities that are equally sensitive to the effects of rural production. E.g., Home business, Rural tourism activity, Residential visitor accommodation, Conservation activity, Camping grounds, Conference facilities, Healthcare facilities.		any amendment to the definition is consistent with the definition of 'sensitive activities' in the NPSET.	consistent with the definition of 'sensitive activities' in the NPSET.
PC23.26 26.12	General Rural Zone Policies Policy GRUZ-P3 Support policy to avoid reverse sensitivity, but activities giving rise to reverse sensitivity effects extend beyond residential and activities, and the term 'non-farm development' is vague. Suggest that the policy instead references sensitive activities, which is defined in the plan. Amend as follows: <i>"Avoid reverse sensitivity effects of <del>non-farm development and residential activity</del> <ins>sensitive activities</ins> on lawfully established primary production activities, activities that have a direct relationship with or are dependent on primary production, existing renewable electricity generation activities and the Tekapo Military Training Area."</i>	Oppose	Subject to the relief sought in Transpower's primary submission, Transpower does not support the submission because the relief sought inappropriately narrows the Policy to only sensitive activities whereas (consistent with Policy 10 of the NPSET) activities that do not fall within the definition of a sensitive activity may still give rise to reverse sensitivity effects on the operation, maintenance, upgrade and development of the National Grid.	<b>Disallow</b> the submission.
<b>PLAN CHANGE 26: RENEWABLE ELECTRICITY GENERATION AND INFRASTRUCTURE</b>				
<b>Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group, One New Zealand Group Limited and Spark New Zealand Trading Limited (Submission number PC26.02)</b>				
PC26.02 2.03	Infrastructure Introduction While the telecommunications companies preference is to have an out and out standalone chapter for network utilities which incorporates all overlays and other district wide matters, the rolling review structure for the Operative Mackenzie District Plan means that this is fraught. As such, the clear wording provided in the introduction to the Infrastructure Chapter about which other chapters in the Operative District Plan apply. Retain as notified.	Support	Consistent with Transpower's primary submission, Transpower supports the inclusion of clear wording to direct which provisions of the District Plan apply to infrastructure.	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
PC26.02 2.27	<p>Infrastructure Rules New Rule</p> <p>A new rule, listed under the “all Infrastructure” subsection, which explicitly permits infrastructure within existing buildings should be included so it is abundantly clear such proposals are permitted. Amend as follows:</p> <p><i><u>All zones:</u></i> <i><u>Activity Status: PER</u></i> <i><u>Where:</u></i> <i><u>1. The infrastructure is located entirely within an existing building.</u></i></p>	Support	Transpower supports the relief sought and similarly considers that it is appropriate for infrastructure located within an existing building to be permitted on the basis that the activity would not have an adverse effect on the environment.	<b>Allow</b> the submission.
<b>Director General of Conservation (Submission number PC26.03)</b>				
PC26.03 3.03	<p>Infrastructure Entire Chapter</p> <p>There is no justification for limiting the applicability of the Ecosystem and Indigenous Biodiversity chapter to only the objective and rules, as policies and methods may also be relevant.</p> <p>Amend the Introduction as follows:</p> <p>“The provisions of other chapter in this District Plan do not apply to activities managed in this chapter, except as follows:... ...<del>The objective and rules in</del> Ecosystems and Indigenous Biodiversity...”</p>	Oppose	Transpower does not support the relief sought on the basis that the policies in the INF Chapter are intended to implement the Objective in the Ecosystems and Indigenous Biodiversity Chapter in a manner that is specific to infrastructure and that gives effect to the higher order planning instruments’ direction in respect of infrastructure. Further, it is considered problematic to introduce additional provisions to apply to infrastructure activities through a submission because submissions have been made on the Proposed Plan Changes on the understanding that certain provisions do not apply. A change in approach does not afford parties an opportunity to make submissions on the provisions that are relevant to the relief sought.	<b>Disallow</b> the submission.
PC26.03 3.05	Infrastructure Policies Policy INF-P5	Oppose	Transpower does not support the relief sought, insofar as the relief relates to the National Grid, because the amendments sought to clauses (2) and (3) do not give effect to the NPSET. That is, the NPSET does not have a requirement to minimise adverse effects on indigenous vegetation and	<b>Disallow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>This policy adopts an effects management hierarchy approach, which is appropriate, but the drafting could better align with best practice.</p> <p>The policy would allow loss of significant indigenous vegetation and habitats and their values, which is inconsistent with s6(c) and s31(1)(b)(iii) of the RMA, the Objective and Clause 3.10 of the National Policy Statement for Indigenous Biodiversity (NPSIB), and Objective 9.2.3 and Policy 9.3.1 of the CRPS.</p> <p>Amend as follows, or words to like effect:</p> <p><i>"Avoid locating infrastructure in identified sensitive areas (outside the road reserve) or within an area of significant indigenous vegetation or significant habitat of indigenous fauna, unless:</i></p> <ol style="list-style-type: none"> <li><i>1. there is a functional or operational need for the infrastructure to be in that location;</i></li> <li><i>2. it is demonstrated through site, route or method selection, design measures and other management methods how significant adverse effects on the values of the sensitive or significant area have been avoided as far as practicable, and otherwise <u>minimised or remedied or mitigated</u>;</i></li> <li><i>3. where there are more than minor adverse effects that cannot be avoided, <u>minimised or remedied or mitigated</u>, regard is had to any offsetting or compensation; and</i></li> <li><i>4. Following application of 1. - 3. above, there are no <u>significant more than minor</u> residual adverse effects remaining, (except that this clause shall not apply to the national grid)."</i></li> </ol>		<p>habitats, rather the NPSET has a generic direction to avoid, remedy or mitigate such effects. Further, the NPSIB does not apply to the National Grid and therefore any direction to minimise adverse effects in the NPSIB is not relevant or appropriate for the National Grid.</p>	

**Helios Energy Limited (Submission number PC26.04)**

PC26.04 4.03	<p>Interpretation</p> <p>Definitions</p> <p>Transmission Lines</p> <p>The definition does not take into account the transmission infrastructure (such as transmission lines) required from a solar farm to a substation, which may not be part of the National Grid.</p> <p>Amend as follows:</p>	Oppose	<p>Transpower does not support the submission on the basis that the relief sought is of no consequence to any provision in the Proposed Plan Change. That is, the term is used only in respect of the National Grid Yard and National Grid Subdivision Corridor provisions that only apply to the National Grid in any case. It is noted that the definition replicates the NESETA definition that</p>	<b>Disallow</b> the submission.
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Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<i>"a. means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity <u>to and</u> in the national grid; and..."</i>		also relates only to the National Grid. For this reason, Transpower prefers that the notified definition be retained.	
<b>Tekapo Landco Limited and Godwit Leisure Limited</b>				
P26.05 5.03	Infrastructure  Introduction  The submitter supports the exclusion of earthworks rules for infrastructure activities as stated by "The provisions in the earthworks chapter do not apply to earthworks that form part of the activities managed in this chapter (unless specified within the rules in this chapter), but do apply to the construction of new roads and access tracks associated with any infrastructure"; however it is sought that this provision be made into a rule, and also referenced within the Earthworks Chapter.  The exclusion of earthworks for infrastructure is supported however the wording is included in the 'Introduction' part of the Chapter and it is considered that this should be made into a 'Rule' in order to have legal effect.	Support	Transpower supports the submission and similarly considers that there is merit in including the direction in respect of provisions that apply to infrastructure as a rule in order to have legal effect.	<b>Allow</b> the submission.
<b>Nova Energy Limited (Submission number PC26.06)</b>				
P26.06 6.05	Interpretation  Definitions  Transmission Line  This definition could also apply to the connection of transmission lines between electricity generation infrastructure and distribution networks, as well as the national grid. The additional wording is not required within the definition.  Amend as follows:  "a. means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity <u>in the</u> <u>national grid</u> ; and b. includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph a. applies; but	Oppose	Transpower does not support the submission on the basis that the relief sought is of no consequence to any provision in the Proposed Plan Change. That is, the term is used only in respect of the National Grid Yard and National Grid Subdivision Corridor provisions that only apply to the National Grid in any case. It is noted that the definition replicates the NESETA definition that also relates only to the National Grid. For this reason, Transpower prefers that the notified definition be retained.	<b>Disallow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	c. does not include an electricity substation."			
<b>NZ Transport Agency Waka Kotahi (Submission number PC26.08)</b>				
P26.08 8.03	<p>Interpretation Definitions Sensitive Activity</p> <p>Supports the general intent of this definition. However, relief is sought to include hospitals, healthcare facilities and any elderly person housing or complex, as well as marae and places of worship in the list of sensitive activities.</p> <p>Hospitals, healthcare facilities and any elderly person housing or complex are included under the definition of 'noise sensitive activities' in the CRPS. Places of worship and maraes are generally susceptible to noise and should therefore also be included under this definition.</p> <p>Amend as follows:</p> <p><i>"means any:</i></p> <ul style="list-style-type: none"> <li><i>a. residential activity</i></li> <li><i>b. visitor accommodation</i></li> <li><i>c. community facility</i></li> <li><i>d. educational facility</i></li> <li><i>e. Hospitals, healthcare facilities and any elderly person housing or complex</i></li> <li><i>f. Marae and places of worship"</i></li> </ul>	Support	<p>Transpower supports the submission on the basis that the relief sought is generally consistent with the definition of 'sensitive activities' in the NPSET.</p>	<b>Allow</b> the submission.
<b>Te Rūnanga o Ngāi Tahu (Submission number PC26.12)</b>				
P26.12 12.01	<p>Infrastructure Introduction</p> <p>While the introduction does acknowledge the impacts that infrastructure can have on Mana whenua values the introduction does not include the SASM chapter as a chapter that applies to these provisions however the infrastructure refers to matters covered in the SASM chapter.</p> <p>Amend as follows:</p>	Oppose	<p>Transpower does not support the relief sought on the basis that:</p> <ul style="list-style-type: none"> <li>- it is understood that the provisions in the INF Chapter are intended to address the impact of infrastructure activities on SASM in a specific way;</li> <li>- it is problematic to introduce such a fundamental change through a submission such that the parties affected by the change do not have the</li> </ul>	<b>Disallow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p><i>The provisions in other chapters in this District Plan do not apply to activities managed in this chapter, except as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>Sites and Areas of Significance to Māori</i></li> <li>• <i>Natural Hazards</i></li> <li>• <i>Historical Heritage..."</i></li> </ul>		opportunity to submit on the SASM provisions (given the Proposed Plan Change was notified with a clear understanding that these provisions do not apply to infrastructure).	
<b>Royal Forest and Bird Protection Society of New Zealand Inc (Submission number PC26.13)</b>				
P26.13 13.15	<p>Infrastructure</p> <p>Entire Chapter</p> <p>Forest &amp; Bird has similar concerns with the wording and approach in the INF chapter that would override the objective and policies of the EIB chapter and that the scope of permitted and controlled activities is inappropriate to protect significant and outstanding natural areas and the need for appropriate discretion in RDIS rules for effects on ecological, natural landscape, features, and character.</p> <p>Amend the INF chapter to address concerns, including that the EIB chapter applies with respect to effects on indigenous biodiversity.</p>	Oppose	<p>Transpower does not support the relief sought on the basis that the policies in the INF Chapter are intended to implement the Objective in the Ecosystems and Indigenous Biodiversity Chapter in a manner that is specific to infrastructure and that gives effect to the higher order planning instruments' direction in respect of infrastructure. Further, it is considered problematic to introduce additional provisions to apply to infrastructure activities through a submission because submissions have been made on the Proposed Plan Changes on the understanding that certain provisions do not apply. A change in approach does not afford parties an opportunity to make submissions on the provisions that are relevant to the relief sought.</p>	<b>Disallow</b> the submission.
<b>Genesis Energy Limited (Submission number P26.15)</b>				
PC26.15 15.01	<p>Interpretation</p> <p>Definitions</p> <p>New Definition -Minimise</p> <p>The term "minimise" is used in INF-P4 and INF-P6 but is not defined in the plan change. Genesis seeks adoption of a new definition set out in the relief sought.</p> <p>Insert new definition as follows:</p> <p><i>"Minimise means:</i></p> <p><i>To reduce to the smallest amount reasonably practicable."</i></p>	Support	<p>Transpower does not oppose the proposed definition of "minimise". However, it is considered that the definition is not necessary to assist in understanding Policies INF-P4 and INF-P6 on the basis that the term is well understood.</p>	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
PC26.15 15.38	<p>Infrastructure Objectives INF-O3</p> <p>Support the intent of Objective INF-O3 which seeks to ensure that the efficient operation, maintenance, upgrading and development of regionally significant infrastructure is not constrained or compromised by other activities; however, consider that infrastructure of local and national significance along with lifeline utility infrastructure should also be included alongside regionally significant infrastructure.</p> <p>Amend Objective INF-O3 as follows:</p> <p><i>"The efficient operation, maintenance, upgrading and development of <u>locally</u>, <u>regionally</u> or <u>nationally</u> significant infrastructure and lifeline utility infrastructure is not constrained or compromised by other activities."</i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference locally and nationally significant infrastructure, along with lifeline utilities, in the Objective.	<b>Allow</b> the submission.
PC26.15 15.44	<p>Infrastructure Policies Policy INF-P6</p> <p>Gensis generally supports the policy pathway provided by INF-P6 for the establishment of regionally significant infrastructure or lifeline utility infrastructure that has a functional or operational need to be located on highly productive land. However, Genesis considers that nationally significant infrastructure should also be included.</p> <p>Amend INF-P6 as follows:</p> <p><i>"Avoid locating infrastructure on Highly Productive Land, unless:</i></p> <ol style="list-style-type: none"> <li><i>1. it is small-scale and does not impact the productive capacity of the land; or</i></li> <li><i>2. it is regionally or nationally significant infrastructure or lifeline utility infrastructure and has a functional need or operational need to be located on the highly productive land;</i></li> </ol> <p><i>and..."</i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference nationally significant infrastructure in the Policy.	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
<b>Alpine Energy Limited (Submission number PC26.17)</b>				
PC26.17 17.07	<p>Infrastructure</p> <p>Rules</p> <p>INF-R8</p> <p>Seeks an amendment to this rule to permit the installation of new overhead lines and structures in Rural Lifestyle and Industrial zones. A requirement to underground all new lines and extensions of more than three structures in these zones could add significant cost to customers seeking to connect to the electricity distribution network, and to all Mackenzie District electricity consumers through the increased cost to underground significant parts of our expanding network across a growing District. The undergrounding of new lines in Rural Lifestyle and Industrial zones is out of step with other Canterbury District Plans.</p> <p>We acknowledge the role of objectives and policies requiring further compliance for new lines within ONL and ONF overlays. We look forward to working with Mackenzie District Council to avoid and mitigate any adverse effects on ONL and ONF from the essential distribution infrastructure required to support district wide development, and to achieve objectives including REG-O1 – to maintain or increase output from renewable electricity generation in the District.</p> <p>Amend as follows:</p> <p><i>"1. Where located within a Residential, <u>Rural Lifestyle</u>, Open Space, Commercial and Mixed Use, <u>Industrial</u> or Pukaki Village Zone:</i></p> <ul style="list-style-type: none"> <li><i>a. Any new lines must be located underground; or</i></li> <li><i>b. Any extension to an existing overhead line must involve no more than three additional support structures."</i> </li></ul>	Support	<p>Transpower supports the submission to the extent that a requirement to underground all new lines is expensive. Transpower also notes undergrounding lines may not be the most appropriate in respect of operational constraints. That said, it is acknowledged that a consent pathway remains for overhead lines in the listed zones.</p>	<b>Allow</b> the submission.
<b>Meridian Energy Limited (Submission number PC26.18)</b>				
PC26.18 18.01	<p>Interpretation</p> <p>Definitions</p> <p>New Definition – Minimise</p>	Support	<p>Transpower does not oppose the proposed definition of "minimise". However, it is considered that the definition is not necessary to assist in</p>	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>The term “minimise” is used in INF-P4 and INF-P6 but is not defined in the plan change. Seeks adoption of the definition of “minimise” set out its relief sought.</p> <p>Insert new definition as follows:</p> <p><i><u>Minimise means:</u></i> <i><u>to reduce to the smallest amount reasonably practicable.</u></i></p>		understanding Policies INF-P4 and INF-P6 on the basis that the term is well understood.	
PC26.18 18.13	<p>Infrastructure</p> <p>Objectives</p> <p>Objective INF-O3</p> <p>While Meridian generally supports INF-O3, Meridian considers that it should be extended to address locally, regionally and nationally significant infrastructure. With this, Meridian notes that the notified definition of regionally significant infrastructure does not include nationally significant infrastructure, and considers that specific reference to nationally significant infrastructure is needed in this objective.</p> <p>Amend Objective INF-O3 as follows:</p> <p><i><u>The efficient operation, maintenance, upgrading and development of <b>locally, regionally and nationally</b> significant infrastructure is not constrained or compromised by other activities.</u></i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference locally and nationally significant infrastructure in the Objective.	<b>Allow</b> the submission.
PC26.18 18.19	<p>Infrastructure</p> <p>Policies</p> <p>Policy INF-P6</p> <p>Generally supports INF-P6, but considers that nationally significant infrastructure should also be listed in condition 2 of this policy. It is possible that nationally significant infrastructure, that is not otherwise described in the definition of ‘regionally significant infrastructure’ or ‘lifeline utility infrastructure’, may have a functional need or operational need to be located on highly productive land.</p> <p>Amend INF-P6 as follows:</p> <p><i><u>Avoid locating infrastructure on Highly Productive Land, unless:</u></i></p>	Support	Transpower supports the relief sought and considers that it is appropriate to also reference nationally significant infrastructure in the Policy.	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p>1. <i>it is small-scale and does not impact the productive capacity of the land; or</i></p> <p>2. <i>it is regionally <u>or nationally</u> significant infrastructure or lifeline utility infrastructure and has a functional need or operational need to be located on the highly productive land; and...</i>"</p>			
<b>Canterbury Regional Council (Submission number PC26.19)</b>				
PC26.19 19.02	<p>Interpretation</p> <p>Definitions</p> <p>National Grid</p> <p>For consistency with national direction, use the NPSREG definition.</p> <p>Delete the definition and replace with:</p> <p><i>"<u>The lines and associated equipment used or owned by Transpower to convey electricity.</u></i></p> <p><i>(National Policy Statement for Renewable Energy Generation Definition)"</i></p>	Oppose	<p>The definition included in the Proposed Plan Change replicates the definition in the NPSET. As such, the definition is consistent with national direction that relates to the National Grid. It is not clear why the submitter prefers the NPSREG definition.</p>	<b>Disallow</b> the submission.
PC26.19 19.04	<p>Interpretation</p> <p>Definitions</p> <p>Transmission Lines</p> <p>This definition is sourced from the NESETA, but the source has not been acknowledged.</p> <p>Add note to definition:</p> <p><i>"<u>National Environmental Standards for Electricity Transmission Activities Definition)"</u></i></p>	Support	<p>Transpower supports including reference to the NESETA.</p>	<b>Allow</b> the submission.
<b>PLAN CHANGE 27: SUBDIVISION, EARTHWORKS, PUBLIC ACCESS AND TRANSPORT</b>				
<b>Chorus New Zealand Limited, Connexa Limited, Aotearoa Tower Group, One New Zealand Group Limited and Spark New Zealand Trading Limited (Submission number PC27.6)</b>				
PC27.06 6.04	<p>Earthworks</p> <p>Introduction</p> <p>Seek a similar statement to that found in the Infrastructure chapter that earthworks rules do not cover infrastructure activities.</p> <p>Amend as follows:</p>	Support	<p>Transpower supports the relief sought on the basis that the additional sentence provides greater clarity for plan users by setting out how the Proposed Plan Change manages earthworks associated with infrastructure activities.</p>	<b>Allow</b> the submission.

Reference	Provision and Relief Sought	Support/ Oppose	Reason	Allow/Disallow
	<p><i>"This earthworks chapter covers general earthworks provisions in all rural, residential, commercial and mixed use and industrial zones. Additional earthworks provisions may apply within overlays such as Outstanding Natural Landscapes and Sites and Areas of Significance to Māori. These earthworks provisions have been included in the respective Overlay chapters because they address the overlay related effects of earthworks on the identified values, characteristics, risks, or features. <u>The earthworks provisions within overlays apply in addition to the provisions of this chapter unless specified otherwise.</u> <u>The chapter does not cover earthworks associated with infrastructure activities, unless it is specified within the rules in the infrastructure chapter that earthworks provisions apply.</u>"</i></p>			

Attachment 5: list of names and addresses of persons to be served with a copy of this notice

1. **INF-R2 Upgrading Above Ground Infrastructure**

*Submitters*

New Zealand Defence Force 22.06  
Fire and Emergency New Zealand 1.06  
Chorus, Connexa, Forty South, One NZ, Spark 2.16  
NZ Transport Agency Waka Kotahi 8.18  
Opua Water Limited 16.15  
Alpine Energy Limited 17.06  
Meridian Energy Limited 18.22

2. **INF-R7 Below Ground Infrastructure**

*Submitters*

Grampians Station Limited 21.11 I  
Chorus, Connexa, FortySouth, One NZ, Spark 2.20  
NZ Transport Agency Waka Kotahi 8.22  
Opua Water Limited 16.20  
Meridian Energy Limited 18.25

*Further submitters*

Meridian Energy Limited  
Genesis Energy Limited  
Te Rūnanga o Ngāi Tahu

3. **INF-R8 New Lines and Associated Support Structures including Towers and Poles**

*Submitters*

Chorus, Connexa, FortySouth, One NZ, Spark 2.21  
NZ Transport Agency Waka Kotahi 8.23  
Opua Water Limited 16.21  
Alpine Energy Limited 17.07

4. **SUB-O1 Subdivision Design**

*Submissions*

Fire and Emergency New Zealand 5.21  
Chorus, Connexa, FortySouth, One NZ, Spark 6.01  
New Zealand Transport Agency, Waka Kotahi 14.40  
Te Rūnanga o Ngāi Tahu 19.13  
New Zealand Pork 20.05  
Opua Water Limited 29.06

*Further submissions*

**Genesis Energy Limited**

5. **EW-O1 Earthworks**

*Submissions*

**Director-General of Conservation 7.08**

**New Zealand Transport Agency, Waka Kotahi 14.57**

**Ministry of Education 27.06**

**Genesis Energy Limited 28.03**

**Bp Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited 2.01**

**Te Rūnanga o Ngāi Tahu 19.30**

**South Canterbury Province, Federated Farmers of New Zealand 21.01**

**New Zealand Defence Force 38.02**

*Further submissions*

**Nova Energy Limited**

In the Environment Court  
At Christchurch

ENV-2024-CHC-

I te Kōti Taiao o Aotearoa  
Ki Ōtautahi

**Under the** Resource Management Act 1991 (Act)

**In the matter** of an appeal under clause 14(1) of Schedule 1 of the Act

**Between** **TRANSPOWER NEW ZEALAND LIMITED**

Appellant

**And** **MACKENZIE DISTRICT COUNCIL**

Respondent

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**NOTICE OF WITHDRAWAL OF APPEAL POINT BY TRANSPOWER NEW ZEALAND  
LIMITED**

**Dated: 18 September 2024**

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**SIMPSON  
GRIERSON**

**Sarah Scott**  
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PO Box 874 Christchurch

**To:** The Registrar  
Environment Court  
Christchurch

1. Transpower New Zealand Limited (**Transpower**) filed an appeal against part of the decisions of the Mackenzie District Council (**Council**) on Plan Change 26 and Plan Change 27 (**Plan Changes**) to the Mackenzie District Plan (**Plan**) on 16 September 2024.
2. Transpower's Appeal includes an appeal point against Rule INF-R2. On 16 September 2024 (after the appeal was lodged), the Council confirmed that it had made an amendment to Rule INF-R2 under clause 16(2) of Schedule 1 of the Act.
3. In light of this amendment, Transpower advises that its appeal point on INF-R2 is no longer necessary, and withdraws that particular appeal point.
4. This memorandum is served on those submitters listed in **Attachment 5** of the Notice of Appeal.
5. An updated Appeal is filed with this memorandum. We also advise that Transpower's Notice of Appeal has been updated to include the addresses for service of the persons to be served with a copy of the notice, in **Attachment 5** of the Notice of Appeal.

**DATED** this 18<sup>th</sup> day of September 2024



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S J Scott  
Counsel for Transpower New Zealand  
Limited