

BEFORE THE INDEPENDENT HEARINGS PANEL FOR PROPOSED  
MACKENZIE DISTRICT PLAN CHANGES 23 - 27

**IN THE MATTER OF** of the Resource Management Act 1991

**AND**

**IN THE MATTER OF** the Mackenzie District Plan Review, Stage 3: PC 23  
(Rural & Natural Environment), PC24 (Sites and Areas of  
Significance to Māori), PC25 (Rural Lifestyle), PC26  
(Energy and Infrastructure) and PC27 (Subdivision,  
Earthworks and Transport)

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**STATEMENT OF EVIDENCE BY RICHARD MATTHEWS**

03 MAY 2024

FOR GENESIS ENERGY LIMITED SUBMITTER # 40 (PC23), # 12 (PC24), # 18  
(PC25), # 15 (PC26), and #28 (PC27)

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## EXECUTIVE SUMMARY

1. The submissions and further submissions made by Genesis in respect of Mackenzie District Plan Changes 23 – 27 (“**PC23 – 27**”) seek to ensure that the development, operation, maintenance and upgrade of the existing nationally significant Tekapo Power Scheme (and more broadly the Waitaki Power Scheme) and new Renewable Electricity Generation activities are appropriately enabled within the Mackenzie district.
2. My evidence addresses the matters where I recommend changes to PC23 – 27 in response to the submissions, further submissions and the various Section 42A Reports (“s42A Report”).
3. I support the continued general intent to provide for REG activities in a stand-alone chapter, however consider that further amendments are required to ensure the objective, policy and rule framework clearly identifies how the provisions that address other activities such as Ecosystems and Earthworks as examples of particular relevance do or do not apply to Renewable Electricity Generation Activities.
4. I consider that further amendments are also required to ensure that PC23 – 27 appropriately acknowledges and both the national significance of REG activities and the need to manage the effects of these activities differently to some other activities. In this regard, I consider it critical that where provisions in other chapters of the MDP cannot be reconciled with the direction of the REG chapter, these are managed exclusively by the provisions of the REG chapter.
5. I do not support the s42A recommendation that all provisions of the Ecosystem and Biodiversity Chapter apply to activities managed under the provisions of the REG chapter except for policies 2 and 3, and also consider that the recommended phrasing of the introduction to the REG chapter will not in practice exclude policies 2 and 3 of the EIB chapter from consideration of the clearance of vegetation associated with new REG activities.
6. I disagree with the s42a recommendation that earthworks that form part of the construction of new roads and access tracks associated with the existing Waitaki Power Scheme should not be managed under the provisions of the REG chapter in the same way that is recommended for the development of new REG activities.

7. I consider that Objective REG-O2 should be amended to recognise the national significance of REG activities and require that particular regard is given to the functional or operation needs of such activities.
8. I disagree with the 42A report recommendation to retain the reference to “*functional needs*” in REG-P5.4 on the basis that the definition of “*functional needs*” is narrower than the direction in Policy C1(a) of the National Policy Statement for Renewable Electricity Generation 2011 (“**NPS-REG**”).
9. I consider it necessary and appropriate for REG-P5 and REG-P6 to direct decision makers to have regard to offsetting measures or environmental compensation when considering any residual “*significant*” adverse effects.
10. I consider the specific enablement of the ongoing operation, maintenance and upgrade of the Waitaki Power Scheme through a new policy is necessary to appropriately enable the efficient operation, maintenance and upgrade of the existing REG activity, and that the drafting recommended by the s42a is report leaves a gap in the policy direction for the nationally significant Waitaki Power Scheme.
11. I consider that the 60-month timeframe for investigation activities is appropriate in the context of the other permitted activity standards within rule REG-R5 and that the rule as notified appropriately gives effect to the policy direction for investigation activities in the NPS-REG and the CRPS.
12. In my opinion, the District Plan provisions should not be used to reinstate matters that the National Policy Statement for Indigenous Biodiversity has explicitly excluded from consideration, and I consider that proposed Rule 1.2.5 of the EIB chapter should be deleted.
13. I consider that an acknowledgement that the development of REG activities within the Mackenzie District is most likely to occur in the rural environment, it is appropriate to recognise that REG activities are likely to form part of the character of the rural environment.
14. In my opinion, the amendments I have proposed are more effective and efficient than those in the section 42A Reports because they will achieve similar environmental outcomes but do so in a manner that does not impact the ongoing operation, maintenance and upgrade of nationally significant existing and new REG activities while giving effect to relevant national direction and the Canterbury Regional Policy Statement.

## INTRODUCTION

15. My name is Richard John Matthews. I hold the qualifications of Master of Science (Hons) degree specialising in Chemistry and have been working on resource consent applications (and their former descriptions under legislation prior to the commencement of the Resource Management Act 1991) since 1979 and advising on Regional and District Plan provisions since 1991.
16. I am a partner with Mitchell Daysh Limited, a specialist environmental consulting practice with offices in Auckland, Hamilton, Tauranga, Napier, New Plymouth, Nelson, and Dunedin. Mitchell Daysh Limited was formed on 1 October 2016, as a result of merger between Mitchell Partnerships Limited and Environmental Management Services.
17. I have more than forty years' experience as a resource management adviser, initially in the local government sector. My first role in the local government sector was as a water quality scientist assessing water quality in the Waikato River and its catchment, subsequently becoming Resource Consents Manager for the Waikato Regional Council.
18. Since 1999 I have been in private practice with the environmental consulting practice, Mitchell Partnerships Limited (now Mitchell Daysh Limited). I have been involved in many resource management projects within New Zealand, including several resource consent application processes and Regional and District Plan reviews.
19. I have been providing planning and resource consent advice to Genesis Energy Limited (“**Genesis**”) with respect to their electricity generation activities since 1999 and prepared the resource consent applications for the Tekapo Power Scheme (“**Tekapo PS**”) that were lodged with the Canterbury Regional Council in July 2023. I am familiar with the Tekapo PS operations, the resource consents applicable to the scheme and the Operative Regional and District Plan provisions relevant to the Tekapo PS. I have also been involved in preparing submissions and evidence for various consent applications under the Mackenzie District Plan (“**MDP**”) and on changes to the MDP.

## Code of Conduct

20. While acknowledging that this hearing is not before the Environment Court, I acknowledge that I have read the Environment Court's Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2023 and I agree to comply with it. In particular, unless I state otherwise, this

evidence is within my sphere of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

### **Scope of Evidence**

21. My evidence discusses the Genesis Submissions (submitter ID 15 (PC26), 40 (PC23), 12 (PC24), 18 (PC25) and 28 (PC27)) and Further Submissions (submitter ID 04 (PC26), 12 (PC23), 04 (PC25) and 09 (PC27) on MDP PC 23 – 27 Review Stage Three with respect to the matters addressed in:
  - a. The s42A Report (prepared by Liz White) for Plan Change 26: Renewable Electricity Generation and Infrastructure;
  - b. The s42A Report (prepared by Nick Boyes) for Plan Change 23: General Rural Zone, Natural Features and Landscapes, Natural Character;
  - c. The s42A Report (prepared by Liz White) for Plan Change 24: Sites and Areas of Significance to Māori;
  - d. The s42A Report (prepared by Meg Justice) for Plan Change 25: Rural Lifestyle Zones; and
  - e. The s42A Report (prepared by Rachael Willox) for Plan Change 27: Subdivision, Earthworks, Public Access and Transport.
22. My evidence focuses on the proposed provisions of Plan Change 26, in particular the Renewable Electricity Generation Chapter as these matters are of most relevance to Genesis. However, I also comment on various provisions in Plan Changes 23, 24, 25 and 27.

### **Genesis Energy Limited Background and Submissions**

23. Section 1 and Section 2 of the Genesis submissions on PC 23 – 27, sets out the background to Genesis' interests in the Mackenzie District.
24. Genesis is an electricity generator and energy retailer with approximately 1900 megawatts of installed generation capacity and approximately half a million retail customers. The Genesis electricity generation profile comprises a range of energy sources. Genesis seeks to play its role in decarbonising the New Zealand economy and is making changes toward the goal of net-zero carbon by 2050, including reducing generation emissions by 36%.

25. Genesis owns and operates the Tekapo PS or “**the scheme**”, which is a part of the nationally significant combined Waitaki Hydro Scheme identified in the Canterbury Regional Policy Statement (“**CRPS**”) and is “Regionally Significant Infrastructure” as defined in the CRPS.
26. The combined Waitaki Power Scheme (which comprises the Tekapo Power Scheme operated by Genesis and the Waitaki Power Scheme operated by Meridian Energy Limited) is referred to as the “Waitaki Hydro Scheme” in the CRPS and the “Waitaki Power Scheme” in the MDP. I refer to the combined scheme incorporating both the Genesis and Meridian activities as the “Waitaki Power Scheme” in the remainder of this evidence as appropriate.
27. The operation and maintenance of the Tekapo PS is reliant on the provisions in the District Plan being appropriate and, as a minimum, giving effect to the National Policy Statement for Renewable Electricity Generation 2011 (“**NPS-REG**”).
28. Genesis is also considering the establishment of new renewable electricity generation (“**REG**”) and grid scale battery storage. The success of developing solar, grid scale battery storage, wind generation will also depend on there being appropriate District Plan provisions for these activities in place.
29. It is in the above context that Genesis is affected by PC 23 – 27. The submissions made by Genesis in respect of PC 23 – 27 seek to ensure that the development, operation, maintenance, and upgrade of the existing nationally significant Tekapo PS and new REG assets are appropriately enabled within the Mackenzie district.
30. I have read the s42A Reports relevant to PC 23 – 27. I do not propose to repeat the matters addressed in those reports other than to highlight particular points where I do not agree with the s42A report authors and focus on the aspects addressed in the Genesis submissions and further submissions.

## **OVERALL DIRECTION**

31. Overall, I support the continued general intent to provide for REG in a stand-alone chapter given its national and regional significance, and the need to implement the direction of national and regional policies that recognise that traditional hierarchies for managing the potential effects of most activities will have unintended and inappropriate implications for REG activities.

32. However, as I set out further below, I consider that further amendments need to be made to the provisions of PC 23 – 27, to ensure that:

- a. There is a clear objective, policy and rule framework that provides for REG activities and gives effect to national and regional policy direction; and
- b. That the objective, policy and rule framework clearly identifies how the provisions that address other activities do, or do not apply to REG activities.

## **STATUTORY CONTEXT**

### **National Policy Statements**

33. In my opinion, the NPS-REG, the National Policy Statement for Freshwater Management (“**NPS-FM**”), and the National Policy Statement for Indigenous Biodiversity (“**NPS-IB**”) are the primary national policy statements that influence the development and operation of REG activities.

34. The NPS-REG which came into effect on 13 May 2011 addresses the need to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy, and the delivery of a clean, secure and affordable energy while treating the environment responsibly. The overarching objective of the NPS-REG recognises the *“national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation”*.

35. The NPS-FM came into force on 3 September 2020 and provides direction to local authorities and resource users regarding activities that affect the health of freshwater and sets out a national objective and various supporting policies for freshwater management under the RMA. The NPS-FM provides for the management of freshwater through the fundamental concept of Te Mana o te Wai. Consideration of REG activities in the context of Te Mana o te Wai should include the significant impacts of climate change on the health

and wellbeing of freshwater bodies and ecosystems in New Zealand, and that REG is critical to supporting a reduction in climate change effects.<sup>1</sup>

36. The NPS-IB came into effect on 4 August 2023 with a single objective of maintaining indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity. Clause 1.3 of the NPS-IB explicitly excludes REG activities stating “*Nothing in this [NPS] applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities*” The specific provisions of the NPS-IB are therefore of no relevance to the consideration of REG activities, however I consider their exclusion to be a relevant consideration to the MDP.
37. I consider that together, these policy statements acknowledge the national importance of REG and establish a bespoke framework for the consideration of REG activities and the management of their effects in an integrated way that provides for the activity to occur while also having regard to other matters of national importance. The framework for REG activities established by these national policy statements effectively acknowledges that applying a traditional approach for managing their effects (where each effect is considered independently of the overall national policy framework) will have inappropriate implications for the development, operation, maintenance and refurbishment of REG activities.
38. I consider that the MDP must give effect to the provisions of these national policy statement collectively to specifically provide for and manage the effects of REG activities.

### **Canterbury Regional Policy Statement**

39. The Canterbury Regional Policy Statement (“**CRPS**”) became operative on 15 January 2013 and provides an overview of the significant resource management issues in the Canterbury region, and the objectives, policies and methods to achieve integrated management of natural and physical resources.
40. Of particular relevance to the consideration of the MDP, insofar as the CRPS relates to REG activities, is the direction in Chapter 16: Energy. The CRPS recognises the national significance of REG activities and seeks to

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<sup>1</sup> Te Mana o Te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020, Department of Conservation, August 2020; Te hau mārohi ki anamata, Towards a productive, sustainable and inclusive economy, Aotearoa New Zealand’s First Emissions Reduction Plan, Ministry for the Environment, May 2022.

acknowledges that the need to reconcile the potential for adverse effects with its significant positive effects.

41. I consider that the MDP must also give effect to the provisions of the CRPS and in particular, the objectives and policies in the CRPS that provide for REG activities including those that recognise the benefits of electricity generation infrastructure and providing for their operation, maintenance development and upgrading.

## **PC26 – RENEWABLE ELECTRICITY GENERATION AND INFRASTRUCTURE**

### **REG – Introduction**

42. The Genesis submission (submission points 15.11 – 15.13) opposed the introduction to the REG chapter and sought amendments broadly categorised into the following three key issues:
  - a. To better capture the national significance of REG activities in accordance with the relevant national policy framework;
  - b. Ensuring the appropriate activities associated with the construction and operation of REG activities are managed under a fit for purpose framework within a ‘standalone’ REG chapter, including, matters relating to indigenous biodiversity and earthworks associated with the construction of new roads or access tracks in the REG chapter; and
  - c. To provide greater clarity on which of the specific provisions in other chapters of the MDP apply to REG activities by referencing specific provisions rather than broad topics.
43. The s42A Reporting Officer does not consider that emphasising the importance of REG activities as reflected in the national policy framework is appropriate and disagrees with the relief sought by Genesis to reference the NPS-IB and the NPS-FM in the REG Chapter introduction. The reasons for this are stated as being because the NPS-IB “*does not apply to REG activities*” such that it is therefore “*incorrect to state that it recognises the national significance of REG activities*”, and that “*the direction [NPS-FM] relates only to regional councils and therefore is not relevant to the District Plan*”<sup>2</sup>.
44. I agree that the NPS-IB specifically exempts REG activities and does not explicitly “*recognise the national significance of REG activities*”. However, in

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<sup>2</sup> S42A Report, Liz White, dated 19 April 2024, paragraph 185.

my opinion, the collective national policy framework for REG activities, which importantly includes the NPS-IB exemption of REG activities<sup>3</sup>, and the direction of the NPS-FM that freshwater must be managed as part of New Zealand's integrated response to climate change<sup>4</sup>, clearly acknowledges the national significance of REG activities. I consider that written acknowledgement of the unique national policy framework that relates to specifically to REG activities in the introduction of the REG chapter is therefore appropriate.

45. The s42A report identifies that there are both REG provisions and Infrastructure (“**INF**”) provisions that address matters that are traversed in other chapters that do not apply to infrastructure or REG activities<sup>5</sup>. The Officer provides helpful examples of this by explaining that whilst the provisions in the Natural Features and Landscapes (“**NFL**”) and Sites and Areas of Significance to Māori (“**SASM**”) chapters do not apply, INF-P5 provides direction on how infrastructure in ‘sensitive areas’ (including identified SASMs and areas within the Mackenzie Basin Outstanding Natural Landscape (“**ONL**”)) is to be managed in alignment with INF-O1 and INF-O2. With respect to the REG chapter, the Officer identifies that REG-P6 provides direction on how REG activities in specific areas, including ONLs, SASMs, and Significant Natural Areas (“**SNAs**”) are to be managed, and goes on to explain that in their view, this aligns with REG-O2 and REG-O1. The important conclusion that the Officer makes in this regard, is that this approach towards managing infrastructure and REG activities in certain areas in an integrated way that provides for the activity to occur while also having regard to other matters of national importance is appropriate to achieving the outcomes sought for these activities.<sup>6</sup>
46. I agree with the Officer’s conclusion on this matter, particularly with regard to the need for REG activities in areas such as SNAs, ONLs, SASMs and the other areas identified in REG-P6 to be managed in an integrated way in order to achieve the desired increase in output from REG activities (Objective REG-O1) and to appropriately manage the adverse effects of REG activities.
47. I consider that this approach is consistent with the direction of the national policy framework for REG activities because it acknowledges that traditional hierarchies for managing adverse effects are not appropriate for REG

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<sup>3</sup> Clause 1.3(3) of the NPS-IB.

<sup>4</sup> Policy 4 of the NPS-FM.

<sup>5</sup> S42A Report, Liz White, dated 19 April 2024, paragraph 47.

<sup>6</sup> S42A Report, Liz White, dated 19 April 2024, paragraph 47.

activities, and that applying the standard approach will inappropriately restrict them.

48. The changes recommended by the s42A Report to the REG introduction accept some of the Genesis' primary submission points, including the identification of provisions in other chapters of the MDP that apply to REG activities. Identifying provisions of other chapters that apply to REG activities, represents in effect, an acknowledgement that the identified provision relates to a matter where REG activities should be considered in the same way as any other activity but in the context of the objectives, policies and rules in the REG chapter. In my opinion, this is appropriate in certain circumstances such as for managing effects relating to light, signage, heritage, or natural hazards, where the framework for managing activities can be clearly reconciled with the objectives and policies of the REG chapter.
49. Conversely, I consider it critical that where provisions in other chapters of the MDP cannot be reconciled with the direction of the REG chapter and in effect the regional and national policy frameworks for REG activities, these should be managed exclusively by the provisions of the REG chapter.
50. The applicability of provisions in other chapters (particularly those which relate to 'sensitive areas' such as NFL, Natural Character ("NATC"), Ecosystems and Indigenous Biodiversity ("EIB") and SASM) to REG activities is a matter raised in several submissions.
51. I agree with the Officer's view that with respect to applying the NFL and NATC chapters and all zone chapters to REG activities would be highly inefficient and far less effective at achieving the outcomes sought for REG activities.<sup>7</sup> I also agree with the Officers view that applying the SASM Chapter in its entirety to activities managed under the REG chapter that already seek to manage the impacts of activities on SASMs is not necessary or appropriate.<sup>8</sup> The consistent premise for the Officer's view with respect to the inappropriateness of applying the NFL, NATC, and SASM chapters to REG activities is that these are more appropriately addressed by the provisions of the REG chapter, where the management of adverse while achieving the objectives for REG activities requires a different approach to other activities.

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<sup>7</sup> S42A Report, Liz White, dated 19 April 2024, paragraph 50.

<sup>8</sup> S42A Report, Liz White, dated 19 April 2024, paragraph 47.

52. The s42A report provides analysis on the appropriateness of applying the EIB chapter provisions in their entirety to REG activities, concluding that it is more appropriate to apply the specific direction contained in REG-P6 than the direction in policies 2 and 3 of the EIB chapter.<sup>9</sup> I agree with the Officer’s assessment in this regard; however, I consider that the wording of the exclusions table recommended by the s42A would not in practice exclude the necessary policies of the EIB chapter.

53. The Officer’s recommendation is to include a table that stipulates the current and future plan provisions that apply to “*Activities Manged in this Chapter*”. My understanding of the intent of this recommendation is that any of the provisions that are not included in the introduction (e.g. policies 2 and 3 of the EIB chapter) do not apply to REG activities, including any associated vegetation clearance. On the basis that as currently drafted, the clearance of indigenous vegetation associated with investigation activities, small-scale REG activities or the construction and operation of any new REG activities is an activity that is managed under the EIB chapter. I consider that the directions of Policy 2 and 3 which seek to avoid the clearance of indigenous vegetation, inadvertently apply to REG activities, resulting in an inappropriate restriction of these activities that is inconsistent with Policy C1<sup>10</sup> of the NPS-REG. In my opinion, the wording of the provisions which do not apply to REG in the introduction needs to be amended to be made clear that any the clearance of indigenous vegetation associated with new REG activities is not subject to policies 2 and 3 of the EIB Chapter but is controlled under the REG chapter.

54. I also accept that the Objective, Policies 1, 4, 5, 7 and 8, and Rules 2.1.1 and 2.2.1 of the EIB chapter are relevant to the Waitaki Power Scheme, the National Grid and Opuha Scheme as a result of Plan Change 18 (“**PC18**”) and I accept that these provisions continue to apply to the management of REG activities.

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<sup>9</sup> S42A Report, Liz White, dated 19 April 2024, paragraph 49.

<sup>10</sup> Decision-makers shall have particular regard to the following matters:

- a) the need to locate the renewable electricity generation activity where the renewable energy resource is available;
- b) logistical or technical practicalities associated with developing, upgrading, operating or maintaining the renewable electricity generation activity;
- c) the location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, the distribution network and the national grid in relation to the renewable electricity generation activity, and the need to connect renewable electricity generation activity to the national grid;
- d) designing measures which allow operational requirements to complement and provide for mitigation opportunities; and
- e) adaptive management measures.

55. I have a different opinion to the Officer on whether the rest of the EIB provisions should apply to REG activities. Except for the provisions identified in the above paragraph, I do not consider that any other provisions of the EIB chapter (including the proposed new rule 1.2.5) should apply to REG activities. I explain in greater detail later in my evidence (refer paragraphs 85-80) why Rule 1.2.5 is inappropriate, however at a broader level, I consider that the direction of REG-P5, REG-P6 and the discretion afforded by REG-R7 to consider the effects on areas managed in the EIB chapter appropriately manages the effects of REG activities without detracting from the REG framework.
56. With respect to new roads or access tracks not being subject to the provisions in the Earthworks Chapter, the Officer recommends that new roads or access tracks continue to be subject to the Earthworks Chapter provisions, but notes that an alternative would be to apply the earthworks rules only to new roads or access tracks constructed as part of REG-R4, REG-R5 and REG-R6.<sup>11</sup> Whilst I support the officers acknowledgement that new roads or access tracks that are fundamental to the establishment of new REG activities such as those managed under REG-R7, should not be subject to the Earthworks Chapter, I consider that any new roads or access tracks that may also be necessary for existing REG activities are of equal importance to those activities and should also be excluded for the same reasons.
57. The specific provisions that I consider should apply to REG activities as identified by the introduction to the chapter are detailed in the changes I recommend in Appendix One to my evidence.

#### **REG-O1**

58. The Genesis (submission point 15.14) supported REG-O1 as notified. The s42A report recommends a minor change to REG-O1 to delete reference to the maintenance of output from REG activities in the District which I support.

#### **REG-O2**

59. Genesis submission point 15.15 opposed REG-O2 in part, seeking to amend the objective to include recognition of the national significance of REG activities and directing that particular regard is given to their functional or operational needs. The s42A report recommends that REG-O2 is retained as notified, with the stated reason being that recognising the national significance of REG activities, and taking into account functional and

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<sup>11</sup> S42A Report, Liz White, dated 19 April 2024, paragraph 55.

operational needs, is more relevant at a policy level, with the outcome sought ultimately being related to REG-O1.

60. In my opinion, the relief sought by Genesis to REG-O2 is appropriate, as it better recognises that the adverse effects of nationally important REG activities need to be managed appropriately while acknowledging their functional or operational needs. This is also reflected in the wording of INF-O2 which appropriately directs adverse effects of infrastructure to be managed according to the sensitivity of the environment and the functional needs or operational needs of the infrastructure. Whilst this is not specifically addressed by the s42A report, the section 32 report for PC26 assesses that explicitly acknowledging the functional and operational needs of infrastructure gives effect to the Canterbury Regional Policy Statement (CRPS)<sup>12</sup>. In my opinion, Objective 16.2.2 and Policies 16.3.3, 16.3.5 of the CRPS recognise to an equal or greater degree the national significance of REG activities and the functional, operational and technical factors that constrain the location, layout, design and generation potential of REG activities.

#### **REG-P4**

61. The Genesis submission supported the enablement of investigation and identification of REG sources as well as small-scale activities; however the submission requested that the phrase “*relative to the sensitivity of the area in which they are located*” be deleted on the basis that it is not clear enough to be consistently applied in decision making and is inconsistent with the NPS-REG. The submission of Forest and Bird (“**F&B**”) (submission point 13.05) considers that reference to managing adverse effects relative to the sensitivity of the area in REG-P4 is uncertain and fails to address cumulative effects. The submission of the Environmental Defence Society (“**EDS**”) (submission point 10.04) proposed that environmental limits, such as those set out in INF-P7(1)-(5) are included, with a requirement to avoid adverse effects if limits are not achieved.
62. I agree with the assessment of the s42A in that the changes sought by EDS to REG-P4 inappropriately seek to treat all REG activities the same. The Officer considers that the adverse effects arising from investigation activities and small-scale REG are not of a sufficient level to justify this approach, which I also agree with.

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<sup>12</sup> PC26 Section 32 Report, dated 03 November 2023, Page 29.

63. With respect to indigenous biodiversity, the s42A report notes that where clearance of indigenous vegetation is proposed as part of these activities, a restricted discretionary consent is required pursuant to the new Rule 1.2.5 in the EIB chapter, which requires consideration of the extent to which adverse effects on the values of the location have been avoided as far as practical, and the appropriateness of measures to remedy or mitigate adverse effects that cannot be avoided. The Officer considers that because the direction in REG-P4 is to “enable” these activities, there is a potential misalignment between the enabling policy direction in the REG chapter and the controls relating to the areas specified in REG-R6 as well as indigenous vegetation removal.
64. Whilst I consider EIB Rule 1.2.5 to be inappropriate for reasons I explain later in my evidence, I agree with the assessment of the Officer<sup>13</sup> that including additional direction in REG-P4 is necessary to better outline circumstances in which investigation and small-scale REG activities are enabled (relative to the controls specified in the REG chapter such as REG-R6).

#### **REG-P5 and P6**

65. Genesis opposed REG-P5 and REG-P6 and sought a range of changes that are accurately summarised by the s42A report.<sup>14</sup>
66. The s42A report accepts in whole or in part the relief sought by Genesis (submission point 15.22) with respect to REG-P5 on the following matters:
  - a. Amending REG-P5 to exclude its application to activities managed under REG-P3;
  - b. Removing reference to “*minimising other effects*”;
  - c. Clarifying that regard is had to offsetting and/or compensation measures that are proposed and specifying that this is where residual adverse effects remain; and
  - d. Additional consideration of the need to have particular regard to the practical constraints associated with REG activities, including the need to locate these activities where the resource is located.
67. The Officer does not agree with the changes sought by the Genesis submission to the direction in REG-P5 to enable REG activities on the basis

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<sup>13</sup> S42A Report, Liz White, dated 19 April 2024, paragraphs 210.

<sup>14</sup> S42A Report, Liz White, dated 19 April 2024, paragraphs 218, 219 & 226.

that this is inconsistent with the drafting approach of the District Plan, whereby enabling policies are used in combination with permitted (or controlled) activities.

68. In my opinion the direction of the CRPS<sup>15</sup> that new electricity generation infrastructure is enabled (particularly with respect to REG), including by having particular regard to the location, function, operational or technical constraints of REG activities, sets an clear expectation for the enablement of REG activities, particularly where adverse effects on significant natural and physical resource or cultural values are avoided, such as when REG activities are located outside of the areas specified in REG-R7 and is consistent with the changes sought in the Genesis submission.
69. However, I consider that the restricted discretionary activity status for REG activities managed under REG-R7 outside the identified areas of the specified areas of greater 'value' is appropriate in the context of the change to the relevant matters of discretion I recommend later in my evidence.
70. The s42A report recommends that reference to residual adverse effects be incorporated into REG-R5: however, the Officer disagrees that these should apply only to 'significant' adverse effects. The Officer reaches this position on the basis that Policy C2 of the NPS-REG directs that for any residual effects that cannot be avoided, remedied or mitigated, regard is had to offsetting measures and environmental compensation without specifying that these should apply to 'significant' effects only.
71. Policy C2 of the NPS-REG directs decision makers to have regard to offsetting measures or environmental compensation when considering any residual environmental effects of renewable electricity generation activities that cannot be avoided, remedied or mitigated. Whilst I acknowledge that Policy C2 of the NPS-REG does not specify the extent or significance of residual adverse effects that should be considered by decision-makers, I do not consider that this policy requires decision makers to apply a 'blanket' approach to offsetting or compensation regardless of context.
72. In my opinion, there is a difference between having "regard to" offsetting or compensation measures (as Policy C2 states) and "measures to avoid, remedy or mitigate adverse effects" as proposed in REG-P5 and REG-P6. The Resource Management Act is not a "no effects" regime and in my opinion, it is necessary and appropriate for both REG-P5 and REG-P6 to

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<sup>15</sup> Policy 16.3.5 of the CRPS.

stipulate “*significant*” residual adverse effects. The application of unlimited discretion to consider any adverse residual adverse effects may lead to inappropriately restrictive offsetting and compensatory measures being imposed on REG activities, inconsistent with the national significance of REG activities and the need to manage the effects of REG appropriately.

73. The Officer recommends that retention of the reference to functional needs in REG-P5.4 is preferable on the basis that by definition, functional needs are wider than locational matters. In my opinion, the definition of functional needs used in the District Plan is narrower than the direction in Policy C1(a) of the NPS-REG on the basis that it stipulates a need to demonstrate the need for the activity to occur in a particular environment because it can “*only*” occur in that environment. In the context of REG activities outside of areas specified in REG-P6, I consider that the policy may inadvertently require these REG activities to demonstrate they can only occur in that location. I consider that reference to functional needs should be deleted from this policy. An appropriate alternative to this may however be that REG-P5.4(a) is amended to reference functional need “or” operational needs in the same way that REG-P6 references these matters.
74. The s42A report recommends the inclusion of two new clauses to REG-P6 in response to submissions made by the Simpson Family (submission point 9.06). I agree with these additions because they provide greater clarify on how any adverse effects that do not affect the values of the area should be managed, and place greater emphasis on the practical constraints associated with REG activities in line with national direction.
75. The s42A also recommends including an exception in REG-P6 to clarify how the direction of REG-P6 applies in relation to activities manged under REG-P2. I understand the intended effect of this amendment to be that where REG-P2 applies (i.e. recognise and provide for the use and development of REG and transmission infrastructure and operations within the footprint of current operations or on land owned by infrastructure operators) then the provisions of REG-P6 should not apply. The wording of the proposed amendment is however confusing and I recommend alternative phrasing to make it easier to understand as follows:

*The direction in REG-P6 does not apply in relation to effects on the outstanding natural landscape and features of Te Manahuna / the Mackenzie Basin where REG-P2 applies.*
76. I have included this sentence in REG-P6 in Appendix One of my evidence.

77. The Officer does not agree with the Genesis submission point 15.22 that REG-P2 should be included in the activities listed in the beginning of REG-P6, stating that it only includes direction in relation to effects on the ONL/Fs of Te Manahuna / the Mackenzie Basin.<sup>16</sup> I agree that REG-P2 focuses on managing effects on the ONL/Fs of Te Manahuna / the Mackenzie Basin. This would be clarified by the sentence I recommend for REG-P6 in Appendix One of my evidence as discussed above.

#### **New Policy – Waitaki Power Scheme**

78. Genesis submission point 15.20 sought to insert a new policy that enables the operation, maintenance and upgrade of the Waitaki Power Scheme in addition to REG-P2 and REG-P3, on the basis that these policies provide for REG in a manner that, as the Officer has reiterated in their assessment of REG-P6,<sup>17</sup> as far as practicable, avoids, remedies, or mitigates significant adverse effects on the ONL and features of the Mackenzie Basin. In my opinion, specifically enabling the ongoing operation, maintenance and upgrade of the nationally significant Waitaki Power Scheme, although is similar to REG-P2 and REG-P3, is necessary to appropriately provide for the ongoing efficient operation, maintenance and upgrade of the scheme.

79. I consider that the provisions as they are currently drafted in the version recommended by the s42A report leaves a gap in the policy direction for consideration of the operation, maintenance and upgrade of the Waitaki Power Scheme where that corresponds to the permitted activity status of REG-R2 and REG-R3. I recommend a new policy REG-PX in Appendix One of my evidence as discussed above.

#### **REG-R5**

80. Genesis submission point 15.28 supported REG-R5 as notified subject to the relief sought to REG-MD3(d). The Forest and Bird submission point 13.12 considers that the 60-month timeframe for Investigation activities is not temporary and has the potential to create long lasting effects and sought that this be reduced to 12 months. In this respect, I understand that Genesis supported the 60 month timeframe on the basis that 60 months (5 years) is the minimum time period required to ascertain site suitability for wind resource when investigating the viability of the wind resource at a site. The s42A report concludes that having considered the timeframes provided for investigation activities in other plans within the region<sup>18</sup>, that a timeframe of

<sup>16</sup> S42A Report, Liz White, dated 19 April 2024, paragraph 229

<sup>17</sup> S42A Report, Liz White, dated 19 April 2024, paragraph 229

<sup>18</sup> S42A Report, Liz White, dated 19 April 2024, paragraph 288

36 months would provide a balance between ensuring these activities are of a temporary nature while recognising their operational requirements.

81. I note that other plans adopt different time frames. For example, the Auckland Unitary Plan (Rural Zone)<sup>19</sup> and Proposed Waikato District Plan<sup>20</sup> have no time limits for similar investigation activities, while the Proposed Combined Wairarapa District Plan has a time limit of 5 years.<sup>21</sup>
82. In my opinion, compliance with the standards for permitted investigation activities as set out in REG-R5.2 and REG-R5.4, ensures that the potential adverse effects of investigation activities that can be undertaken as a permitted activity will be appropriate irrespective of whether they occur for a period of 36 months or 60 months. I therefore consider that the 60 month timeframe is appropriate in the context of the other permitted activity standards and that the rule as notified appropriately gives effect to Policy G of the NPS-REG and Policy 16.3.5 of the CRPS.

#### **REG-MD4**

83. The Genesis submission point 15.34 sought to amend matter b. of REG-MD4 to clarify that the effectiveness of proposed offsetting or compensation measures relates to the management of significant residual adverse effects that cannot be avoided, remedied or mitigated. It also sought to delete reference to functional needs from matter c. and include an additional matter addressing the need to locate REG activities where the renewable energy resource is available.
84. The s42A report agrees with the need to specify in REG-MD4(b) that offsetting, or compensation measures relate to residual adverse effects, however, does not consider that these should be limited to 'significant' residual effects. For the same reasons as set out earlier in my evidence with respect to REG-P5 and REG-P6, I consider that the consideration of any proposed offsetting or compensatory measures will inappropriately restrict REG activities and that it should be focused to residual adverse effects that are 'significant'.

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<sup>19</sup> Rule A62.

<sup>20</sup> There are two appeals on the proposed "Research and exploratory-scale investigations for renewable electricity generation activities" rule EGEN-R3, one seeking an increase in the height limit and one seeking deletion of a restriction on such activities on roads.

<sup>21</sup> Standard ENG-S1.

### **EIB – Rule 1.2.5, 1.3.1 and 1.3.2**

85. The Genesis submission point 15.12 and further submission opposes the Rules 1.2.5, 1.3.1 and 1.3.2 on the basis that they should not apply to REG activities. I outline my position on whether Rules 1.2.5, 1.3.1 and 1.3.2 along with other provisions not related to the Waitaki Power Scheme should apply to REG activities in my analysis of the REG chapter introduction. My analysis of the specific provisions is set out below.

86. Rule 1.2.5 relates to the clearance of indigenous vegetation associated with investigation activities, small scale REG activities, or the construction and operation of any new REG activities. The rule provides for these activities as a restricted discretionary activity regardless of whether they are located in areas identified as significant. The matters of discretion (a. to h.) identified in Rule 1.2.5 relate to locational, functional or operational needs of the activity, management of adverse effects, proposed offsetting and compensation in accordance with the principles of the NPS-IB, and the location of existing electricity generation and distribution infrastructure.

87. As I have already explained earlier in my evidence, the NPS-IB stipulates that nothing within it applies to REG activities. The importance of this to REG activities generally lies in the recognition that these activities should be managed in an integrated way that provides for the activity to occur while also having regard to other matters of national importance. What is also clear in my opinion is that the inclusion of Appendix 3 to the NPS-IB as a matter of discretion when considering any offsetting or compensatory measures relating to REG activities is entirely inappropriate and directly contradicts the direction of the NPS-IB. Therefore, as an absolute minimum, I consider that clauses d and e should be deleted from Rule 1.2.5. In my opinion, the District Plan provisions should not be used to regulate matters in a way that a National Policy Statement has explicitly excluded from regulation.

88. In my opinion, Rule 1.2.5 should be deleted all together as the management of any indigenous vegetation clearance associated with investigation activities, small scale, or new REG activities should and is appropriately managed by the provisions of the REG chapter (subject to the changes that I recommend in my evidence).

89. Rule 1.3 identifies the indigenous vegetation clearance activities that are classified as non-complying activities. Rules 1.3.1 and 1.3.2 specify that any indigenous vegetation clearance not categorised as a Permitted Activity or Restricted Discretionary Activity, or indigenous vegetation clearance within

an area of significant indigenous vegetation or significant habitat of indigenous fauna, above 900 m in altitude, or within 75 m of a lake, 20 m of the bank of a river, or 50 m of any wetland are non-complying activities. An exemption has been included by the s42A report to Rule 1.3.2 for activities that are specified as a restricted discretionary activity under Rule 1.2.5, however in my opinion, and consistent with my recommendations for Rule 1.2.5, none of the rules in the EIB chapter relating to REG activities except for those in Rule 2 related to the Waitaki Power Scheme, National Grid, or the Opuha Scheme should be retained.

## **INTERPRETATION – FULL**

### **Infrastructure Definition**

90. The Genesis submission point 15.04 sought to amend the RMA definition of “*infrastructure*” to include reference to energy storage systems, in order to recognise the role that such systems are likely to play in future electricity systems.
91. The s42A report states that the definition of ‘infrastructure’ was added through PC20 and is considered to be operative. Notwithstanding the apparent inclusion of the infrastructure definition in the list of definition associated with PC26, the Officer considers that any changes to it are outside the scope of PC26 and changes therefore cannot be made to the definition.
92. Notwithstanding the matter of scope, the Officer is unclear on what energy storage facilities are and considers that if they are different from REG activities, then it would be necessary to consider whether they are similar in nature to infrastructure, and whether there is the same need for them to be managed in the plan on a separate basis to the relevant zone frameworks and district-wide rules.
93. I understand that battery energy storage systems are utilised to capture electricity generated during periods when demand is less than supply and subsequently supply the captured electricity when demand is greater than supply. They may be related to REG activities (since REG activities such as solar and wind generation can be intermittent) but are not necessarily so, and can be located wherever there is a connection to an electricity network or grid.
94. In essence, these facilities are utilised to aid efficiency of energy use and reduce the impact of outages. In my opinion, energy storage facilities are an

activity that should be incorporated into the definition of infrastructure and I consider that if this is not possible for reasons of scope, they should be provided for in another way in the infrastructure chapter where they are not directly captured by the definition of REG activities.

## **PC23 – GENERAL RURAL, NATURAL CHARACTER, NATURAL FEATURES AND LANDSCAPES**

### **GRUZ Introduction**

95. The Genesis submission point 40.05 generally supported the introduction to the GRUZ chapter, however sought that the introduction should include reference to REG activities on the basis that such activities are predominantly located within the General Rural Zone and should be reflected in the anticipated character of the zone. It also sought for clarification that REG activities are managed under the REG chapter and are not subject to the provisions in the GRUZ chapter.
96. The 42A report considers that with the REG chapter is effectively standalone, with provisions across the remainder of the District Plan not applying, unless explicitly stated. The Officer's view is that the wording of the REG chapter is sufficiently clear, and no further clarification is required in each of the remaining chapters making up the Mackenzie District Plan including the GRUZ chapter.
97. In my opinion, the acknowledgment that the development of REG activities as within the Mackenzie District is most likely to occur in the rural environment is appropriate as it appropriately recognises that REG activities are likely to form part of the character of the rural environment and provides additional context to the GRUZ-P3 that seeks avoidance of reverse sensitivity effects on a variety of anticipated activities including REG activities.

## **CLARIFICATION TO PLAN USERS ABOUT APPLICABILITY TO REG ACTIVITIES**

### **Introduction to GRUZ, NFL, NATC, SASM, RULZ, PA, EW and SUB chapters**

98. The Genesis submissions to PC 23 (40.14, 40.11, 40.05), PC24 (12.05), PC25 (18.05), and PC27 (28.01, 28.09, 28.02) all sought changes to the introduction of the GRUZ, NFL, NATC, SASM, RULZ, PA, EW and SUB chapters to provide clarity to plan users that REG activities are not subject to the provisions in the respective chapters.

99. The s42A reports for each of the respective plan changes recommend that the additions to the introductions are not necessary on the basis that the applicability of other chapters to REG provisions is sufficiently addressed in the REG Chapter.
100. In my opinion, providing plan users with relevant guidance on the relevance of provisions to REG activities within the respective chapters assists with the clarity of the plan and appropriately acknowledges the need for REG activities to be assessed and managed in an integrated way that provides for the activity to occur independently of the restrictions within individual chapters.

## Appendix One: Summary of Proposed Changes

### Plan Change 23 Changes Recommended (Richard Matthews, 03 May 2024)

#### 1. GRUZ Introduction

Amend the Introduction as follows (changes to the s42A report recommendation in red underline and red strikethrough):

*The General Rural Zone encompasses the majority of the District. The land resource making up this zone is a major contributor to the economic, social and cultural wellbeing of the District.*

*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 including renewable electricity generation activities.*

*The character of the zone varies, but is distinctly rural with open grasslands, pastoral farming, and areas of forestry with an overall low density of built form. To recognise and maintain the existing character, the zone has been separated into different areas to manage residential density, most notably through the Eastern Plains Specific Control Area where greater densities of development are anticipated.*

*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 districtwide Natural Features and Landscapes chapter in Part 2 of the District Plan, which apply in addition to the provisions set out below.*

*Renewable Electricity Generation activities are managed under the REG Chapter of the Plan and are not subject to the provisions in this chapter.*

#### 2. NFL – Introduction

Amend the Introduction as follows (changes to the s42A report recommendation in red underline and red strikethrough):

...

**Note to Plan users:** Forestry Management Areas are categorised as Visual Amenity Landscapes for the purpose of the National Environmental Standards for Commercial Forestry.

*Renewable Electricity Generation activities are managed under the REG Chapter of the Plan and are not subject to the provisions in this chapter.*

### 3. NATC – Introduction

Amend the Introduction as follows (changes to the s42A report recommendation in red underline and red strikethrough):

...

*Most of the District's natural freshwater bodies with attributes that form part of the natural character are including 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.*

*Renewable Electricity Generation activities are managed under the REG Chapter of the Plan and are not subject to the provisions in this chapter.*

## Plan Change 24 Changes Recommended (Richard Matthews, 03 May 2024)

### 4. SASM – Introduction

Amend the Introduction as follows (changes to the s42A report recommendation in red underline and red strikethrough):

...

*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.*

*Renewable Electricity Generation activities are managed under the REG Chapter of the Plan and are not subject to the provisions in this chapter.*

5. RULZ – Introduction

Amend the Introduction as follows (changes to the s42A report recommendation in red underline and red strikethrough):

...

*As well as the provisions in this chapter, district-wide chapter provisions will also apply where relevant.*

*Renewable Electricity Generation activities are managed under the REG Chapter of the Plan and are not subject to the provisions in this chapter.*

## Plan Change 26 Changes Recommended (Richard Matthews, 03 May 2024)

### 6. INF – P5

Amend the policy as follows (changes to the s42A report recommendation in red underline and red strikethrough):

...

*4. Following application of 1. – 3. Above, there are no significant adverse effects remaining, (except that this clause shall not apply to the National Grid or to energy storage facilities associated with the supply of renewable electricity).*

### 7. INF – P7

Amend the policy as follows (changes to the s42A report recommendation in red underline and red strikethrough):

*In addition to P5, avoid new infrastructure (that is not the National Grid or energy storage facilities associated with the supply of renewable electricity) that has adverse effects on the following, in an area of significant indigenous vegetation and significant habitats of indigenous fauna:*

...

### 8. REG – Introduction

Amend the Introduction as follows (changes to the s42A report recommendation in red underline and red strikethrough):

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

*~~Energy efficiency and the use and development of renewable energy are matters the District Plan must have particular regard to under section 7 of the Act. The District Plan must also give effect to the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG), which requires recognition of the national significance of renewable electricity generation.~~*

*~~The global climate has changed because of greenhouse gas emissions from human activities, and it will continue to do so in the absence of fast and bold interventions. The effects of human-caused climate change are broad and far-reaching. It is a global issue that affects the physical environment, ecosystems, and human societies. New Zealand is already experiencing increased frequency and intensity of extreme events such as higher temperatures, flooding, droughts and wildfires, increased sea-level rise, and warmer and more acidic oceans. Climate change poses a profound risk to achieving sustainable management of natural and physical resources in New Zealand, including in the Mackenzie District.~~*

*~~Key to mitigating climate change is rapid decarbonisation of the economy and its energy systems through renewable electricity generation. The Mackenzie District is synonymous with renewable electricity generation activities, such as the nationally significant Waitaki Power Scheme. The national significance of renewable electricity generation is also recognised in the National Policy Statement for Freshwater Management 2020 and the National Policy Statement for Indigenous~~*

*Biodiversity 2023. Together these national policy statements establish a framework to specifically provide for and manage the potential effects of renewable electricity generation activities that differs from the framework applied to other activities under the Act.*

*The District Plan must give effect to national policy statements.*

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

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

*The provisions in other chapters of this District Plan do not apply to activities managed in this chapter, except where specified within the provisions of this chapter, and as follows:*

<b>Topic</b>	<b>Current Plan Provisions that Apply to Activities Managed in this Chapter</b>	<b>Provisions that will Apply to Activities Managed in this Chapter when Stage 4 of the District Plan Review is Completed</b>
Strategic Directions	All provisions in the ATC, MW, NE and UFD chapters	All provisions in the ATC, MW, NE and UFD chapters
Natural hazards	Section 5 – Business Objective 4  Section 7 – Rural Objective 7, Rural Policies 7A & 7B  All provisions in Section 18	All provisions in the Natural Hazards chapter
Historic heritage	All provisions in Section 11 – Heritage Protection	All provisions in the Historical Heritage chapter

Notable trees	<i>All provisions in Section 11 – Heritage Protection</i>	<i>All provisions in the Historical Heritage chapter</i>
Ecosystems and Indigenous Biodiversity	<i>All provisions in Section 19, excluding Policies 2 and 3 With respect to the Waitaki Power Scheme and the Opuha Scheme:</i>  <i>Objective,</i>  <i>Policies 1, 4, 5, 7 and 8</i>  <i>Rules 2.11 and 2.21</i>	<i>All provisions in Section 19, excluding Policies 2 and 3 With respect to the Waitaki Power Scheme and the Opuha Scheme:</i>  <i>Objective,</i>  <i>Policies 1, 4, 5, 7 and 8</i>  <i>Rules 2.11 and 2.21</i>
Activities on the Surface of Water	Section 7 – Rural Objective 8, Rural Policies 8A – 8H, and Rules 7A – Activities on or Within Waterbodies	<i>All provisions in the Activities on the Surface of Water chapter</i>
Lighting	<i>All provisions in the Light Chapter</i>	<i>All provisions in the Light Chapter</i>
Noise	Section 5 – Rules 1.3.1.b, 1.5.1, 1.6.1, 3.3.6.g, 3.5.1  Section 6 – Rule 12  Section 7 – Rules 15.1.1, 15.1.1h and 15.2.1  Section 8 – Rule 1.7.7  Section 9 – Rules 2.4.7.i, 2.5.1, 3.3.16.a, 3.4.2, 4.5.2.g, 4.6.4, 8.4.3.i, 8.7.7	<i>All provisions in the Noise Chapter</i>
Signs	<i>All provisions in Section 12 – Signs and Aerial Distractions</i>	<i>All provisions in the Signs chapter.</i>

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

## 9. REG – O2

Amend the objective as follows (changes to the s42A report recommendation in red underline and red strikethrough):

*The adverse effects of renewable electricity generation activities are appropriately managed while recognising the national significance of renewable electricity generation activities and giving particular regard to the functional or operational needs of such activities.*

## **10. REG – PX Waitaki Power Scheme**

Insert new policy as follows (changes to the s 42A report recommendation in red underline and red strikethrough):

**REG-PX Waitaki Power Scheme**

*Enable the operation, maintenance and upgrade of the Waitaki Power Scheme.*

## **11. REG – P4**

Amend the policy as follows (changes to the s42A report recommendation in red underline and red strikethrough):

*Enable investigation and identification of renewable electricity generation sources and small-scale renewable electricity generation activities ~~where they do not compromise the values of the area in which they are located.~~*

## **12. REG – P5**

Amend the policy as follows (changes to the s42A report recommendation in red underline and red strikethrough):

*Provide for ~~Enable~~ renewable electricity generation (not otherwise specified in REG-P2, REG-P3, REG-PX, REG-P4 or REG-P6), while managing adverse effects by:*

1. *avoiding, remedying or mitigating adverse effects as far as practicable;*
3. *where residual adverse effects remain, having regard to any proposed offsetting measures and/or environmental compensation; and*
4. *having particular regard to the practical constraints associated with renewable electricity generation activities, including the:*
  - a. *~~functional needs and~~ operational needs of renewable electricity generation activities;*
  - b. *location and efficient use of existing electricity generation, transmission and distribution infrastructure; and*
  - c. *the need to locate the renewable electricity generation activity where the renewable energy resource is located.*

## **13. REG – P6**

Amend the policy as follows (changes to the s42A report recommendation in red underline and red strikethrough):

Provide for renewable electricity generation activities (not otherwise specified in REG-P3 and REG-P4) within areas of significant indigenous vegetation and significant habitats of indigenous fauna, Outstanding Natural Landscapes, Outstanding Natural Features, Sites and Areas of Significance to Māori, riparian areas, or within area of Highly Productive Land, where:

1. there is a functional need or operational need for the activity to be in that location;
2. adverse effects on the values of the area are avoided as far as practicable, including through site, route or method selection, design measures and other management methods;
3. adverse effects on the values of the area that cannot be avoided are remedied or mitigated, where practicable;
- X. other adverse effects (that do not affect the values of the area) are avoided, remedied or mitigated as far as practicable;
4. regard is had to any proposed offsetting measures or environmental compensation, where there are significant residual adverse effects that cannot be avoided, remedied or mitigated; and
- X. particular regard is had to the practical constraints associated with renewable electricity generation activities, including the:
  - a. location and efficient use of existing electricity generation, transmission and distribution infrastructure; and
  - b. the need to locate the renewable electricity generation activity where the renewable energy resource is located<sub>72</sub>.

*The direction in REG-P6 does not apply in relation to effects on the outstanding natural landscape and features of Te Manahuna / the Mackenzie Basin where REG-P2 applies.*

*except that where REG-P2 applies, the direction in REG-P6 does not apply in relation to effects on the outstanding natural landscape and features of Te Manahuna / the Mackenzie Basin.*

#### 14. REG – R5

Amend the rule as follows (changes to the s42A report recommendation in red underline and red strikethrough):

<b><i>REG-R5</i></b>	<b><i>Investigation Activities</i></b>	
<b><i>All Zones (except as specified below)</i></b>	<b><i>Activity Status: PER Where:</i></b> <b><i>1. The investigation, identification or assessment activity is</i></b>	<b><i>Activity status when compliance is not achieved with R5.1: RDIS Matters of discretion are restricted to:</i></b>

	<p><i>located on site for no more than <u>60 36</u> months.</i></p> <p>2. <i>Any structure shall be set back from the road boundary, or internal boundary of any site in separate ownership, the equivalent distance to the height of the structure.</i></p>	<p>a. <i>Any functional or operational reason for an extended timeframe.</i></p> <p>b. <i>The appropriateness of measures to avoid, remedy or mitigate adverse effects.</i></p> <p><b>Activity status when compliance is not achieved with R5.2: RDIS</b></p> <p>a. <i>The location, design, scale and appearance of the building.</i></p> <p>b. <i>For road boundaries, adverse effects on the streetscape.</i></p> <p>c. <i>For internal boundaries, the extent of adverse effects on privacy, outlook, shading, and other amenity values for the adjoining property.</i></p> <p>d. <i>Any functional or operation reason that structures cannot be setback in accordance with R5.23.</i></p> <p>e. <i>The adequacy of any mitigation measures.</i></p>
<p><b>Scenic Viewing Areas, Scenic Grasslands, Lakeside Protection Areas and Silent File Areas</b></p>	<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <p>3. <i>The investigation, identification or assessment activity is located on site for no more than <u>6036</u> months.</i></p> <p>4. <i>Any structure does not exceed 1.8 in height and 6m<sup>2</sup> in footprint, but excluding any anemometer mast, weather stations, lightning rods,</i></p>	<p><b>Activity Status when compliance is not achieved with R5.3: RDIS</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. <i>Any functional or operational reason for an extended timeframe.</i></p> <p>b. <i>The appropriateness of measures to avoid, remedy or mitigate adverse effects.</i></p> <p><b>Activity status when compliance is not achieved with R5.4: RDIS</b></p> <p>REG-MD3 Specified Areas</p>

	<i>antennas, earth peak or GPS unit and their associated mounting structures.</i>	
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## 15. REG – MD4

Amend the rule as follows (changes to the s42A report recommendation in red underline and red strikethrough):

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

## 16. EIB – Rule 1.2.5

Subject to the relief sought with respect to Item 9 of this Appendix, delete the rule as follows (changes to the s42A report recommendation in red underline and red strikethrough):

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

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

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

## 17. EIB – Rule 1.3.2

Subject to the relief sought with respect to item 9 of this Appendix, delete the rule as follows (changes to the s42A report recommendation in red underline and red strikethrough):

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

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

## Plan Change 27 Changes Recommended (Richard Matthews, 03 May 2024)

### 18. PA – Introduction

Amend the Introduction as follows (changes to the s42A report recommendation in red underline and red strikethrough):

...

*Consideration will also be given to esplanade provision where allotments of 4ha or greater are created. PA-SCHED2 identifies areas where Council may have an interest in securing land for esplanade purposes when subdivision of land greater than 4ha occurs, if the site is seen as sufficiently valuable to the community for public access.*

*Renewable Electricity Generation activities are managed under the REG Chapter of the Plan and are not subject to the provisions in this chapter.*

### 19. EW – Introduction

Amend the Introduction as follows (changes to the s42A report recommendation in red underline and red strikethrough):

...

**Advice Note:** *For avoidance of doubt, the provisions of this chapter do not apply to renewable electricity generation activities which are managed under the REG Chapter. The rules in this chapter also do not apply to the Open Space and Recreation and Special Purpose Zones.*

### 20. SUB – Introduction

Amend the Introduction as follows (changes to the s42A report recommendation in red underline and red strikethrough):

...

*Renewable electricity generation activities are managed under the REG Chapter of the Plan and are not subject to the provisions in this chapter.*

**Plan Changes 23, 24, 25, 26 & 27 Definition Changes Recommended (Richard Matthews, 03 May 2024)**

**21. Definitions – infrastructure**

Amend the definition as follows (changes to the s42A report recommendation in red underline and red strikethrough):

*Has the same meaning as in section 2 of the RMA, with an added reference to energy storage, (as set out below)*

*Means —*

*...*

*(d) facilities for the generation of electricity, energy storage, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—*

- a. uses them in connection with the generation of electricity for the person's use; and*
- b. does not use them to generate any electricity for supply to any other person:*

*...*

*Alternatively, if the definition of Infrastructure is not amended, then all provisions in all of PC23, PC24, PC25, PC26 and PC27 that refer to "Infrastructure" should be amended to refer to "Infrastructure and energy storage facilities"....*

**22. Definitions – regionally significant infrastructure**

Amend the definition as follows (changes to the s42A report recommendation in red underline and red strikethrough):

*means:*

- a. the state highway network and arterial roads*
- b. telecommunication facilities networks*
- c. the National Grid*
- d. wastewater collection, treatment and disposal networks*
- e. community land drainage infrastructure*
- f. community potable water systems*
- g. established community-scale irrigation and stockwater infrastructure*
- h. electricity distribution network*