

FURTHER SUBMISSION ON PROPOSED PLAN CHANGES 23, 24, 26 AND 27 TO THE MACKENZIE DISTRICT PLAN

Clause 8 First Schedule, Resource Management Act 1991

TO: Planning Manager
Mackenzie District Council
Plan Change 23/24/26/27 to the Mackenzie District Plan
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Name of further submitter:

1. Opuha Water Limited (**OWL**)

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Trade competition statement

2. OWL could not gain an advantage in trade competition through this further submission.

Submission that this further submission relates to:

3. This is a further submission in support or opposition to the primary submissions set out in the following Annexures to this document:
 - (a) **Annexure A** on proposed Plan Change 23 (General Rural Zone, Natural Features and Landscapes, Natural Character) (**PC23**);
 - (b) **Annexure B** on proposed Plan Change 24 (Sites and Areas of Significance to Māori) (**PC24**);
 - (c) **Annexure C** on proposed Plan Change 26 (Renewable Electricity Generation and Infrastructure) (**PC26**); and
 - (d) **Annexure D** on proposed Plan Change 27 (Earthworks, Subdivision, Public Access and Transport) (**PC27**);

to the Mackenzie District Plan, which forms part of Stage 3 of the Mackenzie District Council's review of the Operative Mackenzie District Plan.

Status of further submitter:

4. OWL is a person who has an interest in PC23, PC24, PC26, and PC27 (**Plan Changes**) that is greater than the interest the general public has in relation to the Plan Changes as it owns and operates the Opuha Dam and related infrastructure supporting hydro electricity generation, and irrigation and community supply schemes in the eastern part of the Mackenzie District.
5. The strategic importance of the Opuha Dam and OWL's hydro-electric and irrigation and community supply schemes are recognised in the following regional planning documents:
 - (a) The Canterbury Regional Policy Statement (**CRPS**) – the hydro-electric scheme is “regionally significant infrastructure” for the purpose of this document.
 - (b) The Canterbury Land and Water Regional Plan (**CLWRP**) – the national benefits of the Opuha hydro-electric and irrigation and community supply schemes is recognised within Policy 4.51 and Rule 5.125C of this document, and OWL's status as a “principal water supplier” is also recognised and provided for through the CLWRP's policy and rule framework, including in the amendments made by Plan Change 7.

Parts of the primary submissions supported or opposed by OWL:

6. The parts of the primary submissions on the Plan Changes that OWL supports and/or opposes are set out in **Annexures A to D** to this further submission, together with the reasons for the further submission and decisions sought by OWL.

Wish to be Heard:

7. OWL wishes to be heard in support of this further submission.
8. OWL would be prepared to consider presenting a joint case with others making similar submissions at the hearing.



Opuha Water Limited

By its Solicitors and authorised Agents

Gresson Dorman & Co: Georgina Hamilton

Date: 1 March 2024

ANNEXURE A: PLAN CHANGE 23 (GENERAL RURAL ZONE, NATURAL FEATURES AND LANDSCAPES, NATURAL CHARACTER) – REASONS FOR FURTHER SUBMISSIONS AND DECISIONS SOUGHT BY OPUHA WATER LIMITED

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
Interpretation									
Helios Energy Limited	PC23.08	8.04	Interpretation	Definitions	Highly Productive Land	<u>Amend definition as follows:</u> <u>means land classified as Land Use Capability classes 1, 2, or 3 as determined in that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 of the NPS-HPL. See clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land.</u>	Support in part	OWL agrees with the submitter that it would be appropriate to recognise within the Mackenzie District Plan (MDP) the transitional nature of the Highly Productive Land overlay by way of an amendment to the definition of “Highly Productive Land”. However, OWL does not consider the re-wording suggested by the submitter is appropriate, given its cross references to the NPS-HPL.	Allow the submission, to the extent it seeks amendments to the definition of Highly Productive Plan in the MDP that recognise the transitional nature of the Highly Productive Land overlay.
New Zealand Pork	PC23.26	26.01	Interpretation	Definitions	Highly Productive Land	<u>Amend definition as follows:</u> <u>means land classified as Land Use Capability classes 1, 2, or 3 as determined in accordance with the National Policy Statement for Highly Productive Land 2022:</u> <u>means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).</u> (National Policy Statement for Highly Productive Land 2022 definition)	Support in part	OWL agrees with the submitter that it would be appropriate to recognise within the MDP the transitional nature of the Highly Productive Land overlay by way of an amendment to the definition of “Highly Productive Land”. However, OWL does not consider the wording suggested by the submitter is appropriate, given its cross references to the NPS-HPL.	Allow the submission, to the extent it seeks amendments to the definition of Highly Productive Plan in the MDP that recognise the transitional nature of the Highly Productive Land overlay.
Ministry of Education	PC23.38	38.04	Interpretation	Definitions	Operational Need	<u>Retain as notified.</u>	Support	OWL agrees that the notified version of the definition of “operational need” is appropriate and should be retained.	Allow
Genesis Energy Limited	PC23.40	40.03	Interpretation	Definitions	Operational Need	<u>Retain as notified.</u>	Support	OWL agrees that the notified version of the definition of “operational need” is appropriate and should be retained.	Allow
Meridian Energy Limited	PC23.44	44.04	Interpretation	Definitions	Operational Need	<u>Retain as notified and apply it throughout the plan.</u>	Support	OWL agrees that the notified version of the definition of “operational need” is appropriate and should be retained.	Allow

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
NATC – Natural Character									
Genesis Energy Limited	PC23.40	40.14	Natural Character	Introduction		<p>Amend the introduction to the Natural Character Chapter as follows:</p> <p>...</p> <p>Most of the District's natural freshwater bodies with attributes that form part of the natural character are included in the accompanying schedules. All natural waterbodies are important and even if they are not presently scheduled, it does not mean that they do not have natural character values and therefore reduced setbacks apply to surface waterbodies not included in the schedule.</p> <p><u>Renewable Electricity Generation activities are managed under the REG Chapter of the Plan and are not subject to the provisions in this chapter.</u></p>	Support	OWL agrees with the submitter that clarification is required in the Introduction of the NATC Chapter regarding Renewable Energy Generation activities being governed by the REG Chapter not the NTC Chapter.	Allow
Meridian Energy Limited	PC23.44	44.06	Natural Character	Introduction		<p>Amend the NATC Introduction by adding the following paragraph:</p> <p><u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u></p>	Support	OWL agrees with the submitter that clarification is required in the Introduction of the NATC Chapter regarding Renewable Energy Generation activities being governed by the REG Chapter not the NTC Chapter.	Allow
NFL – Natural Features and Landscapes									
Genesis Energy Limited	PC23.40	40.11	Natural Features and Landscapes	Introduction		<p>Amend the introduction as follows:</p> <p>...</p> <p>These overlays apply to areas which have been assessed and identified as having high levels of biophysical, sensory or associated landscape values, which makes them either outstanding (ONF or ONL) or more modified landscapes, but with high aesthetic and scenic values which justify management of forestry activities (FMA). The process supporting the identification of these overlays and the associated values is described in the Eastern and Western Landscape Characterisation and Evaluation Reports prepared by Boffa Miskell in 2023.</p> <p>...</p> <p>Note to Plan users: Forestry Management Areas are categorised as Visual Amenity Landscapes for the purpose of the National Environmental Standards for Commercial Forestry.</p> <p><u>Renewable Electricity Generation activities are managed under the REG Chapter of the Plan and are not subject to the provisions in this chapter.</u></p>	Support	OWL agrees with the submitter that clarification is required in the Introduction of the NFL Chapter regarding Renewable Energy Generation activities being governed by the REG Chapter not the NFL Chapter.	Allow
Meridian Energy Limited	PC23.44	44.07	Natural Features and Landscapes	Introduction		<p>1. Amend the NFL Introduction by adding the following paragraph:</p> <p><u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u></p>	Support	OWL agrees with the submitter that clarification is required in the Introduction of the NFL Chapter regarding Renewable Energy Generation activities being governed by the REG Chapter not the NFL Chapter.	Allow

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
GRUZ – General Rural Zone									
Genesis Energy Limited	PC23.40	40.05	General Rural Zone	Introduction		<p>Amend the introduction as follows:</p> <p>...</p> <p>The purpose of the General Rural Zone is to enable a range of primary production activities, as well as other compatible activities that rely on or support the natural resources within rural areas of the District, including tourism and conservation along with those activities that have an operational need or functional need to locate in the zone <u>including renewable electricity generation activities</u>.</p> <p>....</p> <p>The General Rural Zone includes a range of environments including hill and high country, downlands and plains, each with their own associated landscapes, vegetation and ecosystems. The General Rural Zone also has areas of highly productive land, which are important for primary production purposes. It also includes areas with important values such as Outstanding Natural Landscapes, Outstanding Natural Features, Sites of Natural Significance and Sites and Areas of Significance to Māori. The majority of Te Manahuna / the Mackenzie Basin is identified as an Outstanding Natural Landscape. Activities in this area are managed through the district-wide Natural Features and Landscapes chapter in Part 2 of the District Plan, which apply in addition to the provisions set out below.</p> <p><u>Renewable Electricity Generation activities are managed under the REG Chapter of the Plan and are not subject to the provisions in this chapter.</u></p>	Support	OWL agrees with the submitter that renewable electricity generation activities should be referenced in the Introduction to the GRUZ Chapter on the basis that such activities are predominantly located within the GRUZ and the Chapter should anticipate such activities, and their effects, within the zone.	Allow
Meridian Energy Limited	PC23.44	44.09	General Rural Zone	Introduction		<p>1. Amend the second paragraph of the GRUZ – Introduction as follows:</p> <p>The purpose of the General Rural Zone is to enable a range of primary production activities, as well as other compatible activities that rely on or support the natural resources within rural areas of the District, including tourism and conservation along with those activities that have an operational need or functional need to locate in the zone <u>including renewable electricity generation activities</u>; and</p> <p>2. Add new paragraph as follows:</p> <p><u>Renewable electricity generation activities are addressed in the REG Chapter and are not subject to the provisions in this chapter.</u></p>	Support	OWL agrees with the submitter that renewable electricity generation activities should be referenced in the Introduction to the GRUZ Chapter on the basis that such activities are predominantly located within the GRUZ and the Chapter should anticipate such activities, and their effects, within the zone.	Allow
Port Blakely	PC23.29	29.08	General Rural Zone	Objectives	GRUZ-O1		Oppose	OWL questions the appropriateness of the decision sought by the submitter given the wide ranging and often significant effects of	Disallow

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
						Insert wording to the effect of encouraging land use practices, such as plantation forestry which mitigate the effects of climate change.		plantation forestry, including on downstream water quality and water yield in flow sensitive catchments.	
Genesis Energy Limited	PC23.40	40.07	General Rural Zone	Objectives	GRUZ-O2	Amend Objective GRUZ-O2 as follows: The adverse effects of activities and built form within the General Rural Zone are managed in a way that: ... 4. Allows primary production, and activities that directly support primary production, and other activities that are typically found in a rural location to operate without risk of being compromised by reverse sensitivity.	Support	OWL agrees with the submitter that the objective should recognise that other activities, such as renewable electricity generation activities, are predominantly located within the GRUZ and such activities, and their effects, should be anticipated within the zone.	Allow
Meridian Energy Limited	PC23.44	44.11	General Rural Zone	Objectives	GRUZ-O2	Amend GRUZ-O2 (4) as follows: 4. Allows primary production, and activities that directly support primary production, and other activities where they rely on the natural resources found only in a rural location to operate without risk of being compromised by reverse sensitivity.	Support	OWL agrees with the submitter that the objective should recognise that other activities, such as renewable electricity generation activities, are predominantly located within the GRUZ and such activities, and their effects, should be anticipated within the zone.	Allow
Genesis Energy Limited	PC23.40	40.08	General Rural Zone	Policies	GRUZ-P2	Amend Policy GRUZ-P2 as follows: Recognise the importance of primary production activities and other activities typically found in a rural location , to the economic wellbeing of the district, and prioritise primary production these activities and activities which that support primary production them , within the General Rural Zone, by: 1. Providing for new economic activity that directly supports, is dependent on, or is ancillary to primary production, and other activities that are typically found in a rural location ; ... 2. Enabling recreation and tourism activities based on farming experiences or conservation activities; 3. Ensuring the land resource of the General Rural Zone is not compromised by activities with no	Support	OWL agrees with the submitter that the policy should recognise that other activities, such as renewable electricity generation activities, are predominantly located within the GRUZ and such activities, and their effects, should be anticipated within the zone.	Allow
Meridian Energy Limited	PC23.44	44.12	General Rural Zone	Policies	GRUZ-P2	Amend GRUZ-P2 as follows: Recognise the importance of primary production activities, and other activities where they rely on the natural resources found only in a rural location , to the economic wellbeing of the district, and prioritise primary production these activities and activities which that support primary production them , within the General Rural Zone, by: 1. Providing for new economic activity that directly supports, is dependent on, or is ancillary to primary production and other activities where they rely on the natural resources found only in a rural location ; 2. Enabling recreation and tourism activities based on farming experiences or conservation activities; 3. Ensuring the land resource of the General Rural Zone is not compromised by activities with no	Support	OWL agrees with the submitter that the policy should recognise that other activities, such as renewable electricity generation activities, are predominantly located within the GRUZ and such activities, and their effects, should be anticipated within the zone.	Allow

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
						functional need or operational need to locate in the zone.			
Forest and Bird	23.36	36.13	General Rural Zone	Policies	GRUZ-P5	Strike out "or upgrading". Add a definition of maintenance which limits maintenance activities to within the existing footprint of lawfully established activities.	Oppose	OWL considers that the rules and standards provide suitable guidance as to the types of upgrading and maintenance of existing activities on highly productive land. OWL therefore does not consider the relief sought by the submitter to be necessary or appropriate.	Disallow
Michael Donnelly	PC23.10	10.01	General Rural Zone	Standards	GRUZ-S1	The proposed subdivision size to be reduced to 3000-5000m ² .	Oppose	OWL understands the submitter is seeking a change to the minimum site area per residential unit within the GRUZ and Eastern Plains Overlay. OWL is concerned that this blanket change could result in a higher density of dwellings in the area surrounding Lake Opuha and the Opuha Dam (and associated infrastructure), which could result in unnecessary reverse sensitivity effects.	Disallow
New Zealand Transport Agency	PC23.15	15.27	General Rural Zone	Standards	GRUZ-S2	Amend GRUZ-S2 as follows: Boundary Setbacks 1. Any building or structure, excluding ancillary structures, shall comply with the minimum setbacks listed in GRUZ-Table 1, unless it is ancillary to regionally significant infrastructure that has an operational need and/or functional need within the setback area. Activity status where compliance not achieved: RDIS	Support	OWL considers it appropriate for the standard to provide for buildings/structures ancillary to regionally significant infrastructure that has an operational need and/or functional need within the boundary setback areas as a permitted activity.	Allow.

ANNEXURE B: PLAN CHANGE 24 (SITES AND AREAS OF SIGNIFICANCE TO MĀORI) – REASONS FOR FURTHER SUBMISSIONS AND DECISIONS SOUGHT BY OPUHA WATER LIMITED

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
Transpower New Zealand Limited	PC24.04	4.01	SASM	Introduction		Amend 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 of 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...."	Support	OWL agrees with the submitter that clarification is required in the Introduction of the SASM Chapter regarding infrastructure activities being governed by the Infrastructure Chapter not the SASM Chapter.	Allow
New Zealand Transport Agency, Waka Kotahi	PC24.05	5.01	SASM	Objectives	SASM-O3	Seeks clarification from Mackenzie District Council on how inappropriate development is defined.	Support	OWL considers it would be helpful for those using and implementing the Mackenzie District Plan if clarification regarding the term "inappropriate development" was provided.	Allow
Genesis Energy Limited	PC24.12	12.05	SASM	Introduction	Introduction	Amend the Introduction as follows: ... This chapter is not the only chapter in the District Plan which 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. 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. <u>The provisions of this chapter do not apply to renewable electricity generation activities which are managed under the Renewable Electricity Generation Chapter.</u>	Support	OWL agrees with the submitter that clarification is required in the Introduction of the SASM Chapter regarding renewable electricity generation activities being governed by the REG Chapter not the SASM Chapter.	Allow
Meridian Energy Limited	PC24.14	14.05	SASM	Introduction	Introduction	Amend the SASM Introduction by adding the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>	Support	OWL agrees with the submitter that clarification is required in the Introduction of the SASM Chapter regarding renewable electricity generation activities being governed by the REG Chapter not the SASM Chapter.	Allow

ANNEXURE C: PLAN CHANGE 26 (RENEWABLE ELECTRICITY GENERATION AND INFRASTRUCTURE) – REASONS FOR FURTHER SUBMISSIONS AND DECISIONS SOUGHT BY OPUHA WATER LIMITED

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
Chorus, Connexa, FortySouth, One NZ, Spark	PC26.02	2.18	Infrastructure	Rules	INF-R5	Amend as follows: Activity Status: PER Where: 1. Any structure does not exceed 1.8m in height <u>5m above the height limit otherwise applying in the zone, precinct or overlay in which the building is located</u> and 6m ² in footprint, but excluding any lightning rods, antennas, earth peak or GPS unit and their associated mounting structures. <u>Note. 1. above does not apply to sensing and environmental monitoring equipment that is attached to a pole. In such an instance, the structures must comply with the permitted standards in INF-S3 for the relevant zone.</u>	Support	OWL considers that the permitted activity rule (INF-R5) should not apply to environmental monitoring equipment that is attached to a pole and allow more leniency in terms of height restrictions, which reflects the intended approach for such infrastructure set out in the section 32 Report for PC26.	Allow
Chorus, Connexa, FortySouth, One NZ, Spark	PC26.02	2.27	Infrastructure	Rules	New Rule	Amend as follows: <u>All zones:</u> <u>Activity Status: PER</u> <u>Where:</u> <u>1. The infrastructure is located entirely within an existing building.</u>	Support	OWL agrees with the submitter that infrastructure located entirely within an existing building should be provided for as a permitted activity.	Allow
Director General of Conservation	PC26.03	3.02	Infrastructure	Definitions	Regionally Significant Infrastructure	Add a further clause: <u>x. National, regional and local renewable electricity generation activities of any scale.</u>	Support	OWL agrees that the definition of "Regionally Significant Infrastructure" should also include national, regional and local renewable electricity generation activities of any scale, consistent with the Canterbury Regional Policy Statement's definition of that term.	Allow
Nova Energy Limited	PC26.06	6.06	Interpretation	Definitions	Regionally Significant Infrastructure	Amend as follows: means: a. strategic land transport network and arterial roads b. telecommunication facilities <u>c. national, regional and local renewable electricity generation activities of any scale</u> d. the electricity transmission network...	Support	OWL agrees that the definition of "Regionally Significant Infrastructure" should also include national, regional and local renewable electricity generation activities of any scale, consistent with the Canterbury Regional Policy Statement's definition of that term.	Allow
Canterbury Regional Council	P26.19	19.03	Interpretation	Definitions	Regionally Significant Infrastructure	Amend the definition: ...h. electricity distribution network <u>i. National, regional and local renewable electricity generation activities of any scale</u>	Support	OWL agrees that the definition of "Regionally Significant Infrastructure" should also include national, regional and local renewable electricity generation activities of any scale, consistent with the Canterbury Regional Policy Statement's definition of that term.	Allow
Director General of Conservation	PC26.03	3.03	Infrastructure	Entire Chapter		Amend the Introduction as follows: The provisions of other chapter in this District Plan do not apply to activities managed in this chapter, except as follows:... ...The objective and rules in Ecosystems and Indigenous Biodiversity...	Oppose	OWL questions the need for the change sought by the submitter on the basis that the policy framework within the Infrastructure Chapter already addresses matters concerning indigenous biodiversity.	Disallow
Director General of Conservation	PC26.03	3.10	Renewable Electricity Generation	Rules	REG-R4	Amend as follows, or words to like effect: "Where: 1. The development <u>is within the footprint of the existing hydroelectric power station and</u> will not result in an increase in the maximum operating level of a lake or water storage area authorised at the date this rule was notified, or create a new lake or water storage area." OR Amend the activity status to Discretionary.	Oppose	OWL questions the need for the additional criteria proposed by the submitter for REG-R4 when the rule governs the development of new renewable electricity generation activities associated with an existing hydroelectric power station, including associated structures.	Disallow

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
New Zealand Transport Agency Waka Kotahi	PC26.08	8.01	Interpretation	Definitions	Pole	Amend as follows: means a structure that supports infrastructure equipment including conductors, lines, cables, lights, or antennas, <u>signs, cameras or meteorological equipment</u> , but is not a tower, and includes foundations and hardware associated with the structure such as insulators, cross arms and guy-wires.	Support	OWL considers it would be appropriate for the term "pole" to include structures that supports signs, cameras or meteorological equipment.	Allow
New Zealand Transport Agency Waka Kotahi	PC26.08	8.05	Interpretation	Definitions	Tower	Amend as follows: means a lattice structure that supports conductors, lines, cables or antennas, <u>signs, cameras or meteorological equipment</u> . A tower includes foundations and hardware associated with the structure such as insulators, cross arms and guy-wires.	Support	OWL considers it would be appropriate for the term "tower" to include structures that supports signs, cameras or meteorological equipment.	Allow.
New Zealand Transport Agency Waka Kotahi	PC26.08	8.06	Interpretation	Definitions	Upgrade	Amend as follows: in relation to <u>infrastructure and</u> renewable electricity generation activities and infrastructure , means activities undertaken to increase the capacity, operational efficiency, security or safety of existing <u>infrastructure</u> assets and activities.	Support	OWL considers it would be appropriate for the term "upgrade" in relation to REG activities to also apply to existing infrastructure.	Allow
New Zealand Transport Agency Waka Kotahi	PC26.08	8.09	Infrastructure	Objectives	INF-O3	Amend as follows: The efficient, <u>effective and safe</u> operation, maintenance, upgrading and development of regionally significant infrastructure is not constrained or compromised by other activities.	Support	OWL considers the inclusion of the words "effective and safe" in the context of the operation, maintenance, upgrading and development of regionally significant infrastructure is a positive and necessary addition to INF-O3.	Allow
New Zealand Transport Agency Waka Kotahi	PC26.08	8.11	Infrastructure	Policies	INF-P2	NZTA requests clarification from Council on what constitutes a 'minor upgrade' and what is beyond the scope of a 'minor upgrade'.	Support	OWL considers the submitters request for clarification on what is a "minor upgrade" is appropriate to aid policy (and rule) interpretation.	Allow
Simpson Family Holdings Ltd	26.09	9.02	Renewable Electricity Generation	Objectives	REG-O1	Amend to include two new objectives as follows (or similar): <u>Recognise the functional and operational needs associated with the location and design of energy renewable electricity generation.</u> and <u>To provide for the development, operation, maintenance and upgrade of new and existing renewable electricity generation.</u>	Support	Should the MDC consider it appropriate, OWL would support the inclusion of two new objectives as proposed by the submitter in the REG Chapter for completeness.	Allow
Genesis Energy Limited	26.15	15.01	Interpretation	Definitions	New Definition – Minimise	Insert new definition as follows: <u>Minimise means:</u> <u>to reduce to the smallest amount reasonably practicable.</u>	Support	OWL considers the inclusion of a definition of "minimise" in the MDP would be appropriate to aid interpretation of the relevant plan provisions.	Allow
Genesis Energy Limited	26.15	15.15	Renewable Electricity Generation	Objectives	REG-O2	Amend Objective REG-O2 as follows: The adverse effects of renewable electricity generation activities are appropriately managed <u>while recognising the national significance of renewable electricity generation activities and giving particular regard to the functional or operational needs of such activities.</u>	Support	OWL considers it appropriate that REG-O2 recognise the national significance of REG activities and functional and operational needs of such activities.	Allow
Genesis Energy Limited	26.15	15.17	Renewable Electricity Generation	Policies	REG-P1	Amend Policy REG-P1 as follows: Recognise and provide for the national, regional, and local benefits of <u>existing and new</u> renewable electricity generation <u>assets and</u> activities, including avoiding, reducing, or displacing greenhouse gas emissions.	Support	OWL considers it appropriate that the policy is reworded as sought by the submitter so as to be clear that the policy applies in relation to both existing and new REG assets and activities.	Allow
Genesis Energy Limited	26.15	15.22	Renewable Electricity Generation	Policies	REG-P5		Support	OWL considers the amendments sought by the submitter give appropriate recognition to the national importance of REG activities.	Allow

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
						<p>Amend REG-P5 as follows:</p> <p>Provide for Enable renewable electricity generation (not otherwise specified enabled or provided for in REG-P2, REG-P3, REG-PX and REG-P4), while managing adverse effects by:</p> <p>1. avoiding, remedying or mitigating significant adverse effects as far as practicable; and</p> <p>2. minimising other effects;</p> <p>3. where residual significant adverse effects remain, having regard to any proposed offsetting measures and or environmental compensation measures proposed; and</p> <p>4.3. Having particular regard to the practical constraints associated with renewable electricity generation activities, including:</p> <p>a. Functional needs and Operational needs of renewable electricity generation activities;</p> <p>b. The need to locate the renewable electricity generation activity where the renewable energy resource is available; and</p> <p>c. Location and efficient use of existing electricity generation, transmission and distribution infrastructure.</p>			
Genesis Energy Limited	26.15	15.23	Renewable Electricity Generation	Policies	REG-P6	<p>Amend Policy REG-P6 as follows:</p> <p>REG-P6 – Other Renewable Electricity Generation Activities – Within areas of significant indigenous vegetation and significant habitats of indigenous fauna, ONLs, ONFs, riparian areas and SASM or on highly productive land</p> <p>Provide for renewable electricity generation activities (not otherwise specified enabled or provided for in <u>REG-P2, REG-P3, REG-PX and REG-P4</u>) within areas of significant indigenous vegetation and significant habitats of indigenous fauna, Outstanding Natural Landscapes, Outstanding Natural Features, Sites and Areas of Significance to Māori, riparian areas, or within area of Highly Productive Land, where:</p> <p>1. there is a functional need or operational need for the activity to be in that location;</p> <p>2. adverse effects on the values of the area are avoided as far as practicable, including through site, route or method selection, design measures and other management methods;</p> <p>3. adverse effects that cannot be avoided are remedied or mitigated, where practicable; and</p> <p>4. regard is had to any <u>proposed</u> offsetting measures or environmental compensation, where there are <u>significant</u> residual adverse effects that cannot be avoided, remedied or mitigated.; and</p> <p>5. following application of 1. – 4. Above, there are no significant adverse effects remaining.</p>	Support	OWL considers the amendments sought by the submitter give appropriate recognition to the national importance of REG activities.	Allow
Genesis Energy Limited	26.15	15.25	Renewable Electricity Generation	Rules	REG-R2	<p>Amend Rule REG-R2 as follows:</p> <p>REG-R2 – Upgrade of an existing hydroelectric power station and associated structures associated with the Opuha Scheme, or within the existing footprint or core sites of the Waitaki Power Scheme.</p>	Support	OWL agrees with the correction requested by the submitter.	Allow
Genesis Energy Limited	26.15	15.34	Renewable Electricity Generation	Matters of discretion or control	REG-MD4	<p>Amend REG-MD4 as follows:</p> <p>REG-MD4 New Renewable Electricity Generation</p> <p>a. The appropriateness of measures to avoid, remedy or mitigate adverse effects.</p> <p>b. The effectiveness of any proposed offsetting or compensation measures when any significant residual effects cannot be avoided.</p>	Support	OWL considers the amendments sought by the submitter are required to provide appropriate context to the matters listed in (b) and the locational needs of REG activities in proposed new clause (x).	Allow

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
						<p><u>remedied or mitigated.</u></p> <p>c. The functional needs and operational needs of the activity.</p> <p><u>x. the need to located renewable electricity generation activities where the renewable energy resource is available.</u></p> <p>d. The location of existing electricity generation and distribution infrastructure and the extent to which the proposal contributes to its efficient use...</p>			
Genesis Energy Limited	26.15	15.35	Infrastructure	Introduction		<p>Amend the introduction by including the following paragraph:</p> <p><u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u></p>	Support	OWL considers the submitter's request is necessary to ensure clarity regarding the rules applying to REG activities.	Allow
Genesis Energy Limited	26.15	15.44	Infrastructure	Policies	INF-P6	<p>Amend INF-P6 as follows:</p> <p>Avoid locating infrastructure on Highly Productive Land, unless:</p> <ol style="list-style-type: none"> 1. it is small-scale and does not impact the productive capacity of the land; or 2. 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... 	Support	OWL considers the submitter's request is an appropriate and necessary addition to the notified wording of INF-P6.	Allow

ANNEXURE D: PLAN CHANGE 27 (EARTHWORKS, SUBDIVISION, PUBLIC ACCESS AND TRANSPORT) – REASONS FOR FURTHER SUBMISSIONS AND DECISIONS SOUGHT BY OPUHA WATER LIMITED

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
Meridian Energy Limited	PC27.30	30.02	Interpretation	Definitions	New Definition – Reverse Sensitivity	<p>Add new definition:</p> <p><u>Reverse sensitivity means the potential for an approved (whether by consent or designation), lawfully established existing or permitted activity to be compromised, constrained, or curtailed by the more recent establishment, intensification, or alteration of another activity that may be sensitive to the actual, potential or perceived adverse environmental effects generated by the approved, lawfully established existing or permitted activity.</u></p>	Support	OWL considers it is appropriate for the term “reverse sensitivity” to be defined in the Mackenzie District Plan. It further considers the submitter's proposed definition of that term is appropriate.	Allow
Chorus, Connexa, FortySouth, One NZ, Spark	PC27.06	6.04	Earthworks	Introduction		<p>Amend as follows:</p> <p>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. The earthworks provisions within overlays apply in addition to the provisions of this chapter unless specified otherwise. <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></p>	Support	OWL considers that clarification is required in the Introduction of the Earthworks Chapter that earthworks associated with infrastructure activities are governed by the Infrastructure Chapter not the Earthworks Chapter.	Allow
Genesis Energy Limited	PC27.28	28.02	Earthworks	Introduction		<p>Amend the Introduction as follows:</p> <p>...</p> <p>Advice Note: <u>For avoidance of doubt, the provisions of this chapter do not apply to renewable electricity generation activities which are managed under the Renewable Electricity Generation Chapter.</u> The rules in this chapter <u>also</u> do not apply to the Open Space and Recreation and Special Purpose Zones.</p>	Support	OWL agrees with the submitter that clarification is required in the Introduction of the Earthworks Chapter regarding earthworks associated with Renewable Energy Generation activities being governed by the REG Chapter not the Earthworks Chapter.	Allow
Director General of Conservation	PC27.07	7.05	Public Access	Policies	PA-P2	<p>Amend as follows or words to like effect:</p> <p>“Encourage opportunities and mechanisms to maintain and enhance public access to and along surface waterbodies, including for mahika kai, when a land use or subdivision consent application provides an opportunity for access, with special consideration given to:</p> <ol style="list-style-type: none"> 1. those waterbodies listed in PA-SCHED2; and 2. the creation of any allotment smaller than 4ha which adjoins a waterbody <p><u>except where controls or restrictions on public access are required.</u></p>	Support	OWL considers it is appropriate that Policy PA-P2 be amended, as proposed by the submitter, to recognise that there will be situations where public access to and along surface water bodies cannot occur, e.g., for health and safety reasons.	Allow

Submitter	Number	Point	Section	Sub-Section	Provision	Decision Sought by Submitter	OWL's position (support/oppose)	Reasons	Decision sought by OWL
Transpower New Zealand Limited	PC27.11	11.04	Public Access	Objectives	PA-O1	Amend 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>	Support	OWL considers it is appropriate that Objective PA-O1 be amended, as proposed by the submitter, to recognise that there will be situations where public access to and along surface water bodies cannot occur, e.g., for health and safety reasons.	Allow
Transpower New Zealand Limited	PC27.11	11.05	Public Access	Policies	New Policy PA-PZ Restrictions on Public Access	Insert a new Policy as follows: <u>PA-PX Restrictions on Public Access</u> <u>Recognise and provide for permanent and temporary restrictions on public access where restrictions are necessary to protect public health and safety.</u>	Support	OWL considers it is appropriate for the policy framework of the Public Access Chapter to recognise that there will be situations where public access needs to be permanently or temporarily restricted e.g., for public health and safety reasons.	Allow
Genesis Energy Limited	PC27.28	28.01	Public Access	Introduction		Amend the Introduction by including the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>	Support	OWL agrees with the submitters that clarification is required in the Introduction of the Public Access Chapter regarding Renewable Energy Generation activities being governed by the REG Chapter not the Public Access Chapter.	Allow
Meridian Energy	PC27.30	30.03							
Genesis Energy Limited	PC27.28	28.09	Subdivision	Introduction		Amend the Introduction by including the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>	Support	OWL agrees with the submitter that clarification is required in the Introduction of the Subdivision Chapter regarding subdivision activities associated with Renewable Energy Generation activities being governed by the REG Chapter not the Subdivision Chapter.	Allow
Meridian Energy Limited	P27.30	30.04							
Meridian Energy Limited	PC27.30	30.08	Earthworks	Introduction		Amend the Introduction by adding the following paragraph: <u>Renewable electricity generation activities are not subject to the provisions in this chapter.</u>	Support	OWL agrees with the submitter that clarification is required in the Introduction of the Earthworks Chapter regarding earthworks associated with Renewable Energy Generation activities being governed by the REG Chapter not the Earthworks Chapter.	Allow
New Zealand Defence Force	PC27.38	38.01	Subdivision	Policies	SUB-P10	Amend SUB-P10 as follows (or similar wording): Avoid reverse sensitivity effects of subdivision on existing renewable electricity generation assets and activities <u>as well as regionally significant infrastructure and any other lawfully established activities.</u>	Support	OWL considers the changes proposed by the submitter are necessary to give greater recognition to regionally significant infrastructure and lawfully established activities, and the effects subdivision may have on those activities.	Allow