



## **Proposed Timaru District Plan**

### **Section 42A Report: Energy and Infrastructure, Stormwater and Transport**

**Report on submissions and further submissions**

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**Date: 11 December 2024**

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## List of Submitters and Further Submitters Addressed in this Report:

### Original Submitters

Submitter Ref	Submitter Name	Abbreviation
27	Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited	Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited
42	Timaru District Council as a submitter	TDC
55	Alpine Energy Limited	Alpine Energy
60	Milward Finlay Lobb	Milward Finlay Lobb
66	Bruce Speirs	Bruce Speirs
74	HB	HB
81	John Leonard Shirtcliff and Rosemary Jean Shirtcliff	John Leonard Shirtcliff and Rosemary Jean Shirtcliff
100	David and Judith Moore	David and Judith Moore
105	Peel Forest Estate	Peel Forest Estate
106	Ministry of Education	MoE
107	Lineage Logistics New Zealand Limited	Lineage Logistics
113	Kerry & James McArthur	Kerry & James McArthur
116	Z Energy Limited	Z Energy
131	Fire and Emergency New Zealand	FENZ
140	Southern Proteins Limited	Southern Proteins
143	Waka Kotahi NZ Transport Agency	Waka Kotahi
152	Radio New Zealand Limited	Radio NZ
156	Royal Forest and Bird Protection Society	Forest and Bird
159	Transpower New Zealand Limited	Transpower
162	Enviro NZ Services Limited (formerly Enviro Waste Services Limited)	EnviroNZ
165	Fonterra Limited	Fonterra
166	Penny Nelson, Director- General of Conservation Tumuaki Ahurei	Dir. General Conservation
167	Broughs Gully Development Limited	Broughs Gully
168	Hilton Haulage Limited Partnership	Hilton Haulage
169	Road Metals Company Limited	Road Metals
170	Fulton Hogan Limited	Fulton Hogan
171	Fenlea Farms Limited	Fenlea Farms
172	Silver Fern Farms Limited	Silver Fern Farms
174	Rooney Holdings Limited	Rooney et al, or individually referenced if only some of the entities made submissions on the specific point
191	GJH Rooney	
249	Rooney Group Limited	
250	Rooney Farms Limited	
251	Rooney Earthmoving Limited	
252	Timaru Developments Limited	

Submitter Ref	Submitter Name	Abbreviation
175	PrimePort Limited	PrimePort
177	Alastair Joseph Rooney	AJ Rooney
181	Opuha Water Limited	Opuha Water
182	Federated Farmers	Federated Farmers
183	Canterbury Regional Council	ECan
185	Te Rūnanga o Ngāi Tahu	TRONT
186	Timaru District Holdings	Timaru District Holdings
187	KiwiRail Holdings Limited	KiwiRail
189	Waipopo Huts Trust	Waipopo Huts
190	North Meadows 2021 Limited and Thompson Engineering (2002) Limited	North Meadows
196	BP Oil, Mobil Oil NZ Ltd, Z Energy	BP Oil, et al
197	KJ Rooney	KJ Rooney
176	Connexa	The Telcos
208	Spark New Zealand Trading Limited	
209	Chorus New Zealand Limited	
210	Vodafone New Zealand Limited	
229	Kāinga Ora	Kāinga Ora
230	The Retirement Village Association of New Zealand Incorporated	The RVA
241	JR Livestock	JR Livestock
242	Woolworths New Zealand Limited	Woolworths
245	Horticulture New Zealand	Hort NZ

### Further Submitters

Submitter Ref	Further Submitter Name	Abbreviation
20	Terrence John O'Neill, Aileen Kathryn O'Neill, C and F Trustees 2006 Limited	O'Neill et al
27	Holly Renee Singline and RSM Trust Limited	Singline and RSM Trust
55	Alpine Energy Limited	Alpine Energy
60	Milward Finlay Lobb	MFL
81	John Leonard Shirtcliff and Rosemary Jean Shirtcliff	Shirtcliff, J L and R J
94	Port Blakely Limited	Port Blakely
131	Fire and Emergency	FENZ
143	Waka Kotahi	Waka Kotahi
152	Radio New Zealand Limited	Radio NZ
156	Royal Forest & Bird Protection Society fo New Zealand Inc. (Forest & Bird)	Forest and Bird
159	Transpower New Zealand Limited	Transpower
160	David Alexander and Susanne Elizabeth Payne	Payne, D A and S E
165	Fonterra Limited	Fonterra
166	Penny Nelson, Director-General of Conservation Tumuaki Ahurei	Dir. General Conservation

Submitter Ref	Further Submitter Name	Abbreviation
169	Road Metals Company Limited	Road Metals
170	Fulton Hogan Limited	Fulton Hogan
172	Silver Fern Farms Limited	Silver Fern Farms
173	Alliance Group Limited	Alliance Group
175	PrimePort Limited	PrimePort
181	Opuha Water Limited	OWL
182	Federated Farmers	Federated Farmers
183	Canterbury Regional Council (Environment Canterbury)	ECan
185	Te Rūnanga o Ngāi Tahu	TRONT
187	KiwiRail Holdings Limited	KiwiRail
189	Waipopo Huts Trust	Waipopo Huts
196	bp Oil New Zealand Limited; Mobil Oil New Zealand Limited; Z Energy Limited	BP Oil et al
229	Kāinga Ora - Homes and Communities	Kāinga Ora
245	Horticulture New Zealand	Hort NZ
252	Timaru Developments Limited	TDL
261	Davis Ogilvie (Aoraki) Limited	Davis Ogilvie
265	New Zealand Helicopter Association	NZHA
270	PH and MJ Evans	Evans, P H and M J
274	South Pacific Sera Limited	South Pacific Sera
278	Rooney Group Limited, Rooney Holdings Limited, Rooney Earthmoving Limited and Rooney Farms Limited	Rooney Group et al

## Abbreviations Used in this Report:

Abbreviation	Means
Abley	Mat Collins and Anne-Marie Head from Abley Transportation Ltd
BSMO	Bird Strike Management Overlay
CAA	Civil Aviation Authority
CE	Coastal Environment
CRPS	Operative Canterbury Regional Policy Statement
DIS	Discretionary
DPR	District Plan Review
ECan	Canterbury Regional Council / Environment Canterbury
EI Chapter	The Energy and Infrastructure Chapter
EW	Earthworks
LWRP	Land and Water Regional Plan
NC	Non Complying
NFL	Natural Features and Landscapes
NH	Natural Hazards
NPS	National Planning Standards
NPS-REG	National Policy Statement for Renewable Energy Generation
NPS-ET	National Policy Statement for Electricity Transmission
ONC	Outstanding Natural Character



<b>Abbreviation</b>	<b>Means</b>
ONL	Outstanding Natural Landscape
Operative Plan	Operative Timaru District Plan
PDP	Proposed Timaru District Plan
RDIS	Restricted Discretionary
RMA	Resource Management Act 1991
RSI	Regionally Significant Infrastructure
SASM	Sites and Areas of Significance to Māori
SDP	Partially Operative Selwyn District Plan
SIRZ	Strategic Rural Industrial Zone
TRAN	Transport Chapter
Timaru Airport	Richard Pearse Airport
WDP	Proposed Waimakariri District Plan
WSA	Water Services Act 2021
WSP	Ms Dudson and Mr Machado from WSP

# 1. Introduction

## 1.1 Experience and Qualifications

1.1.1 My name is Andrew Willis. I hold the qualifications of Bachelor of Science in Ecology and a Masters of Science in Resource Management (an accredited planning degree). I am a full member of the New Zealand Planning Institute (NZPI). I have approximately 28 years' experience working as a planner for local and central government (in New Zealand and the UK), as well as planning consultancies. I have been the director of Planning Matters Limited (a town planning consultancy) since its inception in 2012. My relevant work experience for this s42A report includes, amongst other matters:

- Drafting / co-drafting or updating the Strategic Directions, Natural Hazards, Transport, Coastal Environment, Industrial, Stormwater and Energy and Infrastructure chapters for the Proposed Timaru District Plan (PDP);
- Drafting the strategic directions, natural hazards and commercial and industrial provisions of the Proposed Waimakariri District Plan (WDP);
- Co-drafting and leading the review of the Canterbury Regional Policy Statement 2013 (CRPS); and
- Hearing submissions (as an independent hearings commissioner) on various chapters of the proposed Selwyn District Plan (SDP) and proposed plan changes to the Mackenzie District Plan (MDP).

1.1.2 I was not the original author of the Energy and Infrastructure, Transport or Stormwater chapters covered in this s42A report, nor their s32 reports. However, I did update these in response to comments received during the preliminary consultation exercise.

1.1.3 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Practice Note, and that I have complied with it when preparing this report. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearing Panel.

## 1.2 Purpose and Scope of this Report

1.2.1 The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on these topics and to make recommendations in response to those submissions, to assist the Hearing Panel in evaluating and recommending on the submissions.

1.2.2 This report is prepared under section 42A of the RMA in relation to:

- The Energy and Infrastructure Chapter;
- The Stormwater Chapter;
- The Transport Chapter; and
- Associated definitions and related provisions.

1.2.3 This report considers the submissions and further submissions that were received in relation to the above topics. It includes recommendations to either retain provisions without amendment, delete, or amend the provisions, in response to these submissions. All recommended amendments are shown by way of ~~strikeout~~ and underlining in **Appendix 1** to this Report, or, in relation to mapping, through recommended spatial amendments to the mapping. Footnoted references (in **Appendix 1**) to the relevant submitter(s) identify the scope for each recommended change.

1.2.4 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

### **1.3 Procedural Matters**

1.3.1 There are no outstanding procedural matters. At the time of writing this report there have been no pre-hearing meetings. However, I have had discussions with the following submitters in relation to their submissions:

- Kāinga Ora [229];
- Transpower [159];
- Opuha Water [181];
- TDC [42].

## **2. Topic Overview**

### **2.1 Summary of Relevant Provisions of the PDP**

2.1.1 This section of the report provides a brief summary of the provisions relevant to the topics covered.

### **The Energy and Infrastructure Chapter**

- 2.1.2 The Energy and Infrastructure chapter contains district-wide provisions that cover Regionally Significant Infrastructure (RSI) and other infrastructure. It also contains provisions applying to amateur radio and to protect the operation of Richard Pearse Airport (Timaru Airport).
- 2.1.3 RSI and other infrastructure have important functions and enable people and communities to provide for their social, economic and cultural wellbeing. The positive effects of RSI and other infrastructure may be realised locally, regionally or nationally. However, they can also have adverse effects, especially on sensitive environments.
- 2.1.4 The chapter is arranged in sections as follows:
- Section A - Rules for Energy and Infrastructure Activities (not listed in other Sections of this chapter);
  - Section B - Rules for Telecommunication and radiocommunication activities;
  - Section C - Rules for network utilities - Three Waters;
  - Section D - Rules for the National Grid;
  - Section E - Rules for Renewable Electricity Generation;
  - Section F - Rules for amateur radio configurations; and
  - Section G - Flight Paths Protection for Richard Pearse Airport (Timaru Airport).
- 2.1.5 Because this is a district wide chapter and covers buildings and structures that may also be covered in other chapters, it contains guidance on how the chapter interacts with other chapters. The rules in Sections A - Section F of the chapter take precedence over rules in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters. Unless otherwise specified in this chapter, the provisions of the Development Area Chapter, Designation Chapter and Chapters in Part 2 - District-wide Matters Chapters still apply to activities provided for in Sections A - Section F and therefore resource consent may be required by the rules in Part 2. Rules in Section G of this chapter do not take precedence over rules in the Zones chapter. For this section, consent may be required by rules in Part 2 - District-wide Matters Chapters and Part 3 – Area Specific Matters - Zone Chapters. Unless expressly stated otherwise by a rule, consent is required under each of those rules. There is currently no guidance in the chapter on how the EI objectives and policies relate to other chapters.

### **The Stormwater Management Chapter**

- 2.1.6 The Stormwater Management chapter is a district wide chapter that contains provisions covering stormwater. The introduction states that stormwater runoff generated from land use and development can have adverse effects on property, communities, and the environment,

for example nuisance effects, flooding and water contamination. Stormwater quantity is predicted to increase as a result of climate change. Stormwater can be managed through water sensitive design that manages the volume and quality of stormwater that runs off a site. The control of the discharge of contaminants to land or water and the control of the use of land for the purpose of the maintenance and enhancement of water quality are Canterbury Regional Council functions (ECan). Stormwater can, however, be a direct or potential effect of land use activities, and a district council can manage land uses to avoid or mitigate these effects, and in order to support the achievement of integrated management.

- 2.1.7 Recognising that water quality and quantity matters are also controlled by ECan, this chapter includes exemptions for where an existing stormwater discharge consent is already held for the same activity from ECan.

### ***The Transport Chapter***

- 2.1.8 The Transport chapter is a district wide chapter that sits alongside the underlying zones and other district wide provisions and only regulates transport activities. The zoning of the road or rail corridor is the same zone as that of the adjoining land (as shown on the District Plan maps). Where the zoning of the land that adjoins one side of the road or rail corridor is different to that of the land that adjoins the other side of the road or rail corridor, then the zoning of the adjoining land shall apply up to the centreline of the road or rail corridor.
- 2.1.9 Safe and efficient land transport infrastructure assists in meeting the community's social, cultural and economic wellbeing. However, transportation, in its role as both a land use activity and as an effect of other activities, can adversely impact the environment of the District. The use of land transport infrastructure can result in noise that is not compatible with the receiving environment. The construction and ongoing use of land transport infrastructure can adversely affect existing communities, important landscapes, ecological habitats and storm water quality and quantity management. Road traffic as a prime component of transportation, and as an effect of land use activities, can impact adversely on the amenity values of an area in terms of noise, dust, dirt, fumes, visual intrusion and traffic congestion. This chapter seeks to address these matters.
- 2.1.10 The chapter contains numerous standards covering such things as road and parking provision and design, and various safety requirements, including for accessways and road and rail intersections and crossings.

### ***Associated definitions***

- 2.1.11 The Definitions chapter includes definitions relevant to the above chapters.

## **2.2 Background to the Relevant Provisions**

- 2.2.1 As with other chapters of the PDP, the review of these chapters involved: the identification of issues; community consultation via a discussion document; the development of provisions through collaboration amongst the Council's technical working group; community feedback on

these through the draft Plan; and incorporation of updates responding to these comments reflected in the final PDP.

- 2.2.2 The Key issues are identified in the supporting s32 reports, which also identify the relevant higher order statutory framework.

### 3. Overview of Submissions and Further Submissions

- 3.1.1 The full list of submission points addressed in this report are set out in **Appendix 2**. Overall, there were:

- 463 original submissions on the EI Chapter and 200 further submissions.
- 56 submissions on Stormwater Chapter and 29 further submissions.
- 163 submissions on the Transport Chapter and 72 further submissions.

- 3.1.2 The submissions received on the chapters were diverse and sought a range of outcomes, with the key issues in contention set out in the table below. These issues are assessed in the 'Analysis and Evaluation of Submissions' section of this report.

ISSUE NAME	SUMMARY OF ISSUE	POSITION OF SUBMITTERS
Relationship of the EI Chapter to zone and other district wide chapters	The EI Chapter covers buildings and structures which can also be covered in zone chapters and district wide chapters. This can be confusing and unhelpful. The EI chapter contains a statement that it takes precedence over the zone rules, but there is no corresponding guidance for objectives and policies. The District wide provisions continue to apply.	Some submitters seek to include references within the provisions to the Coastal Environment (District-wide provisions), whereas other submitters are seeking a more standalone chapter that takes precedence over other chapters.
National Grid provisions	There are different opinions on the appropriate level of control for activities within the National Grid Corridor / Yard.	The national grid operator is seeking to restrict activities with the corridor / yard in accordance with the NPS-ET while other submitters are seeking to enable more activities within the corridor.
Alignment with the NES-TF	There are instances where the EI Chapter provisions do not fully align with the NES-TF.	Amend the chapter to align with the NES-TF.
Large-scale renewable electricity generation	Whether to provide a permitted pathway for large-scale renewable electricity generation.	Some submitters seek to better facilitate large-scale renewable electricity generation.

Infrastructure and adverse effects on sensitive environments	Whether to include an effects management hierarchy in the EI chapter.	There is general agreement amongst submitters to include an effects management hierarchy in the EI objectives / policies for “sensitive environments” or a subset of these.
Three waters infrastructure	There are different opinions on the appropriate level of control for new three-waters infrastructure.	Some submitters seek to remove all rules relating to the provision of three waters infrastructure so that these are permitted.
Aircraft protection	Whether to restrict managed and controlled fills within the Bird Strike Management Overlay (BSMO)	Some submitters seek to permit managed and controlled fills within the BSMO.
Stormwater management	Whether to retain the stormwater management chapter or replace it.	One submitter has sought deletion and replacement of the whole chapter based on complete and accessible technical evidence.
Stormwater management	Whether to exclude specific areas / zones from specific provisions.	Various submitters have sought to exclude the provisions from applying to their areas / zones.
Transport	Whether to exclude specific areas / zones from specific provisions.	Various submitters have sought to exclude the provisions from applying to their areas / zones.
Landscaping requirements in carparks	Whether to require indigenous vegetation landscaping.	A number of submitters have sought to delete the requirements for indigenous vegetation as part of landscaping.

## 4. Relevant Statutory Provisions

4.1.1 The assessment for the PDP includes the matters identified in sections 74-76 of the RMA. This includes whether:

- it is in accordance with the Council’s functions (s74(1)(a));
- it is in accordance with Part 2 of the RMA (s74(1)(b));
- it will give effect to any national policy statement or operative regional policy statement (s75(3)(a) and (c));
- the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a)); and
- the provisions within the plan change are the most appropriate way to achieve the objectives of the District Plan (s32(1)(b)).

- 4.1.2 In addition, assessment of the PDP must also have regard to:
- any proposed regional policy statement, and management plans and strategies prepared under any other Acts (s74(2));
  - the extent to which the plan is consistent with the plans of adjacent territorial authorities (s74 (2)(c)); and
  - in terms of any proposed rules, the actual or potential effect on the environment of activities including, in particular, any adverse effect.

## 5. Statutory Instruments

- 5.1.1 The s32 reports for the chapters covered in this report set out the statutory requirements and relevant planning context for these topics. Given the relatively straightforward nature of these topics, I have not repeated the relevant provisions from the higher order planning framework.

## 6. Analysis and Evaluation of Submissions

### 6.1 Approach to Analysis

- 6.1.1 This report covers three chapters that have been grouped together for efficiency purposes as they are semi-related district wide chapters. These chapters are addressed in turn, in both the body of this report and in the appendices.
- 6.1.2 The submissions on the chapters and related definitions and other provisions raised both general issues and provision specific issues. Many of the submissions were by industry groups, such as the Telcos, who sought similar outcomes across a number of provisions. I have structured this report principally on a provision-by-provision basis (following the layout of the chapters) where the matters are best dealt with on this basis, and in limited circumstances on a topic basis to address multiple similar submission points across multiple provisions.
- 6.1.3 For each identified topic or provision, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters, together with the submission point in square brackets;
  - Assessment;
  - Summary of recommendations;
  - Recommended amendments to the PDP; and
  - S32AA evaluation, where relevant and at a level of detail appropriate to the changes being proposed.
- 6.1.4 Clause 10(2)(b), Schedule 1 of the RMA provides for consequential changes arising from the submissions to be made where necessary, as well as any other matter relevant to the PDP arising from submissions. Consequential changes recommended under clause 10(2)(b) are footnoted as such.



- 6.1.5 Clause 16(2), Schedule 1 of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Any changes recommended under clause 16(2) are footnoted as such.
- 6.1.6 I have not individually referenced submissions in support of provisions. However, where I am recommending changes to a provision, I have correspondingly recommended that the submission(s) in support of a provision are accepted, accepted in part, or rejected, depending on the extent of the recommended changes. These recommendations are contained in **Appendix 2**.
- 6.1.7 Further submissions have been considered in the preparation of this report, but in general, they are not specifically mentioned because they are limited to the matters raised in the original submissions and therefore the subject matter is canvassed in the analysis of the original submission. Further submissions may however be mentioned where they raise a valid matter not addressed in an original submission. Further submissions are not listed within **Appendix 2**. Instead, recommendations on the primary submissions indicate whether a further submission is accepted or rejected as follows:
- Where a further submission supports a primary submission and the primary submission is recommended to be accepted, or where a further submission opposes a primary submission and the primary submission is recommended to be rejected, the further submission is recommended to be accepted.
  - Where a further submission supports a primary submission and the primary submission is recommended to be rejected, or where a further submission opposes a primary submission and the primary submission recommended to be accepted, the further submission is recommended to be rejected.
  - Where a further submission supports or opposes a primary submission and the primary submission is recommended to be accepted in part, then the further submission is recommended to be accepted in part.
- 6.1.8 David and Judith Moore [100.2], Peel Forest [105.1] and Kerry and James McArthur [113.1], in a primary submission, support the submission of Federated Farmers and seek the same relief as sought in that submission. Discussion of the Federated Farmers submission points and recommendations made in relation to these therefore applies to that of David and Judith Moore [100.2], Peel Forest [105.1] and Kerry and James McArthur [113.1].

#### **Provisions where no change Sought**

- 6.1.9 The following provisions were either not submitted on, or any submissions received sought their retention. As such, they are not assessed further in this report, and I recommend that the provisions are retained as notified, except where clause 16(2) amendments are proposed:

- Energy and Infrastructure (EI) – EI-R7, EI-R9, EI-R10, EI-R16, EI-R19, EI-R20, EI-R21, EI-R34, EI-R36, EI-R37;
- Transport (TRAN) - TRAN-O2, TRAN-P2, TRAN-P6, TRAN-R1, TRAN-R2, TRAN-R5, TRAN-R6, TRAN-R7, TRAN-S3, TRAN-S8, TRAN-S11, TRAN-S13, TRAN-S14, TRAN-S16.

## 6.2 Energy and Infrastructure (EI) Chapter – Overview

6.2.1 I have addressed the submissions in the following order: General district wide submissions; Definitions; General; Chapter Introduction; Objectives; Policies; and Rules.

## 6.3 EI Chapter – General district wide submissions

6.3.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
ECan	183.4, 183.1
Waipopo Huts	189.3

### **Submissions**

6.3.2 ECan [183.4] notes that across the whole plan, references to "height" of buildings or structures do not make reference to where height is measured from (for example Open Space Zones and the Rural Lifestyle Zone). ECan considers that height for buildings and structures should be measured from "ground level", which is a national planning standard term, with consistent expression of height rules across the plan. ECan requests the Council review all references to the height of buildings across the plan to ensure that height is measured from ground level, with consistent expression of height rules.

6.3.3 ECan [183.1] notes a large number of rules in the plan use variable terminology to define floor areas of buildings, often with the term undefined, so that it is not clear what is being measured. ECan considers it necessary to review all references to the size of buildings and consider whether a clear definition is required linking development to either the "building footprint" or "gross floor area", which are defined National Planning Standard terms, and then create exclusions from those terms within the rules if necessary.

6.3.4 Waipopo Huts states that the Council needs to provide the Waipopo Huts with adequate drinking water, wastewater and stormwater infrastructure.

### **Analysis**

6.3.5 Regarding ECan [183.4], I agree that height should be measured from ground level unless expressly stated otherwise. I note that in some chapters such as the CMUZ chapters, the

relevant standard includes a note that height shall be measured from the existing ground level prior to any works commencing. I consider this is the intent for the EI Chapter, and indeed all the chapters covered in this s42A report and that a similar note is included for all height rules (except where the height reference is to a specified zone height limit as this will already specify where height is to be measured from). I therefore recommend that this submission is accepted.

6.3.6 Regarding ECan [183.1], I have reviewed the EI rules and note that some rules such as EI-R17 expressly refer to “footprint”, whereas some, such as EI-R14 just refer to “total area”. The challenge with the EI chapter is that it covers buildings AND structures and as such a reference to “building footprint” is not accurate if the structure is not a building. Likewise, some structures do not have a floor, so measuring a “floor area” can also be unhelpful. Whilst I agree that consistency and certainty are preferred, I consider that for the EI chapter the rules as drafted are more accurate. I therefore recommend that this submission is rejected.

6.3.7 Regarding Waipopo Huts, in my opinion this is a Long-Term Plan matter rather than a District Plan matter. As such, I recommend that this submission is rejected.

### **Conclusions and Recommendations**

6.3.8 I recommend that the submission from ECan [183.4] is **accepted**.

6.3.9 I recommend that the submissions from ECan [183.1] and Waipopo Huts [189.3] are **rejected**.

6.3.10 Amend all the height rules in the EI chapter to include the following note:

Note: Height shall be measured from the existing ground level prior to any works commencing.

6.3.11 In terms of a s32AA assessment, I consider that the original s32 continues to apply as the above note does not change the intended approach for measuring height.

## **6.4 EI Chapter – Definition of “Urban Development”**

6.4.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
ECan	183.9

### **Submissions**

6.4.2 ECan suggests drafting a new definition of “urban development”, as the current definition was developed to be specific to Kāinga Ora and would pick up rural residential activities. ECan considers that the drafting should be in line with the definition of “urban” in the CRPS and

ensure that there is a clear delineation between urban, rural, and rural residential (rural lifestyle). They seek the following new definition:

*Urban development*

*means development within an area zoned as a Residential Zone, Settlement Zone, Commercial and Mixed Use Zone, General Industrial Zone, or an Open Space Zone that is adjacent to the aforementioned zones. It also includes development outside of these zones which is not of a rural or rural-lifestyle character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. For the avoidance of doubt, it does not include the provision of regionally significant infrastructure in Rural Zones.*

**Analysis**

6.4.3 The PDP definition of “urban development” is as follows:

*has the same meaning as in section 9 of the Urban Development Act 2020 which includes:*

- a. development of housing, including public housing and community housing, affordable housing, homes for first-home buyers, and market housing:*
- b. development and renewal of urban environments, whether or not this includes housing development:*
- c. development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services, or works.*

6.4.4 “Urban development” is referred to in EI-O1, EI-P2, TRAN-O1 and TRAN-P2. I agree that the PDP definition is problematic for the reasons provided by the submitter. I consider that the amended definition provided by the submitter is an improvement and is acceptable for the EI and TRAN provisions referenced. However, I note that the definition is also referred to in the Future Development Area (FDA) provisions which are before the Panel in Hearing G. I have therefore discussed this matter with the FDA chapter s42A report author<sup>1</sup> and he is comfortable with the ECan amended definition. Accordingly, I recommend that the submission is accepted and the definition amended accordingly, noting that that this may need to be revisited as part of Hearing G. If necessary as part of the Hearing G recommendations, an alternative solution is to not hyperlink to the defined term in EI-O1, EI-P2, TRAN-O1 and TRAN-P2 and instead rely on the plain ordinary meaning.

**Conclusions and Recommendations**

6.4.5 I recommend that the submission from ECan [183.9] is **accepted**.

6.4.6 Delete the existing definition of “urban development” and replace it with the following:

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<sup>1</sup> Mr Bonis.

### Urban development

means development within an area zoned as a Residential Zone, Settlement Zone, Commercial and Mixed Use Zone, General Industrial Zone, an Open Space Zone or a Sport and Active Recreation Zone that is adjacent to the aforementioned zones. It also includes development outside of these zones which is not of a rural or rural-lifestyle character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. For the avoidance of doubt, it does not include the provision of regionally significant infrastructure in Rural Zones.

- 6.4.7 In terms of a S32AA assessment, for the EI and TRAN provisions identified, the change provides more certainty as to where urban development occurs and I consider that within these areas, all development is essentially urban in nature as it is, or directly supports and relates to urban development. Accordingly, I consider that the original s32 remains applicable.

## **6.5 EI Chapter – Definition of “Urban Area”**

- 6.5.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Fenlea Farms	171.19
AJ Rooney	177.9
KJ Rooney	197.2
ECan	183.10

### **Submissions**

- 6.5.2 All of the submitters on this definition raise concerns about the definition and its application. Fenlea Farms seeks that the boundaries are clarified by way of mapping on the planning maps, the AJ and KJ Rooney submissions seek to amend the definition to also clarify the boundaries while the ECan submission seeks to amend the definition to better tie in with their suggested definition of “urban development” considered above.

### **Analysis**

- 6.5.3 “Urban area” is referred to in rules EI-R39 PER-2 (re flight path) and TRAN-S2 Table 8 and TRAN-S13 Table 16. It is also referred to in TRAN-O1.5 and TRAN-P2.3 as “urban areas”. In addition, both the singular and plural “urban area” is referred to across a number of other PDP chapters. “Urban area” is a defined term that means “towns with a population of 1,000 or more. In the Timaru District, it includes Timaru, Pleasant Point, Temuka and Geraldine as shown on the District Planning Map”. Whilst it is used in the EI and TRAN chapter, this definition is not overly relevant to the chapter.

- 6.5.4 For TRAN-S2 Table 8 and TRAN-S13 Table 16, in their transport memo (section 2.2) contained in **Appendix 5**, Mr Collins and Ms Head (hereafter referred to as Abley) note that references to the “Urban Area” are associated with the Open Space Zone (OSZ) and that the PDP describes the OSZ as including neighbourhood parks, natural areas, and amenity parks, which typically feature landscaping and low-density development. Cemeteries, which are quiet, contemplative spaces, are also part of this zone. Since the OSZ can exist in both urban and non-urban contexts, Abley consider it is important for TRAN-S2 Table 8 and TRAN-S13 to distinguish between these two settings, as the road environment and user experience will vary.
- 6.5.5 I accept the Abley advice, however, given the concerns with the definition and what it is used for in both the EI and TRAN chapters, rather than amend the definition I recommend that the TRAN rules instead refer to OSZ within or adjoining rural zones and OSZ not within or adjoining rural zones as an alternative. This will achieve the same outcome but avoid the need to use the defined term which I consider is arbitrary. I note Abley supports this alternative approach.
- 6.5.6 For EI-R39, I recommend that the term “urban area” is deleted from PER-2 as it is not necessary - it is those parts of Timaru and Temuka that are within the Aerodrome Flight Paths Protection Area Overlay that are caught by the rule, rather than those parts of these towns which meet the “urban area” definition. Regarding the objective and policy references (TRAN-O1.5 and TRAN-P2.3), given the changes to the rules, I consider that these need not reference the defined term, but rather the plain ordinary meaning of urban area(s) could suffice. However, this could cause some interpretative confusion over whether this is intentional or unintentional. I have considered alternative wording such as:
- “urban environments”, which is a defined term in the NPS-UD and is not equivalent in meaning in this context;
  - referring to the defined term “urban development” which would make TRAN-P2.3 somewhat circular (i.e. “urban development that is consolidated in and adjoining the District’s existing towns and urban development areas”); and
  - “urban locations”, which is not defined.
- 6.5.7 Of these options, I consider that “urban locations” is acceptable. Accordingly, while I am not recommending changes to the map or the definition, I am recommending consequential changes in response to the submissions, so I recommend that these are accepted in part. I note that this definition will be further considered in Hearing F under the Coastal Environment and Natural Hazards chapters, and under Hearing G for growth.

### **Conclusions and Recommendations**

- 6.5.8 I recommend that the submissions from Fenlea Farms [171.19], AJ Rooney [177.9], KJ Rooney [197.2] and ECan [183.10] are **accepted in part**.
- 6.5.9 Amend TRAN-O1.5 as follows:

5. supports consolidated, well designed and sustainable growth in and around existing urban ~~areas~~ locations;

6.5.10 Amend TRAN-P2.3 as follows:

3. urban development that is consolidated in and adjoining the District's existing towns and urban ~~areas~~ locations.

6.5.11 Amend EI-R39 as follows:

**EI-R39 Buildings, structures or trees with the Aerodrome Flight Paths Protection Area Overlay**

PER-2

The building, structure or tree is located in ~~an urban area of~~ Temuka or Timaru and is no higher than 10m above existing ground level.

6.5.12 Amend TRAN-S2 Table 8

Zone	Road classification	Minimum Road reserve width (m) [A]
Residential zones	Collector	22
Open Space Zones ( <del>urban area</del> <u>not within or adjoining rural zones</u> )	Local	20
[...]		
[...]		
General Rural Zone	Collector	20
Open Space Zones ( <del>non-urban area</del> <u>within or adjoining rural zones</u> )	Local	20
[...]		

6.5.13 Amend TRAN-S13 Table 16 as follows

Zone	Maximum width of crossing at road boundary
Residential Zones	6.0m
Open Space Zones ( <del>urban area</del> <u>not within or adjoining rural zones</u> )	
[...]	
Rural Zones	6.0m*
Open Space Zones ( <del>non-urban area</del> <u>within or adjoining rural zones</u> )	

6.5.14 In terms of a s32AA assessment, I consider the original s32 continues to be applicable as these changes do not change the intent or meaning of the provisions.

## 6.6 EI Chapter – Definition of “Lifeline Utilities”

6.6.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
TDC	42.4

### Submissions

6.6.2 TDC considers this definition draws from Parts A and B of Schedule 1 of the Civil Defence Emergency Management Act 2002, but the context in which that term is used in that Act is different to how it is being used within the PDP - the parts of the Schedule included in the PDP definition are to lifeline utility "entities", rather than the lifeline utilities themselves. They seek the following amendments:

#### *Lifeline Utilities*

...means *infrastructure that delivers a service operated by a lifeline utility* ~~those entities~~ listed in Part A, or described in Part B, of Schedule 1 to the Civil Defence Emergency Management Act 2002 that are within the Timaru District...

### Analysis

6.6.3 I agree with the submitter that it is appropriate to refer to the service rather than the entity. I therefore recommend that this submission is accepted.



## Conclusions and Recommendations

6.6.4 I recommend that the submission from TDC [42.4] is **accepted**.

6.6.5 Amend the definition of “lifeline utilities” as follows:

Means infrastructure that delivers a service operated by a lifeline utility ~~those entities listed in Part A, or described in Part B, of Schedule 1 to the Civil Defence Emergency Management Act 202 that are within the Timaru District.~~

6.6.6 In terms of a s32AA assessment, I consider the recommended amendments do not change the meaning of the term and therefore the original s32 continues to be applicable.

## 6.7 EI Chapter – Definition of “National Grid Subdivision Corridor”

6.7.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Bruce Spiers	66.3
Rooney, et al	174.7, 191.7, 249.7, 250.7, 251.7, 252.7
Kāinga Ora	229.3
Transpower	159.10

### Submissions

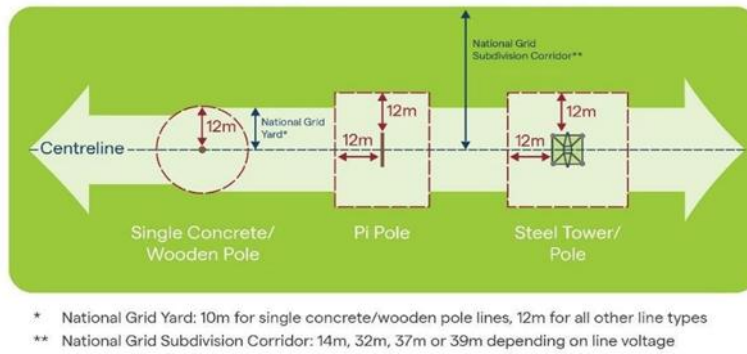
6.7.2 Bruce Spiers states that the introduction of the widths in the definition appear to advantage Transpower while Rooney, et al consider the definition goes beyond what is required by the relevant Code of Practice and Regulations. The submitters consider the definition provides an unfair advantage to the network provider potentially avoiding and/or frustrating the requirement to pay compensation under the Public Works Act 1981. The submitters seek to amend the definition to refer to the clearance distances specified in the NZECP as follows:

*National Grid Subdivision Corridor means:*

*As set out in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.*

6.7.3 Kāinga Ora opposes the proposed National Grid Subdivision corridor provisions as these are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid. They also seek to delete the definition.

6.7.4 Transpower supports the definition but seeks to replace Diagram 1 with an updated diagram as follows:



### Analysis

- 6.7.5 Regarding the Bruce Spiers and Rooney, et al submissions, I understand that the definition is consistent with accepted understanding of what is the “National Grid Subdivision Corridor” and I note that this definition is consistent with other recently reviewed district plans.<sup>2</sup> I also consider that it is the provisions, rather than the definition itself, that determine the management regime within the corridor. Accordingly, I recommend that these submissions are rejected.
- 6.7.6 Regarding the Kāinga Ora submission, as I am recommending to retain National Grid Subdivision Corridor provisions, I consider this definition is required. My understanding is that this definition is consistent across district plans. I also consider that it is the provisions, rather than the definition itself, that determine the management regime within the corridor. Accordingly, I recommend this submission is rejected.
- 6.7.7 Regarding the Transpower submission, I understand that the diagram is the updated current diagram that better matches the wording in the definition and is clearer in relation to the types of poles. Accordingly, I recommend that this submission is accepted.

### Conclusions and Recommendations

- 6.7.8 I recommend that the submission from Transpower [159.10] is **accepted**.
- 6.7.9 I recommend that the submissions from Bruce Spiers [66.3], Rooney, et al [174.7, 191.7, 249.7, 250.7, 251.7, 252.7] and Kāinga Ora [229.3] are **rejected**.
- 6.7.10 Replace the diagram in the definition of “National Grid Subdivision Corridor” with the diagram included in the Transpower submission.
- 6.7.11 In terms of a s32AA assessment, I consider the recommended amendments do not change the meaning of the term and therefore the original s32 continues to be applicable.

<sup>2</sup> For example, the Partially Operative Selwyn District Plan

## 6.8 EI Chapter – Definition of “National Grid Yard”

- 6.8.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Bruce Spiers	66.4
Rooney, et al	174.8, 191.8, 249.8, 250.8, 251.8, 252.8
Federated Farmers	182.18
Transpower	159.11

### Submissions

- 6.8.2 Bruce Spears states that the introduction of the widths in the definition appear to advantage Transpower, while Rooney, et al considers the definition goes beyond what is required by the relevant Code of Practice and Regulations. The submitters consider the definition provides an unfair advantage to the network provider potentially avoiding and/or frustrating the requirement to pay compensation under the Public Works Act 1981. The submitters seek to delete the existing definition and replace it to refer to the clearance distances specified in the NZECP as follows:

*National Grid Yard means:*

*As set out in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003.*

- 6.8.3 Federated Farmers considers the definition is not consistent with NZECP34 Code of Practice for Electrical Safe Distances, particularly Section 2.4.1 around support structures and that the National Grid runs over private property, and farmers will be affected by any regulation that exceeds the Code. They seek to amend the definition as follows (including any consequential amendments required as a result of the relief sought):

*National Grid Yard Means, as depicted in Diagram 1:*

*the area located within ~~10m~~ 8m of either side of the centreline of an above ground 110kV electricity transmission line on single poles;*

*[...]*

- 6.8.4 Transpower supports the definition of ‘National Grid Yard’ but considers it should be amended to provide for a scenario where a tubular steel tower replaces a lattice tower and to replace Diagram 1 with an updated diagram as follows:

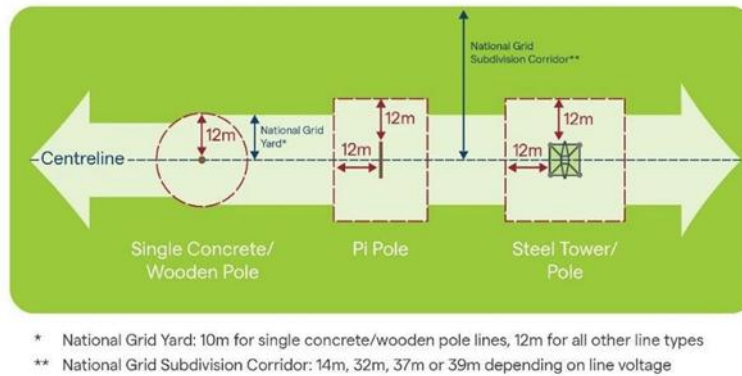
*means, as depicted in Diagram 1:*

*a. the area located within 10m of either side of the centreline of an above ground 110kV electricity transmission line on single poles;*

*b. the area located within 12m either side of the centreline of an above ground transmission*

line on pi-poles or towers that is 110kV or greater (including tubular steel towers where these replace steel lattice towers);

c. the area located within 12m in any direction from the outer visible edge of an electricity transmission pole or tower foundation, associated with a line which is 110kV or greater.



### Analysis

- 6.8.5 Regarding the Bruce Spears and Rooney, et al submissions, as set out under my analysis of the “National Grid Subdivision Corridor”, I understand that the definition is consistent with accepted understanding of what is the “National Grid Yard” and I note that this definition is consistent with other recently reviewed district plans. I also consider that it is the provisions, rather than the definition itself, that determine the management regime within the corridor. Accordingly, I recommend that these submissions are rejected.
- 6.8.6 Regarding the Federated Farmers submission, I note that in their further submission Transpower [159.37FS] opposes this as the “National Grid Yard” is not based on NZECP34:2001, rather it is because of the position of the conductors and ‘swing’ under normal operation and wind conditions. I therefore recommend that this submission is rejected.
- 6.8.7 Regarding the Transpower submission, as for the “National Grid Subdivision Corridor”, I understand that the diagram is the updated current diagram that better matches the wording in the definition and is clearer in relation to the types of poles. I consider that the requested reference to tubular steel towers is still a reference to towers, but simply recognises a different construction style. Accordingly, I recommend that this submission is accepted.

### Conclusions and Recommendations

- 6.8.8 I recommend that the submission from Transpower [159.11] is **accepted**.
- 6.8.9 I recommend that the submissions from Bruce Spears [66.4], Federated Farmers [182.18] and Rooney, et al [174.8, 191.8, 249.8, 250.8, 251.8, 252.8] are **rejected**.
- 6.8.10 Amend the definition of “National Grid Yard” as follows:  
 means, as depicted in Diagram 1:  
 [...]  
 b. the area located within 12m either side of the centreline of an above ground

transmission line on pi-poles or towers that is 110kV or greater (including tubular steel towers where these replace steel lattice towers);

[...]

- 6.8.11 Replace the diagram in the definition of “National Grid Yard” with the diagram included in the Transpower submission.
- 6.8.12 In terms of a S32AA assessment, I consider the recommended amendments do not change the meaning of the term and therefore the original s32 continues to be applicable.

## 6.9 EI Chapter – Definition of “Pole”

- 6.9.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.15, 208.15, 209.15, 210.15

### **Submissions**

- 6.9.2 The submitters consider that lattice structures should be provided for within the definition, on the basis that the NES-TF definition of “Pole” clearly provides for these. They seek the following amendment:

*Pole:*

*In relation to Energy and infrastructure chapter, means a ~~non-lattice~~ structure that supports conductors, lines, cables, antennas, lights or cameras, but is not a tower, and includes foundations and hardware associated with the structure such as insulators, cross arms and guywires.*

### **Analysis**

- 6.9.3 I accept that the definition of “Pole” in the NES-TF includes lattice structures and therefore recommend that the submission is accepted.

### **Conclusions and Recommendations**

- 6.9.4 I recommend that the submission from the Telcos [176.15, 208.15, 209.15 and 210.15] are **accepted**.
- 6.9.5 Amend the definition of “Pole” as follows:

*Pole:*

In relation to Energy and infrastructure chapter, means a ~~non-lattice~~ structure that supports conductors, lines, cables, antennas, lights or cameras, but is not a tower, and includes foundations and hardware associated with the structure such as insulators, cross arms and guywires.

- 6.9.6 Regarding a s32AA assessment, I consider that this change is minor and that therefore the original s32 continues to be applicable.

## 6.10 EI Chapter – Definition of “Regionally Significant Infrastructure”

- 6.10.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
TDC	42.1
Alpine Energy	55.1
Radio NZ	152.16
Forest and Bird	156.27
Transpower	159.14
Enviro NZ	162.2
The Telcos	176.16, 208.16, 209.16, 210.16
Hort NZ	245.20
KiwiRail	187.10

### Submissions

- 6.10.2 TDC considers that National Routes and Principal Roads are RSI and seeks to amend the definition as follows:

*~~Strategic land transport network~~ National Routes, Principal Roads, and arterial roads*

- 6.10.3 Alpine energy considers there is an omission in the definition, as national, regional, and local renewable electricity generation, and the transmission network are included within the definition of RSI, but the electricity distribution network is not. It seeks to add the regional electricity distribution network to the definition.

- 6.10.4 Radio NZ considers radiocommunications facilities should be included in the definition to recognise their importance to the District, particularly in an emergency (the submitter states RNZ’s facilities serve a vital civil defence role alongside other activities contemplated in the definition) and seeks the following amendments:

*Regionally Significant Infrastructure is:*

a. [...]

d. Telecommunication and radio communication facilities

[...]

- 6.10.5 Forest and Bird considers the definition to be overly broad and could lead to more than minor effects from these activities, e.g. community land infrastructure, potable water systems and transport hubs could have adverse effects. The submitter considers the RSI provisions should only avail themselves for those activities that are established in the same way as established irrigation. They seek the following amendments:

[...]

e. National, regional and local renewable electricity generation activities of any scale

f. The National Grid electricity transmission network

g. Established Sewage collection, treatment and disposal networks

h. Established Community land drainage infrastructure

i. Established Community potable water systems

J. [...]

K. Established Transport hubs

- 6.10.6 Transpower supports the identification of the National Grid as “Regionally Significant Infrastructure” but considers it should align with definitions and provisions elsewhere in the PDP. Hort NZ considers using the term “national grid” would be clearer. Both submitters seek to amend clause f as follows:

f. The National Grid electricity transmission network

- 6.10.7 Enviro NZ supports the definition but seeks to include the Redruth Landfill and resource recovery facilities as RSI given the essential nature the service provides and its importance for waste minimisation and health and safety of the community. The submitter states that such facilities are affected by reverse sensitivity and are not easily able to be consented, moved or located elsewhere.

- 6.10.8 The Telcos consider that the Telecommunications Act 2001 definition of telecommunications service should be used in the PDP instead of “telecommunication facility”, given it is statutorily defined. They seek the following amendment:

d. Telecommunication ~~facilities~~ services

## Analysis

- 6.10.9 Regarding the TDC submission, in their memo (s2.3), Abley assesses other Canterbury district plans and notes that the PDP does not define “Strategic Land Transport Network”. Abley therefore recommends that the definition of RSI is updated to match the Rooding Hierarchy defined in SCHED1 and terminology used in the Transport Chapter. This means specifically referring to national routes, regional arterial and district arterials in the definition. Abley also recommends considering including Principal Roads in the definition as the definition of RSI features in other PDP chapters and has an impact on consenting pathways. I accept Abley’s assessment in relation to referring to national routes, regional arterial and district arterials. However, I consider principal roads is a step down from being regionally significant. Also, I disagree with deleting the words ‘strategic land transport’ as this includes the **railway** network and I note that KiwiRail both supported the definition and its retention and lodged a further submission [FS187.1] in opposition to the TDC submission. Accordingly, I recommend that this submission is accepted in part.
- 6.10.10 Regarding the Alpine Energy submission, I note that the CRPS definition of RSI includes the electricity distribution network. As such, I agree with including this, noting that it should not refer to the regional network in a district plan. Accordingly, I recommend that this submission is accepted in part.
- 6.10.11 Regarding the Radio NZ submission, I note that I have recommended to include a definition of “Radio Communications” in response to submissions later in this report, but that radio communications is not used as a term in the EI Chapter. I also note that the proposed definition means “any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves”. Given this broad definition which could include private single person operators and that it is not included in the CRPS definition of RSI, I am uncomfortable including this as RSI, and given the fact that the term is not referenced in the EI Chapter there is not a need to do so. Additionally, I note that I am recommending referring to lifeline utilities in the EI Chapter, which includes Radio NZ in the definition. Accordingly, I recommend that this submission is rejected.
- 6.10.12 Regarding the Forest and Bird submission, I note that the CRPS RSI definition purposefully differentiates established irrigation infrastructure from new irrigation infrastructure. Other listed infrastructure is not similarly treated. I consider this to be purposeful. Whilst I have some sympathy for the submitters argument and relief sought, I consider this would be inconsistent with the CRPS RSI definition. Accordingly, I recommend that this submission is rejected.
- 6.10.13 Regarding the Transpower and Hort NZ submissions, I agree that the proper title should be included in the definition. Accordingly, I recommend that these submissions are accepted.



6.10.14 Regarding the Enviro NZ submission, while not a network per se, I note the facility is well established in its location, is designated,<sup>3</sup> is publicly owned, and provides a critical service to the Timaru community. I also note that (as per the submission) there is a 3-hour drive to the nearest consented Class 1 landfills with capacity for Timaru's refuse (at Kate Valley in North Canterbury) and accordingly that the facility serves the district and beyond, including the Mackenzie district. I also note that establishing new landfill facilities can be a significant undertaking in a regulatory environment and that recognition as RSI would support the ongoing operation and development of the facility. On that basis I consider that the landfill is of regional significance and should be recognised as RSI. Accordingly, I recommend that this submission is accepted.

6.10.15 Regarding the Telcos submissions, I note that the NES-TF refers to 'facilities' and it is the facilities which is the infrastructure, not the service - e.g. the railway line is the facility, rather than the particular service offered on the facility. Accordingly, I do not agree with the submitters requested changes and recommend that their submissions are rejected.

### **Conclusions and Recommendations**

6.10.16 I recommend that the submissions from Transpower [159.14], Hort NZ [245.20] and Enviro NZ [162.2] are **accepted**.

6.10.17 I recommend that the submission from TDC [42.1] is **accepted in part**.

6.10.18 I recommend that the submissions from Radio NZ [152.16], Forest and Bird [156.27] and the Telcos [176.16, 208.16, 209.16 and 210.16] are **rejected**.

6.10.19 Amend the definition of RSI as follows:

Regionally Significant Infrastructure is:

a. Strategic land transport network, including National Routes, Regional Arterials and District Arterials, and arterial roads

[...]

f. The National Grid electricity transmission network

[...]

m. The electricity distribution network

n. The Redruth Landfill and Resource Recovery Facility in Timaru

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<sup>3</sup> I understand that the designation is for a 'sanitary landfill operation' only and that there are a number of other activities on the site currently running under resource consent.

6.10.20 Regarding a s32AA assessment, in my opinion the key change is the addition of the Redruth Landfill and resource recovery facilities, as the references to specified roads simply clarifies the applicable roads in the District, while the inclusion of the words “National Grid” simply names the transmission network. I consider that for the reasons provided in my assessment the addition of the Redruth facility better gives effect to EI-O1 as it provides essential services (EI-O1.1), contributes to the economy (EI-O1.3) and enables people and the community to provide for their health safety and wellbeing (EI-O1.5). I consider the amended definition is the most appropriate way to achieve the purpose of the Act.

## 6.11 EI Chapter – Definition of “Tower”

6.11.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.24, 208.24, 209.24, 210.24

### Submissions

6.11.2 The Telcos note that the definition of “Tower” conflicts with the definition of Pole in the NES-TF. The submitters state that as a consequence of the submission on the definition of “Pole”, the definition of “Tower” should also be amended so there is alignment between the PDP and the NES-TF. Alternatively, the submitters state the definition of “Tower” can be deleted, and the definition of “Pole” solely relied on in the PDP, with effects of such structures controlled by permitted standards regarding pole height and pole diameter/width. The submitter-recommended amendment to the definition is:

*In relation to Energy and Infrastructure chapter, means a steel-lattice structure that supports conductors, lines, cables or antennas (other than telecommunication equipment). A tower includes ~~the~~ foundations and hardware associated with the structure such as insulators, cross arms and guywires.*

### Analysis

6.11.3 I accept that the definition of “Pole” in the NPS-ET includes lattice structures, however, I note that the definition of “Pole” expressly excludes “towers”. I therefore am not clear that there is a direct conflict between the two definitions. On this basis I recommend that these submissions are rejected. Should clarification on this matter be provided in evidence I would revisit this recommendation.

### Conclusions and Recommendations

6.11.4 I recommend that the submissions from The Telcos [176.24, 208.24, 209.24 and 210.24] are **rejected**.

6.11.5 No changes are recommended.

## 6.12 EI Chapter – Definition of “Upgrading” / “Upgrade”

6.12.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Transpower	159.24
The Telcos	176.25, 208.25, 209.25, 210.25
BP Oil, et al	196.15

### Submissions

6.12.2 Transpower supports this definition and in particular the clarity with which “upgrading” is distinguished from “repair” and “maintenance”. However, the submitter suggests that “replacement” should be explicitly excluded from this definition. Likewise, the Telcos also consider that the definition should not include reference to “replacement” as that term is separately defined in the PDP and therefore is a separate activity. They also seek to reference an ‘increase in size’ as part of upgrading.

6.12.3 BP Oil, et al support the definition in part, however recommend that it is amended to better reflect all relevant activities that do not otherwise fall to be “repair” and/or “maintenance” as defined. They seek the following amendments:

*the replacement, renewal or improvement of infrastructure that **may** results in an increase in carrying capacity but excludes repair and maintenance.*

### Analysis

6.12.4 Regarding the BP Oil, et al submission, I agree that replacement, renewal, or improvement may not always result in an increase in carrying capacity, however that is the expectation of the definition of “upgrading” / “upgrade” and the associated rules. Arguably, if something is not upgrading, then the activity is maintenance or like-for-like replacement or repair, which is covered by different provisions such as EI-R1. Noting my assessment of the Transpower and Telcos submissions below, I consider that this definition requires amendment to provide some limited flexibility and accordingly recommend that this submission is accepted in part.

6.12.5 Regarding the Transpower and Telcos submissions, I consider that under its plain ordinary meaning, “replacement” could include replacing like-for-like, but it could also be considered an upgrade, hence why it was included in the definition of “upgrading / upgrade”. As currently defined in the PDP, “replacement” means: *“replacing an object or its parts with another of the same or similar location, height, size, capacity, footprint and scale and for the same or similar purpose.”* Given this definition, in my opinion “replacement” is closer in meaning to

“maintenance” – there is no change in size or capacity beyond what is considered to be the ‘same or similar’. I note that the PDP definition of “maintenance” expressly excludes “replacement”, presumably because it is within “upgrading / upgrade” or because it is separately defined. This means that an exact like-for-like replacement of infrastructure is not “maintenance”, nor would it be “upgrading / upgrade” if the submissions were accepted. Replacement would therefore not be expressly covered by the EI provisions.

6.12.6 I consider that if the submissions are accepted as requested, “replacement” would need to be added to EI-O4, EI-P1, EI-P3, EI-R1, EI-R22, EI-R25, EI-R31, EI-R32 and EI-R33 which all cover ongoing operation and maintenance of infrastructure as in my opinion “replacement” is closer to that scale of intervention than “upgrading / upgrade”. However, I note that “upgrading / upgrade” are terms referenced in many PDP chapters,<sup>4</sup> and therefore amending this definition here will have consequences for these other chapters which would need to be assessed in detail. I therefore consider there are the following options for this requested definition amendment:

- Limit the changes to telecommunications facilities and the National Grid;
- Limit the changes to the EI chapter;
- Defer the recommendation in order to consider the proposed change as part of a wider assessment of its consequences on other chapters; or
- Amend the definition of “maintenance” as a consequential amendment to remove the exclusion for “replacement”.<sup>5</sup>

6.12.7 Given the matter is of relevance to more than just telecommunications and the National Grid I consider limiting the change to just these infrastructure types creates consistency issues. Given the EI chapter also includes transport and that some infrastructure matters are also considered in district wide chapters, I consider it would be problematic to limit the change to the EI chapter. While there is some merit in deferring the submissions assessment, I consider amending “maintenance” to remove the express exclusion for “replacement” is an appropriate consequential amendment to resolve this issue and recognises that “replacement” may not always be “upgrading / upgrade” and may sometimes be “maintenance”. I also consider minor changes are required to the submitters’ requested wording to facilitate the changes. Accordingly, I recommend that these submissions are accepted in part.

6.12.8 In the course of assessing whether “replacement” needed to be added to the rules I note that EI-R32 and EI-R33 do not include “repair” which they should given the express approach to this

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<sup>4</sup> For example, the following chapters: SD, TRAN, MH, NFL, VS, NATC, CE, EW and MRZ.

<sup>5</sup> I note that there were ten submissions in support of the definition of “maintenance” and no submissions seeking changes to it (see 5.8.1.1 Table 5 in the Overarching matters Proposed Timaru District Plan: Part 1 - Introduction and General Definitions s42A report, dated 5 April 2024).

activity in EI-O1, EI-P1 and EI-P3. I consider this to be an oversight. I therefore recommend adding “repair” to these rules and including an additional “repair” in EI-P3, all as clause 16(2) amendments. I also recommend changing the undefined “renewal” to the defined “replacement” in EI-P3.2.a as a clause 16(2) amendment. I consider these two terms mean the same in the context of EI-P2.

### **Conclusions and Recommendations**

6.12.9 I recommend that the submissions from Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25] and BP Oil, et al [196.15] are **accepted in part**.

6.12.10 Amend the definition of “Upgrading / Upgrade” as follows:

Means the ~~replacement, renewal or~~ improvement of infrastructure that results in an increase in carrying capacity and size, and may include replacement and renewal, but excludes repair and maintenance.

6.12.11 Amend the definition of “Maintenance” as follows:

1. In relation to values, means the act of making a state or situation continue;

2. In relation to an object (such as a structure, building or infrastructure) means the work required to keep the object in good condition or operation but it does not include any upgrading or expansion ~~or replacement~~ of the existing object, or replacement where this involves upgrading.

6.12.12 Regarding a s32AA assessment, I consider that these amendments are minor and simply seek to clarify the application and relationship between the definitions. Accordingly, I consider that the original s32 continues to be applicable.

### **6.13 EI Chapter – Definition of “Transmission Line”**

6.13.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Transpower	159.23

#### **Submissions**

6.13.2 Transpower supports the definition subject to a minor amendment to correct a typo as follows:  
*has the same meaning as in the National Environment Standards ELECTRICITY TRANSMISSION ACTIVITIES 2009, which ~~menas~~ means [...].*

### Analysis

- 6.13.3 I agree that the typo should be corrected and therefore recommend that this submission is accepted.

### Conclusions and Recommendations

- 6.13.4 I recommend that the submission from Transpower [159.23] is **accepted**.
- 6.13.5 Amend the definition of “Transmission Line” as follows:  
  
has the same meaning as in the National Environment Standards ELECTRICITY TRANSMISSION ACTIVITIES 2009, which ~~means~~ means [...].
- 6.13.6 Regarding a s32AA assessment, this amendment is clearly required to fix an error, and as such I consider that the original s32 continues to be applicable.

### 6.14 EI Chapter – Definition of “Line” - Proposed New Definition

- 6.14.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.26, 208.26, 209.26, 210.26

### Submissions

- 6.14.2 The Telcos consider that a new definition of Line, being the Telecommunications Act 2001 definition be added. They seek the following new definition:

Line

(a) means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system; and

(b) includes

(i) any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and

(ii) any part of a line.

**Analysis**

6.14.3 I have reviewed the EI rules and note that only EI-R27 and EI-R28 refer to lines. However, these are electricity lines not telecommunications lines. As such there are no telecommunications lines referred to in the rules. I note that EI-S2 refers to lines, but as this standard is triggered from the rules, this would only apply to electricity lines. I therefore recommend that these submissions are rejected.

**Conclusions and Recommendations**

6.14.4 I recommend that the submissions from the Telcos [176.26, 208.26, 209.26 and 210.26] are **rejected**.

6.14.5 No amendments are recommended.

**6.15 EI Chapter – Definition of “Radio Communications” - proposed new definition**

6.15.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.27, 208.27, 209.27, 210.27

**Submissions**

6.15.2 The Telcos consider that a definition of radio communication facilities is needed and should be a replica of the definition included in the Radio Communications Act 1989. They seek the following new definition:

**Radio Communications**

**has the same meaning as in the Radio Communications Act 1989 (as set out in the box below) means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.**

**Analysis**

6.15.3 The term ‘radio communications’ is not referenced in the EI chapter. It is however referenced in the designations provisions (under the submitters’ names) in the purpose of the designation description. As such, there is some value in the definition being included. I therefore recommend that these submissions are accepted.

**Conclusions and Recommendations**

6.15.4 I recommend that the submissions from The Telcos [176.27, 208.27, 209.27, 210.27] are **accepted**.

6.15.5 Include a new definition of “Radio Communications” as follows:

### Radio Communications

has the same meaning as in the Radio communications Act 1989 (as set out in the box below) means any transmission or reception of signs, signals, writing, images, sounds, or intelligence of any nature by radio waves.

- 6.15.6 Regarding a s32AA assessment, I consider that the proposed additional definition supports the application of the Designations Chapter and does not seek any change in meaning or intent of the relevant provisions. Accordingly, I consider that the original s32 continues to be applicable.

### **6.16 EI Chapter – Definition of “Alteration” - proposed new definition**

- 6.16.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Opuha Water	181.14

#### **Submissions**

- 6.16.2 Opuha Water considers a new definition for “alteration” is required to be added to the plan, to aid interpretation of the PDP in light of its related relief sought on EI-P1.2.<sup>6</sup> They seek the following new definition:

*Alteration*

*means, in relation to EI-P1(2), the act of altering the alignment of a network utility or infrastructure during an emergency.*

#### **Analysis**

- 6.16.3 I note that there are no restrictions on the extent to which a network utility could be altered or aligned in an emergency under this definition and am unsure of the need for this ability in a District Plan given the available powers when a state of emergency is declared. My recommendation later in this report on EI-P1 is to delete EI-P1(2) and add its subject (RSI removal) into EI-P1(1), which already provides for upgrades and does not refer to “alterations”. I also note that the word “alteration” is only used in EI-R27 in relation to the National Grid Yard. Given this, I do not consider there is a need to define “alteration” in the way proposed. I also note the Transpower further submission [159.36FS] that is concerned with the narrowness of the definition (alterations may involve more than just alignment and occur where there is no emergency). Accordingly, I recommend that this submission is rejected.

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<sup>6</sup> See their submission on EI-P1 [181.28]



### Conclusions and Recommendations

6.16.4 I recommend that the submission from Opuha Water [181.14] is **rejected**.

6.16.5 No changes are recommended.

### 6.17 EI Chapter – General

6.17.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rooney et al	249.13, 250.13, 251.13, 174.13, 252.13, 191.13
Kāinga Ora	229.14
TDC	42.14
Opuha Water	181.33, 181.43, 181.44

### Submissions

6.17.2 Rooney et al considers the provisions for renewable energy in the PDP should be more enabling in line with the National Policy Statement for Renewable Energy Generation 2011 (NPS-REG). The submitters consider a discretionary activity status for large scale (non-domestic) renewable generation does not achieve the policy intention of the NPS-REG. They seek to add a new permitted activity rule to permit large scale solar arrays on existing buildings in industrial and rural zones and add a new enabling policy to encourage and promote large scale solar arrays to generate renewable electricity.<sup>7</sup>

6.17.3 Kāinga Ora considers the proposed National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid. They seek the Council review the full package of provisions including the objectives, policies, rules and definitions relating to National Grid infrastructure within the EI chapter.

6.17.4 TDC considers there is an inconsistent use of terminology in the EI section. For example, the objectives and policies refer to RSI, lifelines utilities and other infrastructure. However, the implementing rules and standards refer to infrastructure and network utilities interchangeably. The submitter considers greater certainty is required for plan users and seeks amendments to provide consistent terminology, in particular what rules apply to “network utilities” and/or “infrastructure”.

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<sup>7</sup> I note that a similar submission is made by Rooney, et al on EI-R35 [174.16, 191.16, 249.16, 250.16, 251.16, 252.16].

- 6.17.5 For all three submissions, Opuha Water notes the terms “infrastructure” and “network utilities” are used interchangeably in the chapter rules and conditions, whereas the objectives and policies in the chapter tend to refer primarily to “infrastructure”. The submitter seeks amendments to achieve consistency in terminology across the chapter and reduce the risk of interpretation issues. For [181.43] and [181.44], the submitter notes that adjustments to the terminology in the title and listed requirements in the standards may be required if it is intended that EI-S1 and EI-S2 apply to water infrastructure, as opposed to network utilities ancillary to such infrastructure (such as boosters and repeaters).

### **Analysis**

- 6.17.6 Regarding the Rooney, et al submissions on the provisions for renewable energy, I have reviewed the NPS-REG and note that policies E1 (solar, etc), E2 (hydro) and E3 (wind) require district plans to include objectives, policies and methods to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities to the extent applicable to the district. In my opinion, providing for these non-community scale activities as a discretionary activity is appropriate as it means these activities are assessed on their merits. I do not support a permitted activity status for all these activities as there may be adverse effects associated with them depending on their location and the receiving environment. A consent pathway allows these adverse effects to be considered and appropriately addressed. I have considered whether a restricted discretionary activity status could be applied (instead of full discretionary) but given the varied locations and types and scale of renewable electricity generation covered by the EI chapter, I consider a fully discretionary activity status is appropriate. As a comparison, I note that large scale wind energy is fully discretionary in the WDP while all renewable electricity generation is discretionary in the SDP. Accordingly, I recommend that this submission is rejected.
- 6.17.7 Regarding the Kāinga Ora submission on the National Grid, this is a broad submission. In terms of the objectives and policies, Kāinga Ora has made separate submissions on these (e.g. [229.18] on EI-O4 and [229.20] on EI-P2). In terms of the definitions and rules, Kāinga Ora has also made separate submission on these (e.g. [229.3] on the National Grid Subdivision Corridor and [229.23] on EI-R29). I therefore recommend that this submission is accepted in part as I have recommended accepting, accepting in part or rejecting Kāinga Ora’s various submission on the National Grid, with specific changes identified under those submissions.
- 6.17.8 Regarding the Opuha Water and TDC submissions, I accept that there is some inconsistency in terminology. I consider it is correct to refer in the objectives and policies to RSI, lifelines utilities and other infrastructure as these cover infrastructure generally, but seek to provide specific provisions for RSI and lifeline utilities. Regarding the rules, these seek to cover the infrastructure that the PDP has assessed as needing to be managed. A key challenge is the broad definition of infrastructure. While all network utilities are infrastructure, not all infrastructure are network utilities, for example facilities for the loading or unloading of cargo or passengers transported on land by any means, and drainage systems. Because of this overlap, the rules refer to both infrastructure and network utilities. In addition, as the EI

chapter provisions take precedence over the zone chapter provisions it is necessary to specify when an activity applies to all infrastructure, or only network utilities, for example temporary network utilities, including generators under EI-R7. As such, I consider that the current approach to referring to different types of infrastructure is both purposeful and necessary. However, to clarify this, I recommend that this is identified in the Chapter Introduction. Accordingly, I recommend that these submissions are accepted in part.

### **Conclusions and Recommendations**

6.17.9 I recommend that the submissions from Rooney, et al [249.13, 250.13, 251.13, 174.13, 252.13, 191.13] and are **rejected**.

6.17.10 I recommend that the submissions from Kāinga Ora [229.14], TDC [42.14] and Opuha Water [181.33], [181.43] and [181.44] are **accepted in part**.

6.17.11 Amend the Chapter introduction as follows:

[...]

Because of the broad and overlapping definitions of infrastructure, regionally significant infrastructure and lifeline utilities, the objectives and policies apply these general terms, whereas the rules apply more specific definitions such as network utilities and reference specific subtypes of infrastructure as required.

6.17.12 In terms of a s32AA assessment, I consider the recommended note simply clarifies how the provisions are intended to apply. Accordingly, I consider the original s32 continues to be applicable. Where changes are recommended to the provisions as a result of Kāinga Ora's submissions, s32AA assessments have been undertaken for these.

### **6.18 EI Chapter – Integration of the EI Chapter with other chapters**

6.18.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Forest and Bird	156.49, 156.50, 156.51, 156.61, 156.63, 156.64, 156.65, 156.66, 156.67, 156.69, 156.70, 156.71, 156.72, 156.73
The Telcos	176.34, 208.34, 209.34, 210.34
Transpower	159.38, 159.100, 159.101, 159.102
Enviro NZ	162.8

Dir. General Conservation	166.23
Bruce Spiers	66.18
Waka Kotahi	143.20

### Submissions

6.18.2 Forest and Bird [156.49, 156.50] considers that all provisions in other chapters which give effect to the NZCPS must apply to activities provided for in the EI rules, however this does not appear to be possible under the matters of discretion identified, nor is it clear that the objectives and policies of other chapters could be adequately considered where consent is required given the wording of provisions in the EI chapter. The reference “unless otherwise specified” creates uncertainty and appears to be superfluous as there appear to be no such specifications in the chapter. They seek to amend the objectives and policies of the EI chapter to avoid conflicts with other chapters addressing s6 RMA matters and giving effect to the NZCPS. They also seek to delete the words “unless otherwise specified in this chapter” in the Rule note to ensure that the district wide matters chapters are not overridden by the EI rules.

6.18.3 In a related submission Forest and Bird [156.51] considers the introduction is not necessarily accurate, given the provisions do not give effect to the NZCPS and that the reference to chapters “cross referenced below” can be removed, as none are listed, and the listing could exclude chapters that are relevant. They seek the following amendments to the chapter introduction:

[...]

*Regionally Significant Infrastructure and other infrastructure have important functions and enable people and communities to provide for their social, economic and cultural wellbeing. The positive effects of Regionally Significant Infrastructure and other infrastructure may be realised locally, regionally or nationally. However, they can also have adverse effects, especially on sensitive environments. In managing the effects of Regionally Significant Infrastructure and other infrastructure the provisions including rules for Overlays, the ECO, NATC, NFL and CE chapters also apply.*

[...]

*With reference to Part 1 - National Direction Instruments, the provisions in this chapter (~~in combination with the other chapters cross-referenced below~~):*

6.18.4 In various other submissions Forest and Bird (e.g. submission [156.66]), seek to amend individual rules to exclude permitted activities from occurring in the Coastal Environment (CE) and within Outstanding Natural Features and Landscapes (ONLs).

6.18.5 The Telcos support the statement “in the case of conflict with any other provision in the District Plan, the NESETA and NES-TF prevail”, but the submitter considers that similar direction should be provided in how the rules in the EI Chapter override the respective zone provisions. They seek the following amendments to the introduction:

[...]

*In the case of conflict with any other provision in the District Plan, the NESETA and NES-TF prevail.*

*The provisions in this chapter override the respective Zone provisions in Part 3 Area-Specific Matters, unless otherwise specified in this chapter.*

- 6.18.6 Transpower [159.38] considers that it is critical that the PDP is clear in respect of which rules apply to infrastructure and that the most succinct approach is for such rules to be located in a single chapter and that the zone rules do not apply. Transpower seeks changes to the Rule note as follows:

**Note:** *Activities not listed in the rules of this chapter are classified as a permitted under this chapter.*

*Rules in Sections A - Section F of this chapter take precedence over rules in any Zone Chapter of Part 3 - Area Specific Matters - Zone Chapters and the Zone Chapter rules do not apply. Unless otherwise specified in this chapter, the provisions of Development Area Chapter, Designation Chapter and Chapters in Part 2 - District-wide Matters Chapters still apply to activities provided for in Sections A - Section F and therefore resource consent may be required by the rules in Part 2.*

[...]

- 6.18.7 Transpower [159.100, 159.101, 159.102], considers NOSZ-P6<sup>8</sup>, OSZ-P10<sup>9</sup>, SARZ-P8<sup>10</sup> fail to recognise the existing location of the National Grid within these zones and because the policies may prevent the National Grid from being located in the zone in a manner that is contrary to the NPS-ET. They seek the following amendments:

**NOSZ-P6 Other activities**

*Only allow other activities where they:*

*x. are regionally significant infrastructure that has an operational need or functional need for its location; or*

1. contribute to the overall health and wellbeing of the community; and [...]

**OSZ-P10 Other activities**

*Only allow other activities where they:*

*x. are regionally significant infrastructure that has an operational need or functional need for its location; or*

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<sup>8</sup> This submission point was deferred in the s42A Officer's Report on Open Space Zones to this hearing (paragraphs 7.3.11 – 7.3.14)

<sup>9</sup> This submission point was deferred in the s42A Officer's Report on Open Space Zones to this hearing (paragraph 8.3.11)

<sup>10</sup> This submission point was deferred in the s42A Officer's Report on Open Space Zones to this hearing (paragraph 9.3.3)

1. are compatible with the purpose, character and qualities of the Open Space Zone; and [...]

**SARZ-P8 Other activities**

Only allow other activities where they:

x. are regionally significant infrastructure that has an operational need or functional need for its location; or

1. contribute to the overall health and wellbeing of the community; and [...]

- 6.18.8 Enviro NZ seeks an amendment to the Rules Note to ensure there is no confusion in the rules that apply to the waste facilities at Redruth, but that the objectives and policies apply whereby waste facilities are accepted under the definition of RSI. They seek the following amendment:

**Note:** Activities not listed in the rules of this chapter are classified as permitted under this chapter.

The rules in this chapter do not apply to the Redruth Landfill and resource recovery facility.

Rules in Sections A - Section F of this chapter take precedence...

[...]

- 6.18.9 The Dir. General Conservation supports the cross reference to the matters in Part 2 of the PDP but seeks to amend the Rule Note by adding a hyperlink to the chapters in Part 2 – District Wide Matters.
- 6.18.10 Bruce Spiers seeks to fix a grammatical error in the Rule Note. This amendment is shown in the recommended amended text further below. As this is a minor matter and can be made under clause 16(2), I have not assessed this further.
- 6.18.11 Waka Kotahi considers that the state highway network is included in the definition of RSI, but the EI Chapter states that transport matters are dealt with in the Transport Chapter. The submitter states that there are many instances within the plan, such as in the Ecosystems and Biodiversity Chapter, that have an exclusion for energy and infrastructure activities to allow these to be permitted. The submitter considers that amendments are required to either allow consideration of transport matters in the EI Chapter or amend other chapters to provide for an exclusion for transport infrastructure as RSI where there are exclusions for activities considered in the EI Chapter.<sup>11</sup>

**Analysis**

- 6.18.12 Regarding the Forest and Bird submissions specifically to give effect to the NZCPS [156.49] and reference the CE chapter in multiple provisions (for example 156.66), the way the PDP is structured is that the district wide provisions in Part 2, such as the CE Chapter, also apply to

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<sup>11</sup> I note that KiwiRail [187.2FS] supported this Waka Kotahi submission and amendments that ensure transport activities have the same exclusions as RSI.

energy and infrastructure (e.g. CE-R4, CE-R5 and CE-R7 and their supporting objectives and policies). As such, it was not intended that this chapter give effect to the NZCPS – rather that is done by the CE Chapter. As stated in the EI Interpretation and Rules Note, Part 2 - District Wide chapters are intended to apply to infrastructure covered in the EI chapter, and as such, any more stringent provisions developed to give effect to the NZCPS will be contained in the CE Chapter and will continue to apply. I accept that it is not clear from the introductions to the EI chapter and the area-wide chapters how these overlapping provisions apply and propose that amendments are made in response to the Forst and Bird submissions and related submissions (e.g. Transpower on other chapters). I therefore recommend that the additions proposed by Forest and Bird [156.51] to the introduction to clarify the status of the district wide provisions are included.

- 6.18.13 I note that the CE Chapter is before the Hearing Panel in Hearing F. I also note that Forest and Bird has made numerous submissions covering infrastructure (as structures and as RSI) in the CE (e.g. 156.45, 156.58, 156.159 and 156.167). I consider it appropriate to consider the management of infrastructure in the CE chapter hearing as it is the CE provisions which manage it. Accordingly, I recommend that the Forest and Bird submissions seeking to reference the CE chapter in the EI chapter are rejected.
- 6.18.14 I have reviewed the chapter for statements of exception for when the district wide rules do not apply and have not noted any. As such, I agree with Forest and Bird [156.50] that this exception statement can be deleted from the Rules statement which guides the application of the rules. This is set out below in my recommended amendments.
- 6.18.15 I also understand that the s42A authors for Hearing B have identified a similar issue (in response to Transpower's submissions) for the zone chapters (Part 3) and accept that there is a lack of direction in the PDP regarding the way that infrastructure is addressed at a policy level in the zone chapters, and I agree that there is a need to address potential tension or conflict between the policies in the EI and area-specific zone chapters.
- 6.18.16 I understand that the Hearing B s42A authors' preferred approach is that the EI Chapter policies overrule the Part 3 Zone policies, to ensure it is just infrastructure that has a policy pathway under EI-O1 and that reflects that EI-P2 already provides policy direction for managing adverse effects of infrastructure (for example including controlling the height, bulk and location of other infrastructure, consistent with the role, function, character and identified qualities of the underlying zone).
- 6.18.17 I am supportive of the Hearing B authors' recommendation that the policies in the EI Chapter prevail over the zone chapter policies. I note that this was the intent of the provisions when drafted. Consistent with this approach I recommend that the amendments are made to the introduction and Rule note as set out in my recommendation below. Accordingly, I recommend that these submissions are accepted / accepted in apart as set out below and in **Appendix 2**.

- 6.18.18 Regarding the Telcos submissions, the intention of the EI Chapter as drafted is that the provisions override the zone provisions in Part 3 (but not the district wide provisions). Consistent with this, I note that the objectives (e.g. EI-O2(2)), policies (e.g. EI-P2(1)(b) and rules (e.g. EI-R25 Per-2) already refer to the zone provisions. I also note that the instructions contained in the Rules states that the rules in EI Sections A to F take precedence over the rules in any Part 3 Zone chapter. Therefore, the chapter already applies as per the submitter's requests. However, I prefer the detail in the rules instructions and therefore recommend they remain, and a statement is included in the Chapter Introduction that clarifies how the objectives and policies apply, consistent with my earlier recommendation on these, and alerting the reader to the rules instructions. I therefore recommend these submissions are accepted in part.
- 6.18.19 Regarding the Transpower [159.38] submission, based on the Rule Note, it is my understanding that if an activity is not listed in the rules of the EI Chapter, then it is permitted under the EI Chapter. As such, the addition Transpower seeks to make (that the Zone Chapter rules do not apply) are consistent with the stated approach. For clarity, I recommend that the Transpower submission is accepted. In assessing this Transpower submission seeking the PDP is clear in respect of which rules apply to infrastructure, I consider that consequential amendments should also be made to the Earthworks chapter to clarify how the Earthworks, EI and TRAN chapters integrate and accordingly I have recommended changes below and in **Appendix 1**. I note that both the EI chapter (EI-R28 - earthworks within the National Grid Yard) and the earthworks chapter (EW-S5 - earthworks in proximity of the National Grid) contain similar but slightly different earthworks rules. I have assessed EI-R28 in response to submissions later in this report and consider this rule should be retained in the EI chapter and, noting that EW-S5 covers other matters, consider the Earthworks s42A author should further consider the matter of duplication as part of the Earthworks s42A report. Also, I note that as the EI rules take precedence over the Zone rules, it could be argued that any infrastructure activity not covered by a rule, and therefore permitted under the EI chapter, would also be permitted in the Zone. I consider this is an incorrect interpretation and have therefore recommended a further amendment in response to Transpower [159.38] to clarify this.
- 6.18.20 Regarding the Transpower [159.100, 159.101, 159.102] submissions, I accept that NOSZ-P6, OSZ-P10, and SARZ-P8 may fail to recognise the existing location of the National Grid within these zones and the policies may prevent the National Grid from being located in the Zone in a manner that is contrary to the NPS-ET. In my opinion it is necessary to provide a pathway for the National Grid, and indeed all RSI, due to the benefits they provide. However, as set out in response to other submissions on integration, I propose to include a statement in the EI Chapter that the objectives and policies in the EI chapter take precedence over policies in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters. I consider this amendment will adequately respond to the concerns of the submitter. Accordingly, I recommend that these submissions are rejected.



- 6.18.21 Regarding the Enviro NZ submission, if I understand it correctly, the submitter has sought to include the Redruth Landfill and resource recovery facilities in the definition of RSI (under [162.2] which I recommended be accepted), but under [162.8] sought to disapply the RSI rules from this site. This approach would mean that the facility would be covered by the EI chapter objectives and policies, but that the GIZ rules would apply to its activities. I consider this approach is workable as the Redruth facility is an existing and confined activity and is appropriately zoned GIZ. However, while workable, as there are no rules in the EI chapter that cover this activity / facility, I do not consider an express exclusion is necessary. I therefore recommend that this submission is rejected. Should the submitter identify applicable rules in their evidence that they wish to not apply, I would reconsider this recommendation.
- 6.18.22 Regarding the Waka Kotahi submission, as identified by the submitter, some chapters seek to provide for infrastructure given its importance and benefits for well-being. The same importance and benefit arguments apply to transport infrastructure. As there is both an EI chapter and a transport chapter in the National Planning Standards there is an overlap regarding transport infrastructure matters. The PDP sought to clarify this overlap by stating transport related infrastructure is contained in the transport chapter. However, I think it more accurate to state that transport infrastructure is also covered by the Transport chapter, which is focussed on technical road standards and transport network matters, as opposed to infrastructure generally. Accordingly, I recommend that the EI Chapter introduction is amended to clarify this and that this submission is accepted. I note that I have also reassessed this submission in the Transport Chapter as it also relates to that chapter. Finally, as a consequential change I also recommend that same amendment is made for the Port of Timaru, which is also covered by the Port Zone Chapter.
- 6.18.23 Regarding the Dir. General Conservation submission and hyperlinks, this is a style choice for the whole PDP, rather than just this chapter. Accordingly, I recommend that this submission is deferred to a wrap up report for later in the hearing process.

### **Conclusions and Recommendations**

- 6.18.24 I recommend that the submissions from Waka Kotahi [143.20], Transpower [159.38], and Bruce Spiers [66.18] are **accepted**.
- 6.18.25 I recommend that the submissions from the Telcos [176.34, 208.34, 209.34, 210.34] are **accepted in part**.
- 6.18.26 I recommend that the submissions from Transpower [159.100, 159.101, 159.102] and Enviro NZ [162.8] are **rejected**.
- 6.18.27 I recommend that the submission from the Dir. General Conservation [166.23] is **deferred**.
- 6.18.28 I recommend that the various submissions from Forest and Bird are **accepted, accepted in part or rejected** as set out in **Appendix 2**.

6.18.29 Amend the EI chapter introduction as follows:

#### Introduction

The Infrastructure and Energy Chapter contains district-wide provisions that cover Regionally Significant Infrastructure and other infrastructure. It also contains provisions applying to amateur radio and to protect the operation of Richard Pearse Airport (Timaru Airport). Transport-related infrastructure is also covered by ~~contained in~~ the Transport Chapter. Provisions relating to the Port activities at the Port of Timaru are also covered by ~~contained in~~ the Port Zone Chapter.

[...]

In the case of conflict with any other provision in the District Plan, the NESETA and NES-TF prevail. The objectives and policies in this chapter take precedence over the objectives and policies in any Zone Chapter of Part 3 – Area Specific Matters. In managing the effects of Regionally Significant Infrastructure and other infrastructure, the provisions in Part 2 – District Wide Matters also apply. The application of the rules in relation to other chapters is set out in the Rules section.

[...]

6.18.30 Amend the EI Rules Note as follows:

#### Rules

**Note:** *Activities not listed in the rules of this chapter are classified as ~~a~~-permitted under this chapter but may still require consent under other chapters.*

*Rules in Sections A – Section F of this chapter take precedence over rules in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters and the Zone Chapter rules do not apply. ~~Unless otherwise specified in this chapter,~~ ~~†~~The provisions of the Development Area Chapter, Designations Chapter and Chapters in Part 2 - District-wide Matters Chapters still apply to activities provided for in Sections A – Section F and therefore resource consent may be required by the rules in Part 2.*

[...]

6.18.31 Amend EW-R1 as follows:

#### **EW-R1 Earthworks, excluding earthworks:**

- a. for tree planting, or the removal of trees not protected by the District Plan;
- b. for test pits, wells or boreholes permitted under a regional plan or where all necessary regional resource consents have been obtained;

- c. for infrastructure that is identified as permitted or restricted discretionary in Sections A to Section G of the Energy, and Infrastructure chapter and in TRAN-R1 to TRAN-R10 of the Transport chapters of the Plan;
- d. [...]

6.18.32 I consider that the original s32 evaluation continues to apply as these changes are minor in nature and simply seek to clarify the intended application of the provisions.

## 6.19 EI Chapter – Introduction

6.19.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). I note that some submissions included in **Appendix 2** under “Chapter Introduction” have been assessed above under chapter integration as the submission related to integration matters. The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Radio NZ	152.27
TDC	42.15

### Submissions

6.19.2 Radio NZ supports the introduction subject to amendments that refer to lifeline utilities and the risks of reverse sensitivity effects. The submitter considers this is consistent with other objectives in the PDP and appropriately recognises infrastructure which serves a critical civil defence role. The following amendments are requested:

[...]

*Regionally Significant Infrastructure, Lifeline Utilities, and other infrastructure have important functions [...].*

*Inappropriately located or designed land use activities can cause reverse sensitivity effects which may compromise the safe and effective functioning of significant and locally important infrastructure.*

6.19.3 TDC also seeks to include references to lifeline utilities as per the following requested amendments:

*The Infrastructure and Energy Chapter contains district-wide provisions that cover Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure. [...]*

*Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure have important functions and [...] The positive effects of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure may be realised locally, regionally or nationally [...]*

### Analysis

6.19.4 Regarding the Radio NZ submission, I consider referring to lifeline utilities is acceptable in the text as the chapter covers this infrastructure. However, on balance I do not support including the proposed statement on reverse sensitivity in the introduction as this statement is more of a policy direction statement. I also note that adverse effects can encompass more than reverse sensitivity (for example access constraints).<sup>12</sup> I therefore recommend that this submission is accepted in part.

6.19.5 Regarding the TDC submission, I consider referring to lifeline utilities is acceptable in the text as the chapter covers this infrastructure. I therefore recommend that this submission is accepted.

### Conclusions and Recommendations

6.19.6 I recommend that the submission from TDC [42.15] is **accepted**.

6.19.7 I recommend that the submission from Radio NZ [152.27] is **accepted in part**.

6.19.8 Amend the chapter introduction as follows:

The Infrastructure and Energy Chapter contains district-wide provisions that cover Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure. [...]

Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure have important functions and [...] The positive effects of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure may be realised locally, regionally or nationally. [...]

6.19.9 I consider that the original s32 evaluation continues to apply as this change simply clarifies the existing application of the chapter provisions.

### 6.20 IE Chapter – Objective IE-O1 Regionally Significant Infrastructure

6.20.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.35, 208.35, 209.35, 210.35
Forest and Bird	156.52
Opuha Water	181.25
TDC	42.16

<sup>12</sup> Additional adverse effects on RSI are also identified in Transpower [159.74FS]

Waka Kotahi	143.21
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### Submissions

- 6.20.2 The Telcos consider the title of the objective should include lifeline utilities, given they are provided for in the body of the objective. TDC also seeks this change. They seek the following amendment to the title of EI-O1:

*EI-O1 Regionally Significant Infrastructure and Lifeline Utilities.*

- 6.20.3 Forest and Bird consider the objective should incorporate emissions reduction and seeks the following amendment:

[...]

*3. contributes to the economy, emissions reduction, and supports a high standard of living; and*

[...]

- 6.20.4 Opuha Water seek to fix the grammatical errors arising due to the multiple types of infrastructure referred to.

- 6.20.5 Waka Kotahi TDC generally supports the objective as it describes RSI and lifeline utilities, however, seeks the following amendment to provide clarification:

*Provide for ~~E~~ffective, resilient, efficient and safe Regionally Significant Infrastructure and Lifeline Utilities that:*

[...]

### Analysis

- 6.20.6 Regarding the Telcos and TDC submissions, I agree with including lifeline utilities in the objective title for the reasons provided by the submitters. I therefore recommend these submissions are accepted.

- 6.20.7 Regarding the Forest and Bird submission, I agree that emissions reductions is an outcome from providing for renewable electricity generation and efficient use of infrastructure and that this should be added to EI-O1, however, noting the further submissions by Opuha Water [181.8FS] and PrimePort [175.12FS], that it is not always practical to achieve this for all types of RSI, I consider this should seek to 'support' emissions reductions.

- 6.20.8 Regarding the Opuha Water submission, I recommend that the grammar is fixed (singular to plural) as set out below.

- 6.20.9 Regarding the Waka Kotahi submission, I agree that the objective is phrased slightly differently to other objectives and could be improved for clarity. However, I prefer an alternative of

rearranging the clause as set out in my recommendation. Accordingly, I recommend that this submission is accepted in part.

### **Conclusions and Recommendations**

6.20.10 I recommend that the submissions from The Telcos [176.35, 208.35, 209.35, 210.35], TDC [42.16] and Opuha Water [181.25] are **accepted**.

6.20.11 I recommend that the submissions from Forest and Bird [156.52] and Waka Kotahi [143.21] is **accepted in part**.

6.20.12 Amend EI-O1 as follows:

#### **EO-01 Regionally Significant Infrastructure and Lifeline Utilities**

Regionally Significant Infrastructure and Lifeline Utilities are Effective, resilient, efficient and safe ~~Regionally Significant Infrastructure and Lifeline Utilities that~~ and:

1. provides essential and secure services, including in emergencies; and
2. facilitates local, regional, national or international connectivity; and
3. contributes to the economy, support emissions reduction, and support a high standard of living; and
4. ~~are~~ aligned and integrates with the timing and location of urban development; and
5. enables people and communities to provide for their health, safety and wellbeing.

6.20.13 Regarding a s32AA assessment, in my opinion the revised EI-O1 is essentially the same as the notified version, with the main differences being the inclusion of lifeline utilities in the title (which applied anyway), and a reference to emissions reduction. I note that in achieving effective and efficient RSI, this would already contribute to emissions reductions and I therefore consider the original s32 continues to apply.

### **6.21 EI Chapter – Objective IE-O2 Adverse effects of Regionally Significant Infrastructure**

6.21.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.36, 208.36, 209.36, 210.36
Forest and Bird	156.53

Transpower	159.33
Dir. General Conservation	166.20
Opuha Water	181.26
TDC	42.17
Radio NZ	152.29

### Submissions

- 6.21.2 The Telcos consider there is a cross reference to the relevant objectives for the underlying zone which is inappropriate, as the EI chapter should be standalone, and the objectives in the zone chapters do not provide helpful guidance for the avoidance, remediation or mitigation of adverse effects from RSI. They also seek to add a reference to lifeline utilities in the objective title. They seek the following amendments:

#### ***E1-02 Adverse effects of Regionally Significant Infrastructure and Lifeline Activities***

*The adverse effects of Regionally Significant Infrastructure and Lifeline Activities:*

- 1. are avoided in sensitive environments unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated; and*
- 2. are avoided, remedied or mitigated to achieve the relevant objectives for the underlying zone in other areas.*

- 6.21.3 Forest and Bird seek to delete EI-02 as being contrary to the s6 and the NZCPS.

- 6.21.4 Transpower does not support the objective in so far as it relates to the National Grid. The reasons include: the requirement to avoid adverse effects is overly onerous and is not consistent with either the NPS-ET, or Policy 16.3.4 of the CRPS; it is more stringent than the approach to other infrastructure; the requirement to achieve all relevant objectives in underlying zones is overly onerous and inconsistent with sections 104 and 171 of the RMA; the requirement to avoid adverse effects does not give effect to provisions of the CRPS, including Policy 5.3.9 or the requirement to facilitate the operation and development of the National Grid in the objective of the NPS-ET. They seek the following amendments:

- 1. The adverse effects of Regionally Significant Infrastructure and Lifeline Utilities on the identified characteristics and values of sensitive environments are avoided where it is practicable to do so having regard to the:*

~~*1. are avoided in sensitive environments unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated; and*~~

- 2. are avoided, remedied or mitigated in all other cases to achieve the relevant objectives for the underlying zone in other areas*

6.21.5 The Dir. General Conservation supports avoidance of adverse effects in sensitive environments but seeks amendments to align with the draft NPS-IB in applying the effects management hierarchy for infrastructure where effects cannot be avoided due to the functional need and where there are no practicable alternative locations. They seek the following amendments:

1. are avoided in sensitive environments unless there is a functional need for the infrastructure to be in that location and there are no practicable alternative locations, in which case they must be managed by applying the effects management hierarchy remedied or mitigated; and [...]

6.21.6 Opuha Water is concerned that there are inconsistencies between the directive in EI-O2.1 and its implementing Policy EI-P2.1 and EI-O2.1 and NH-P11 noting EI-O2 refers to “sensitive environments” whereas EI-P2.1.a. refers to a subset of “sensitive environments”. The submitter also identifies inconsistencies between policies NH-P11 and EI-P1 regarding the management of effects. The submitter considers the effect of EI-O2.1 is to cut across the directives in section 104(1)(ab) of the RMA, which requires that, when considering an application for resource consent, the consenting authority must have regard to: ...any measure ... to offset or compensate for any adverse effects on the environment. The submitter considers an effects management hierarchy, such as that set out in the (NPS-FM) for managing the adverse effects of an activity on the extent or values of a natural inland wetlands and rivers, would be a more appropriate approach to managing effects on the listed “sensitive environments”. They seek the following amendments:

*1 are avoided in sensitive environments ~~unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated; where practicable, and:~~*

*a. where adverse effects cannot be avoided, they are minimised where practicable; and*

*b. where adverse effects cannot be minimised, they are remedied where practicable; and*

*c. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, offsetting is provided where possible; and*

*d. if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and*

*e. if compensation is not appropriate, the activity itself must be avoided from the sensitive environment.*

[...]

6.21.7 TDC seeks to include a reference to lifeline utilities in the objective title and amend the objective to align with the NPS-FM's "effects management hierarchy", noting that consequential amendments would be required to clause 1 of Policy EI-P2 (Managing adverse effects of Regionally Significant Infrastructure and Lifelines Utilities) if any such changes are made. The submitter considers that there is no justification for the approach in EI-O2.1, which



requires the adverse effects of infrastructure and lifeline utilities to be avoided in sensitive environments.

6.21.8 Radio NZ supports EI-O2 as it appropriately recognises the functional and operational needs of lifeline utilities but considers it is overly restrictive. They seek the following amendments:

1. Are avoided in sensitive environments unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated to the extent practicable; and

2. Are managed avoided, remedied or mitigated to achieve the relevant objectives for the underlying zone in other areas

### **Analysis**

6.21.9 Regarding the Telcos submissions, as recommended earlier, the objectives and policies in this chapter are intended to take precedence over the zone provisions. The reference to the underlying zone was an attempt to efficiently recognise the differences between the zones. However, the use of the words 'to achieve' potentially confuses the approach that the EI objectives and policies take precedence. Given this confusion, on balance I consider that the clause should be amended to 'having regard to' the relevant objectives of the zone as this still enables these provisions to take precedence and I note that the policies also make reference to the underlying zones (e.g. EI-P2.1.b). Accordingly, I recommend that these submissions are accepted in part.

6.21.10 Regarding the Forest and Bird and the Dir. General Conservation submissions regarding the approach to sensitive environments / Section 6 matters, a number of submitters have sought the application of an effects management hierarchy or other changes to the approach in sensitive environments. Currently EI-O2(1) seeks avoidance unless there is a functional or operational need for the location, and then effects remediation or mitigation. I agree that additional guidance on when to mitigate and remedy could be provided as per the submissions, utilising the suggested effects management hierarchy provided by Opuha Water. Adopting the NPS-FM effects management hierarchy should more closely align EI-O2 with RMA s6 as requested by Forest and Bird. However, given EI-O2 is an objective, I favour referring to an effects management hierarchy that is then contained within a policy. I therefore recommend amendments to EI-O2 as set out below with the amendments to EI-P2 as set out in my assessment of that policy to include an effects management hierarchy.<sup>13</sup> Based on my assessment for EI-O3, I also have included a reference to other infrastructure in the chapeau. Accordingly, I recommend that the submission from Forest and Bird is rejected (I am

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<sup>13</sup> I consider that while Ms White has recommended in her s42A report for the ECO chapter to not include an effects management hierarchy approach (as required under the NPS-IB), the reasoning for that approach is not applicable to my recommendation here.

recommending retaining an amended EI-O2). I recommend that the submission from the Dir. General Conservation is accepted in part.

- 6.21.11 Regarding the Transpower submission, I consider the requirement to “achieve the relevant objectives of the underlying zone” is overly onerous for infrastructure and have recommended this is amended to “having regard to” in response to the Telcos. Regarding Transpower’s other requested amendments, I prefer setting up an effects management hierarchy, consistent with other submitters’ requests. Accordingly, I recommend that this submission is accepted in part.
- 6.21.12 Regarding the Opuha Water submission, I agree that there are some inconsistencies in EI-O2 and EI-P2 and agree that an effects management hierarchy would be appropriate to apply. However, rather than including this in EI-O2, I recommend a reference to it is included in EI-O2 and the detail is contained in EI-P2. Regarding the inconsistencies in referring to “sensitive environments” between EI-O2.1 and EI-P2.1.a. and the approach in NH-P11, I consider that EI-O2 needs to be amended for consistency to refer to the sensitive environments subset in EI-P2.1.a.. Accordingly, I recommend that this submission is accepted in part.
- 6.21.13 Regarding the TDC submission, I agree with including a reference to lifeline utilities in the objective title, but rather than amending the objective to align with the NPS-FM's "effects management hierarchy" I prefer referencing this and locating the hierarchy in an amended EI-P2. Accordingly, I recommend that his submission is accepted in part.
- 6.21.14 Regarding the Radio NZ submission, I agree that the objective is overly restrictive but prefer relying on an effects management hierarchy than amending clause 1 as requested. I do not support changing ‘avoided, remedied or mitigated’ to ‘mange’ in clause 2 as the former provides more direction. Accordingly, I recommend that this submission is accepted in part.

### **Conclusions and Recommendations**

- 6.21.15 I recommend that the submissions from the Telcos [176.36, 208.36, 209.36, 210.36] are **accepted**.
- 6.21.16 I recommend that the submissions from the Dir. General Conservation [166.20], Transpower [159.33], Opuha Water [181.26], TDC [42.17] and Radio NZ [152.29] are **accepted in part**.
- 6.21.17 I recommend that the submission by Forest and Bird [156.53] is **rejected**.
- 6.21.18 I recommend that EI-O2 is amended as follows:

#### **EI-O2 Adverse effects of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure**

The adverse effects of Regionally Significant Infrastructure, ~~and~~ Lifeline Utilities and other infrastructure:

1. are avoided in ~~sensitive environments~~ the areas identified in EI-P2.1.a, unless there is a functional need or operational need for the infrastructure to be in that location and no practical alternative locations, in which case they must be ~~remedied or mitigated~~ managed by applying the effects management hierarchy set out in EI-P2 or EI-PX for the National Grid; and

2. are avoided, remedied or mitigated ~~to achieve~~ having regard to the relevant objectives for the underlying zone in other areas.

6.21.19 Regarding a s32AA assessment, I consider that the recommended changes simply refine and clarify the objective. In my opinion, the reference to EI-P2.1.a provides greater accuracy in specifying the relevant matters to consider, while the addition of “no practical alternative locations” refines the application of functional / operational needs. I consider that the application of an effects management hierarchy and specific National Grid approach provide clearer direction on how to manage adverse effects that is consistent with national level direction, and having regard to the relevant objectives for the underlying zone is more consistent with the stated approach of the EI rules taking precedence over the zone rules. I consider that the amended objective is the most appropriate for achieving the Act.

## 6.22 EI Chapter – Objective IE-O3 Adverse effects of other infrastructure

6.22.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.37, 208.37, 209.37, 210.37
Forest and Bird	156.54

### Submissions

6.22.2 The Telcos consider the objective should not reference the relevant objectives for the underlying zone in other areas and that there can be a functional and operational need which requires consideration. They seek the following amendments:

1. are avoided on the identified characteristics and values of the sensitive environments the infrastructure is located within, unless there is a functional or operational need for the infrastructure to be in that location, in which case they must be remedied or mitigated; and

2. are avoided, remedied or mitigated ~~to achieve the relevant objectives for the underlying zone~~ in other areas.

6.22.3 Forest and Bird oppose the objective as it is contrary to s6 and the NZCPS and seeks it be deleted. The submitter considers the reference to “identified” characteristics and values is not

appropriate as these matters are not identified in the appendix or schedules for most “sensitive environments” and values may not remain constant.

### **Analysis**

- 6.22.4 The key difference between EI-O2 and EI-O3 is that the former enables RSI and lifeline utilities in sensitive environments if there is a functional or operational need for the location, whereas for other infrastructure, EI-O3 does not provide this need pathway.
- 6.22.5 Given the requested changes to include consideration of a functional and operational need in EI-O3, and the overlap between RSI, lifeline utilities and other infrastructure, I consider that EI-O3 should be deleted, and ‘other infrastructure’ is combined into EI-O2 (along with RSI and lifeline utilities). Accordingly, I recommend that the submission from the Telcos are accepted in part. I recommend that the submission from Forest and Bird is accepted.

### **Conclusions and Recommendations**

- 6.22.6 I recommend that the submission from Forest and Bird [156.54] is **accepted**.
- 6.22.7 I recommend that the submissions from the Telcos [176.37, 208.37, 209.37, 210.37] are **accepted in part**.
- 6.22.8 I recommend that EI-O3 is deleted, with other infrastructure included in EI-O2 as assessed above.
- 6.22.9 Regarding a s32AA assessment, I consider that the original s32 continues to apply as I have essentially combined two objectives with a similar outcome still being achieved. I consider it appropriate that a functional and operational need is a relevant consideration for all infrastructure and that this better achieves the purpose of the Act.

## **6.23 EI Chapter – Objective IE-O4 Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities**

- 6.23.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Kāinga Ora	229.18
Forest and Bird	156.55
Hort NZ	245.44
Transpower	159.34

## Submissions

- 6.23.2 Kāinga Ora considers the objective as drafted could result in land which is zoned for residential development being un-useable. The submitter also considers that ‘upgrading or development’ should be deleted from the policy as it would be difficult to manage adverse effects on a potential future state. They seek the following changes:

*The efficient operation, maintenance, repair, ~~upgrading or development~~ of Regionally Significant Infrastructure and lifeline utilities are not constrained or compromised by ~~the adverse effects of subdivision, use and development, including~~ reverse sensitivity effects.*

- 6.23.3 Forest and Bird consider that the objective goes too far and should be limited to existing or authorised RSI and lifeline utilities.

- 6.23.4 Hort NZ considers that the objective should reflect the NPS-ET, that seeks that activities are managed ‘to the extent reasonably possible’ (e.g. Policy 10). They seek the following amendments:

*The efficient operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure and lifeline utilities are to the extent reasonably possible not constrained or compromised by the adverse effects of subdivision, use and development, including reverse sensitivity effects.*

- 6.23.5 Transpower supports the extent to which the objective relates to the National Grid, as it gives effect to Policy 10 and Policy 11 of the NPS-ET. The submitter considers the word ‘efficient’ is unnecessary, and not consistent with NPS-ET and Policy 16.3.4 of the CRPS. They seek the following amendments:

*The ~~efficient~~ operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure and lifeline utilities are not constrained or compromised by the adverse effects of subdivision, use and development, including reverse sensitivity effects*

## Analysis

- 6.23.6 Regarding the Kāinga Ora submission, in my opinion it is not the intention of the objective to constrain other development entirely, rather this objective focuses on managing the interaction of incompatible activities, consistent with EI-P3(1). I therefore recommend that this objective is reworded to refer to incompatible activities (and reverse sensitivity effects), instead of the general reference to subdivision, use and development. Regarding managing adverse effects on a potential future state, the principle focus of this objective is on existing RSI and lifeline utilities, however it also includes development of these, which could include new infrastructure. I appreciate the concerns raised, and I note that CRPS Objective 5.3.2(1)(a) refers to existing or consented RSI, as opposed to new RSI. Likewise, CRPS Policy 5.3.6(1) refers to constraining existing sewage, stormwater and potable water infrastructure. However, CRPS Policy 5.3.7(2) requires the avoidance of development which forecloses the

opportunity for development of the land transport network and arterial roads while CRPS Policy 5.3.9(3) expressly provides for development of new RSI. I consider that assessments of incompatibility and reverse sensitivity against future infrastructure would have to be made against likely or planned infrastructure. On balance, I consider it is reasonable for this objective to apply to new infrastructure as well as existing. Accordingly, I recommend this submission is accepted in part.

- 6.23.7 Regarding the Forest and Bird submission, as set out above in response to Kāinga Ora, on balance, I consider it is reasonable for this objective to apply to new infrastructure as well as existing. Accordingly, I recommend this submission is rejected.
- 6.23.8 Regarding the Hort NZ submission, I note that RSI and lifeline utilities often have functional and operational location requirements and provide significant benefits to the local community. Because of this, I do not consider it appropriate that nearby activities could compromise the infrastructures functioning through applying the ‘reasonably possible extent’ approach proposed. I consider my recommended change in response to Kāinga Ora targets this objective to incompatible activities and therefore it is less likely to apply to subdivision, use and development that is not incompatible. I therefore recommend that this submission is rejected.
- 6.23.9 Regarding the Transpower submission, I accept that the word ‘efficient’ is not required via CRPS Policy 16.3.4, nor the NPS-ET, however, it is relevant for other RSI, such as the transport network. Whilst ‘efficient’ may be unnecessary for the electricity transmission network, I am not aware of any mischief its retention would cause. In the absence of evidence on this matter, I recommend that this submission is rejected.

### **Conclusions and Recommendations**

- 6.23.10 I recommend that the submission from Kāinga Ora [229.18] is **accepted in part**.
- 6.23.11 I recommend that the submissions from Forest and Bird [156.55], Hort NZ [245.44] and Transpower [159.34] are **rejected**.
- 6.23.12 I recommend that Objective EI-O4 is amended as follows:
- The efficient operation, maintenance, repair, upgrading or development of Regionally Significant Infrastructure and lifeline utilities are not constrained or compromised by ~~the adverse effects of subdivision, use and development, including~~ incompatible activities and reverse sensitivity effects.
- 6.23.13 Regarding a s32AA assessment, I consider the original s32 continues to apply as this change more clearly focusses on incompatible activities (as opposed to the adverse effects of subdivision, use and development) which would constrain or compromise RSI. I consider this was the intent of the provision.

## 6.24 EI Chapter – Objective IE-O5 Amateur Radio Configurations

- 6.24.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Forest and Bird	156.56

### Submissions

- 6.24.2 Forest and Bird consider that no adverse effects are preferable as some adverse effects are to be avoided, for example under the NZCPS. They seek the following amendments:

*Amateur radio configurations are able to be efficiently established with no to minimal adverse effects on the surrounding Environment.*

### Analysis

- 6.24.3 In my opinion ‘minimal adverse effects’ encompasses a range from no adverse effects to less than minor adverse effects. However, I accept that in sensitive environments no adverse effects may be the appropriate outcome and therefore I recommend that this submission is accepted.

### Conclusions and Recommendations

- 6.24.4 I recommend that the submission from Forest and Bird [156.56] is **accepted**.

- 6.24.5 I recommend that EI-O5 is amended as follows:

Amateur radio configurations are able to be efficiently established with no to minimal adverse effects on the surrounding Environment.

- 6.24.6 Regarding a s32AA assessment, I consider the original s32 continues to apply as the spectrum of effects up to minimal adverse effects, includes ‘no’ adverse effects.

## 6.25 EI Chapter – EI-P1 - Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities

- 6.25.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.39, 208.39, 209.39, 210.39
Forest and Bird	156.57

Transpower	159.35
Opuha Water	181.28
TDC	42.18

### Submissions

6.25.2 The Telcos partly support EI-P1 as it recognises the benefits of RSI and lifeline utilities and allows for considerations of new technologies, but consider that clause 2 is unnecessary. They state that it is at times of emergency that lifeline utilities, in particular, should be operational. They seek the following amendment:

Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities by:

1. enabling *their operation, maintenance, repair, upgrade, development*

~~2. enabling their removal during an emergency; and~~

[...]

6.25.3 Forest and Bird consider the policy is contrary to the NPS-ET and NPS-REG as the policy as drafted is more enabling than these national directions. They consider the Council should be 'supporting' rather than 'encouraging' and using the same terminology as the NPSs. The submitter also believes it is inappropriate to allow for "non-renewable" electricity generation, when it is not clear how this fits within the definition of RSI or lifeline utility. They seek the following amendments:

1. ~~enabling providing for~~ *their operation, maintenance, repair, upgrade, development* in appropriate locations; and
2. ~~enabling providing for~~ *their removal during an emergency; and*
3. *recognising their functional needs or operational needs; and*
4. ~~encouraging supporting~~ *the coordination of their planning and delivery with land use, subdivision, development, and urban growth so that future land use and infrastructure and Lifeline Utilities are integrated, efficient and aligned; and*
5. ~~enabling providing for~~ *the investigation and development of new small-scale renewable electricity generation activities to support a reduction in greenhouse gas emissions and diversifying the type and/or location of electricity generation; and*
6. ~~allowing providing for~~ *large scale renewable generation* ~~and non-renewable generation~~ *activities where the adverse effects can be minimised or able to be remediated; and*
7. *supporting Regionally Significant Infrastructure in adopting new technologies that:*
  - a. *improve access to, and efficient use of, networks and services;*
  - b. *allow for the re-use of redundant services and structures* and construction materials;
  - c. *increase resilience, safety or reliability of networks and services;*
  - d. avoid adverse environmental effects and *result in environmental benefits* ~~and~~ enhancements; or



*e. promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.*

- 6.25.4 Transpower supports EI-P1 (insofar as it relates to the National Grid) but seeks the inclusion of an additional clause, similar to that included for renewable electricity generation, in order to fully give effect to the NPS-ET. They seek the following amendment:

*Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities by:*

*[...]*

*x. allowing the establishment of new, and the development of, National Grid assets.*

- 6.25.5 Opuha Water notes the policy does not contemplate potential scenarios where activities other than removal of existing RSI is required during an emergency and considers the policy should address alterations such as realignment of infrastructure in a potential emergency. They seek the following amendment, together with the inclusion of a new definition for “alteration”:

*Recognise the benefits of Regionally Significant Infrastructure and Lifelines Utilities by:*

*[...]*

*2. enabling their removal or alteration during an emergency;*

*[...]*

- 6.25.6 TDC submits that during emergencies there are likely to be situations arising where infrastructure may not need to be removed, but it may be necessary for infrastructure to be altered. Subject to this minor amendment, Policy EI-P1 will, in terms of section 75(1) RMA, implement Objective EI-O1. They seek the following amendment:

*Recognising the benefits of Regionally Significant Infrastructure and Lifelines Utilities by: [...]*

*2. enabling their removal, relocation, repair, upgrade, maintenance and other necessary works required during an emergency; and*

*[...]*

### **Analysis**

- 6.25.7 Regarding the Forest and Bird [156.57] submission, I note that the NPS-REG requires decision-makers to recognise and provide for the national significance of renewable electricity generation activities, rather than enable them. Likewise, Policy 1 of the NPS-ET requires decision-makers to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. In my opinion, ‘enabling’ these activities under EI-P1 is a way of providing for them. However, using the term ‘providing’ in EI-P1 is more consistent with these higher order planning requirements. I have reviewed the respective rules for RSI and lifeline utilities and note that there are restrictions on these, particularly in the District Wide Part 2 chapters and as such, consistent with the submitter’s recommended amendments, I consider ‘providing for’ these ‘in appropriate locations’ is more accurate than ‘enabling’ or ‘allowing’ them. I support the requested addition of ‘construction

material' to clause 7(b) as this can reduce environmental effects. I also support the deletion of non-renewable generation, noting: this is not the focus of the NPS-REG; the direction in CRPS policy 16.2.2 on renewable energy resources and reducing dependency on fossil fuels (clause 2 of that CRPS policy); and because EI-P2 already seeks to provide for RSI and other infrastructure where the adverse effects are appropriately managed. However, I do not support the proposed addition of 'adverse environmental effects' to clause 7(d), as EI-P1 is about recognising the benefits of RSI, while EI-P2 is about managing their adverse effects. I also consider it beneficial to refer to 'enhancements' in clause 7(d). Overall, I recommend this submission is accepted in part.

- 6.25.8 Regarding the Transpower submission, I do not consider this additional clause is necessary as the establishment of new, and the development of existing National Grid assets are already provided for under EI-P1(1) and I note Transpower's proposed new policy specifically for the national grid that I have recommended accepting (under submission [159.36]). As such, I recommend that this submission is rejected. In doing so, I note that Transpower's proposed clause for EI-P1 is not entirely consistent with Transpower's proposed new policy, which is not surprising given its brevity.
- 6.25.9 Regarding the submissions by Opuha Water and TDC, clause 2 sought to recognise activities in emergencies, however I understand that emergency powers are already enabling. I also note that clause 1 already enables the operation, maintenance, repair, upgrade and development for RSI and lifeline utilities, so it is unnecessary to add 'alteration' and 'relocation', 'repair' etc to clause 2 which only applies in an emergency. Rather, I recommend that 'removal' is added to clause 1, and clause 2 is deleted. Regarding adding 'alteration' to clause 1, I consider that this is not necessary, given clause 1 already covers 'operation', 'maintenance', 'repair', 'upgrade', 'development' and now 'removal', whether in or outside of an emergency situation. Accordingly, I recommend that the submission from TDC and Opuha Water are accepted in part.
- 6.25.10 Regarding the Telcos submissions, I agree that at times of emergency lifeline utilities should be operational. However, I think it is helpful to clarify that their removal is to be enabled as part of providing for this type of infrastructure and its development. Noting the change I am recommending above in response to TDC and Opuha Water to retain a reference to removal, I recommend that this submission is rejected.

### **Conclusions and Recommendations**

- 6.25.11 I recommend that the submissions from Forest and Bird [156.57], TDC [42.18] and Opuha Water [181.28] are **accepted in part**.
- 6.25.12 I recommend that the submissions from Transpower [159.35] and the Telcos [176.39, 208.39, 209.39, 210.39] are **rejected**.

## 6.25.13 Amend EI-P1 as follows:

Recognise the benefits of Regionally Significant Infrastructure and Lifeline Utilities by:

1. ~~enabling providing for~~ their operation, maintenance, repair, ~~removal~~, upgrade, development in ~~appropriate locations~~; and
2. ~~enabling their removal during an emergency; and~~
3. recognising their functional needs or operational needs; and
4. ~~encouraging supporting~~ the coordination of their planning and delivery with land use, subdivision, development, and urban growth so that future land use and infrastructure and Lifeline Utilities are integrated, efficient and aligned; and
5. ~~enabling providing for~~ the investigation and development of new small-scale renewable electricity generation activities to support a reduction in greenhouse gas emissions and diversifying the type and/or location of electricity generation; and
6. ~~allowing providing for~~ large scale renewable generation ~~and non-renewable generation~~ activities where the adverse effects can be minimised or able to be remediated; and
7. supporting Regionally Significant Infrastructure in adopting new technologies that:
  - a. improve access to, and efficient use of, networks and services;
  - b. allow for the re-use of redundant services and structures and construction materials;
  - c. increase resilience, safety or reliability of networks and services;
  - d. result in environmental benefits and enhancements; or
  - e. promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.

6.25.14 Regarding a s32AA assessment, I consider these changes are minor. In my opinion the key difference is removing the reference to providing for non-renewable generation activities (clause 6). I consider this is appropriate as a distinction should be made between providing for renewable generation activities, as required under the NPS-REG, and non-renewable generation that is not and already covered by EI-P2. I consider this distinction is more consistent with the higher order planning framework, including RMA section 7(j). Accordingly, I consider the amended objective is the most appropriate way to achieve the purpose of the Act.

## 6.26 EI Chapter – EI-P2 - Managing adverse effects of Regionally Significant Infrastructure and other infrastructure

6.26.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
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The Telcos	176.40, 208.40, 209.40, 210.40
Kāinga Ora	229.20
Forest and Bird	156.58
Transpower	159.36
Dir. General Conservation	166.22
Opuha Water	181.29
TDC	42.19
Radio NZ	152.32
KiwiRail	187.22

### Submissions

- 6.26.2 The Telcos consider that given EI-P2 directly discusses RSI and other infrastructure, it should also specifically mention lifeline utilities for consistency. The submitters also consider it is not appropriate for the policy to seek that infrastructure be consistent with the character of an area and that the policy should also recognise that it is not appropriate for all infrastructure to be placed underground. They seek the following amendments:

***EI-P2 Managing adverse effects of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure***

1. Provide for Regionally Significant Infrastructure, lifeline utilities and other infrastructure where any adverse effects are appropriately managed by:

a. [...]; and

b. controlling the height, bulk and location of Regionally Significant Infrastructure and other infrastructure, consistent with to complement the role, function, character and identified qualities of the underlying zone; and

c. [...].

d. requiring the undergrounding of network utilities utility lines in new areas of urban development; and

e. [...].

f. [...].

g. requiring other infrastructure to adopt sensitive design to integrate within the site, existing built form and/or landform and to maintain complement the character and qualities of the surrounding area;

while:

2. recognising the functional or operational need of Regionally Significant Infrastructure, lifeline utilities and other infrastructure activities, and having regard to:

[...].

- 6.26.3 Kāinga Ora considers that EI-P2 should be expanded to include reference to adverse effects on health and wellbeing. They also consider that under clause (c), there is a potential difference as what are considered acceptable effects to infrastructure providers, are often greater than

the standards relating to effects that are acceptable for other users to experience. They seek the following amendments:

***EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure***

*1. Provide for Regionally Significant Infrastructure and other infrastructure where any adverse effects are appropriately managed by:*

*a. [...]*

*c. requiring compliance with recognised standards or guidelines relating to acceptable noise, vibration, radiofrequency fields and electric and magnetic fields for noise sensitive activities and;*

*d. minimising adverse effects on human health, wellbeing and amenity; and*

*[...]*

6.26.4 Forest and Bird opposes EI-P2 as it does not achieve Part 2 of the Act. The submitter considers that more clarity can be provided in the policy to distinguish those activities that have specific national policy direction by splitting the policy into separate clauses or provide separate policies. They also consider there are conflicts within the policy. They seek to delete EI-P2 and replace it with wording that:

1. requires that for National Grid and Renewable electricity generation activities, adverse effects:
  - a. in the coastal environment are avoided in accordance with Policies 11, 13, 15 and the NZCPS;
  - b. in all other cases are firstly sought to be avoid, where this is not possibly due to functional and operational needs, adverse effects are remedied or mitigated;
  - c. where there is no functional or operational need upgrading and development does not occur within an overlay or area meeting the significance criteria in the RPS;
2. For RSI (other than national Grid and Renewable) requires adverse effects:
  - a. in the coastal environment are avoided in accordance with Policies 11, 13, 15 and the NZCPS;
  - b. outside the coastal environment that are significant adverse effects on natural of the coastal environment, wetlands, and the margins lakes and rivers, outstanding natural landscapes, and features, and SNAs (including any unscheduled area meeting the significance criteria in the RPS) to be avoided;
  - c. in all other cases are firstly sought to be avoid, where this is not possibly due to functional and operational needs, adverse effects are remedied or mitigated;
  - d. where there is no functional or operational need upgrading and development does not occur within an overlay.
3. For “other infrastructure” effects are to be addressed in accordance with the ECO, NATC, NFL and CE and any other relevant chapters.

6.26.5 Transpower considers the policy fails to reflect the nuanced approach to the management of adverse effects set out in NPS-ET Policies 7, 8 and 9, and the relevant considerations in NPS-ET Policies 3, 4 and 5. Similar to Forest and Bird, the submitter notes it is more efficient and effective to include a standalone policy on the effects of the National Grid. They seek to exclude the National Grid from EI-P2 and insert a new National Grid specific policy as follows:

**Policy EI-PX**

**Managing adverse effects of the National Grid**

**Provide for the operation, maintenance, repair, replacement, upgrade and development of the National Grid where any adverse effects are appropriately managed by:**

- 1. enabling the ongoing operation, maintenance, repair, replacement and minor upgrading of existing National Grid assets;**
- 2. when providing for new, or upgrades that are more than minor to, the National Grid:**
  - a. In urban environments, avoid adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities;**
  - b. in the coastal environment, recognising that there will be areas where avoidance of adverse effects is required to protect the special values and characteristics of those areas;**
  - c. where (a) and (b) do not apply, seek to avoid adverse effects on the characteristics and values of the following:**
    - i. significant natural areas listed in SCHED7,**
    - ii. outstanding natural features and landscapes listed in SCHED8 and SCHED9,**
    - iii. High Naturalness Waterbodies Areas,**
    - iv. areas of high or outstanding natural character,**
    - v. historic heritage sites listed in SCHED3-4,**
    - vi. sites and areas of significance to Kāti Huirapa listed in SCHED6,**
    - vii. visual amenity landscapes listed in SCHED10, and**
- 3. where it is not practicable to avoid, adverse effects on the characteristics and values of the areas listed in (2), remedy or mitigate adverse effects having regard to:**
  - a. the operational needs or functional needs of the National Grid and the extent to which those requirements constrain measures to avoid, remedy or mitigate adverse effects;**
  - b. the extent to which significant adverse effects are avoided;**
  - c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection;**
  - d. for upgrades, the extent to which existing adverse effects have been reduced as part of any substantial upgrade;**
  - e. the extent to which adverse effects on urban amenity have been minimised; and**
- 4. outside of the areas listed in (2), avoiding, remedying, or mitigating other adverse effects, having regard to the matters in (3).**

5. In the event of conflict between clause (2) (c) and Policy SASM-P5, SASM-P6, SASM-P7 or SASM- P8, clause 2(c) prevails.

6. In the event of conflict between clause 2(c) and Policy NATC-P4 or NATC-P6 clause 2(c) prevails.

6.26.6 The Dir. General Conservation supports the inclusion of this policy and managing adverse effects on the identified values and qualities of the natural environment and specific overlays listed, however considers it relevant to include consideration of the effects management hierarchy as included in the draft NPS-IB in accordance with Clause 3.10(3) and (4) for specific infrastructure that provides significant national or regional public benefit, has a functional or operation need to be in that particular location and where there are no practicable alternative locations for the new use or development. They seek to add to clause 1(a) a reference to applying the effects mitigation hierarchy where adverse effects cannot be avoided.

6.26.7 Opuha Water supports aspects of this policy but is concerned that the wording of clause 1.f creates an extremely high threshold that would be difficult for any new works to meet and is inconsistent with the treatment of urban water distribution networks. In relation to EI-P2.2, Opuha Water considers it would be appropriate for the list of matters that are “had regard to” when determining the functional or operational need of RSI to be expanded to include a further locational consideration to recognise that there are often situations where there are no feasible alternative locations for RSI works. They seek to: delete EI-P2.1.f so that new open drains, ponds and structures for the reticulation and storage of water for agriculture and horticulture activities are covered under EI-P2(1)(g); or reword the clause by clearly identifying the environmental outcome this sub-clause is seeking to achieve; or reword the clause to apply only to Significant Natural Areas or Outstanding Natural Landscapes or other specific “sensitive environments” (if this is the issue that Council is seeking to address). They also seek the following amendment to EI-P2.2:

*2. recognising the functional or operational need of Regionally Significant Infrastructure and other infrastructure activities, and having regard to:*

*a. [...]; and*

*e. their location, including:*

*i. the complexity and connectedness of the networks and services;*

*ii. the potential for co-location and shared use of infrastructure corridors; and*

*iii. the extent to which there are feasible alternative locations; and*

*[...]*

6.26.8 Similar to Opuha Water’s requested additional clause, TDC considers Policy EI-P2 should be amended to add a further sub-clause such as “the extent to which viable alternative sites, routes or methods are available” or similar, to cover the situation where there are no alternative sites, routes or methods for the proposed infrastructure, e.g., due to design or

locational constraints. The submitter considers this would make EI-P2, in terms of section 75(1) RMA, implement Objective EI-O2.

- 6.26.9 Radio NZ supports the policy to manage the adverse effects of infrastructure, however, considers amendments are needed to refer to lifeline utilities. The submitter considers this is consistent with other objectives in the PDP and appropriately recognises infrastructure which serves a critical civil defence role. They also seek to add recognition that effects should be controlled to the extent practicable. They seek the following amendments:

***EI-P2 Managing adverse effects of Regionally Significant Infrastructure and other infrastructure***

1. Provide for Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure where any adverse effects are appropriately managed by:

[...]

b. Controlling, to the extent practicable, the height bulk and location of Regionally Significant Infrastructure

[...]

while

2. recognising the functional or operational need of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure activities, and having regard to:

[...]

- 6.26.10 KiwiRail supports the management of adverse effects of infrastructure while recognising the matters specified in clause 2 of this policy, but considers that since the rail network is linear in nature it is not always possible to avoid sensitive areas and internalise all adverse effects. Therefore, the submitter seeks an amendment to recognise this as follows:

1. Provide for Regionally Significant Infrastructure and other infrastructure where any adverse effects are appropriately managed by:

a. seeking to avoid, remedy or mitigate adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins and notable trees; and

[...]

***Analysis***

- 6.26.11 Regarding the Telco submissions, I agree that the policy should also refer to lifeline utilities. I also agree that given the necessity of RSI and lifeline utilities, it is not always appropriate that they are 'consistent'<sup>14</sup> with the character and qualities of the underlying zone, however I

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<sup>14</sup> Cambridge Dictionary: 'Consistent with' means 'having the same principles as something else', 'in agreement with other facts, or with typical or previous behaviour'.



consider 'complement'<sup>15</sup> may also not be appropriate as the infrastructure may not make the character and qualities seem better or more attractive as result of its presence. Rather I consider a better approach is that infrastructure 'takes these matters into account'. I also agree with narrowing down the reference to 'underground infrastructure' as not all infrastructure can or should be underground. Accordingly, I recommend these submissions are accepted in part.

- 6.26.12 Regarding the Kāinga Ora submission, I agree that under clause (c), there is a potential difference as to what are considered acceptable effects to infrastructure providers versus receivers. I have sought to clarify this as per the submitter's request. I also recommend including a reference to adverse effects on human health and wellbeing as these are reasons why adverse effects are managed. However, I prefer adding this to clause (c), rather than as a new clause (d). Accordingly, I recommend that this submission is accepted in part.
- 6.26.13 Regarding the Forest and Bird submission, with the recommended changes to EI-P2 and new policy EI-PX, I have sought to provide more clarity and distinguish between RSI and the National Grid, as requested. I have also sought to remove conflicts within EI-P2 and between EI-P2 and EI-O2 as discussed under EI-O2. Noting that the Part 3 District Wide provisions continue to apply and my proposed reference to them in EI-P2.1.a, I consider my recommended changes are generally consistent with the relief sought. Accordingly, I recommend that this submission is accepted in part.
- 6.26.14 Regarding the Transpower submission, I explored weaving into EI-P2 the requirements under the NPS-ET for the National Grid but considered it cleaner to include a standalone policy given the existing wording and the various submissions on it. I also note that the NPS-IB and its effects management hierarchy does not apply to the National Grid<sup>16</sup> and that the NPS-ET has a subtly different approach to sensitive environments under Policy 8, requiring that the planning and development of the transmission system 'should seek to avoid' adverse effects (see EI-PX.2.c) on these environments, rather than simply 'avoid' them. Accordingly, I am comfortable including a National Grid specific policy as a pragmatic solution to ensure the wording is accurate. I have utilised the wording provided by Transpower but added in references to reducing existing adverse effects as part of substantial upgrades (as per NPS-ET Policy 6) and minimising adverse effect on urban amenity (as per NPS-ET Policy 7). I have also added in a reference to other areas of significant indigenous vegetation and significant habitats of indigenous fauna as some of these may not yet be mapped (as noted in [166.17FS])<sup>17</sup>. I have

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<sup>15</sup> Cambridge Dictionary: 'Complement' means 'to make something else seem better or more attractive when combining it', 'to help make something more complete or effective'.

<sup>16</sup> NPS-IB Section 1.3, Clause 3 states that nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities.

<sup>17</sup> The Dir. General Conservation

also made some minor additional amendments for readability. Given the changes I have proposed, I recommend accepting this submission in part.

- 6.26.15 Regarding the Dir. General Conservation submission, I have proposed including an effects management hierarchy in EI-P2 (based on the Opuha Water submission on EI-O2), which is consistent with the effects management hierarchy contained in the NPS-IB (referred to by the submitter).<sup>18</sup> However, rather than adding just a reference to clause 1(a) as proposed in the submission, I have added a hierarchy in new clause 3. I consider this provides greater direction. Accordingly, I recommend that this submission is accepted in part.
- 6.26.16 Regarding the Opuha Water submission, I agree that the clause (f) wording creates a high threshold and consider this is inconsistent with clause (g) and the rules as recommended to be amended (e.g. EI-R26). I therefore agree that this clause should be deleted. I also agree with including a new clause to expressly consider locational considerations, however I prefer the wording provided by TDC [42.19]. Noting Opuha Water's [181.26] comments on EI-O2 in relation to the subset of "sensitive environments", I have sought to reference the areas identified in EI-P2.1.a instead. I have also included Opuha Water's [181.26] request for an effects management hierarchy in EI-P2 (as opposed to EI-O2). Overall, I recommend that this submission is accepted in part.
- 6.26.17 Regarding the TDC submission, I agree that the policy should contain a clear clause enabling the consideration of the extent to which viable alternative sites, routes or methods are available for the reasons provided. Accordingly, I recommend that this submission is accepted.
- 6.26.18 Regarding the Radio NZ submission, I agree with adding in lifeline utilities. However, rather than adding in a reference "to the extent practicable" I have changed "controlling" to "managing" which I consider is broader and more consistent with the approach of the EI provisions taking precedence over the zone provisions. Accordingly, I recommend that this submission is accepted in part.
- 6.26.19 Regarding KiwiRail's submission, whilst the requested amendment provides flexibility to respond to functional or operational requirements in the listed sensitive areas, the structure of the policy is that it is an 'avoid first' policy in the listed sensitive environments, referencing the relevant Part 2 District Wide provisions, and then the functional or operational matters are considered in clause 2, and then the effects management hierarchy is applied in clause 3. Given the structure of the notified policy and the other submissions on it, I prefer to retain this structure. Accordingly, I recommend that this submission is rejected.
- 6.26.20 I understand that the s42A officer covering definitions in Hearing A recommended that a 'Bat Protection Overlay' be added to the definition of "sensitive environments" in response to a

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<sup>18</sup> See the definition of "effects management hierarchy" in section 1.6 of the NPS-IB.

submission from the Dir. General of Conservation [166.11].<sup>19</sup> I have therefore included this overlay in my recommended amendments to EI-P2 and EI-PX, subject to the Panel accepting this recommendation.

### **Conclusions and Recommendations**

6.26.21 I recommend that the submission from TDC [42.19] is **accepted**.

6.26.22 I recommend that the submissions from the Telcos [176.40, 208.40, 209.40, 210.40], Kāinga Ora [229.20], Forest and Bird [156.58], the Dir. General Conservation [166.22], Opuha Water [181.29], Transpower [159.36] and Radio NZ [152.32] are **accepted in part**.

6.26.23 I recommend that the submission from KiwiRail [187.22] is **rejected**.

6.26.24 Amend EI-P2 as follows:

#### **EI-P2 Managing adverse effects of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure**

1. Except as provided for by Policy EI-PX, provide for Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure where any adverse effects are appropriately managed by:
  - a. seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites of Significance to Māori, historic heritage, cultural, and archaeological areas, riparian margins, bat protection areas and notable trees, in accordance with the relevant Part 2 - District Wide provisions applying to those areas; and
  - b. ~~controlling~~ managing the height, bulk and location of ~~Regionally Significant Infrastructure and other~~ all infrastructure, consistent with taking into account the role, function, character and identified qualities of the underlying zone; and
  - c. requiring compliance with recognised standards or guidelines relating to acceptable noise for noise sensitive activities, vibration, radiofrequency fields and electric and magnetic fields to minimise adverse effects on human health, wellbeing and amenity; and
  - d. requiring the undergrounding of network utilities lines in new areas of urban development; and
  - e. minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and

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<sup>19</sup> S42A Report Overarching matters Proposed Timaru District Plan: Part 1 - Introduction and General Definitions, dated 5 April 2024, paragraph 233.

- f. ~~allow new water infrastructure, including open drains, ponds and structures for the reticulation and storage of water for agricultural and horticultural activities in sensitive environments where the adverse effects can be minimised; and~~
- g. requiring other infrastructure to adopt sensitive design to integrate within the site, existing built form and/or landform and ~~to maintain~~ taking into account the character and qualities of the surrounding area;

while:

2. recognising the functional need or operational need of Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure activities, and having regard to:
  - a. the extent to which adverse effects have been addressed through site, route or method selection; and
  - b. the need to quickly repair and restore disrupted services; and
  - c. the impact of not operating, repairing, maintaining, upgrading, removing or developing the regionally significant infrastructure or other infrastructure; and
  - d. the time, duration or frequency of adverse effects; and
  - e. their location, including:
    - i. the complexity and connectedness of the networks and services;
    - ii. the potential for co-location and shared use of infrastructure corridors; ~~and~~
    - iii. the extent to which there are feasible alternative sites, routes or methods available; and
  - f. for renewable energy generation, the need to locate where the natural resources occur; and
3. where due to functional needs or operational needs, Regionally Significant Infrastructure, Lifeline Utilities and other infrastructure must be located in the environments identified in EI-P2.1.a, apply the following effects management hierarchy:
  - a adverse effects are avoided where practicable; and
  - b. where adverse effects cannot be avoided, they are minimised where practicable; and
  - c. where adverse effects cannot be minimised, they are remedied where practicable; and
  - d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, offsetting is provided where possible; and
  - e. if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and
  - f. if compensation is not appropriate, the activity itself must be avoided in the environments identified in EI-P2.1.a.

6.26.25 Add the following new policy:

**Policy EI-PX - Managing adverse effects of the National Grid**

Provide for the operation, maintenance, repair, replacement, upgrade and development of the National Grid where any adverse effects are appropriately managed by:

1. enabling the ongoing operation, maintenance, repair, replacement and minor upgrading of existing National Grid assets;

2. providing for new, or upgrades that are more than minor to, the National Grid while;

a. In urban environments, minimising adverse effects on urban amenity and avoiding adverse effects of the National Grid on town centres, areas of high recreation value and existing sensitive activities;

b. in the coastal environment, avoiding adverse effects where required in order to protect the special values and characteristics of those areas;

c. where (a) and (b) do not apply, seeking to avoid adverse effects on the characteristics and values of the following;

i. significant natural areas listed in SCHED7 or other areas of significant indigenous vegetation and significant habitats of indigenous fauna;

ii. outstanding natural features and landscapes listed in SCHED8 and SCHED9;

iii. High Naturalness Waterbodies Areas;

iv. areas of high or outstanding natural character;

v. historic heritage sites and areas listed in SCHED3-4;

vii. sites and areas of significance to Kāti Huirapa listed in SCHED6;

viii. visual amenity landscapes listed in SCHED10;

ix. bat protection areas listed in SCHEDXX; and

3 where it is not practicable to avoid adverse effects on the characteristics and values of the areas listed in (2), remedying or mitigating adverse effects having regard to:

a. the operational needs or functional needs of the National Grid and the extent to which those requirements constrain measures to avoid, remedy or mitigate adverse effects;

b. the extent to which significant adverse effects are avoided;

c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection;

d. for substantial upgrades, the extent to which existing adverse effects have been reduced as part of the upgrade;

e. the extent to which adverse effects on urban amenity have been minimised; and

4. outside of the areas listed in (2), avoiding, remedying, or mitigating other adverse effects, having regard to the matters in (3);

5. prevailing clause 2(c) over SASM-P5, SASM-P6, SASM-P7 or SASM-P8 in the event of conflict;

6. prevailing clause 2(c) over NATC-P4 or NATC-P6 in the event of conflict; and

7. using substantial upgrades of transmission infrastructure as an opportunity to reduce existing adverse effects of transmission including such effects on sensitive activities where appropriate.

6.26.26 Regarding a s32AA assessment, while the recommended changes are significant in extent, they are essentially a refinement of the notified PDP’s approach of seeking to recognise the benefits of infrastructure, while managing its adverse effects, depending on the sensitivity of the receiving environment and the functional and operational needs of the infrastructure. The changes introduce an effects management hierarchy to provide clearer direction on how to manage adverse effects and also separate out the National Grid in response to national level direction. I consider that the amended EI-P2 and new EI-PX better achieve EI-O1 (resilient, effective and safe infrastructure), and EI-O2 (management of adverse effects of infrastructure). I consider that the amended and new provisions are more efficient and effective than the notified provisions because they are more refined. I consider there is no change in the risk of acting or not acting. Overall, I consider the revised EI-P2 and new EI-PX are the most appropriate for achieving the objectives and the Act.

## 6.27 EI Chapter – EI-P3 - Adverse effects on Regionally Significant Infrastructure

6.27.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Hort NZ	245.45
BP Oil, et al	196.24
Kāinga Ora	229.21
Forest and Bird	156.59
TDC	42.20

### Submissions

6.27.2 Hort NZ considers the policy is broad in its application, and therefore a change is sought to implement the changes sought to EI-O4, through the addition of ‘to the extent reasonably possible’. They also consider NPS-ET Policy 11 seeks that they will ‘generally not be provided for’ rather than an absolute avoid. The submitter considers that clause a) is best split as there are three matters being addressed with different directives. They seek the following amendments:

1. *Ensure new incompatible activities are appropriately located or designed so they do not unreasonably compromise or constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any Regionally Significant Infrastructure and lifeline utilities; and*
2. *Recognise and provide for the safe and efficient operation, maintenance, upgrading, removal and development of the National Grid by:*

~~a. avoiding the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and avoiding subdivision, use and development that may compromise the operation, maintenance, repair, upgrading, renewal, or development of the National Grid; and~~

a. Generally avoid the establishment or expansion of activities sensitive to transmission lines in the national Grid Yard

b. Manage subdivision use and development in to ensure that the National Grid is not compromised

~~b.~~ c. providing security of supply and/or maintaining the integrity of National Grid assets; and

~~c.~~ d. maintaining ongoing access to conductors and support structures for maintenance and upgrading works; and

~~d.~~ e. minimising exposure to health and safety risks from the National Grid; and

~~e.~~ f. managing activities, as far as reasonably practicable, to avoid the potential for reverse sensitivity effects on the National Grid.

6.27.3 BP Oil, et al support the intent of Policy EI-P3 for the same reasons as Objective EI-O4 and seek an amendment to the Policy so that all activities that can cause reverse sensitivity effects on RSI and lifeline utilities are similarly appropriately located, designed and managed. They seek the following amendments:

1. Ensure new or modified incompatible activities are appropriately located or designed so they do not compromise or constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any Regionally Significant Infrastructure and lifeline utilities; and

[...]

6.27.4 Kāinga Ora considers the policy as drafted could result in land which is zoned for residential development being unable to be developed as intended. The submitter considers that the policy should be amended to focus on the management of effects. They seek the following amendments:

1. ~~Ensure a~~New incompatible activities are appropriately located or designed so that reverse sensitivity effects are managed so they do not compromise or constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any Regionally Significant Infrastructure and lifeline utilities; and

2. Recognise and provide for the safe and efficient operation, maintenance, upgrading, removal and development of the National Grid by:

a. avoiding the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and avoiding subdivision, use and development which will result in reverse sensitivity effects that ~~may will~~ compromise the operation, maintenance, repair, upgrading, renewal, or development of the National Grid; and

b. [...]

- 6.27.5 Forest and Bird supports the provision for maintenance, providing adverse effects on the environment are avoided, remedied, and mitigated as appropriate when considering maintenance for existing and for new development. They seek to retain EI-P3.2 as being limited to the national grid; and amend rules or standards as necessary to ensure adverse effects on the environment are avoided, remedied, and mitigated as appropriate when considering maintenance for existing and for new development of the National Grid.
- 6.27.6 TDC seeks to add lifeline utilities to the title to reflect the intent of the policy.

### **Analysis**

- 6.27.7 Regarding the Hort NZ submission and the proposed addition of the word “unreasonably” to clause 1, I have examined the CRPS as to how it approaches RSI. CRPS Objective 5.2.1 seeks: development that is compatible with, and will result in the continued safe, efficient and effective use of RSI (clause f); and to avoid adverse effects on RSI, and where avoidance is impracticable, remedies or mitigates those effects on the infrastructure (clause g). Under CRPS Objective 5.2.2(2)(a) development is to not result in adverse effects on the operation, use and development of RSI. CRPS Policy 5.3.2 seeks to ensure that adverse effects are avoided, remedied or mitigated, including where these would compromise or foreclose existing or consented RSI, while Policy 5.3.6 seeks to avoid development which constrains the on-going ability of the existing sewerage, stormwater and potable water supply infrastructure to be developed and used. Policy 5.3.9 for RSI seeks to avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety; and provide for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and provide for the expansion of existing infrastructure and development of new infrastructure. Clearly there are varied approaches to RSI across the relevant CRPS provisions from avoiding, to avoid, remedy or mitigate, including remedying or mitigating where avoidance is impracticable. On balance, I prefer retaining EI-P3.1 as notified, noting the various submissions in support. I note this is consistent with my response to Hort NZ [245.44] on EI-O4.
- 6.27.8 Regarding the Hort NZ requested changes to EI-P3.2, I note that Policy 11 of the NPS-ET requires Local Authorities to identify a buffer corridor within which sensitive activities will generally not be provided for in district plans or given resource consent. In my opinion, this can be achieved by requiring an avoidance policy, and enabling resource consents in limited circumstances. On balance, I consider the notified wording better achieves the NPS-ET and better supports EI-R27 and EI-R30 which have a non-complying activity status for new sensitive activities in the National Grid Yard. Accordingly, I recommend that this submission is rejected.
- 6.27.9 Regarding the BP Oil, et al submission, I agree that this policy should also consider modified incompatible activities, as these may have new or increased adverse effect on RSI. Accordingly, I recommend that this submission is accepted.



- 6.27.10 Regarding the Kāinga Ora submission, whilst I appreciate the concerns of the submitter, the issues being addressed go beyond reverse sensitivity matters. For example, restrictions on access can also affect the functioning of RSI, but this is not typically a reverse sensitivity matter. I note that Policy 10 of the NPS-ET covers reverse sensitivity and not compromising the network through other activities. However, consistent with my advice on EI-O4 in response to Kāinga Ora [229.18], I recommend that EI-P3.2.a is reworded to directly focus on incompatible activities, rather than the more generic subdivision, use and development. I also agree that “may” is too uncertain, but consider that the requested “will” may be too difficult to demonstrate. I therefore recommend changing “may” to “are likely to” to provide more certainty, i.e. adverse effects are likely to occur, rather than they may or will occur. Accordingly, I recommend that this submission is accepted in part.
- 6.27.11 Regarding the Forest and Bird submission, this policy is focussed on adverse effects occurring on RSI, rather than from RSI on the environment. As such, I do not agree with the submitter’s requested changes or the rationale for them. Accordingly, I recommend that this submission is rejected.
- 6.27.12 Regarding the TDC submission, I agree with adding lifeline utilities to this policy as adverse effects on these can also create issues with their ongoing functioning. Accordingly, I recommend that this submission is accepted.

### **Conclusions and Recommendations**

- 6.27.13 I recommend that the submissions from BP Oil, et al [196.24] and TDC [42.20] are **accepted**.
- 6.27.14 I recommend that the submission from Kāinga Ora [229.21] is **accepted in part**.
- 6.27.15 I recommend that the submissions from Forest and Bird [156.59] and Hort NZ [245.45] are **rejected**.
- 6.27.16 Amend EI-P3 as follows:

#### **EI-P3 - Adverse Effects of Regionally Significant Infrastructure and Lifelines Utilities**

1. Ensure new or modified incompatible activities are appropriately located or designed so they do not compromise or constrain the safe, effective and efficient operation, maintenance, repair, development or upgrading of any Regionally Significant Infrastructure and lifeline utilities; and
2. Recognise and provide for the safe and efficient operation, maintenance, upgrading, removal and development of the National Grid by:
  - a. avoiding the establishment or expansion of activities sensitive to transmission lines in the National Grid Yard and avoiding incompatible activities ~~subdivision, use and development~~ that ~~may~~ are likely to compromise the operation, maintenance, repair, upgrading, renewal, or development of the National Grid; and

[...]

6.27.17 Regarding a s32AA assessment, I consider the original s32 continues to apply as the amendments recommended are minor and simply refine, but are consistent with, the original intent of the objective.

## 6.28 EI Chapter – EI-P4 - Amateur radio configurations

6.28.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Forest and Bird	156.60

### Submissions

6.28.2 Forest and Bird consider the word “minimise” is uncertain as to the extent to which adverse effects will be avoided, remedied, or mitigated which creates inconsistencies with the NZCPS and other plan provisions. They seek the following amendments:

1. [...]
2. *Only allow amateur radio configurations within the Open Space Zone, Sport and Active Recreation Zone or any other zones not identified in EI-P4(1) where it can be demonstrated that:*
  - a. *they are compatible with the character and amenity values of the zone; and*
  - b. *any adverse effects are avoided, remedied, or mitigated in accordance with the ECO, NATC, NFL and CE provisions and in other cases minimised.*

### Analysis

6.28.3 As set out in the integration assessment earlier, the district wide provisions continue to apply to infrastructure. As such, these additions are unnecessary and create confusion. I do not consider the word “minimise” is uncertain – this is a commonly used word in district plans. I therefore recommend that this submission is rejected.

### Conclusions and Recommendations

6.28.4 I recommend that the submission from Forest and Bird [156.60] is **rejected**.

6.28.5 No amendments are recommended.

## 6.29 EI Chapter – EI-Rules – Section C - Rules for network utilities - Three Waters - General

6.29.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Opuha Water	181.32

### Submissions

6.29.2 Opuha Water considers the title does not reflect the actual scope of activities governed by the Rules that follow, which are urban and rural water infrastructure, and ancillary network utilities. They seek the following amendments:

Amend **Section C Rules for network utilities - Three Waters** as follows:

**Rules Section C - ~~Rules for network utilities - Three waters~~ Water Infrastructure and ancillary network utilities.** [...]

### Analysis

6.29.3 This section is purposefully focussed on network utilities as opposed to all water infrastructure. I have spoken to representatives of the submitter<sup>20</sup> regarding this submission and I understand the submitter wishes to ensure that ancillary telecommunications infrastructure is also covered by this section. Based on my interpretation of the rules, I consider that the telecommunications associated with Opuha Water's facilities would be covered by Section B - Rules for Telecommunication and radiocommunication activities, and in particular, EI-R15. As such, I do not consider this amendment is necessary and indeed could itself be confusing. However, given the uncertainty evident in how the provisions provide for different components of large facilities, (e.g. a dam creating and supplying renewable electricity (Section A) could also supply water for irrigation (Section C) and utilise telecommunications infrastructure (Section B)), I consider that the EI Chapter would benefit from a note explaining how the provisions apply to infrastructure with multiple components. Accordingly, I recommend that this submission is accepted in part.

### Conclusions and Recommendations

6.29.4 I recommend that the submission from Opuha Water [181.32] is **accepted in part**.

6.29.5 Amend the Rules instructions section as follows:

*Note:*

[...]

Large infrastructure may have multiple components covered by more than one section of these rules.

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<sup>20</sup> Julia Crossman, and Georgina Hamilton (legal) – by phone call on 14.11.24.

6.29.6 No s32AA is required as this change simply provides clarity around how the rules are anticipated to apply.

### **6.30 IE Chapter – EI-R1 – Maintenance and repair, or removal of infrastructure not otherwise addressed by another rule in this chapter**

6.30.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
KiwiRail	187.24
Radio NZ	152.34

#### **Submissions**

6.30.2 KiwiRail supports the permitted activity status of the maintenance, repair or removal of infrastructure subject to a height standard but seeks this rule to also apply to the operation of infrastructure as a permitted activity.

6.30.3 Radio NZ supports the permitted activity status of EI-R1 but seeks amendments to permit the maintenance and repair of existing utilities where there are no more than minor changes to the effects from the utility from such maintenance and repair. The submitter considers that an existing network utility should not need to obtain a resource consent to maintain, for instance, an already existing pole or antenna that is taller than the height limit prescribed in the standards (the submitter has also sought changes to EI-S1 to recognise this). They also support the restricted discretionary status for non-compliance, and the matters of discretion.

#### **Analysis**

6.30.4 Regarding the KiwiRail submission, I do not consider the addition of “operation” to rule EI-R1 is required to permit existing activities, however I consider its addition adds clarity and I therefore recommend the submission is accepted.

6.30.5 Regarding the Radio NZ submission, the issue arises as EI-R1 PER-1 requires compliance with EI-S1 which refers to building height limits for the zone. This would make repair and maintenance of existing infrastructure RDIS if it already exceeded the zone height limit. I consider this is onerous for the maintenance and repair of existing infrastructure. I consider that this can be resolved by either amending the rule so that maintenance and repair is permitted where the height limit does not change, or it complies with EI-S1 or by amending EI-S1 as per the Radio NZ submission [152.45] on that standard. Because of other EI rules, my preference is to amend EI-S1. Accordingly, I recommend that this submission is accepted and EI-S1 is amended as set out under my assessment of that standard later in this report.

## Conclusions and Recommendations

6.30.6 I recommend that the submissions from KiwiRail [187.24] and Radio NZ [152.34] are **accepted**.

6.30.7 Amend EI-R1 as follows:

**EI-R1 Operation, Maintenance and repair, or removal of infrastructure not otherwise addressed by another rule in this chapter**

**Activity status: Permitted Where:**

[...]

6.30.8 As the change is essentially to make the notified provisions work as intended, I consider the original s32 continues to apply.

### 6.31 EI Chapter - EI-R2 and EI-R3 - Upgrading of underground infrastructure and new underground infrastructure, not otherwise addressed by another rule in this chapter

6.31.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Transpower	159.40

#### Submissions

6.31.2 Transpower supports the rule but notes it is more stringent than Rule EI-R3 that provides for new underground infrastructure.<sup>21</sup> They seek to merge EI-R2 with EI-R3, or make the following amendments:

**EI-R2 Upgrading of underground infrastructure, not otherwise addressed by another rule in this chapter**

**All Zones**

**Activity status: Permitted ~~Where~~**

**~~PER-1~~**

**~~EI-S2 is complied with~~**

#### Analysis

6.31.3 EI-R2 for upgrading underground infrastructure refers to EI-S2 which is the upgrading standard, whereas EI-R3 is for new underground infrastructure and therefore does not refer to EI-S2. EI-

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<sup>21</sup> I note that BP Oil, et al has also identified this issue.

S2 is referred to in part to differentiate ‘upgrading’ from ‘new’ infrastructure. However, as pointed out by the submitter, this has the consequence of making the rule for new underground infrastructure less onerous than upgrading, which is not the intention of the provisions. I agree with Transpower that EI-R2 and EI-R3 can be merged and therefore recommend that this submission is accepted.

### **Conclusions and Recommendations**

6.31.4 I recommend that the submission from the Transpower [159.40] is **accepted**.

6.31.5 Delete EI-R2 and amend EI-R3 as follows:

#### **EI-R3**

New and upgrading existing underground infrastructure (including customer connections) not otherwise addressed by another rule in this chapter

[...]

6.31.6 I consider that the original s32 evaluation continues to apply as these changes are minor in nature and involve merging separate rules.

### **6.32 EI Chapter - EI-R4 - Upgrading of above ground network utilities not otherwise addressed by another rule in this chapter**

6.32.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Radio NZ	152.36

### **Submissions**

6.32.2 Similar to their submission on EI-R1, Radio NZ supports a permitted activity standard for upgrading of above ground infrastructure but seeks amendments to permit maintenance of an existing network utility that has no more than minor effects. The submitter considers that an existing network utility should not need to obtain a resource consent to maintain, for instance, an already existing pole or antenna that is taller than the height limit prescribed in the standards (changes to EI-S1 are proposed to achieve this). The submitter also supports the restricted discretionary status for non- compliance, and the matters of discretion.

### **Analysis**

6.32.3 Consistent with my recommendation to the similar submission on EI-R1, I consider it is onerous for the upgrading of existing infrastructure to require consent for breaching EI-S1 simply because the existing infrastructure already breaches the zone height limit. I consider that this

can be resolved by amending EI-S1 as per the Radio NZ submission [152.45]. Accordingly, I recommend that this submission is accepted in part and EI-S1 is amended as set out under my assessment of that standard.

### **Conclusions and Recommendations**

6.32.4 I recommend that the submission from the Radio NZ [152.36] is **accepted in part**.

6.32.5 No amendments are proposed to EI-R4.

### **6.33 EI Chapter - EI-R6 - Above ground customer connections**

6.33.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Milward Finlay Lobb	60.8

#### **Submissions**

6.33.2 Milward Finlay Lobb considers the location of customer connections is dictated by Alpine Energy Limited as they have carried out analysis of the network and the best connections for the site. They seek the Council reconsider the practicality of EI-R6.

#### **Analysis**

6.33.3 I note that while the rule is less permissive in some zones, e.g. residential zones, and that a height limit of 5m above the permitted height limit for buildings in the applicable zone applies via EI-S1, there are no specific locational requirements for above ground customer connections included in the rule. As such, unless I am misunderstanding the submission point, I do not consider this needs reconsidering, and I therefore recommend that this submission is rejected. I also note that the rule could apply to infrastructure that is not managed by Alpine Energy as “customer connections” is a defined term that includes other types of infrastructure.

### **Conclusions and Recommendations**

6.33.4 I recommend that the submission from the Milward Finlay Lobb [60.8] is **rejected**.

6.33.5 No changes are recommended to EI-R6

### **6.34 EI Chapter - EI-R8 - Substations (including switching stations) and energy storage batteries not enclosed within a building**

6.34.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
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Milward Finlay Lobb	60.9
Transpower	159.46

### **Submissions**

6.34.2 Milward Finlay Lobb considers the parameters for a permitted activity are not practical as transformers are larger than 2.5m in height and are a key part of a substation, and that switch rooms alone in a substation are about 30m<sup>2</sup>, the remaining infrastructure will exceed 30m<sup>2</sup> in all other zones. They seek to amend EI-R8 to reflect the practicalities of substations.

6.34.3 Transpower supports EI-R8.

### **Analysis**

6.34.4 I note that the 30m<sup>2</sup> area permitted standard is comparable to the equivalent standard in the WDP (under EI-R25(3)(b) and the SDP (under EI-R21(1)(a)(a) with the exception of rural zones). I also note Transpower has substations as part of the National Grid (e.g. Haywards Substation in Hutt Valley) and has submitted in support of EI-R8 [159.46]. While the 30m<sup>2</sup> permitted standard will capture larger substations, the area limit has been set to enable small scale substations in urban areas but capture larger substations through an RDIS pathway. I accept that this standard could be onerous, however in the absence of further detail from the submitter, such as the range of substation sizes in different zones, I recommend that this submission is rejected.

### **Conclusions and Recommendations**

6.34.5 I recommend that the submission from the Milward Finlay Lobb [60.9] is **rejected**.

6.34.6 No changes are recommended to EI-R8.

## **6.35 EI Chapter - EI-R12 - New electricity generation from a non-renewable source**

6.35.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Forest and Bird	156.68

### **Submissions**

6.35.2 Forest and Bird considers that new non-renewable electricity generation should be discouraged and accordingly seeks that the activity status should be amended from discretionary to non-complying.



## Analysis

6.35.3 This rule would capture all electricity generation from non-renewable sources, with the exception of temporary generators covered under EI-R7. I am concerned that some industries may burn coal or diesel for electricity as part of their industrial processes and that making this non-complying may therefore be onerous, noting that regional councils control discharges to air from such activities, while carbon emissions are managed separately. I note that under the comparable rule in the WDP (EI-R37) new electricity generation from a non-renewable source is a non-complying activity (there does not appear to be a comparable rule in the SDP). On balance I disagree with making new electricity generation from a non-renewable source a non-complying activity, however I am open to reconsidering this in light of evidence presented at the hearing. Accordingly, I recommend that this submission is rejected.

## Conclusions and Recommendations

6.35.4 I recommend that the submission from the Forest and Bird [156.68] is **rejected**.

6.35.5 No changes are recommended to EI-R12.

## 6.36 EI Chapter - EI-R13 - New overhead telecommunications lines and associated support structures excluding customer connections

6.36.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.51, 208.51, 209.51, 210.51

## Submissions

6.36.2 The Telcos consider permitting new overhead lines in the general rural, general industrial and port zone is appropriate, but that these zone types should be expanded to include commercial and mixed-use zones, as these zones tend to have larger buildings which comfortably assimilate overhead lines. They seek the following amendments:

***EI-R13 New overhead telecommunications lines and associated support structures excluding customer connections.***

***1. General Rural Zone, General Industrial Zone Port Zone and Commercial and Mixed-Use Zones Activity Status: Permitted***

[...]

***2. All Zones other than the General Rural Zone, General Industrial Zone, ~~and~~ Port Zone and Commercial and Mixed-Use Zones***

***Activity Status: Restricted Discretionary***

[...]

### **Analysis**

6.36.3 This rule is intended to require resource consent for new overhead telecommunications lines and support structures in areas where a higher level of amenity is anticipated. Commercial and mixed-use zones comprise: CCZ; TCZ; LFRZ; MUZ; LCZ; and NCZ. I note that if the submission was accepted, the rule would be limited to Open Space and Recreation zones, the MPZ and all residential zones. I agree that, with the exception of NCZs (which often have small scale retail and professional services activities in dwellings or dwelling sized buildings), these zones tend to have larger buildings that can more easily assimilate overhead lines. However, I note that the Operative Plan requires lines associated with telecommunications facilities to be placed under ground in all the commercial zones (with the exception of the Commercial 2 and 3 zones).<sup>22</sup> These zones are equivalent to the CCZ, TCZ, LFRZ, MUZ, and NCZ. Given this, I am reluctant to amend the PDPs approach based on these submissions alone. Should the submitters produce evidence further supporting a departure from the Operative Plan's approach then I would consider that evidence in my Reply report. I therefore recommend that this submission is rejected.

### **Conclusions and Recommendations**

6.36.4 I recommend that the submissions from the Telcos [176.51, 208.51, 209.51, 210.51] are **rejected**.

6.36.5 No changes are recommended.

### **6.37 EI Chapter - EI-R14 - Telecommunications kiosk**

6.37.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
The Telcos	176.52, 208.52, 209.52, 210.52

### **Submissions**

6.37.2 The Telcos support the permitted activity status for kiosks in all zones but consider clause 2 should be amended so that setbacks only apply to side and rear boundaries. The submitters note that, as notified, a telecommunication kiosk is permitted in a legal road without the need for setbacks, however, it does mean such a structure can be established with no setback from the front boundary in a legal road, but if it were to be on the other side of that boundary it would require a 2m setback. The submitters therefore seek the following amendments:

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<sup>22</sup> See rules: 3.5.1 Commercial 1A (Timaru); 3.5.2 Commercial 1B (Timaru); 3.5.2.1 Commercial 1C (Timaru); Commercial 1 (Temuka); 3.5.4 Commercial 1 (Geraldine) 3.5.5 Commercial 1 (Pleasant Point); 3.5.7 Commercial 2A Zone; 3.4.8 Commercial 3 Zone.

**EI-R14 Telecommunications kiosk Activity status: Permitted Where:**

[...]

**PER-2**

If not located within a road reserve, the telecommunication kiosk is setback no less than 2m from all side and rear site boundaries; and

[...]

**Analysis**

- 6.37.3 While the PDP does not contain a rule requiring a setback from a boundary if located within a road reserve, I understand that if a structure is proposed within a road reserve, an occupancy licence is required from the Council's Land Transport Unit (as the owner of the road). This approval process enables a traffic safety assessment of the proposed structure and its location (in the absence of a PDP setback rule). If telecommunication kiosks can be built to a road boundary on private land as a permitted activity this could cause traffic safety issues (especially if a structure is located close to an intersection/corner) which cannot be assessed. Accordingly, I recommend that these submissions are rejected.

**Conclusions and Recommendations**

- 6.37.4 I recommend that the submissions from the Telcos [176.52, 208.52, 209.52, 210.52] are rejected.
- 6.37.5 No changes are recommended.

**6.38 EI Chapter - EI-R15 - Telecommunications or radio communication activities (not otherwise listed in rules EI-R15 to EI-R22 and not regulated by the NES-TF)**

- 6.38.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.53, 208.53, 209.53, 210.53

**Submissions**

- 6.38.2 The Telcos support the catch all rule with some minor amendments, stating these only have a negligible difference in terms of environmental effects, but create a better 'fit' with existing telecommunications componentry. The submitters consider the rule generally aligns with the NES-TF. The submitters seek the following amendments:

**EI-R15 Telecommunications or radio communication activities**

**All Zones Residential, Commercial and Mixed Use, General Industrial, Open Space and Recreation and Special Purpose Zones**

**Activity status: Permitted Where:**

**PER-1**

[...]

**PER-2**

A panel antenna:

1. does not exceed a width of ~~0.7~~ 0.9 metres; and
2. when in a road reserve, fits within an envelope of 3.5 metres in length and ~~0.7~~ 0.9 metres in width; and

[...]

**Analysis**

- 6.38.3 With regard to the minor changes in dimensions under PER-2, I am comfortable with these changes as I agree they are only minor. I note the requested change to the applicable zones means the rural zone is now excluded from being caught by the rule. Unfortunately, there is no justification provided in the submission point for this change in applicable zones. In the absence of justification, I consider this rule should continue to apply to rural zones. Accordingly, I recommend that these submissions are accepted in part.

**Conclusions and Recommendations**

- 6.38.4 I recommend that the submission from the Telcos [176.53, 208.53, 209.53, 210.53] are **accepted in part.**
- 6.38.5 Amend EI-R14 as follows:

**EI-R15 Telecommunications or radio communication activities****All Zones****Activity status: Permitted Where:**

[...]

**PER-2**

A panel antenna:

1. does not exceed a width of ~~0.7~~ 0.9 metres; and
2. when in a road reserve, fits within an envelope of 3.5 metres in length and ~~0.7~~ 0.9 metres in width; and

- 6.38.6 I consider that the original s32 is still applicable as the recommended changes are only minor.

### 6.39 EI Chapter - EI-R17 - Other network utilities (including network utility buildings and enclosed substations) [...]

6.39.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.55, 208.55, 209.55, 210.55

#### Submissions

6.39.2 The Telcos support the rule for new buildings/structures not otherwise addressed. However, the submitters consider the footprint should be consistent with the underlying zone provisions in the manner that setback and height in relation to boundary standards are under PER-1. The submitters seek the following amendments:

#### ***EI-R17 Other network utilities (including network utility buildings and enclosed substations Activity status:***

##### ***Permitted***

##### ***Where:***

##### ***PER-1***

*The building or structure complies with the building height for network utility structures, setback, footprint or site coverage (whichever is relevant) and height in relation to boundary standards for the zone; and*

##### ***PER-2***

*The building or structure does not exceed a maximum footprint of:*

*1. 20m<sup>2</sup> in a Residential Zone or Open Space and Recreation Zone; or*

*~~50m<sup>2</sup> in any other zone, except the General Industrial Zone, which has no maximum footprint; and~~*

##### ***PER-3***

*E1-S1 is complied with*

#### Analysis

6.39.3 I note that most PDP zones do not have building footprint or site coverage rules (e.g. GRUZ, GIZ, NCZ, LCZ, MUZ, TCZ, CCZ, LFRZ, MPZ and PORTZ) while for other zones such as the MRZ the site coverage would enable a significantly sized and potentially incongruous infrastructure building or structure covering half the site.<sup>23</sup> As such, in my opinion the requested approach could result in a dominating infrastructure building being established as a permitted activity. I also note that for some zones, such as the TCZ and CCZ, buildings are controlled activities

<sup>23</sup> The MRZ building site coverage maximum is 50%; the GRZ building site coverage maximum is 40%; The SARZ building site coverage maximum is 60%;

(under TCZ-R6; CCZ-R7) with matters of control including architectural design. As the zone rules do not apply to activities covered by the EI chapter, I consider this would create an inconsistency for large infrastructure buildings in these important centre locations. In the absence of evidence supporting alternative footprints standards, I recommend that these submissions are rejected.

### **Conclusions and Recommendations**

6.39.4 I recommend that the submissions from the Telcos [176.55, 208.55, 209.55, 210.55] are **rejected**.

6.39.5 No changes are recommended.

### **6.40 EI Chapter - EI-R18 - Network utilities emitting electric and magnetic fields**

6.40.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Transpower	159.48

### **Submissions**

6.40.2 Transpower considers the rule ought to apply to the activities in Section A in order to give effect to Policy 9 of the NPS-ET. Accordingly, they seek to relocate this rule to Section A.

### **Analysis**

6.40.3 I agree that this rule should be relocated to Section A as it covers more than just telecommunication and radiocommunication activities. Accordingly, I recommend that this submission is accepted.

### **Conclusions and Recommendations**

6.40.4 I recommend that the submission from Transpower [159.48] is **accepted**.

6.40.5 Relocate EI-R18 to Section A and renumber the rules accordingly.

6.40.6 I do not consider a s32AA assessment is required for this structural change.

### **6.41 EI Chapter - EI-R22 - Construction, maintenance repair and upgrading of underground water supply, wastewater systems and stormwater infrastructure**

6.41.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
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Opuha Water	181.34
TDC	42.21
Waka Kotahi	143.27

### **Submissions**

- 6.41.2 Opuha Water opposes EI-R22 as the maintenance, repair and upgrading of underground water supply infrastructure appears to fall under both Rules EI-R22 and EI-R25, and accordingly seeks to delete EI-R22.
- 6.41.3 Similarly, TDC considers there is no need for EI-R22, which seems to address activities also governed by EI-R25 and EI-R26. They also seek to delete EI-R22.
- 6.41.4 Waka Kotahi supports EI-R22 as it provides for a permitted pathway for the construction, maintenance, repair and upgrading of stormwater infrastructure when compliant with PER-1. However, the submitter considers that the matters of discretion for PER-1 should state whether there is a functional need or operational need (as opposed to 'and'), as these do not always occur together, and as proposed it is inconsistent with EI-O2. Accordingly, they seek to amend Matter of Discretion 1 to refer to the functional needs or operational needs.

### **Analysis**

- 6.41.5 EI-R22 applies to both the construction of new and works to existing underground three waters infrastructure, EI-25 also covers works to existing underground three waters infrastructure (as well as above ground infrastructure), while EI-R26 covers new underground three waters infrastructure (as well as above ground infrastructure). Clearly there is overlap across the three rules. I consider it clearer if EI-R22 is retained, and EI-R25 is amended to cover works to existing above ground three waters infrastructure and EI-R26 is amended to cover new above ground three waters infrastructure. I have set out additional reasons for the recommended changes to EI-R25 and EI-R26 and the associated s32AA assessment under my assessment of submissions on EI-R26. Accordingly, I recommend that the submissions from Opuha Water and TDC are accepted in part.
- 6.41.6 Regarding the Waka Kotahi submission, I support the amendment for the reasons provided by submitter. Accordingly, I recommend that the Waka Kotahi submission is accepted. In doing so, I note that Waka Kotahi made the same submission on EI-R25 and EI-R26 and that I have recommended similar changes to these provisions. I also recommend amendments in response to this submission to all the equivalent references to functional needs / operational needs throughout the IE, TRAN and Stormwater chapters for consistency.

### **Conclusions and Recommendations**

- 6.41.7 I recommend that the submission from Ophua Water [181.34] and TDC [42.21] are **accepted in part**.
- 6.41.8 I recommend that the submission from Waka Kotahi [143.27] is **accepted**.

6.41.9 I recommend that EI-R22 is amended as follows:

**EI-R22 Construction, maintenance, repair and upgrading of underground water supply, wastewater systems, and stormwater infrastructure**

[...]

**Matters of discretion are restricted to:**

1. The functional needs ~~and~~ or operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken.

[...]

6.41.10 I consider that the original s32 evaluation continues to apply as this change is very minor.

**6.42 EI Chapter - EI-R24 - Rainwater collection systems for non-potable use**

6.42.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited	27.2
Milward Finlay Lobb	60.10

**Submissions**

6.42.2 Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited and Milward Finlay Lobb are concerned the rule would require water tanks in a Rural zone to obtain resource consent to breach the boundary setback. They seek the following amendments:

***EI-R24 Rainwater collection systems for non-potable use:***

***Activity status: Permitted Where:***

***PER-1***

*The rainwater tank complies with building height, ~~setback,~~ and recession plane requirements height in relation to boundary standards for the zone.*

**Analysis**

6.42.3 I note that boundary setbacks in the GRUZ are 20m for significant roads and 10m for all other road and site boundaries (under GRUZ-S3), while for the RLZ (under RLZ-S4) an 8m setback from all site boundaries applies. For other zones, the set back is much less (e.g. GIZ-S3.1 where



5m road and 3m specified zone boundary setbacks apply), or sometimes there is no boundary setback standard at all (e.g. MRZ).<sup>24</sup>

6.42.4 For the GRUZ, in his s42A report<sup>25</sup> Mr McLennan considered similar submissions seeking to exempt water tank/s from boundary setback requirements.<sup>26</sup> Mr McLennan disagreed with the requested exemption as the size of the sites in the GURZ would provide ample room to locate water tanks outside of the setback requirements (paragraph 10.36.6). Whilst I have some sympathy for the submissions, I defer to the opinion of Mr McLennan on this matter as he has considered the matter expressly in relation to the GRUZ.

6.42.5 I do not support the requested change to recession plane requirements as height in relation to boundary is a National Planning Standards mandatory defined term and consistently used throughout the PDP. Accordingly, I recommend that these submissions are rejected.

### **Conclusions and Recommendations**

6.42.6 I recommend that the submissions from Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited [27.2] and Milward Finlay Lobb [60.10] are **rejected**.

6.42.7 No changes are recommended.

### **6.43 EI Chapter - EI-R25 - Maintenance, repair and upgrading of ... water systems infrastructure, including: [...]**

6.43.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Opuha Water	181.35
TDC	42.22 and 42.80
Waka Kotahi	143.30

### **Submissions**

6.43.2 Opuha Water supports EI-R25 in part and but requests inclusion of 'structure' to PER-1 to address infrastructure and to be consistent with other parts of the PDP. They seek the

<sup>24</sup> I understand however that 1.5m road and 1m side boundary setbacks are recommended for the MRZ in Hearing B, while side boundary setbacks are also recommended for the GRZ.

<sup>25</sup> Section 42A Report: Rural Zones report on submissions and further submissions, dated 19 June 2024, section 10.36.

<sup>26</sup> Responding to submissions from Maze Pastures [41.6] and Milward Finlay Lobb [60.45]. There were no submissions seeking similar changes to RLZ-S4.

following amendments or alternative wording that better reflects the nature of the activity being controlled by this condition:

***EI-R25 Maintenance, repair and upgrading of ... water systems infrastructure, including:***  
[...]

***PER-1***

*Building or structure maintenance and upgrades occur within the existing building or structure envelope; or*

[...]

- 6.43.3 Similar to Opuhu Water, TDC notes EI-R25 PER-1 refers to "building" and not "structure" or "infrastructure", however, the submitter considers that most activities falling under this rule will not be "buildings". They request the Council consider adding "any upgrading does not increase the building or structure envelope" and seek the following amendments included in both [42.22 and 42.80]:

[...]

***PER-1***

*Building maintenance and upgrades occur within the existing building envelope; or*

***PER-2 PER-1***

*If the activity includes the construction of new buildings ~~and~~ structures or infrastructure, such building, structure and infrastructure shall comply with the building height, setback, [...]; and*

***PER-3 PER-2***

*EI-S1 and EI-S2 are complied with.*

- 6.43.4 Waka Kotahi supports EI-R25 as it provides a permitted pathway for the maintenance, repair and upgrading of existing underground and above ground stormwater infrastructure, open drains and channels, pipes, water reservoirs, and storage ponds. However, consistent with their submission on EI-R22, Waka Kotahi considers that the matters of discretion for PER-1 and PER-2 should state whether there is a functional need or operational need, as these do not always occur together and as proposed it is inconsistent with EI-O2. They seek the following amendments:

***EI-R25 Maintenance, repair and upgrading of ... water systems infrastructure, including:***  
[...]

***Matters of discretion are restricted to:***

*The functional needs or and operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken.*

[...]

**Analysis**

- 6.43.5 I agree with Opuha Water and TDC that the standards should also refer to structures as these are clearly anticipated as part of the activity. I favour the amendments proposed by Opuha Water (over TDC's) as they retain but extend PER-1, enabling works to buildings and structures that already exceed the zone standards referenced in PER-2 where these are within the building envelope. This responds to TDC's requested amendment to cover structure envelopes. Accordingly, I recommend that the submission from Opuha Water is accepted and the submissions from TDC are accepted in part.
- 6.43.6 I agree with the recommended amendment from Waka Kotahi as the functional needs and operational needs are intended to be considered separately. I therefore recommend that this submission is accepted.
- 6.43.7 Consistent with my recommendation for EI-R22, I consider this rule should be amended to only apply to above ground water systems infrastructure.

**Conclusions and Recommendations**

- 6.43.8 Opuha Water [181.35] and Waka Kotahi 143.30] are **accepted**.
- 6.43.9 I recommend that the submission from TDC [42.22 and 42.80] are **accepted in part**.
- 6.43.10 I recommend that EI-R25 is amended as follows:

**EI-R25 Maintenance, repair and upgrading of existing ~~underground and above ground~~ water systems infrastructure, including:**

[...]

**PER-1**

Building or structure maintenance and upgrades occur within the existing building or structure envelope; or

[....]

**Matters of discretion are restricted to:**

The functional needs or and operational needs of, and benefits from, the activity, including the potential impact on the levels of service or health and safety if the work is not undertaken

- 6.43.11 I consider that the original s32 evaluation continues to apply as these changes are minor in nature and involve correcting the rule and matter of discretion and avoiding duplication across EI-R22 and EI-R25.

## 6.44 EI Chapter - EI-R26 - Construction of new underground and above ground water systems infrastructure

- 6.44.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rooney, et al	249.14, 250.14, 251.14, 252.14, 191.14, 174.14
Waka Kotahi	143.31

### Submissions

- 6.44.2 Rooney, et al oppose Rule EI-26(2) as the rule requires an RDIS land use consent for all plumbing and drainage work associated with a water supply, wastewater systems, and stormwater infrastructure, whether above or below ground in all zones except the Rural zone. The submitter considers that this rule would make most subdivisions at least an RDIS activity, and duplicate subdivision consent, building consent and service consent assessments and that this rule is unnecessary. They seek EI-R26 to be deleted.
- 6.44.3 Waka Kotahi supports EI-R26 as it provides a permitted pathway for the construction of new underground and above ground stormwater infrastructure, open drains and channels, pipes, water reservoirs, and storage ponds in the rural zone. However, consistent with their submission on EI-R25, they consider that the matters of discretion should state whether there is a functional need or operational need, as these do not always occur together and as proposed it is inconsistent with EI-O2.

### Analysis

- 6.44.4 Regarding the Rooney, et al submissions, I note that customer connections to the network are expressly permitted under EI-R23 and as such, this rule is targeted at the water systems infrastructure or network. I have reviewed previous iterations of this provision and note that EI-R26 is an amalgam of two separate rules covering underground water infrastructure (which was permitted) and above ground water infrastructure which was RDIS in all zones). Noting that EI-R22 already covers underground water systems infrastructure I consider EI-R26 should be limited to above ground water systems infrastructure.
- 6.44.5 I further consider it should be limited to above ground reservoirs, storage ponds and treatment facilities for network utilities and that these should be an RDIS activity in all zones. I note that the matters no longer covered in this new above ground rule would likely have been permitted as they would likely occur in the rural zone (e.g. ancillary structures for reticulation and storage or water for agricultural and horticultural activities which are permitted under GRUZ-R13), or would require resource consent under earthworks rules or stormwater rules anyway. These changes help to focus the rule on water systems or network utility infrastructure, as opposed

to private infrastructure. I also recommend including a reference to activities permitted under EI-R23 to avoid confusion. Overall, I recommend that these submissions are accepted in part.

- 6.44.6 Consistent with my recommendation for EI-R25, I agree with the recommended amendment from Waka Kotahi as the functional needs and operational needs are intended to be considered separately. I therefore recommend that this submission is accepted.

### **Conclusions and Recommendations**

- 6.44.7 I recommend that the submission from Rooney, et al [249.14, 250.14, 251.14, 252.14, 191.14, 174.14] are **accepted in part**.

- 6.44.8 I recommend that the submission from Waka Kotahi [143.31] is **accepted**.

- 6.44.9 Amend EI-R26 as follows:

Construction of new ~~underground and~~ above ground water systems infrastructure, including involving :

water supply, wastewater systems and stormwater infrastructure;

~~open drains and channels, pipes, water reservoirs, storage ponds; and~~

~~other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities)~~

#### ~~1. Rural zones~~

~~Activity status: Permitted~~

~~Where:~~

#### ~~PER-1~~

~~New buildings and structures comply with the building height, setback, and height in relation to boundary for the zone.~~

#### ~~PER-2~~

~~EI-S1 is complied with.~~

~~Activity status when compliance not achieved with PER-1: Restricted Discretionary~~

~~Activity status when compliance not achieved with PER-2: Restricted Discretionary~~

~~Matters of discretion are restricted to:~~

~~the matters of discretion of any infringed standard.~~

~~2.1. All zones except rural zones~~

Activity status: Restricted Discretionary

[...]

Note: this rule does not apply to connections permitted under EI-R23.

- 6.44.10 In terms of a s32AA assessment, these amendments avoid the duplication with EI-R22 for underground water systems infrastructure. The key changes are the narrowing down of the activities covered by the rule and the removal of the permitted pathway in rural zones. I consider that narrowing down the activities helps focus the rule on the network utility infrastructure (as opposed to private infrastructure), noting that this section is about rules for network utilities. In terms of removing the permitted pathway in rural zones, I note that EI-O2 seeks to avoid, remedy or mitigate the adverse effects of RSI. I consider the proposed amendment better gives effect to that objective by providing an RDIS pathway in the rural zones for potentially large-scale network infrastructure. Overall, I consider the changes are the most appropriate for achieving the purpose of the Act.

## 6.45 EI Chapter - EI-R27 - Buildings or structures within the National Grid Yard

- 6.45.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Hort NZ	245.46
Kāinga Ora	229.22
Transpower	159.49

### Submissions

- 6.45.2 Hort NZ considers PER-1.2 and PER-2.1 (that seek to limit reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes in the National Grid Yard) are an unreasonable limitation and would severely limit the operation of irrigation. The submitter considers the issue is that access is maintained to the National Grid and should not preclude such irrigation infrastructure if access is maintained. They seek the following amendments:

#### **PER-1**

*In the National Grid Yard:*

1. any alteration or addition to an existing building or structure for a sensitive activity does not involve an increase in the building height for network utility structures or footprint;  
or

2. *it is a network utility undertaken by a network utility operator ~~(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes)~~; or*

3. [...];

7. *maintains access to the National Grid.*

**PER-2**

*In the National Grid Yard, the building or structure is located at least 12m from the outer visible edge of any National Grid tower or pole and associated stay wire, unless it does not permanently physically obstruct existing vehicular access to a National Grid support structure and it is one of the following:*

1. *a network utility undertaken by a network utility operator ~~(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes)~~; or*

[...]

6.45.3 Kāinga Ora opposes the National Grid provisions and seeks the full package of provisions (objectives, policies, rules and definitions) be reviewed. The submitter acknowledges the need for the PDP to give effect to the requirements of the NPS-ET, however, considers the National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid. They seek the following amendments to EI-R27:

**PER-1**

*In the National Grid Yard:*

1. *any alteration or addition to an existing building or structure for a sensitive activity ~~does not involve an increase in the building height for network utility structures or footprint~~; or*

2. [...]

6.45.4 Transpower supports the rule and, in conjunction with related provisions, considers it gives effect to Policy 10 and Policy 11 of the NPS-ET and Policy 16.3.4 of the CRPS. However, the submitter notes duplication and the need to reflect the evolving nationally consistent approach to giving effect to the NPS-ET. They seek the following amendments:

**PER-1**

*In the National Grid Yard:*

1. *any alteration or addition to an existing building or structure for a sensitive activity does not involve an increase in the building height ~~for network utility structures or footprint~~; or*

2. *it is a network utility undertaken by a network utility operator ~~(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes)~~; or*

3. *it is a non-habitable building or structure for primary production in the Rural Zones, including yards for milking/dairy sheds and artificial crop protection structures (but does not include any building for intensive primary production, commercial greenhouses or*

milking/dairy sheds); or

4. ~~it is a yard for milking/dairy sheds; or~~
5. ~~it is an artificial crop protection and support structure; or~~
46. it is not for the storage and/or handling of hazardous substances with explosive or flammable intrinsic properties; and

#### **PER-2**

In the National Grid Yard, the building or structure is located at least 12m from the outer visible edge of any National Grid tower or pole and associated stay wire, unless it does not permanently physically obstruct existing vehicular access to a National Grid support structure and it is one of the following:

1. a network utility undertaken by a network utility operator ~~(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes);~~ or
2. a fence no greater than 2.5m high and that is no closer than 5m to the nearest National Grid pole; or no closer than 6m to the nearest National Grid tower; or

[...]

#### **Analysis**

- 6.45.5 Regarding the Hort NZ submission, I agree that the restrictions on reticulation and water storage are an unreasonable limitation and would severely limit the operation of irrigation. I note that Transpower is also seeking to delete the references to reticulation and storage of water in canals, etc in PER-1 and PER-2. I agree with Hort NZ that the key issue is about maintaining access rather than restricting water storage. However, I note that access is already covered in PER-2 and as such the requested addition is not needed. Accordingly, I recommend that the Hort NZ submission is accepted in part.
- 6.45.6 Regarding the Kāinga Ora submission, I agree that the reference to building height for network utility structures or footprint should be deleted as these are covered by clause 2 under PER-1 and are not sensitive activities. I note Transpower has sought the same change. However, I do not agree with enabling any alteration or addition to a sensitive activity within the National Grid Yard as permitted as this could result in encroachment of the required safe electrical distances, affect maintenance access and lead to intensification of activities within the National Grid Yard. Accordingly, I recommend that this submission is accepted in part.
- 6.45.7 Regarding the Transpower submission, I have already addressed the deletion of network utility structures and reticulation and storage of water from PER-1. I also accept the suggested deletion of clauses 4 and 5 as these are already contained in clause 3. I therefore recommend that this submission is accepted.

#### **Conclusions and Recommendations**

- 6.45.8 I recommend that the submission from Transpower [159.49] is **accepted**.



6.45.9 I recommend that the submissions from Hort NZ [245.46] and Kāinga Ora [229.22] are **accepted in part**.

6.45.10 I recommend that EI-R27 is amended as follows:

**PER-1**

In the National Grid Yard:

1. any alteration or addition to an existing building or structure for a sensitive activity does not involve an increase in the building height ~~for network utility structures~~ or footprint; or

2. it is a network utility undertaken by a network utility operator ~~(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes)~~; or

[...]

4. ~~it is a yard for milking/dairy sheds; or~~

5. ~~it is an artificial crop protection and support structure; or~~

6. ~~it is not for the storage and/or handling of hazardous substances with explosive or flammable intrinsic properties; and~~

**PER-2**

In the National Grid Yard, the building or structure is located at least 12m from the outer visible edge of any National Grid tower or pole and associated stay wire, unless it does not permanently physically obstruct existing vehicular access to a National Grid support structure and it is one of the following:

1. a network utility undertaken by a network utility operator ~~(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes)~~; or

[...]

6.45.11 Regarding a s32AA assessment, the majority of the changes simply correct internal inconsistency errors and remove duplication. The key change is the removal of restrictions on reticulation and water storage. In my opinion these restrictions are an unreasonable limitation and would severely limit the operation of irrigation in the National Grid Yard. Noting Transpower also sought the same amendments, I consider the amended rule is more efficient and effective in responding to adverse effects. Accordingly, I consider the amended rule better meets the PDP's objectives (such as GRUZ-O1 which provides for primary production as the purpose of the general rural zone).

## 6.46 EI Chapter - EI-R28 – Earthworks, and land disturbance for the installation of fence posts within the National Grid Yard

6.46.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Hort NZ	245.47
Transpower	159.50

### Submissions

6.46.2 Hort NZ considers that the rule should apply to earthworks and land disturbance and does not need to be limited to the installation of fence posts, and that the conditions of the rule will dictate the type of activity that can be undertaken. Accordingly, they seek to delete the reference to fence posts.

6.46.3 Transpower supports the rule but considers the approach to the management of earthworks in the National Grid Yard should be refined to ensure earthworks can be undertaken safely and appropriately, without the National Grid being compromised. The submitter considers a 'default' to non-complying activity status is appropriate, as the restricted discretionary activity status is not sufficient or appropriate to give effect to Policy 10 of the NPS-ET or Policy 16.3.4 of the CRPS. They also propose a second sub-rule within EI-R28 as RDIS-1 for where EI-R28 PER-1.1 is not complied with. They seek the following amendments:

#### **EI-R28 Earthworks, and land disturbance for the installation of fence posts within the National Grid Yard**

##### **Activity status: Permitted Where:**

##### **PER-1**

The ~~depth of the~~ earthworks or land disturbance ~~is~~:

1. ~~is~~ no greater than 300mm ~~deep~~ within ~~6-12~~ metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole; ~~and~~
2. ~~the work~~ does not compromise the stability of a National Grid transmission line tower or pole; ~~or~~
  - ~~x. does not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001 (New Zealand Electrical Code of Practice for Electrical Safe Distances);~~
  - ~~x. does not result in existing vehicle access to a National Grid support structure being permanently obstructed;~~ except that
3. clauses (~~1a~~) ~~to and~~ (~~xb~~) do not apply to:
  - a. the repair or resealing of a road, footpath, driveway or farm track; and
  - b. excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission line pole or stay

wire.

Activity status when compliance not achieved: ~~Restricted Discretionary~~ **Non-complying**

Delete the Matters of Discretion and insert a new rule within EI-R28 as follows:

**Activity status:**

**Restricted Discretionary Where:**

**RDIS-1**

**The earthworks or land disturbance:**

1. is greater than 300mm deep and less than 3 metres deep between 6 metres and 12 metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole;
2. does not compromise the stability of a National Grid transmission line tower or pole;
3. does not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001 (New Zealand Electrical Code of Practice for Electrical Safe Distances); or
4. does not result in existing vehicle access to a National Grid support structure being permanently obstructed; except that 3. clauses (1) to (4) do not apply to:
  - a. the repair or resealing of a road, footpath, driveway or farm track; and
  - b. excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission line pole or stay wire.

**Matters over which discretion is restricted:**

1. effects on the operation, maintenance, upgrading and development of the National Grid; and
2. the risk to the structural integrity of the National Grid support structure(s); and
3. any impact on the ability to access the National Grid; and
4. the risk of electrical hazards affecting public or individual safety and the risk of property damage; and
5. the outcome of any consultation with the owner and operator of the National Grid.”

**Activity status when compliance not achieved: Non-complying**

**Analysis**

- 6.46.4 Regarding the submission from Hort NZ, I understand that the rule is intended to cover earthworks, and also fenceposts with associated land disturbance. I agree that the title is misleading and consider the reference to fenceposts adds no value as the conditions of the rule refer to specific activities. I therefore recommend that this submission is accepted in part (noting the change I am recommending in response to the Transpower submission).
- 6.46.5 Regarding Transpower’s requested amendments to EI-R28, I consider these changes are acceptable as they correct some minor errors and include a clause on access and maintaining

safe electrical clearance requirements. With regard to changing the activity status for EI-R28, I note that a NC status is more consistent with recently reviewed Canterbury District Plans<sup>27</sup>, with not meeting PER-1 being covered by the proposed new RDIS-1 rule. I consider the proposed new RDIS-1 rule in combination with the amended EI-R28 provisions provide a more refined rule approach for earthworks and land disturbance within the National Grid Yard, which I support. However, I have redrafted the proposed additional RDIS rule to fit within the PDP rule structure. I therefore recommend that this submission is accepted in part.

### **Conclusions and Recommendations**

6.46.6 I recommend that the submission from Hort NZ [245.47] and Transpower [159.50] are **accepted in part**.

6.46.7 Amend EI-R28 as follows:

#### **EI-R28 Earthworks, and land disturbance ~~for the installation of fence posts~~ within the National Grid Yard**

##### **All Zones**

##### **Activity status: Permitted**

##### **Where:**

##### **PER-1**

~~The depth of the~~ earthworks or land disturbance is no greater than 300mm deep within ~~126~~ metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole; ~~and~~

##### **PER-2**

The earthworks or land disturbance does not compromise the stability of a National Grid transmission line tower or pole;

##### **PER-3**

The earthworks or land disturbance does not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001 (New Zealand Electrical Code of Practice for Electrical Safe Distances);

##### **PER-4**

The earthworks or land disturbance does not result in existing vehicle access to a National Grid support structure being permanently obstructed.

**Note:** *PER-1 to PER-4 do not apply to:*

- a. *the repair or resealing of a road, footpath, driveway or farm track; and*

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<sup>27</sup> For example: WDP Plan rule EI-R52; SDP Rule EI-R2A; and MDP Rule INF-R27

- b. *excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission line pole or stay wire.*

**Activity status when compliance not achieved with PER-1: Restricted Discretionary**

**Where:**

**RDIS-1**

The earthworks or land disturbance is greater than 300mm deep and less than 3 metres deep between 6 metres and 12 metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole.

**Matters over which discretion is restricted:**

1. effects on the operation, maintenance, upgrading and development of the National Grid; and
2. the risk to the structural integrity of the National Grid support structure(s) ; and
3. any impact on the ability to access the National Grid; and
4. the risk of electrical hazards affecting public or individual safety and the risk of property damage; and
5. the outcome of any consultation with the owner and operator of the National Grid.

**Activity status when compliance not achieved with RDIS-1, PER-2, PER-3 or PER-4: Non-Complying**

- 6.46.8 In terms of a s32AA assessment, I consider that these changes more accurately manage earthworks and land disturbance within the National Grid Yard. In doing so they are more refined than the notified EI-R28, and are therefore in my opinion a more appropriate way of achieving EI-O1 and EI-O4 which seek to provide for RSI.

**6.47 EI Chapter – EI-R29 - Subdivision of land within the National Grid Subdivision Corridor**

- 6.47.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Kāinga Ora	229.23
Transpower	159.51

**Submissions**

- 6.47.2 Consistent with their other submissions, Kāinga Ora opposes the National Grid provisions and seeks the full package of provisions (objectives, policies, rules and definitions) be reviewed as they are overly restrictive and do not efficiently manage sensitive activities within close

proximity to and under the National Grid. They seek to delete EI-R29. I note that Transpower has submitted in support of EI-R29.

### **Analysis**

6.47.3 I consider that subdivision can result in an intensification of activities. I consider that this intensification may not always be desirable within the National Grid Yard if it enables additional buildings to encroach too close to the National Grid or restrict access for maintenance and upgrading purposes. I therefore consider that an RDIS activity status is appropriate for such activities. I note that an RDIS status (as opposed to a permitted activity status) also enables consultation to occur with Transpower (Matter of Discretion 7). Accordingly, I recommend that this Kāinga Ora submission is rejected.

6.47.4 I understand that Bruce Speirs [66] has made a number of submissions on subdivision rules in District-wide chapters (but not the EI chapter) requesting that all subdivision related rules be located in Subdivision chapter. I am comfortable with this rule being relocated to the Subdivision chapter as a consequential amendment should this be required for consistency.

### **Conclusions and Recommendations**

6.47.5 I recommend that the submissions from Kāinga Ora [229.23] is **rejected**.

6.47.6 No changes are recommended.

### **6.48 EI Chapter – EI-R30 - Sensitive activities, including within an existing building or the erection of buildings for sensitive activities, within the National Grid Yard**

6.48.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Hort NZ	245.48

### **Submissions**

6.48.2 Hort NZ seeks amendments to EI-R30 to refer to a proposed new definition for ‘activities sensitive to transmission lines’ to distinguish these from the definition of ‘sensitive activities’ in the PDP and to align with the NPS-ET. The submitter states there are also buildings which will be non-complying that are not sensitive activities such as buildings for intensive primary production, commercial greenhouses and dairy sheds. They seek the following amendments to clarify the matter:

***EI-R30 Sensitive activities, including within an existing building or the erection of buildings for sensitive activities, Building not provided for within the National Grid Yard***

***Activity Status: Non-complying***

1. [Buildings for activities sensitive to transmission lines](#)
2. [Buildings for intensive primary production, commercial greenhouses and dairy sheds.](#)

### **Analysis**

6.48.3 I note that the definition of “Sensitive Activities” in the PDP is similar to the definition in the NPS-ET in that both include schools, residential buildings and hospitals, however the PDP definition includes guest and visitor accommodation which are included as residential activities under the National Planning Standards definitions. As such, I consider this definition is accurate and does not need replacing with a new term. Regarding buildings for intensive primary production, commercial greenhouses and dairy sheds, EI-R27 covers non-sensitive buildings and structures (and would include guest and visitor accommodation if no longer in the definition of “Sensitive Activities” as proposed by Hort NZ) and as such these are already covered by EI-R27 and do not need to be included in EI-R30. Accordingly, I recommend that this submission is rejected.

### **Conclusions and Recommendations**

6.48.4 I recommend that the submission from Hort NZ [245.48] is **rejected**.

6.48.5 No changes are recommended from this submission.

### **6.49 EI Chapter – EI-R32 and EI-R33 - The installation, operation, maintenance, upgrading and removal of a solar cell or any array of solar cells and small-scale wind turbine/s for small-scale renewable electricity generation and its use**

6.49.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rooney, et al	174.15, 191.15, 249.15, 250.15, 251.15, 252.15
Bruce Spiers	66.19, 66.20

### **Submissions**

6.49.2 Rooney, et al consider EI-R32.1 is unnecessary as, if located in the RLZ, it captures any property that supplements mains supply with renewable electricity generation such as solar panels and provides excess electricity to the National Grid, thereby discouraging rather than enabling renewable energy implementation and development. They seek to either delete EI-R32.1 for RLZ or changing EI-R32.2 to apply to all zones.

6.49.3 Bruce Spiers [66.19] states that as currently written, EI-R32 would require a restricted discretionary consent to feed excess power into the electricity grid and seeks to amend the rule as follows:

**PER-1**

*The electricity generated is ~~solely~~ principally for use on the site and ancillary to the principal use of the site; and*

6.49.4 Bruce Spiers [66.20] seeks minor corrections to the text of EI-R33 to correct cross references.

**Analysis**

6.49.5 All the submitters on EI-R32 seek to enable solar cells in the RLZ to provide excess energy back into the National Grid. EI-R32 was not intended to stop households from selling back unused power to the National Grid or distribution network, but rather to require larger small-scale schemes to obtain resource consent to establish. It was considered that in the GRUZ, larger small-scale schemes would be more acceptable, while in urban zones, these schemes would be less likely to establish in favour of an urban activity. It was considered that in the RLZ there was a risk larger schemes would establish on sites smaller than those found in the GRUZ. I agree with the submitters' concerns and consider it important that excess power is able to be sold back to the National Grid or distribution network to facilitate the use of solar energy. I consider the simplest way to achieve this is to either add into PER-1 the ability to sell excess electricity, or to delete EI-R32.1 so that the RLZ is covered by IE-R32.2 (and relying on the permitted activity standards to manage potential adverse effects in the RLZ). On balance, I prefer the latter option and therefore recommend that the submission from Bruce Spiers is accepted in part and the submissions from Rooney, et al are accepted. I also agree with the submission of Bruce Spiers on EI-R33 to correct an internal clause cross-reference and recommend that this submission is accepted.

**Conclusions and Recommendations**

6.49.6 I recommend that the submissions from Rooney, et al [174.15, 191.15, 249.15, 250.15, 251.15, 252.15] and Bruce Spiers [66.20] are **accepted**.

6.49.7 I recommend that the submission from Bruce Spiers [66.19] is **accepted in part**.

6.49.8 Delete EI-R32.1 and amend IE-R32.2 as follows:

12. All Zones except the Rural Lifestyle Zone.

6.49.9 Amend EI-R33 to correct the internal clause cross referencing.

6.49.10 I consider that the original s32 evaluation continues to apply. I consider that the recommended changes are not significant and that they simply provide a more consistent approach to the management of the issue and are more aligned with the policies (e.g. EI-P1.5 enabling the development of new small-scale renewable electricity generation activities). I consider this better achieves the purpose of the RMA.



## 6.50 EI Chapter – EI-R35 - The installation and upgrading of large-scale renewable electricity generation activities

- 6.50.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rooney, et al	174.16, 191.16, 249.16, 250.16, 251.16, 252.16

### Submissions

- 6.50.2 Rooney, et al oppose EI-R35 as the submitters consider a discretionary activity rule will not enable and facilitate large scale renewable energy generation facilities such as solar arrays on large buildings. The submitters consider the PDP should include an enabling policy and a permitted activity rule to provide for these, especially on existing buildings within industrial or rural zones where electricity will be returned to the national grid on a commercial scale. They seek to amend EI-R35 to exclude solar arrays and include a new policy and rules to enable large scale solar arrays.

### Analysis

- 6.50.3 EI-R25 covers large-scale renewable electricity generation which is defined as:

*“electricity generation activities utilising renewable energy sources with a capacity of 20kW or greater for the purpose of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, vegetation clearance, and site rehabilitation works.”*

- 6.50.4 I note that, while the 20kw threshold may be small, the definition has no upper limit and therefore could include very significant facilities, together with their ancillary components. In my opinion it is therefore not appropriate to permit these activities outright everywhere. Whilst it may be acceptable to permit these on existing buildings in industrial zones where the on-site and neighbouring amenity is already influenced by large industrial complexes, I remain uncomfortable with this approach given the speed with which the technology is evolving and because some sites may be highly visible, including from sensitive locations such as the Coastal Environment. I also do not support extending this approach to other zones as the site sizes and buildings are unlikely to be large enough to accommodate large-scale generation activities (e.g. in a residential zone), and / or the solar array may cause adverse effects on the existing and anticipated amenity of the zone and wider area, including by encouraging the development of large-scale buildings to house the solar arrays. I consider a discretionary status

appropriately allows for the assessment of these activities. I therefore recommend that these submissions are rejected.

### **Conclusions and Recommendations**

6.50.5 I recommend that the submissions from Rooney, et al [174.16, 191.16, 249.16, 250.16, 251.16, 252.16] are **rejected**.

6.50.6 No amendments are recommended.

### **6.51 EI Chapter – Section G Flight paths - EI-R38 Creation of a new stormwater basin or water body (including wastewater oxidation pond) which exceeds 500m in area**

6.51.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Road Metals	169.10
Fulton Hogan	170.11
Opuha Water	181.42

### **Submissions**

6.51.2 Road Metals and Fulton Hogan consider that there are many waterbodies (e.g. quarry wash water ponds) where stormwater management experience is not needed, and that stormwater management does not appear to be relevant to the standards listed in PER-3. The submitters request that the rule explicitly states that replacement ponds do not require resource consent. The submitters request the following amendments:

***EI-R38 Creation of a new stormwater basin; or water body (including wastewater oxidation pond but excluding a replacement of an existing pond) which exceeds 500m<sup>2</sup> in area***

***Activity status: Permitted Where:***

***[...] PER-3***

***Any water body has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards:<sup>28</sup>***

***[...]***

6.51.3 Opuha Water opposes E1-R38 in part as it may foreclose the future upgrade of its Levels Plains water scheme that is located within the Birdstrike Management Area Overlay (BSMO) and which requires a restricted discretionary consent for a storage pond. The submitter considers it appropriate for the matters of discretion to include operational and function requirements of

<sup>28</sup> I note that there is a minor mistake in the submission identifying the requested changes.

such infrastructure and considers there is an inconsistency between the rule title and PER-1 regarding the waterbody threshold. Opuha Water seeks the following amendment:

***EI-R38 Creation of a new stormwater basin; or water body (including wastewater oxidation pond) which exceeds ~~500~~ 1000m<sup>2</sup> in area)***

[...]

***Matters of discretion are restricted to:***

- 1. The functional needs and operational needs of, and benefits from, the activity;***
- 2. ~~1.~~ Scale and significance of birdstrike risk likely to be created at the location proposed;***  
***and***

[...]

### **Analysis**

6.51.4 Regarding the Road Metals and Fulton Hogan submissions, I note that this rule applies to new waterbodies, not replacement ones and as such the addition to exclude replacement ponds is not required. I also consider the proposed additional exclusion would more accurately apply to all existing waterbodies, as opposed to replacement oxidation ponds. However, I am comfortable including an explanatory note if this provides greater clarity. I understand that there are specific design requirements for waterbodies to reduce the chances of attracting avian fauna and that a layperson could not design waterbodies to meet these requirements. Accordingly, I do not support deleting the requirements for a suitably qualified person to design the waterbody. However, I consider that PER-3 is misleading and would be better worded to focus on avian fauna rather than simply stormwater. Accordingly, I recommend this submission is accepted in part.

6.51.5 Regarding the Opuha Water submission, I do not agree that there is a threshold inconsistency. The rule applies to any single waterbody exceeding 500m<sup>2</sup> in area, while PER-1 applies to a combined area of all existing and proposed waterbodies not exceeding 1000m<sup>2</sup>. I do not support including a matter of discretion to consider functional and operational needs and benefits as the matter is a life safety risk - just because there is a functional or operational need does not mean that people's lives should therefore be put at risk. I note that non-compliance with the standard is a restricted discretionary activity for which consent can be sought. I therefore recommend that this submission is rejected.

### **Conclusions and Recommendations**

6.51.6 I recommend that the submissions from Road Metals [169.10] and Fulton Hogan [170.11] are **accepted in part**.

6.51.7 I recommend that the submission from Opuha Water [181.42] is **rejected**.

6.51.8 Amend EI-R38 as follows:

**EI-R38 Creation of a new stormwater basin; or water body (including wastewater oxidation pond) which exceeds 500m<sup>2</sup> in area**

**Activity status: Permitted Where:**

[...]

**PER-3**

Any water body has been designed by a suitably qualified and experienced practitioner person, with experience in managing avian fauna within and around waterbodies stormwater management systems, to the following standards:

[...]

**Note:** *This rule does not apply to replacements of existing stormwater basins or water bodies.*

6.51.9 In terms of a s32AA assessment, I consider these changes simply provide greater clarity around how the standards are supposed to apply. Accordingly, I consider that the original s32 remains applicable.

**6.52 EI Chapter – Section G Flight paths - EI-R39 Buildings, structures or trees with the Aerodrome Flight Paths Protection Area Overlay**

6.52.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
North Meadows	190.6
Hilton Haulage	168.24
Southern Proteins	140.6
Milward Finlay Lobb	60.11
Bruce Spiers	66.21

**Submissions**

6.52.2 North Meadows, Hilton Haulage and Southern Proteins support EI-R39 to ensure the safe operation of aircraft, but seek to include clarity on the certification process. Hilton Haulage also seeks to clarify if the height limits noted for the Aerodrome Flight Protection Path apply to land within the horizontal and conical surfaces or just the runway approach.

6.52.3 Milward Finlay Lobb seeks to add in PER-1 that a Licensed Cadastral Surveyor can also provide written certification to the Council that a building or structure complies with Appendix 10.

6.52.4 Bruce Spiers seeks to correct a grammatical error by deleting “with” from the rule title.

### **Analysis**

- 6.52.5 Regarding the North Meadows, Hilton Haulage and Southern Proteins submissions, I recommend that PER-1 is amended to refer to a “written statement” rather than “written certification” as this is all that is sought, rather than formal certification. I understand that the height limits noted for the Aerodrome Flight Protection Path do apply to land within the horizontal and conical surfaces. Accordingly, I recommend that these submissions are accepted in part.
- 6.52.6 Regarding the Milward Finlay Lobb submission, I understand that a licensed surveyor has to demonstrate to the airport that no buildings, structure or parts of trees are within the flight paths, and it is the airport that then provides the written statement of confirmation. I understand that the Council and airport do not want to delegate this confirmation task to a surveyor as they need comfort that the process has been correctly followed and the airport has a record of the information. I accept this approach and note that I am not aware of any identified issues with the current approach. Accordingly, I recommend that this submission is rejected.
- 6.52.7 I agree with the request of Bruce Spiers that “with” is not correct – it should be “within”. Accordingly, I recommend this submission is accepted in part.

### **Conclusions and Recommendations**

- 6.52.8 I recommend that the submissions from North Meadows [190.6], Hilton Haulage [168.24], Southern Proteins [140.6] and Bruce Spiers [66.21] are **accepted in part**.
- 6.52.9 I recommend that the submission from Milward Finlay Lobb [60.11] is **rejected**.
- 6.52.10 Amend EI-R39 as follows:

**EI-R39 Buildings, structures or trees within the Aerodrome Flight Paths Protection Area Overlay**

**Activity status: Permitted**

**Where:**

**PER-1**

Richard Pearce (Timaru) Airport has provided a written certification statement to Timaru District Council that the building, structure or tree complies with Appendix 10; or

[...]

- 6.52.11 In terms of a S32AA assessment, I consider that the changes do not result in a material change to the rule and that therefore the original s32 remains applicable.

### 6.53 EI Chapter – Section G Flight paths - EI-R40 New landfills, excluding clean fills, within the Bird strike Management Overlay

6.53.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Road Metals	169.11
Fulton Hogan	170.12

#### **Submissions**

6.53.2 Both submitters consider that the narrow definition of cleanfill means that many other types of fill (e.g. construction and demolition waste) cannot be used even if they do not contain putrescible waste and do not attract birds or create a bird strike risk. They state that there are a number of other types of fill that would formerly have been included in the definition of “cleanfill”, for example construction and demolition waste materials, which are commonly used to backfill excavated areas such as quarries. The submitters state that these filling activities (formerly defined as clean filling activities) are currently undertaken at multiple quarries in proximity to Christchurch Airport. Using the very narrow definition of clean fill will limit the ability to effectively rehabilitate quarries. The submitters consider that managed and controlled fills that do not include putrescible waste and do not attract birds should be excluded. They seek the following amendments:

***EI-R40 New landfills, excluding clean fills, managed or controlled fills within the Bird strike Management Overlay***

[...]

#### **Analysis**

6.53.3 Part 139.71 of the Aerodromes Certification, Operation and Use requirements, require aerodrome operators to minimise or eliminate any wildlife hazard that presents a hazard to aircraft operations at their aerodrome. The Civil Aviation Authority (CAA) guidance material for land use at or near aerodromes (dated June 2008) identifies refuse dumps and landfills as risk activities (page 3) and notes that the potential threat to aircraft depends on location relative to airport and flight paths, type of refuse, and the types of birds expected in the vicinity. The guide states that the proper siting of refuse dumps can reduce hazards and any location should be analysed by a group of specialists on bird problems.

6.53.4 Unfortunately, no proposed definitions are provided for “managed” and “controlled” fills by the submitter<sup>29</sup> and I am unsure how these would apply through a permitted activity standard. In the absence of this information I do not support including these in EI-R40. Noting the

<sup>29</sup> I note these are defined by the WasteMinz guidelines – Manage fill is Class 3, Controlled fill is class 4 – see revision 3.1 (Sept 2023) <https://www.wasteminz.org.nz/technical-guidelines-for-disposal-to-land>.

submitter's reference to Christchurch quarries, I have reviewed the Christchurch District Plan (CDP) provisions and note that under Rule 6.7.4.3.4(D1), new landfills, excluding cleanfills, are a discretionary activity if located within the Birdstrike Management Area (the area within 3km of the runway thresholds). I consider that EI-40 is consistent with this CDP rule, although I note there are differences in the CDP's definitions of "cleanfill" and the PDP's definition of "cleanfill material" (which is a National Planning Standards definition) in relation to other inert materials (such as concrete or brick which could comprise construction and demolition waste as per the submissions). An alternative to the requested addition of 'managed or controlled fills' therefore would be to change the PDP definition of "clean fill material" to include other inert materials (consistent with the CDP definition). I note that both submitters actually supported the "clean fill material" definition (as set out in **Appendix 2**), but did seek to allow for recycling of resource (concrete, etc) in the rules (as opposed to the definition). I consider there is arguably scope to amend the "clean fill material" definition, however in the absence of evidence directly on this matter (including suggested wording) and noting potential issues arising for other chapters relying on this definition, I do not recommend changes to the definition at this time.

- 6.53.5 However, I consider that new non cleanfill landfills should be an RDIS activity as the matters of discretion are easily identifiable. This reduced activity status may also better support the rehabilitation of quarries as per the submission. Accordingly, I recommend that this submission is accepted in part. I also note that "clean fills" is not the defined term in the PDP and therefore recommend that the rule is reworded to refer to "cleanfill material" under RMA Schedule 1, Clause 16(2).

### **Conclusions and Recommendations**

- 6.53.6 I recommend that the submissions from Road Metals [169.11] and Fulton Hogan [170.12] are **accepted in part**.

- 6.53.7 Amend EI-R40 as follows:

#### **EI-R40 New landfills, excluding ~~cleanfills~~ landfills for cleanfill material, within the Bird strike Management Overlay**

Activity status: ~~Discretionary~~ Restricted Discretionary

#### Matters of discretion

1. The nature of the proposed fill and the extent to which it includes material that could attract avian fauna directly, or attract other wildlife that could attract avian fauna;
2. The methods proposed to avoid or minimise birdstrike risk on Richard Pearse Airport (Timaru Airport);

6.53.8 In terms of a s32AA assessment, I consider that the amended rule is less blunt than the notified version as it identifies the matters of discretion to consider, but can still achieve the same managed outcomes for non cleanfill landfills. Accordingly, I consider it is a more appropriate way to achieve effective, resilient, efficient and safe RSI under EI-O1.

#### 6.54 EI Chapter – Rules Section G - Flight Paths – General, Mapping and APP 10 - Flight Path Protection Areas

6.54.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Hort NZ	245.49
TDC	42.79
Rooney, et al	174.17, 191.17, 249.17, 250.17, 251.17, 252.17
Millward Finlay Lobb	60.58, 60.59

#### **Submissions**

6.54.2 Hort NZ considers there are other ways that aircraft safety can be achieved without rules being included in the PDP and that growers regularly work with providers in other areas on finding solutions without needing to have a rules-based approach. They seek to delete Rules Section G - Flight Paths Protection for Richard Pearse Airport (Timaru Airport) comprising EI-R37, EI-R38, EI-R39, EI-R40.

6.54.3 TDC considers that the map does not clearly identify a necessary layer around the airport, which is a line 500m from the runway and runway extension (this line is within the Aerodrome Flight Path Protection Area). They seek to amend the Planning Maps to illustrate the 500m of the runway and runway extension, as shown in the map attached in **Appendix 2**.

6.54.4 Rooney, et al oppose in part the Bird Strike Management Area Overlay as it unnecessarily encroaches on Future Development Area (FDA) 14. They seek the overlay is amended to avoid FDA14.

6.54.5 Millward Finlay Lobb [60.58] considers the list of coordinates without reference to site control and meridional circuits makes establishing these positions ambiguous and seeks to amend Appendix 10 - (8) Table 1: Location of take off and approach surface bases to include coordinated site control marks and confirmation of the meridional circuit. Under submission [60.59] they seek to amend Appendix 10 - (9) Table 2: Coordinates of points A - T on Figure 7(b) to include coordinated site control marks and confirmation of the meridional circuit.



### **Analysis**

- 6.54.6 Regarding the Hort NZ submission, based on my understanding of the CAA requirements, the airport operator must manage wildlife risks. I note that birdstrike rules are common in district plans and that the submitter has not provided any specific examples where alternative approaches have worked. Accordingly, I recommend that this submission is rejected.
- 6.54.7 Regarding the TDC submission, I note that Appendix 10 – Aerodrome Flight Paths Protection Area for Richard Pearce (Timaru) Airport refers to buildings, structures and trees within 500m of the ends of the runway and agree it would be useful to show this location on the planning map. Accordingly, I recommend that this submission is accepted.
- 6.54.8 Regarding the Rooney, et al submissions, as for Hort NZ, based on my understanding of the CAA requirements, the airport operator must manage wildlife risks and note that birdstrike rules are common in district plans. I am not aware of any particular reason why FDA 14 would have a reduced birdstrike risk relative to other areas. Accordingly, I recommend that this submission is rejected.
- 6.54.9 Regarding the Millward Finlay Lobb submissions, the Council has provided updated figures for both these tables in response to these submissions. I understand that no height controls are included in the table as they are included in the Flight Paths figure 7(b) and the height contour in the image only overlaps some of the reference points so they cannot be included in the table. Accordingly, I recommend that these submissions are accepted in part.

### **Conclusions and Recommendations**

- 6.54.10 I recommend that the submissions from TDC [42.79] and Millward Finlay Lobb [60.58, 60.59] are **accepted in part**.
- 6.54.11 I recommend that the submissions from Hort NZ [245.49] and Rooney, et al [174.17, 191.17, 249.17, 250.17, 251.17, 252.17] are **rejected**.
- 6.54.12 I recommend that APP 10 (8) Table 1 and (9) Table 2 are amended with the updated figures in **Appendix 1**.
- 6.54.13 I recommend that the Planning Map is amended to illustrate the 500m of the runway and runway extension, as shown in the map attached in **Appendix 2** under the TDC [42.79] submission.
- 6.54.14 In terms of a s32AA assessment, these amendments simply provide additional information to clarify the application of the rules. Accordingly, I consider the existing s32 continues to be applicable.

## 6.55 EI Chapter – EI-S1

- 6.55.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
The Telcos	176.58, 208.58, 209.58, 210.58
Radio NZ	152.45

### Submissions

- 6.55.2 The Telcos all support the permitted pole heights in all zones (being 5m above the permitted building height limit in the relevant zone) but note that the standard title refers to poles and telecommunication poles, whereas the definitions in the PDP do not differentiate between these. They therefore seek to delete “telecommunications poles” from the standard’s title.
- 6.55.3 Radio NZ support EI-S1 with amendments to permit existing utilities that exceed height limits (this matter also arose under their submission on EI-R1 [152.34]). Amendments are also sought to the matters of discretion to limit consideration of effects to the change in effects. They seek the following amendments:

Add new note to **EI-S1** as follows:

*EI-S1 does not apply to works and changes to already existing network utility structures that exceed the permitted height limit, provided that the works and changes do not increase the exceedance of the permitted height limit.*

AND

Amend the matters of discretion of **EI-S1** as follows:

**Matters of discretion are restricted to:**

*1. Changes in visual dominance; and;*

*2. Changes in the impact on the character and qualities of the surrounding area [...]*

### Analysis

- 6.55.4 Regarding the submissions from the Telcos, I agree that the PDP does not differentiate between these two types of poles and therefore it is not necessary to include both in the standard’s title. I therefore recommend that these submissions are accepted.
- 6.55.5 Regarding the Radio NZ submission, I agree that this standard should not apply to existing network utility structures that already exceed the permitted height limit provided the works do not increase the exceedance. I also agree with the changes to the matters of discretion to focus on the change in effects. I therefore recommend that this submission is accepted.

### Conclusions and Recommendations

6.55.6 I recommend that the submissions from the Telcos [176.58, 208.58, 209.58, 210.58] and Radio NZ [152.45] are **accepted**.

6.55.7 Amend EI-S1 as follows:

EI-S1 Maximum structure height for network utility structures of poles, antenna, and towers and ~~telecommunications poles~~ (including the combined height of poles and antenna)

5m above the permitted height limit for buildings in the applicable zone

#### Notes:

[...]

EI-S1 does not apply to works and changes to existing network utility structures that already exceed the permitted height limit, provided that the works and changes do not increase the exceedance of the permitted height limit.

Matters of discretion are restricted to:

1. changes in visual dominance; and;
2. changes in the impact on the character and qualities of the surrounding area

[...]

6.55.8 Regarding a s32AA assessment, I consider that the recommended changes are only minor in nature and are necessary to make the rule apply as intended. Accordingly, I consider the original s32 continues to be applicable.

### 6.56 EI Chapter - EI-S2 - Upgrading infrastructure

6.56.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Radio NZ	152.46

#### Submissions

6.56.2 Consistent with their submission on EI-S1, Radio NZ supports with amendments EI-S2 to explicitly limit consideration of effects to the change in effects. They seek the following amendments:

**EI-S2 Upgrading infrastructure**

[...]

**Matters of discretion are restricted to:**

[...]

2. **Changes in t**he bulk, height, location and design of the network utility, including any associated buildings or structures; and
3. **Changes in t**he impact on the character and qualities of the surrounding area.

**Analysis**

- 6.56.3 As per my assessment for EI-S1, I agree with the changes to the matters of discretion to focus on the change in effects. I therefore recommend that this submission is accepted.

**Conclusions and Recommendations**

- 6.56.4 I recommend that the submission from Radio NZ [152.46] is **accepted**.

- 6.56.5 Amend EI-S2 as follows:

**EI-S2 Upgrading infrastructure**

[...]

**Matters of discretion are restricted to:**

[...]

2. changes in the bulk, height, location and design of the network utility, including any associated buildings or structures; and
3. changes in the impact on the character and qualities of the surrounding area.

- 6.56.6 Regarding a s32AA assessment, I consider that the recommended changes are only minor in nature and are necessary to make the rule apply as intended. Accordingly, I consider the original s32 continues to be applicable.

**6.57 EI Chapter – Miscellaneous submissions**

- 6.57.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Transpower	159.107, 159.66

TDC	42.8
PrimePort	175.7
North Meadows	190.2

### Submissions

6.57.2 Transpower [159.107] supports the inclusion of the National Grid transmission lines on the Planning Map and notes that the mapping of the lines is a requirement of Policy 12 of the NPS-ET. The submitter considers that PDP users would be assisted by the clear identification of the voltage of each line on the planning maps National Grid Line Overlay notations so that the definition (and associated provisions) of 'National Grid Yard' and 'National Grid Subdivision Corridor' may be easily understood.

6.57.3 Transpower [159.66] states that within the National Grid Yard, their nationally consistent approach to the management of activities includes seeking that the storage and use of hazardous substances with explosive or flammable properties (at greater than domestic quantities) is a non-complying activity. Accordingly, Transpower seeks a rule in the EI Chapter to address the use and storage of hazardous substances in the National Grid Yard.

6.57.4 TDC seeks to amend the entire PDP to ensure the PDP is future-proofed and aligns with changes under the expected Three Waters legislation (the Water Services Entities Bill (WSE Bill) in relation to ownership and operation of Timaru District Council (TDC's) Three Waters infrastructure. They seek the following:

*Amend the PDP in its entirety to replace all references to "Council's" infrastructure in relation to Three Waters infrastructure as "public infrastructure";*

*AND*

*Amend requirements in conditions of rules/standards for Council's written consent to future connections to Three Waters infrastructure currently owned and operated by TDC to the written consent being required from the "operator" of the infrastructure; and any additional and consequential amendments required to address the issues raised;*

*Or*

*Alternatively, amend the Part 1 to include a section that explains that the term 'Council' includes successors of infrastructure management;*

*Or*

*Add a new definition to the PDP, explaining that the term 'Council' includes successors of infrastructure management.*

6.57.5 PrimePort states that the "Urban Area" encompasses the large majority of the Port Zone, which is supported as the Port Zone is developed and utilised for urban purposes. There is however a sliver of land in the north eastern section of the Port Zone that is zoned "Port Zone" but lies outside the Urban Area boundaries. The submitter considers that area should also be zoned Urban Area. The area of land in question is annotated on the image in blue below.



- 6.57.6 North Meadows opposes the extent of the Timaru “Urban Area” and seeks it be extended from Aorangi Road to the northern boundary of 236 Meadows Road including the neighbouring land to the south. They seek the Planning Maps “Urban Area Overlay” is extended accordingly.

### **Analysis**

- 6.57.7 Regarding the Transpower [159.107] submission, I agree that the voltage of each line should be included on the planning maps National Grid Line Overlay notations as this will improve clarity. I therefore recommend that this submission is accepted.
- 6.57.8 Regarding the Transpower [159.66] submission, I agree that a new rule should be added to the EI chapter covering the storage and/or handling of hazardous substances with explosive or flammable intrinsic properties in the National Grid Yard as the consequences of an explosion on electricity supply could be very significant. While I consider this rule could potentially be a restricted discretionary activity, I understand that the proposed non-complying rule is nationally consistent. I therefore recommend that this submission is accepted.
- 6.57.9 Regarding TDC’s submission, whilst I note that the Water Services Entities Bill has not progressed as expected, I agree that the PDP should be amended as requested, with the simplest and most flexible change being the requested change to the abbreviation of “the Council”. Accordingly, I recommend that this submission is accepted.
- 6.57.10 Regarding the PrimePort and North Meadows submissions on the extent of the Urban Area Overlay, as per my recommendation on the definition of “urban area”, this term is no longer used in the EI or TRAN chapters. Accordingly, the extent of the Urban Area Overlay is not relevant to these chapters, or indeed any chapter covered in this s42A report. Accordingly, I consider this matter should be addressed at the relevant hearing covering the mapping of the Urban Area Overlay.

### **Conclusions and Recommendations**

- 6.57.11 I recommend that the submissions from Transpower [159.107, 159.66] and TDC [42.8] are **accepted**.
- 6.57.12 I recommend that the submission from PrimePort [175.7] and North Meadows [190.2] are deferred to a later hearing covering the mapping of the Urban Area Overlay.
- 6.57.13 I recommend that the planning map is amended to show the voltage for the National Grid.
- 6.57.14 I recommend that a new rule is added to the EI Chapter as follows:

EI-RX The storage and/or handling of hazardous substances with explosive or flammable intrinsic properties in the National Grid Yard

Activity Status: Non Complying

Notification:

Any application arising from EI-RX shall not be subject to public notification and shall be limited notified to the following parties: Transpower, unless their written approval is provided.

- 6.57.15 Amend the abbreviation of “the Council” as follows:

The Council: means the Timaru District Council, and includes the successors of infrastructure management.

- 6.57.16 In terms of a s32AA assessment of the recommended changes, in my opinion only the proposed new rule is of sufficient significance to warrant assessment. I consider that this new rule is needed to achieve the PDP objectives and in particular EI-O4 which seeks that the efficient operation, maintenance, repair, upgrading or development of RSI and lifeline utilities are not constrained or compromised by the adverse effects of subdivision, use and development. Accordingly, I consider this new rule is the best way to achieve the purpose of the Act.

### **6.58 Stormwater Management (SM) Chapter – General and Introduction**

- 6.58.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Kāinga Ora	229.24
TDC	42.23, 42.24, 42.25, 42.26
Milward Finlay Lobb	60.16, 60.17, 60.18, 60.19

## Submissions

6.58.2 Kāinga Ora expressed concerns around the PDP's approach to stormwater management, as the proposed provisions discourage intensification. The submitter considers the s32 does not provide sufficient justification or reasoning to support this onsite management approach across the whole district. Additionally, the relationship between these stormwater provisions and the Financial Contributions Chapter and Appendix 7 (Financial Contributions) is unclear. The submitter seeks to delete the Stormwater Chapter and requests the Council provide further information and evidence around the effectiveness and efficiency of the proposed provisions, and whether this approach is reasonable. The submitter also requests the Council develop new provisions relating to stormwater which are:

- based on complete and accessible technical advice;
- provide clarity about the relationship of on-site stormwater management and the payment of financial contributions;
- seek a simpler regime for managing stormwater onsite;
- provide alternative options to storage tanks as stormwater management options;
- provide more clarity around the relationship of on-site stormwater management and the payment of financial contributions.

6.58.3 TDC [42.23] considers that more consistent use of terminology is required in the Stormwater Introduction. The submitter seeks to replace the term Environment Canterbury with Canterbury Regional Council and insert the word "Canterbury" before "Land and Water Regional Plan". The submitter states the Introduction refers to "the Council's reticulated stormwater network" and that to future proof the PDP, recognising expected changes under Three Waters legislation to the way in which Council's infrastructure will be owned, this term should be replaced with "a public reticulated stormwater network". Under [42.24] TDC seeks to make these same changes to Policies SW-P1, SW-P3 and SW-P5 or include a statement within Part 1 of the Plan or new definition that the term 'Council' includes successors for infrastructure management. Under [42.25] TDC seeks to make these same changes to Rules SW-R1 to R7 inclusive. Under [42.26] TDC seeks to make these same changes to Rules SW-S3 and SW-S4.

6.58.4 Milward Finlay Lobb is concerned about the reference to no stormwater entering neighbouring properties and questions why a 24-hour event is referred to when TDC system has a peak at 1 hour. The submitter seeks the following amendment to SW-R2, SW-R3, SW-R4 and SW-R5:

**Activity status: Permitted Where:**

**PER-1**

*All stormwater is captured and directed to the Council's reticulated stormwater network and does not flow onto neighbouring ~~properties dwellings or buildings~~; and*

*[...]*



## Analysis

- 6.58.5 Regarding the Kāinga Ora submission, the evidence of Ms Dudson and Mr Machado (hereafter referred to as WSP), contained in **Appendix 4**, assesses this submission. WSP state that the stormwater chapter plays a key role in the management of stormwater across the district, ensuring that subdivision, land-use and development do not result in adverse downstream effects, and overall protecting the public stormwater infrastructure network. WSP considers that removing these provisions would result in there being insufficient control on stormwater management which would inevitably result gradually over time in detrimental outcomes for receiving environments (discharge points) and the lower parts of a catchment where upstream flows have not been properly managed. This could result in adverse degradation of the receiving environment. WSP also notes that a key relevant resource management issue includes the appropriate provision of resilient infrastructure. If stormwater is not adequately managed through design (at the time of considering a land-use, development and/or subdivision), the public infrastructure could be inadvertently overloaded resulting in the public having to fund fixing post-development issues. However, WSP have identified improvements that could assist in simplifying the stormwater requirements and I have referred to these when assessing specific provisions (e.g. SW-R4). Based on the WSP advice and the changes I am recommending for the stormwater chapter provisions, I consider that this submission should be accepted in part.<sup>30</sup>
- 6.58.6 Regarding the TDC submissions, I agree that these changes are appropriate and that the chapter should refer to “a public reticulated stormwater network” as required. I have earlier recommended (in response to TDC submission [42.8]) changing the abbreviation of “the Council” so that it includes the successors for infrastructure management, which I consider is also appropriate. Accordingly, I recommend that these submissions are accepted or accepted in part as set out in **Appendix 2**.
- 6.58.7 Regarding the Milward Finlay Lobb submissions, in my opinion the rule is appropriately pitched at properties, as the intention is to retain and manage stormwater onsite rather than overwhelm the stormwater management system. The requested amendments would not achieve this management. I consider that the PER-1 requirement for each of the SW rules is that all stormwater is captured and directed to the Council’s reticulated stormwater network. I consider that the additional wording regarding not flowing onto neighbouring properties (in SW-R2, SW-R3, SW-R4 and SW-R5) is superfluous and causes confusion, noting the submitter’s requested amendments and because these additional words are not included in SW-R1 (presumably in error). I also note that stormwater not flowing into neighbouring properties is already adequately covered by the New Zealand Building Act 2004 and E1 of the New Zealand Building Code (as set out in the WSP evidence on page 12). Accordingly, I recommend that this

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<sup>30</sup> It should be noted that, based on advice from the Council’s engineers, I have not recommended changes in response to all the WSP identified improvements.

submission is accepted in part and PER-1 for SW-R2, SW-R3, SW-R4 and SW-R5 are amended as set out below.

- 6.58.8 I consider that the descriptive material contained in the standards around when the Council will grant permission to connect to the Public reticulated network could instead be included in the rules as advice notes. However, I have not recommended this change at this time, but can incorporate this as part of my Reply in response to other matters raised.

### **Conclusions and Recommendations**

- 6.58.9 I recommend that the submission from Kāinga Ora [229.24] is **accepted in part**.
- 6.58.10 I recommend that the submissions from TDC [42.23, 42.24, 42.25, 42.26] are **accepted and accepted in part** as set out in **Appendix 2**.
- 6.58.11 I recommend that the submissions from Milward Finlay Lobb [60.16, 60.17, 60.18, 60.19] are **accepted in part**.
- 6.58.12 Amend the Stormwater Management Chapter as follows: replace the term “Environment Canterbury” with “The Canterbury Regional Council”; insert the word "Canterbury" before "Land and Water Regional Plan”.
- 6.58.13 Amend SW-R2, SW-R3, SW-R4 and SW-R5 PER-1 as follows:

PER-1

All stormwater is captured and directed to the Council’s reticulated stormwater network ~~and does not flow onto neighbouring properties~~; and

- 6.58.14 Regarding a s32AA assessment, these recommended changes do not meaningfully change the chapter provisions and as such I consider the original s32 continues to be applicable.

### **6.59 SM Chapter – Definitions – “Stormwater neutrality” and “Stormwater neutrality device”**

- 6.59.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
Kāinga Ora	229.4, 229.5

### **Submissions**

- 6.59.2 Consistent with their other submissions on this chapter, Kāinga Ora opposes these definitions and their associated provisions and seeks to delete the definitions.

### Analysis

6.59.3 In their evidence, WSP state (s3.1, page 4) that stormwater neutrality provisions are important to include in the plan so that development does not cause the reticulated stormwater network to function beyond its capacity and cause or exacerbate flooding. WSP recommend the definitions of ‘stormwater neutrality’ and ‘stormwater neutrality device’ are retained. I accept their advice as the definitions are required to support the application of the chapter and the submitter has not sought to challenge the wording of the definitions themselves.

### Conclusions and Recommendations

6.59.4 I recommend that the submissions from Kāinga Ora [229.4, 229.5] are **rejected**.

6.59.5 No amendments are recommended.

## 6.60 SM Chapter – Policies – SW-P2 Water Quality

6.60.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.32
BP Oil, et al	196.33, 196.38

### Submissions

6.60.2 Waka Kotahi considers it is not always possible to enhance the quality of stormwater and therefore recommends that the policy be amended to maintain or enhance, rather than maintain and enhance stormwater quality.<sup>31</sup>

6.60.3 BP Oil, et al supports the policy in that it explicitly relates to new or increased impervious areas, however questions the degree of maintenance or, in particular, enhancement of stormwater quality, including point of compliance to meet the policy, and considers the requirement for treatment may not be necessary in all circumstances, especially where the network already has capacity and the proposed increase of impervious surfaces is nominal. The submitter seeks an amendment as follows:

*Maintain and enhance stormwater quality by requiring:*

- 1. Restrictions on specified cladding materials that contribute to stormwater contamination; and*

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<sup>31</sup> I note there were a number of further submissions in support of this submission (e.g. PrimePort [175.5FS] and Silver Fern Farms [172.1FS])

2. consider the need for the treatment of stormwater quality for new or increased impervious surfaces created by subdivision, use or development.

### Analysis

- 6.60.4 Regarding the Waka Kotahi submission, I agree that amending the policy as proposed would be more accurate. I note in the evidence of WSP (page 13) that the policy issue relating to 'enhance or maintain' has been widely debated in other planning policy proceedings and that the position put forward by Waka Kotahi is generally accepted overall, as in practice it is not always possible (and some argue that it is not 'fair') to require that a development is responsible for 'enhancing' the quality of stormwater. Rather, where possible, water quality should be enhanced, but the bottom-line test as 'maintaining' is an accepted practice. Accordingly, I recommend that this submission is accepted.
- 6.60.5 Regarding the BP Oil, et al submission, I agree that treatment may not be necessary in all circumstances and agree that this clause needs amending. However, I prefer alternative wording that requires treatment, rather than just considering the need for treatment, but only if this is required to enhance the water quality.
- 6.60.6 Although not directly on SW-P2, in response to BP, et al's [196.38] submission on SW-S4 and being able to achieve the required percentage reductions on contaminants, WSP (s3.3, page 10) has recommend a change to SW-P2 to limit the policy to trafficked hardstand areas as it is these areas where contaminants are likely. This suggestion also responds to Kainga Ora's [229.24] general submission around effectiveness and efficiency of the proposed provisions. I accept WSP's advice and recommend this change is made to SW-P2. As the BP, et al [196.38] submission was on SW-S4 I have covered this submission in full under that provision, but included the change here for clarity and efficiency.

### Conclusions and Recommendations

- 6.60.7 I recommend that the submission from Waka Kotahi [143.32] is **accepted**.
- 6.60.8 I recommend that the submission from BP Oil, et al [196.33] is **accepted in part**.
- 6.60.9 Amend SW-P2 as follows:

#### SW-P2 Water quality

Maintain or ~~and~~ enhance stormwater quality by requiring:

1. restrictions on specified cladding materials that contribute to stormwater contamination; and
2. the treatment of stormwater quality, if required, for new or increased trafficked hardstand areas ~~impervious surfaces~~ created by subdivision, use or development.

6.60.10 Regarding a s32AA assessment, I consider that the recommended amendments more accurately reflect the intention of the policy. Accordingly, I consider that the original s32 continues to be applicable.

## 6.61 SM Chapter – Policies – SW-P3 Connection to reticulated stormwater networks

6.61.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Transpower	159.55

### Submissions

6.61.2 Transpower does not support the absolute requirement to connect to the Council's stormwater network. The submitter is concerned that alternative stormwater disposal options are not provided for that may be more appropriate in some circumstances such as from substation sites. The submitter seeks an amendment to SW-P3 as follows:

*Except where Policy SW-P4 applies or where stormwater is able to be managed within a site that accommodates Regionally Significant Infrastructure, require all subdivision, use and development to connect to the Council's reticulated stormwater network within reticulated infrastructure boundaries, to:*

[...]

### Analysis

6.61.3 In their evidence (s4.2, page 15), WSP state that while in general, it is better to have properties connected to the reticulated stormwater network, in practice, there are situations where it can be preferable to manage stormwater through alternative means other than the reticulated stormwater network, such as where direct connection to the public network is not possible or is not the best practicable option. These alternative methods include soakage to land, or direct discharges to a waterway, the coastline, or overland flowpaths. WSP notes (pages 10 and 11) that RSI can be located in rural / semi-rural areas where there may not be any reticulated infrastructure to connect to, but that the requirement to connect to the public stormwater network only applies where the infrastructure is available. WSP consider exemptions for RSI sites can be reasonably obtained through the resource consent process and therefore consider the changes sought by the submitter are acceptable and consistent with providing greater flexibility for RSI.

6.61.4 The WSP advice suggests that the resource consent process is an acceptable process to follow for RSI and other development where alternative stormwater management options could be acceptable. Based on this advice, and noting that Transpower did not submit on any of the SW rules seeking an alternative approach for RSI, rather than amend the policy as requested by the submitter I prefer amending all the Matters of Discretion for SW-R1 to SW-R5 to expressly

refer to RSI and whether the stormwater is able to be adequately managed within the site. Accordingly, I recommend that this submission is accepted in part.

### **Conclusions and Recommendations**

6.61.5 I recommend that the submission from Transpower [159.55] is **accepted in part**.

6.61.6 Amend the Matters of Discretion for SW-R1 to SW-R5 as follows:

[...]

x. for Regionally Significant Infrastructure, whether the stormwater is able to be adequately managed within the site.

6.61.7 In terms of a s32AA assessment, I note that the matters of discretion for all the SW rules already refer to “any relevant site or operational constraints”. I consider my recommended change is consistent with this existing matter of discretion but provides greater clarity for RSI. Accordingly, I consider that the existing s32 continues to be applicable.

### **6.62 SM Chapter – SW-R3 Non-Residential activities that include impervious surfaces of 500m<sup>2</sup> or greater [...]**

6.62.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rooney, et al	174.18, 191.18, 249.18, 250.18, 251.18, 252.18
BP Oil, et al	196.35

#### **Submissions**

6.62.2 Rooney, et al support SW-R3 in part. The submitters consider the rule requires clarification to enable it to be easily applied and understood. The submitters seek the following amendment:

***SW-R3 Non-Residential activities that include impervious surfaces of 500m<sup>2</sup> or greater for car parking, excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council or is permitted pursuant to the relevant Regional Plan.***

6.62.3 BP Oil, et al support this rule providing it relates to new car parks as opposed to alterations to existing or redevelopment of existing car parking / impervious areas. If this assumption is not correct, they consider the management of stormwater from higher contaminant generating car parking areas would be better reflected by a car parking number threshold. The submitter seeks the Council to confirm that the rule relates to new car parking areas and

not redevelopment or enlargement (by less than the 500m<sup>2</sup> threshold) of existing car parks or amend **Rule SW-R3** so that the threshold for applicability of the rule is based on the number of car parks.

### **Analysis**

- 6.62.4 Regarding the Rooney, et al submission, I do not agree with the submitter that if the stormwater discharge is a permitted activity under a regional plan then SW-R3 should not apply. The Council is applying these rules to manage identified issues in its network, including on a cumulative effects basis, and therefore I do not consider it appropriate to exclude activities permitted by a regional rule which are not targeted to the matters the Council is expressly seeking to manage through the PDP rules and standards. Accordingly, I recommend that this submission is rejected.
- 6.62.5 Regarding the BP Oil, et al submission, the rule is intended to apply to non-residential activities in residential zones with new impervious surfaces or 500m<sup>2</sup> or greater. It does not apply retrospectively, nor to smaller areas of new impervious surfaces. Clarity can be provided in the rule by adding the word “new” before “impervious surfaces”. Accordingly, I recommend that this submission is accepted.

### **Conclusions and Recommendations**

- 6.62.6 I recommend that the submissions from Rooney, et [174.18, 191.18, 149.18, 250.18, 251.18, 252.18] are **rejected**.
- 6.62.7 I recommend that the submission from BP Oil, et al [196.35] is **accepted**.
- 6.62.8 Amend SW-R3 as follows:

**SW-R3 Non-Residential activities that include new impervious surfaces of 500m<sup>2</sup> or greater for car parking, excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan.**

- 6.62.9 In terms of a s32AA assessment, I do not consider this amendment changes the rule and therefore the original s32 continues to be applicable.
- 6.63 SM Chapter – SW-R4 All developments, other than a road, that result in an increase in impervious surfaces of greater than 30m<sup>2</sup> [...] and SW-R5 All developments, other than a road, that result in an increase in impervious surfaces of greater than 50m<sup>2</sup> [...]**

- 6.63.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Fonterra Limited	165.37

Silver Fern Farms	172.18
BP Oil, et al	196.36, 196.37

### Submissions

6.63.2 Fonterra supports the recognition that the rule does not apply to those activities that hold regional consent(s) relating to stormwater. However, the submitter seeks a consequential amendment in SW-R4 to account for the new Strategic Rural Industrial Zone (SIRZ) proposed by Fonterra. The submitter seeks to add this zone to the list of zones covered by the rule.

6.63.3 Silver Fern Farms considers that while it is appropriate to provide for onsite stormwater disposal as RDIS, the rule appears to inappropriately anticipate stormwater devices being maintained, noting that typically, consent conditions would require maintenance. The submitter seeks an amendment as follows:

***SW-R4 All developments [...] [...]***

***Activity status when compliance not achieved: Restricted Discretionary***

***Matters of discretion are restricted to:***

*[...]*

~~*3. The consequences of a lack of maintenance of the stormwater neutrality device; and*~~

*[...]*

6.63.4 For both submissions, BP Oil, et al assumes that the rules mean that if a resource consent is obtained from the regional council for a stormwater discharge, then the focus and interest of TDC's acceptance of the stormwater discharge to the network is narrowed to matters of carrying capacity and quantity, i.e. the requirements of these rules (specifically SW-S4 in relation to quality) are not considered (or relevant) in the network operator's consideration of the stormwater approval application to council. The submitter also considers that if the stormwater discharge is a permitted activity in the relevant regional plan, then SW-R4 and SW-R5 are still applicable.

6.63.5 BP Oil, et al supports PER-1. Regarding PER-2, the submitter has experienced instances where network operators have not been accepting of discharges of stormwater from industrial or trade premises to the reticulated stormwater network despite them being in accordance with good practice and permitted under the relevant regional plan. The submitter seeks to ensure that the role of industry good practice is recognised (in the case of the submitter that is provided by the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in NZ (MFE, 1998)). The submitter considers that an amendment is required to the matters of discretion to better enable an effects-based assessment as follows:

***Matters of discretion are restricted to:***

*[...]*



*3. the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of the stormwater neutrality device; and*  
[....]

### **Analysis**

- 6.63.6 Regarding the Fonterra submission, I understand that since the submission was lodged, Fonterra is now seeking a specific Clandeboye manufacturing zone as a special purpose zone and that there is also the option for this to be a precinct. If the new Clandeboye manufacturing zone / precinct is created then I consider it should be included in the rule as proposed. Accordingly, I recommend this submission is accepted (assuming the Clandeboye manufacturing zone / precinct is created).
- 6.63.7 With regard to BP Oil, et al's concerns about instances where resource consent is obtained from the regional council for a stormwater discharge, I agree with the submitter's interpretation of the rules which clearly exclude stormwater discharges authorised by a resource consent from the Regional Council (but do not cover discharges that are permitted by a relevant regional plan). However, given the statement in the submission (and consistent with it), I consider it would be useful to clarify that the regional consent only relates to water quality matters (covered in SW-S4) and not water quantity matters (covered in SW-S3). Accordingly, I propose amendments to SW-R3, SW-R4 and SW-R5 to refer to regional council consent in the permitted activity standards in relation to SW-S4 only. In my opinion the water quantity aspects of Timaru's stormwater network will not be adequately addressed by a regional consent. Regarding the submitter's concerns in relation to PER-2 and industry good practice, it appears no changes are specifically sought in relation to this concern. The submitter may wish to clarify this aspect of the submission at the hearing.
- 6.63.8 Regarding the Silver Fern Farms and BP Oil, et al requested amendments to Matter of Discretion 3, I understand that stormwater neutrality devices can fail with a lack of maintenance, and as such this is a relevant matter for assessing a consent required under this rule. I therefore do not agree with deleting it. However, I consider the proposed wording by BP Oil, et al is acceptable and I note that in their evidence WSP also supports the BP, et al suggested change (s3.3, page 10). Accordingly, I recommend that the submission from Silver Fern Farms is accepted in part and the submission from BP Oil et al is accepted.

### **Conclusions and Recommendations**

- 6.63.9 I recommend that the submission from Fonterra Limited [165.37] is **accepted**.
- 6.63.10 I recommend that the submission from Silver Fern Farms [172.18] is **accepted in part**.
- 6.63.11 I recommend that the submissions from BP Oil, et al [196.36, 196.37] are **accepted**.
- 6.63.12 Amend SW-R3 as follows:

**SW-R3 Non-residential activities that include new impervious surfaces of 500m<sup>2</sup> or greater for carparking, ~~excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan~~**

**Activity status: Permitted**

**Where:**

[...]

**PER 2**

1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S4 that allows entry of the stormwater into the reticulated stormwater network; or
2. the stormwater discharge is authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan.

6.63.13 Amend SW-R4 as follows:

**SW-R4 All developments, other than a road, that result in an increase in impervious surfaces of greater than 30m<sup>2</sup>, ~~excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan~~**

Section B: Activities in the General Industrial Zone, Strategic Rural Industry Zone, Port Zone and Open Space and Recreation zones

**Activity status: Permitted**

**Where:**

[...]

**PER-2**

Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S3 and ~~SW-S4~~<sup>32</sup> that allows entry of the stormwater into the reticulated stormwater network; and

**PER-3**

1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S4 that allows entry of the stormwater into the reticulated stormwater network; or
2. the stormwater discharge is authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan.

[...]

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<sup>32</sup> BP Oil, et al [196.36]

**Matters of discretion are restricted to:**

[...]

3. ~~the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of the stormwater neutrality device; and~~

[...]

6.63.14 Amend SW-R5 as follows:

**SW-R5 All developments, other than a road, that result in an increase in impervious surfaces of greater than 50m<sup>2</sup>, ~~excluding stormwater discharges that are authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant Regional Plan~~**

**Activity status: Permitted****Where:**

[...]

**PER-2**

Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S3 ~~and SW-S4~~<sup>33</sup> that allows entry of the stormwater into the reticulated stormwater network; and

**PER-3**

1. Written permission has been obtained from the owner of the reticulated stormwater network in accordance with SW-S4 that allows entry of the stormwater into the reticulated stormwater network; or  
2. the stormwater discharge is authorised by a resource consent from the Canterbury Regional Council pursuant to the relevant regional plan.

Matters of discretion are restricted to:

[...]

3. ~~the effectiveness of the maintenance plan that is in place for the consequences of a lack of maintenance of the stormwater neutrality device; and~~

[...]

6.63.15 In terms of a s32AA assessment, I consider the recommended change in rule structure for regional council consent provides additional clarification over the intended application of this

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<sup>33</sup> BP Oil, et al [196.36]

exclusion and does not change the meaning or intent of the provisions. Regarding the recommended changes to the matters of discretion, I consider the amended wording is more appropriate wording for a matter of discretion and does not change the intent of the rule or the anticipated outcomes. Accordingly, I consider the original s32 continues to be applicable.

## 6.64 SM Chapter – Standards - SW-S1 Rainwater storage systems

6.64.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rooney , et al	174.20, 191.20, 249.20, 250.20, 251.20, 252.20

### **Submissions**

6.64.2 Rooney, et al oppose this standard applying to DEV2 - Gleniti Residential Development Area as the Gleniti bund and swale network has been designed to capture additional post development stormwater flows from this area. The submitters seek to amend SW-S1 Rainwater Storage Systems to exclude DEV2 - Gleniti Residential Development Area from this standard.

### **Analysis**

6.64.3 In their evidence (s5.1(a)), WSP recommend a number of changes to the chapter, including the deletion of SW-S1. I understand that SW-S1 was included to provide a simple and clear solution for stormwater neutrality for residential developments. This solution became somewhat 'murky' when it was combined with SW-S2 (as per SW-R1 PER-4). I consider that to improve clarity and the application of the rules that SW-S1 should be deleted as per WSP's advice. WSP have also recommended (section 5.2(h)) that it would be useful for the rules to permit development if part of a wider scheme (e.g. subdivision development) that has constructed a communal stormwater treatment or attenuation system (to council approved standards / systems), designed so that stormwater neutrality is achieved overall for the development without any onsite attenuation. I consider this is appropriate to avoid duplication and accordingly recommend this change is made to SW-R1, SW-R4 and SW-R5. I note that these signalled amendments would resolve the submitter's concerns through alternative relief and accordingly I recommend that these submissions are accepted in part.

6.64.4 I also note that these amendments also respond to the Kāinga Ora [229.24] submission, which I have already recommended to be accepted in part.

### **Conclusions and Recommendations**

6.64.5 I recommend that the submissions from Rooney, et al [174.20, 191.20, 249.20, 250.20, 251.20, 252.20] are **accepted in part**.

6.64.6 Delete SW-S1, and amend SW-R1 as follows:

**SW-R1 All developments, other than a road, that result in an [...]**

[...]

PER-3

~~A rainwater storage system is provided that complies with SW-S1; and~~

~~PER-4~~

The development achieves stormwater neutrality in accordance with SW-S2, ~~less the retention volume achieved under PER-3,~~ when the stormwater is discharged to the reticulated stormwater network.

Note:

1. Guidance on stormwater management requirements can be found in the Timaru District Council Infrastructure Design Standards.
2. This rule does not apply where stormwater management has already expressly been considered by the Timaru District Council for the site as part of a granted subdivision consent or as part of a community stormwater attenuation scheme.

6.64.7 Amend SW-R4 as follows:

**SW-R4 All developments, other than a road, that result in an [...]**

[...]

Note:

1. Guidance on stormwater management requirements can be found in the Timaru District Council Infrastructure Design Standards.
2. This rule does not apply where stormwater management has already expressly been considered by the Timaru District Council for the site as part of a granted subdivision consent or as part of a community stormwater attenuation scheme.

6.64.8 Amend SW-R5 as follows:

**SW-R5 All developments, other than a road, that result in an [...]**

[...]

Note:

1. Guidance on stormwater management requirements can be found in the Timaru District Council Infrastructure Design Standards.
2. This rule does not apply where stormwater management has already expressly been considered by the Timaru District Council for the site as part of a granted subdivision consent or as part of a community stormwater attenuation scheme.

6.64.9 In terms of a s32AA assessment, the recommended changes seek to improve clarity and avoid duplication. I consider that these amendments still achieve the objective SW-O1 but are more efficient and effective and accordingly are the most appropriate way to meet the purpose of the objective.

## 6.65 SM Chapter –Standards - SW-S2 Stormwater neutrality devices or systems

6.65.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
PrimePort	175.22
Timaru District Holdings	186.8

### **Submissions**

6.65.2 PrimePort and Timaru District Holdings consider the stormwater neutrality requirement is onerous and impractical for the Port zone, which been densely developed and has little space for the size of stormwater neutrality devices for large warehouse buildings and extensive sealed areas. The submitters seek to delete SW-S2 or amend SW-S2 so that Port Zone is excluded.

### **Analysis**

6.65.3 I note that SW-S2 does not apply to the PORTZ, as there is no rule in the SW Chapter applying to the PORTZ that requires compliance with SW-S2. As I am recommending no change resulting from these submissions, I recommend they are rejected.

### **Conclusions and Recommendations**

6.65.4 I recommend that the submissions from PrimePort and Timaru District Holdings [175.22, 186.8] are **rejected**.

6.65.5 No amendments are recommended.

## 6.66 SM Chapter – Standards - SW-S3 Stormwater quantity permission requirements

- 6.66.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Milward Finlay Lobb	60.20
PrimePort	175.23
Timaru District Holdings	186.9

### Submissions

- 6.66.2 Milward Finlay Lobb questions why a 24-hour event has been selected, when the Timaru District Council system has a peak at 1 hour. The submitter seeks to amend the event duration in SW-S3 Stormwater quantity permission requirements from 24-hour event to 1-hour event in Table 4, Table 5 and Table 6.
- 6.66.3 PrimePort and Timaru District Holdings consider stormwater neutrality is onerous and impractical for the Port zone, which been densely developed and has little space for the size of stormwater neutrality devices for large warehouse buildings and extensive sealed areas. The submitters seek to delete SW-S3.2 or amend SW-S3.2 so that the Port zone is excluded.

### Analysis

- 6.66.4 Regarding the Milward Finlay Lobb submission, in their evidence WSP (s3.3, page 11) states that the submitter is correct in that the reticulated network typically has a critical duration of 1- 2hrs. However, that does not mean that this should be the target for stormwater neutrality. In some cases, it is the critical duration of the waterway the network discharges into that sets the critical duration. Larger sites have a greater potential risk of impacting the network and downstream receiving environment. A 24hr duration neutrality requirement means the network will be protected over a wider range of events, even if in some cases, 24hrs may be longer than what is required. WSP recommends the submitter's suggested relief is rejected. I accept their advice.
- 6.66.5 Regarding the PrimePort and Timaru District Holdings submissions, in their advice WSP (s3.2, page 5) states that the Port zone applies mostly to land adjacent to the sea which is an end point discharge for stormwater. Achieving stormwater neutrality is not a key consideration / constraint for the Port, as downstream flood effects usually do not need to be considered. However, it is possible that activities in the Port zone could impact the capacity of the stormwater network upstream (e.g. a significant increase in impervious area directly connected to the network could create a tailwater condition that reduces upstream network capacity). WSP state (page 6) that stormwater neutrality and water quality provisions are important to include in the PDP so that development does not cause the reticulated stormwater network to function beyond its capacity and cause or exacerbate flooding or

reduce water quality in the reticulated stormwater network. WSP therefore recommend the submitters' suggested relief is rejected. I accept their advice.

### **Conclusions and Recommendations**

6.66.6 I recommend that the submissions from Milward Finlay Lobb [60.20], PrimePort [175.23] and Timaru District Holdings [186.9] are **rejected**.

6.66.7 No amendments are recommended.

### **6.67 SM Chapter – SW-S4 Stormwater quality permission requirements**

6.67.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

<b>SUBMITTER NAME</b>	<b>SUBMISSION POINT NUMBER(S)</b>
PrimePort Limited	175.24
Timaru District Holdings Limited	186.10
BP Oil, et al	196.38

### **Submissions**

6.67.2 PrimePort and Timaru District Holdings consider the standard is impractical and onerous. The submitters consider the removal rates should be expressed as a trigger value, beyond which adverse water quality effects can be expected and anything less than that trigger should be permitted. The submitters consider that under this rule, a new roof would require a reduction of suspended solids by more than 80%, even though a nil reduction would likely still result in a significantly less suspended solids discharge than, for example, a new road. The submitters seek to delete SW-S4 or amend SW-S4 so that Port zone is excluded.

6.67.3 BP Oil, et al considers the required percentage reductions of contaminants in Standard SW-S4 will not be achievable where stormwater is low in particular contaminants to begin with. They support an approach recognised in the MfE Guidelines as good practice as an alternative. The submitter seeks to delete SW-S4 and replace it with an appropriate risk-based standard that requires treatment where appropriate to manage particular contaminants of concern.

### **Analysis**

6.67.4 Regarding the PrimePort and Timaru District Holdings submissions, in their evidence (s3.2, pages 5 and 6), WSP states that additional untreated impervious areas connected to the reticulated stormwater network within the Port zone could also contribute to reduced water quality in the reticulated stormwater network and increase the contaminant load discharged. WSP considers that stormwater water quality provisions are important to include in the PDP



so that development does not reduce water quality in the reticulated stormwater network. WSP recommends that the submitter's specific requested relief is rejected.

- 6.67.5 In response to BP, et al, WSP (s3.3, page 9) states that the minimum treatment contaminant removal rates in Table 7 in SW-S4 imply that treatment focusing on gross pollutant removal (GPT, sump filter, etc) is not enough and that a higher standard of treatment is expected. In practice, literature and/or supplier documentation will be relied on to show a particular stormwater treatment device/system can achieve the required contaminant removal rates. However, in some cases, it will be very difficult to achieve minimum treatment contaminant removal rates e.g. at the lower end of the impervious surface threshold (it is difficult to design an effective stormwater treatment device for such small catchment areas) and areas with low traffic volumes and low contaminant generating ('inert') building materials (stormwater treatment devices are less effective when contaminant loading rates are much lower than 'typical').
- 6.67.6 In response to submissions, WSP recommends some improvements to the chapter, particularly around SW-S4. These are:
- a. SW-R7 is amended to apply to sheet cladding and excludes fixings and flashings.
  - b. Changing the requirement in SW-S4 to only apply to roads, trafficked hardstand or areas where potential contaminants are handled and may be spilt or deposited. The impact of contaminants from high-risk building materials on stormwater quality in the network is already mitigated through SW-R7.
  - c. Increasing the threshold in Table 7 to apply only where the increase in impervious surface is greater than 500m<sup>2</sup>.
- 6.67.7 Regarding these recommendations, with the exception of the threshold for SW-S4 Table 7, in my opinion these are appropriate and I therefore accept WSP's advice. For SW-S7 I have relied on the advice from Mr Kemp (**Appendix 4**) who recommends an alternative approach of including a reduced standard for increased hardstanding up to 150m<sup>2</sup>, (as opposed to 500m<sup>2</sup>). Accordingly, I recommended the changes to SW-R7 and SW-S4 as set out below. Overall, I recommend that all these submissions are accepted in part.
- 6.67.8 I note that these amendments also respond to the Kāinga Ora [229.24] submission, which I earlier recommended to be accepted in part, noting the changes I was recommending here.
- 6.67.9 To improve clarity and accuracy, under clause 16(2) I recommend amending the references to the Council 'granting permission' in SW-S3 and SW-S4 to the Council 'granting a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw'. These amendments are shown in **Appendix 1**.

### Conclusions and Recommendations

6.67.10 I recommend that the submissions from PrimePort [175.24], Timaru District Holdings [186.10] and BP Oil, et al [196.38] are **accepted in part**.

6.67.11 I recommend that SW-R7 is amended as follows:

SW-R7 The installation of any copper, galvanised metal, unpainted zincalume or any other unpainted metal, used in roof material, gutters, downpipes or external sheet cladding of buildings or structures, but excluding fixings and flashings

6.67.12 I recommend that SW-S4 is amended as follows:

1. The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw to connect to the Public reticulated stormwater network following certification of a treatment system designed to improve contaminate levels of gross pollutants, total suspended solids and hydrocarbons discharged by activities increasing trafficked hardstand impervious areas greater than 30m<sup>2</sup> and less than 150m<sup>2</sup>.

~~1.~~ 2. The Council will grant a stormwater discharge certificate under the Timaru District Council Consolidated Bylaw ~~permission~~ to connect to the ~~Public Council's~~ reticulated stormwater network if the minimum standards identified in Table 7 below are met for ~~activities~~ additional trafficked hardstand impervious areas exceeding the impervious surface threshold in the identified zones.

Table 7 - Minimum Treatment Contaminant Removal Rates

	All Commercial and mixed-use zones	General industrial zone and Port zone	Open space and recreation zones, Māori Purpose zone, Rural lifestyle zone, Settlement zone and Residential zones	Roads
Impervious surface threshold	50-150m <sup>2</sup>	30-150m <sup>2</sup>	30-150m <sup>2</sup>	---
[...]				

6.67.13 In terms of a s32AA assessment, the recommended changes refine and target the rules to focus on those matters of most concern and provide greater flexibility in how to respond to smaller increases in impervious surface areas. I consider that these amendments still achieve objective EI-O1, but are more efficient and effective and accordingly are the most appropriate way to meet the objective and the purpose of the Act.

## 6.68 TRAN Chapter – General

- 6.68.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Bruce Spiers	66.22
The RVA	230.23
Waka Kotahi	143.20

### **Submissions**

- 6.68.2 Bruce Spiers seeks to amend the font size of the chapter so that it is consistent.
- 6.68.3 The RVA is concerned with the provisions in the Transport chapter being restrictive to retirement village development. The submitter states that car-parking and traffic management are key components of retirement villages, given the number of residents, staff and guests involved. The RVA is concerned that the PDP, as currently drafted, fails to recognise the unique features of retirement villages and does not acknowledge that retirement villages have a different demand profile to other activities - retirement villages do not generate large volumes of traffic and traffic movements generally occur outside peak commuting periods. The requirements will exacerbate the consenting challenges already experienced by retirement village proposals, resulting in increased costs and delays. The RVA states the Transport Chapter needs to be workable and provide for the low demand and unique requirements of retirement villages. Unfortunately, no specific relief is provided.
- 6.68.4 Waka Kotahi's submission was also assessed against the EI provisions as it applies to both the EI and TRAN chapters. The submitter considers that the state highway network is included in the definition of RSI, but the EI Chapter states that transport matters are dealt with in the Transport Chapter. The submitter states that there are many instances within the plan, such as in the Ecosystems and Biodiversity Chapter, that have an exclusion for Energy and Infrastructure activities to allow these to be permitted. The submitter considers that amendments are required to either allow consideration of transport matters in the Energy and Infrastructure Chapter or amend other chapters to provide for an exclusion for transport infrastructure as RSI where there are exclusions for activities considered in the EI Chapter.

### **Analysis**

- 6.68.5 The chapter font size should be consistent, and this can be checked. Accordingly, I recommend that this submission is accepted.
- 6.68.6 As no specific relief is provided by the RVA it is difficult to assess which provisions in particular the submitter wishes to change and to what (I note that the submitter's proposed retirement

village planning framework does not contain any transport provisions). The majority of the transport provisions are not 'activity' specific, however some, such as TRAN-S5 (Cycle Parking) and TRAN-S7 (minimum loading requirements), have specific requirements for retirement villages. In my opinion these rules do not appear to be onerous. In the absence of detail on specific transport provisions and why they are too restrictive and their required changes I recommend this submission is rejected.

- 6.68.7 Regarding the Waka Kotahi submission, as set out in my assessment of this submission under the EI chapter, as identified by the submitter, some chapters seek to provide for infrastructure given its importance and benefits for well-being. The same importance and benefit arguments apply to transport infrastructure. As there is both an EI chapter and a transport chapter in the National Planning Standards there is an overlap regarding transport matters. The PDP sought to clarify this overlap by stating transport related infrastructure is contained in the transport chapter. While I resolved the relationship between the EI and TRAN chapters in my assessment of the submission on the EI chapter, I did not consider the submission in relation to the TRAN chapter and how the TRAN chapter provisions relate to the area specific and district wide provisions.
- 6.68.8 I note from the chapter introduction that *"this chapter is a district wide chapter that sits alongside the underlying zones and only regulates transport activities"*. The Note in the rule section states that *"Activities not listed in the rules of this chapter are classified as a permitted under this chapter. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules."* Based on these statements I understand that the zone and district wide rules continue to apply. As such, Waka Kotahi is correct to point out that transport infrastructure which meets the definition of RSI does not need to meet the area specific zone requirements, however transport infrastructure simultaneously does by virtue of being covered by the TRAN Chapter. In my opinion this conflict is problematic.
- 6.68.9 I also note that, as the road and rail corridor zones are zoned in accordance with the adjoining land, and that the zone chapters all contain a default discretionary activity status rule for activities not otherwise listed in the chapter, there is potential for activities permitted in the TRAN Chapter to be discretionary in the zone chapters through this catch-all rule. Unfortunately, the Transport s32 does not provide guidance on this matter. However, in my opinion this is not the intention of the PDP and I consider it would be appropriate to expressly exclude all 11 TRAN rules from having to comply with the zone rules, by including a note in the rules note (similar to the note for the EI Chapter) that states that the Rules in the TRAN Chapter take precedence over rules in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters. I consider this amendment is within the scope of the Waka Kotahi submission. Accordingly, I recommend this submission is accepted.

### **Conclusions and Recommendations**

- 6.68.10 I recommend that the submission from Bruce Spiers [66.22] is **accepted**.

6.68.11 I recommend that the submission from Waka Kotahi [143.20] is **accepted**, noting that I also recommended that it was accepted in relation to the EI Chapter.

6.68.12 I recommend that the submission from the RVA [230.23] is **rejected**.

6.68.13 I recommend that the Rules note is amended as follows:

Rules

Note:

Activities not listed in the rules of this chapter are permitted activities under this chapter. Rules TRAN-R1 to TRAN-R11 in this chapter take precedence over rules in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters. Unless otherwise specified in this chapter, the provisions of the Development Area chapter, Designation Chapter and chapters in Part 2 - District-wide Matters Chapters still apply to activities provided for in the TRAN Chapter and therefore resource consent may be required by the rules in these chapters. For certain activities, consent may be required by rules in more than one chapter in the Plan. Unless expressly stated otherwise by a rule, consent is required under each of those rules. The steps plan users should take to determine what rules apply to any activity, and the status of that activity, are provided in Part 1, HPW – How the Plan Works - General Approach.

6.68.14 In terms of a s32AA assessment, I consider this change seeks to amend the provisions to ensure they apply as intended and to resolve conflict between the EI and TRAN chapter for RSI and the TRAN chapter and the zone chapters. I consider that the matters covered in the TRAN Chapter are very specific road / network matters that are not usually covered by standard zone rules. Accordingly, I consider that the original s32 remains applicable.

## 6.69 TRAN Chapter –TRAN-O1 Safe, efficient, integrated and sustainable land transport infrastructure

6.69.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.36
Forest and Bird	156.76

### Submissions

6.69.2 Waka Kotahi supports TRAN-O1 as it identifies the outcomes for well-connected, integrated and accessible transport infrastructure, which aligns with the Waka Kotahi statutory functions. However, the submitter considers TRAN-O1.1 should be amended to reflect the Land

Transport Management Act 2003 by replacing ‘sustainable’ with ‘effective’. They seek the following amendments:

***TRAN-O1 Safe, efficient, integrated and sustainable land transport infrastructure***

*Land transport infrastructure that is well-connected, integrated, and accessible, and which:*

*1. Is safe, efficient and ~~effective sustainable~~ for all transport modes; [...]*

6.69.3 Forest and Bird consider low emissions should be included in the objective. They seek the following amendments:

***TRAN-O1 Safe, efficient, integrated and sustainable land transport infrastructure***

*Land transport infrastructure that is well-connected, integrated, ~~and~~ accessible and supports low emissions and which:*

[...]

***Analysis***

6.69.4 Regarding Waka Kotahi’s submission, I am comfortable with this change as transport infrastructure that is not efficient and effective for all transport modes is arguably not sustainable, and “effective” provides greater alignment with the Land Transport Management Act 2003.<sup>34</sup> However, I consider that if “sustainable” is removed from clause 1, it should also be removed from the Objective title. Noting this change and the other matters included in the title do not exactly match the objective chapeau or clause 1, I recommend that the objective title is amended to be just “Land transport infrastructure”. Accordingly, I recommend that this submission is accepted in part.

6.69.5 Regarding Forest and Bird’s submission, I consider that, while important, low emissions is not the key outcome for land transport infrastructure. However, I note that a low emissions outcome is already captured and achieved by the transport infrastructure being ‘efficient’ and ‘effective’ for all transport modes (clause 1) and promoting multi-modal options including active and public transport (clause 4). On balance, I recommend that this submission is accepted.

***Conclusions and Recommendations***

6.69.6 I recommend that the submission from Waka Kotahi [143.36] is **accepted in part**.

6.69.7 I recommend that the submission from Forest and Bird [156.76] is **accepted**.

6.69.8 Amend TRAN-O1 as follows:

---

<sup>34</sup> The purpose of this Act is to contribute to an effective, efficient, and safe land transport system in the public interest. The Act covers such things as the requirement to prepare a land transport programme that contributes to the purpose of the act and requirements on regional land transport plans.

**TRAN-O1 ~~Safe, efficient, integrated and sustainable~~ Land transport infrastructure**

Land transport infrastructure that is well-connected, integrated, ~~and~~ accessible, supports low emissions and which:

1. is safe, efficient and effective sustainable for all transport modes; [...]

- 6.69.9 Regarding the s32AA assessment, whilst switching “sustainable” with “effective” is a meaningful change, I consider these amendments simply seek to align the wording with the related Land Transport Management Act 2003, while the other changes improve internal consistency. I consider that land transport infrastructure that is efficient and effective will support achieving sustainability, and that the change targets the outcomes to more clearly focus on the purpose and benefit of land transport infrastructure. Accordingly, I consider this amendment better meets the purpose of the Act.

**6.70 TRAN Chapter – TRAN-O3 Adverse effects on land transport infrastructure**

- 6.70.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Kāinga Ora	229.27

**Submissions**

- 6.70.2 Kāinga Ora considers that, while reverse sensitivity needs to be taken into consideration, land which has been zoned for a specific use should be able to be used in line with the zoning and considers the policy needs to be amended to give clearer direction. They seek the following amendments:

***TRAN-O3 Adverse effects on land transport infrastructure***

*Land transport infrastructure is not compromised by incompatible activities that ~~may will~~ result in adverse conflict or reverse sensitivity effects.*

**Analysis**

- 6.70.3 Whilst I appreciate the concerns, in my opinion the transport network can be compromised by more than just reverse sensitivity effects – access issues and wider network effects can arise. Consistent with my earlier advice on this matter, I agree with changing “may” to “are likely to” to require more certainty over the adverse effects, but I do not agree with removing the reference to conflicts. Accordingly, I recommend that this submission is accepted in part.

**Conclusions and Recommendations**

- 6.70.4 I recommend that the submission from Kāinga Ora [229.27] is **accepted in part**.

6.70.5 Amend TRAN-O3 as follows:

**TRAN-O3 Adverse effects on land transport infrastructure**

Land transport infrastructure is not compromised by incompatible activities that ~~may~~ are likely to result in conflict or reverse sensitivity effects.

6.70.6 Regarding a s32AA assessment, I consider these amendments are minor in nature and that the original s32 is still applicable.

**6.71 TRAN Chapter – TRAN-P1 Active transport**

6.71.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rooney, et al	174.21, 191.21, 249.21, 250.21, 251.21, 252.21
HB	74.2

**Submissions**

6.71.2 Rooney, et al oppose TRAN-P1(5) using the word “requiring” and consider the Council should be encouraging and promoting cycle parking, not requiring it, as it is not appropriate in all circumstances. They seek to replace “requiring” with “encouraging” secure, sheltered cycle parking that is located in a convenient and safe position and which ensures pedestrian safety.

6.71.3 HB states that while TRAN-P1 encourages cycling within settlements, it does not necessarily encourage cycling between settlements and seeks the following amendment:

*Encourage active transport modes such as cycling and walking by:*

1. *ensuring safe pedestrian access to building entrances '[...];*

*7. encourage a cycleway along State Highway 1 between the Ashburton District Council boundary in the north to the Waimate District Council boundary in the south.*

**Analysis**

6.71.4 Regarding the Rooney, et al submissions, in their memo (s3.1), Abley notes that TRAN-S6.4, states that long term cycle parking must be located in a covered and secure area and therefore it would be inconsistent to amend TRAN-P1.5 to not be directive. I note that the only submissions on the related TRAN-S6 rule are to retain the standard as notified and accordingly, recommend that this submission is rejected.

6.71.5 Regarding the HB submission, whilst there may be merit in the proposed cycleway, I do not support this requested amendment as there are no accompanying rules to achieve this and



the active provision of cycleways is not a district plan matter per se, but rather a Long-Term Plan matter. Accordingly, I recommend that this submission is rejected.

### **Conclusions and Recommendations**

6.71.6 I recommend that the submissions from Rooney, at al [174.21, 191.21, 249.21, 250.21, 251.21, 252.21] and HB [74.2] are **rejected**.

6.71.7 No amendments are recommended.

## **6.72 TRAN Chapter – TRAN-P3 Existing land transport infrastructure**

6.72.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.41
KiwiRail	187.33

### **Submissions**

6.72.2 Both Waka Kotahi and KiwiRail support that the policy enables the efficient use of existing land transport infrastructure but seek to emphasise that the land transport network should not only be efficient, but also safe. They seek the following amendments:

#### ***TRAN-P3 Existing land transport infrastructure***

*Enable the **safe and** efficient use of existing land transport infrastructure by providing for its operation, maintenance and upgrading.*

### **Analysis**

6.72.3 I agree that it is important to include “safe” in TRAN-P3 as ensuring transport safety is a key outcome for land transport infrastructure as evidenced by the chapters’ rules, and the many matters of discretion which refer to safety. In their memo Abley (s4.1) support this relief as safety is a key outcome sought for the transport network and is consistent with TRAN-O1. Accordingly, I recommend that these submissions are accepted.

### **Conclusions and Recommendations**

6.72.4 I recommend that the submissions from Waka Kotahi [143.41] and KiwiRail [187.33] are **accepted**.

6.72.5 Amend TRAN-P3 as follows:

#### **TRAN-P3 Existing land transport infrastructure**

Enable the safe and efficient use of existing land transport infrastructure by providing for its operation, maintenance and upgrading.

- 6.72.6 Regarding a s32AA assessment, I consider these amendments are only minor and consider the exclusion of the word “safe” in the policy to be an oversight. As such, I consider that the original s32 remains applicable.

### 6.73 TRAN Chapter – TRAN-P4 New land transport infrastructure

- 6.73.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Forest and Bird	156.79
Waka Kotahi	143.42
KiwiRail	187.34

#### **Submissions**

- 6.73.2 Forest and Bird consider the term land transport infrastructure is far ranging and many of these activities should not necessarily be allowed in sensitive environments where they cannot comply with specific district wide chapter policies. The submitter states that TRAN-P4(1)(b) only mentions objectives, and that the policies in the more prescriptive relevant chapters should also be achieved. The submitter considers the word protect does not equal the directive wording of avoid where protection could lead to significant temporary effects. They seek the following amendments:

#### ***TRAN-P4 New land transport infrastructure***

*Only allow land transport infrastructure:*

1. *Within sensitive environments/overlays, where it can be demonstrated that:*
  - a. *the identified characteristics and values of the Overlay it is within will be protected; and*
  - b. *the relevant objectives for the Overlay will be achieved; and*
  - c. policies in the Natural Environment Chapter will be achieved***

- 6.73.3 Waka Kotahi supports the intent of TRAN-P4, however, considers there are instances where strategic land infrastructure, such as the state highway, has a functional and/or operational need to be located within sensitive environment / overlays. They want the policy to be amended to reflect this, seeking the following amendments.

*Only allow land transport infrastructure:*

1. *Within sensitive environments / overlays, where it can be demonstrated that:*
  - a. There is a functional or operational need; or***

*~~eb.~~ The identified characters and values of the Overlay it is within will be protected; and*

*~~bc.~~ The relevant objectives for the Overlay will be achieved; and*

[...]

6.73.4 Likewise, KiwiRail supports the policy direction which allows for new land transport infrastructure within sensitive environments/overlays, however amendments are sought to recognise that, in some instances, there may be a functional or operational need to locate rail infrastructure within a sensitive environment or overlay. They seek the following amendments:

*Only allow new land transport infrastructure:*

*1. within sensitive environments / overlays, where it can be demonstrated that:*

*a. ~~the adverse effects on~~ identified characteristics and values of the Overlay it is within ~~is protected~~ are avoided, remedied or mitigated; and*

*b. there is a functional or operational need for the land transport infrastructure to be located in the Overlay; and*

*c. ~~b.~~ the relevant objectives for the Overlay will be achieved; and*

[...]

### **Analysis**

6.73.5 I consider that roads and rail are network utilities (and RSI) and sometimes need to be located within sensitive environments. While I note that the District Wide rules, which contain sensitive environment overlays apply, I still consider it appropriate that the policy allows consideration of functional or operational needs and therefore also provide for remediation and mitigation (in addition to avoidance). I also consider it appropriate to apply to new land transport infrastructure, noting the existing land transport infrastructure already located within sensitive environments, and that the policy should be targeted to the adverse effects on the characteristics and values. Accordingly, I recommend that the submission from Waka Kotahi is accepted in part and the submission from KiwiRail is accepted.

6.73.6 Regarding the Forest and Bird submission, as land transport infrastructure is RSI and part of a network and crosses into varied sensitive environments, in my opinion it is appropriate that this infrastructure is avoided, remedied or mitigated in sensitive locations rather than applying a blanket 'protect' approach. I note that the provisions in the Natural Environment Values chapters will continue to apply given that the district wide rules still apply. However, I agree that it is appropriate to also refer to the policies in those chapters. Accordingly, I recommend that this submission is accepted in part.

### **Conclusions and Recommendations**

6.73.7 I recommend that the submission from KiwiRail [187.34] is **accepted**.

6.73.8 I recommend that the submission from Waka Kotahi [143.42] and Forest and Bird [156.79] are **accepted in part**.

6.73.9 Amend TRAN-P4 as follows:

Only allow new land transport infrastructure:

1. within sensitive environments / overlays, where it can be demonstrated that:

a. ~~the adverse effects on~~ identified characteristics and values of the Overlay it is within ~~will be protected~~ are avoided, remedied or mitigated; and

b. the relevant objectives and policies for the Overlay will be achieved; and

~~c. there is a functional need or operational need for the land transport infrastructure to be located in the Overlay; and~~

[...]

6.73.10 Regarding a s32AA assessment, I consider these amendments clarify and tighten the policy wording. I consider they support achieving both TRAN-O1 and TRAN-O2 but are more efficient and effective given their inclusion of the 'policy' reference in TRAN-P4.1.b. and greater flexibility in approach under TRAN-P4.1.a. The reference to functional or operational need in TRAN-P4.1.c recognises the benefits of this infrastructure. As such, I consider that the amendments are the most appropriate to achieve the objectives.

#### 6.74 TRAN Chapter – TRAN-P5 Road classification

6.74.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Kāinga Ora	229.30

#### **Submissions**

6.74.2 Kāinga Ora supports the policy in principle, but seeks that safety is added. They seek the following amendments:

*Require the District's roads to be classified and built according to their anticipated function and maintained to enable land transport infrastructure to operate **safely and** effectively.*

### Analysis

6.74.3 In their memo Abley (s5.1) supports this relief as safety is a key outcome sought for the transport network, and is consistent with TRAN-O1. I agree, noting the various rules and matters of discretion that seek safety as an outcome. Accordingly, I recommend that this submission is accepted.

### Conclusions and Recommendations

6.74.4 I recommend that the submission from Kāinga Ora [229.30] is **accepted**.

6.74.5 Amend TRAN-P5 as follows:

TRAN-P5 Road classification

Require the District's roads to be classified and built according to their anticipated function and maintained to enable land transport infrastructure to operate safely and effectively.

6.74.6 Regarding a s32AA assessment, I consider these amendments are only minor and that the exclusion of the word "safe" in the policy is an oversight. As such, I consider that the original s32 remains applicable.

### 6.75 TRAN Chapter – TRAN-P8 Parking, loading and manoeuvring

6.75.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Fonterra	165.40
Rooney, et al	174.22, 191.22, 249.22, 250.22, 251.22, 252.22
Kāinga Ora	229.33

### Submissions

6.75.2 Fonterra does not support the requirement for landscaping of all parking areas. Rather, the policy should recognise that landscaping should be provided, where appropriate and relative to the zoning of the land. They seek the following amendments:

*Require land use activities to provide: [...]*

- where appropriate, landscaping in provided parking areas that visually softens the dominant effect of hard surfaces and positively contributes to amenity values anticipated for the zone.*

6.75.3 Rooney, et al oppose TRAN-P8(3) as the policy duplicates the requirements of the Building Act 2004. They seek to delete this clause in its entirety.

6.75.4 Kāinga Ora supports the policy generally, however, seeks that the reference to vehicle manoeuvring is deleted as not all sites will be designed to accommodate vehicle loading, and that landscaping is only provided for large parking areas. They seek the following amendments:

*Require land use activities to provide:*

1. *efficient, effective and safe servicing ~~and vehicle manoeuvring facilities on-site~~, including for emergency service vehicles;*
2. *[...]*
3. *[...]*
4. *landscaping ~~is~~ provided in large parking areas that visually softens the dominant effect of hard surfaces and positively contributes to amenity values.*

### **Analysis**

6.75.5 Regarding the Rooney, et al submission, in their memo (s6.1) Abley states that it would be inappropriate to delete references to safe access for pedestrians and cyclists and that further, TRAN-R6, TRAN-S8 and TRAN-S11 include discretion over pedestrian safety and efficiency within vehicle parking areas, which supports the retention of TRAN-P8.3. They note that Crime Prevention through Environmental Design (CPTED) is a matter of consideration in policies and rules for car parking areas in the Town Centre and City Centre Zones (in particular, policies TCZ-P3.2.d and CCZ-P4.7.b with TCZ-R9 and CCZ-R8 supporting these policies) and that this is appropriate given the public will have access to car parking areas in these zones. Within the Transport Chapter, for vehicle parking areas in the GRUZ, CPTED is included as a matter of discretion for car parks greater than 20 parking spaces and that meet the transport standards. Hence, Abley considers that retaining the reference to CPTED in TRAN-P8 is appropriate. I accept their advice and recommend that these submissions are rejected.

6.75.6 Regarding the Kāinga Ora submission, in their memo (s6.2) Abley supports the relief sought by Kāinga Ora for TRAN-P8.1, but has provided alternative wording which achieves the outcome sought by Kāinga Ora while still providing a link to Transport Rules and Standards relating to site vehicle access and manoeuvring. Abley do not support the relief sought by Kāinga Ora for TRAN-P8.4, as they understand there is no definition in the PDP for “large parking areas” and TRAN-S1 clearly states that landscaping is required where five or more at grade parking spaces are provided for non-residential activities, which provides the context to support the notified version of TRAN-P8.4. I accept Abley’s advice. Accordingly, I recommend that this submission is accepted in part.

6.75.7 Regarding the Fonterra submission, I do not support the addition of “where appropriate” given TRAN-S1 states where it applies, however I do agree with referencing the amenity values anticipated for the receiving environment as landscaping within large industrial areas may not always be required, but there may be some areas with special characteristics that would support landscaping. Accordingly, I recommend that this submission is accepted in part.

### Conclusions and Recommendations

6.75.8 I recommend that the submissions from Kāinga Ora [229.33] and Fonterra [165.40] are **accepted in part**.

6.75.9 I recommend that the submissions from Rooney, et al [174.22, 191.22, 249.22, 250.22, 251.22, 252.22] are **rejected**.

6.75.10 Amend TRAN-P8 as follows:

TRAN-P8 Road classification

Require land use activities to provide:

1. efficient, effective and safe servicing and vehicle manoeuvring facilities on-site (where provided), including for emergency service vehicles;

[...]

4. landscaping in provided parking areas that visually softens the dominant effect of hard surfaces and positively contributes to amenity values anticipated for the receiving environment.

6.75.11 Regarding a s32AA assessment, I consider the changes are minor. I consider the exclusion of the word “safe” in the policy to be an oversight. I consider the changes to refer to manoeuvring facilities where provided simply clarifies the application of the provision, while referencing the zone the landscaping is located in helps to clarify the anticipated outcomes. I therefore consider the original s32 remains applicable.

### 6.76 TRAN Chapter – TRAN-P9 Non-transport related activities

6.76.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
HB	74.1
Waka Kotahi	143.47

### Submissions

6.76.2 HB considers that the car driving experience along State Highway 1 from Christchurch to Timaru could be improved by a corridor of indigenous vegetation. They seek to add a new clause to TRAN-P9 to provide for a green corridor of indigenous vegetation plantings along the

whole of State Highway 1 in rural areas between the Ashburton District Council boundary in the north to the Waimate District Council boundary in the south.

- 6.76.3 Waka Kotahi supports TRAN-P9 that co-located network activities can be allowed within the road corridor, however, are concerned that non-transport related activities are encouraged if they can mitigate adverse effects and that are consistent with the character and qualities of the zone. Waka Kotahi considers it is not appropriate for non-transport related activities to be established within the state highway and this policy would encourage this. They seek the following amendments:

Encourage *the road (excluding any state highway)* and railway corridor to be used for:

[...]

### **Analysis**

- 6.76.4 Regarding the HB submission, it is not clear whether the submitter is seeking this to be provided within the road corridor or on the land adjacent to the corridor. It is also not clear if this is directed at the Council or NZTA / Waka Kotahi as an active requirement, or something that happens when development is proposed within or adjacent to the road corridor. While I consider this would be a good outcome for amenity and biodiversity enhancement, I do not consider such an active requirement is justified under a s32 assessment when considering efficiency and effectiveness and costs. I understand that Mr McLennan also considered such a requirement for his GRUZ s42A, and in his Interim Reply Report stated:<sup>35</sup>

*“I retain the view within my s42A report (paragraph 10.26.8) that there are no restrictions within the PDP to planting indigenous vegetation adjoining SH1 for amenity purposes. I acknowledge Ms Lucas’s comment that there needs to be a rule in the PDP to act as a “prod” to ensure the rule is achieved. However, in my view, the outcome would be better achieved through non-statutory methods such as promoting indigenous planting and developing planning guides providing landowners with information on how natives can be used for roadside planting.”*

- 6.76.5 I agree with Mr McLennan that this should not required by the PDP. Accordingly, I recommend that this submission is rejected.
- 6.76.6 Regarding the Waka Kotahi submission, in their memo (s7.1) Abley supports the intent of this relief as Waka Kotahi is responsible for managing the State Highway network and has separate asset owner processes for considering third party activities within its assets. However, Abley considers the relief sought would also exclude network utilities, which it appears is not Waka Kotahi’s intent. They therefore have provided alternative wording which achieves the outcome sought by Waka Kotahi while still enabling network utilities within the state highway corridor. I accept Abley’s advice. Accordingly, I recommend that this submission is accepted in part.

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<sup>35</sup> Mr Maclennan – Hearing B – Interim reply Rural Zones, dated 20 September 2024, paragraph 16.



### Conclusions and Recommendations

6.76.7 I recommend that the submissions from Waka Kotahi [143.47] is **accepted in part**.

6.76.8 I recommend that the submission from HB [74.1] is **rejected**.

6.76.9 Amend TRAN-P9 as follows:

#### TRAN-P9 Non-transport related activities

Encourage the road and railway corridor to be used for:

1. Other co-located network utilities;
2. Non-transport related activities which contribute to public amenity values and wellbeing (excluding in any state highway) while:

[...]

6.76.10 Regarding a s32AA assessment, I consider these amendments are minor and take account of the state highway asset owner's requirements and processes for infrastructure. I also note that TRAN-P9 is an encourage only policy. As such, I consider that the original s32 continues to apply.

### 6.77 TRAN Chapter – TRAN – New Policy

6.77.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Z Energy	116.6
BP Oil, et al	196.40

#### Submissions

6.77.2 Both submitters consider that the suite of proposed Transport policies do not clearly relate to the Chapter's clear intent (through proposed permitted Rule TRAN-R9) to encourage or enable EV charging facilities in all zones. The submitter [116.6] anticipates the use of electric vehicles (EVs) will be important to help achieve the Council's greenhouse gas reduction and climate change goals (refer Objective SD-O3) and that a new policy that encourages the provision of charging stations for electric vehicles is required. They seek the following new policy:

#### **TRAN-PX**

**Encourage existing and new land uses to support an integrated and sustainable transport network by:**

a) Enabling charging stations for electric vehicles.**Analysis**

6.77.3 I agree with the submitters that it would be appropriate to include this proposed policy. I also note ECan supports this (183.3FS). However, I prefer including clause a) within the body of the policy. Accordingly, I recommend these submissions are accepted in part.

**Conclusions and Recommendations**

6.77.4 I recommend that the submissions from Z Energy [116.6] and BP Oil, et al [196.40] are **accepted in part**.

6.77.5 Add the following new policy:

**TRAN-PX EV charging facilities**

Encourage existing and new land uses to support an integrated and sustainable transport network by enabling charging stations for electric vehicles.

6.77.6 Regarding a s32AA assessment, I consider this new policy supports achieving TRAN-O1(2) (being responsive to current and future needs) and therefore is appropriate to achieve this objective and the purpose of the Act.

**6.78 TRAN Chapter – TRAN Rules Note**

6.78.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Dir. General Conservation	166.26

**Submissions**

6.78.2 The Dir. General Conservation supports the note relating to other rules in the plan that are relevant to transport however suggests that hyperlinks are included in the note to specifically reference the relevant sections as has been done under the EI Chapter. This provides clarity to the user of the plan.

**Analysis**

6.78.3 In my opinion including hyperlinks is a style choice for the whole PDP. Consistent with my recommendation on a similar Dir. General Conservation submission for the EI Chapter [166.23], I consider that this submission is deferred to a wrap up report for later in the hearing process.

### Conclusions and Recommendations

- 6.78.4 I recommend that the submission from Dir. General Conservation [166.26] is **deferred**.
- 6.78.5 No changes are recommended. I consider these amendments are insignificant and therefore consider that the original s32 continues to apply.

### 6.79 TRAN Chapter – TRAN-R3 New vehicle access way

- 6.79.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.49

#### Submissions

- 6.79.2 Waka Kotahi generally support TRAN-R3 but recommends that the vehicle access way rule has a better link to the new vehicle crossings rules under TRAN-R4. A vehicle access way could be established where a vehicle crossing could not. The rule should require compliance with TRAN-S12, S14, S15, and S16, which should also be amended to reflect that they relate to vehicle access ways. They seek the following amendments:

#### **TRAN-R3 New vehicle access way**

*Activity status: Permitted*

*Where:*

*PER-1*

*TRAN-S9, TRAN-S10, TRAN-S12, TRAN-S14, TRAN-S15, TRAN-S16 and TRAN-S18 are complied with.*

[...]

#### Analysis

- 6.79.3 In their memo (s8.1) Abley supports the intent of this relief, as there is currently no provision within the PDP to assess the adequacy of an existing vehicle crossing (or vehicle accessway) when consent for a change or expansion of an existing land use activity is sought on a site. Abley also considers it may be more appropriate to amend TRAN-R3 and TRAN-R4 to delete the word “New” from the Rule name. This would allow the Rules to be considered for existing vehicle accessways and vehicle crossings that were proposed to be used for a different land use or expanded activity than what they were originally consented for and allows the rules to better work in tandem. Accordingly, I recommend that this submission is accepted in part.

### Conclusions and Recommendations

6.79.4 I recommend that the submissions from Waka Kotahi [143.49] is **accepted in part**.

6.79.5 Amend TRAN-R3 as follows:

#### **TRAN-R3 New ~~v~~Vehicle access way**

Activity status: Permitted

Where:

PER-1

TRAN-S9, TRAN-S10, TRAN-S12, TRAN-S14, TRAN-S15, TRAN-S16 and TRAN-S18 are complied with.

[...]

TRAN-R4 New ~~v~~Vehicle crossing

[...]

6.79.6 I consider these amendments simply correct errors in the rule, ensuring the correct standards are referenced. As such, I consider that the original s32 continues to apply.

### 6.80 TRAN Chapter – TRAN-R4 New vehicle crossing

6.80.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
JR Livestock	241.33

#### **Submissions**

6.80.2 The submitter considers that TRAN-R4 PER-1 singles out their site and it is unclear what for. They are concerned that it applies to the whole site (52ha), which includes the 40ha GRUZ component which contains farming activities and residential activities. They seek that PER-1 and references to their site are deleted.

#### **Analysis**

6.80.3 I consider it unusual to include a vehicle crossing permitted activity standard for a single site in the district. I understand that this is a new rule required for the 10 ha of the site that was rezoned to GIZ from the Rural 1 Zone under the PDP. Whilst this is an unusual standard, I

understand it is required as a result of the rezoning decision and as the site has not yet been fully developed, it remains a live issue, but only for the GIZ portion of the site. Accordingly, I recommend that this submission is accepted in part.

### **Conclusions and Recommendations**

6.80.4 I recommend that the submission from JR Livestock [241.33] is **accepted in part**.

6.80.5 Amend TRAN-R4 as follows:

[...]

PER-1

The vehicle crossing is not located on the site between Tiplady Road and the Winchester Geraldine Road zoned GIZ and legally described as Lot 1 DP8102 (or its successor); and

[...]

6.80.6 I consider these amendments more accurately apply the rule as intended. As such, I consider that the original s32 continues to apply.

### **6.81 TRAN Chapter – TRAN-R9 Installation of new or replacement charging facilities for electric vehicles**

6.81.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Z Energy	116.7
BP Oil, et al	196.41

### **Submissions**

6.81.2 The submitters support permitting new or replacement charging facilities for electric vehicles in all zones, however, consider it is unclear whether this rule overrides other rules in the zone chapters (for example, the Road Setback standards in the residential zones). Z Energy considers it is not necessary to require such infrastructure to comply with underlying zone standards such as yard setbacks. They seek the following amendments:

***TRAN-R9 Installation of new or replacement charging facilities [...]***

*Note: any activity under TRAN-R9 does not have to comply with underlying zone rules/standards. [...]*

**Analysis**

6.81.3 In my response to the Waka Kotahi [143.20] submission, I recommended clarifying that the TRAN rules take precedence over the zone provisions. I consider that this alternative amendment adequately responds to the submitters concerns and their request, and that therefore the requested change to TRAN-R9 is not required. Accordingly, I recommend that this submission is accepted in part.

**Conclusions and Recommendations**

6.81.4 I recommend that the submissions from Z Energy [116.7] and BP Oil, et al [196.41] are **accepted in part**.

6.81.5 No changes are recommended for TRAN-R9, noting my recommended amendments to the TRAN Rules note.

**6.82 TRAN Chapter – TRAN-R10 High trip generation activities**

6.82.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
TDC	42.27

**Submissions**

6.82.2 TDC considers that heavy vehicle movements on roads accelerate the need for maintenance, remediation and/or upgrading of carriageway pavements, when these occur out of zone and/or on roads not designed to carry heavy traffic. The submitter considers a financial contribution toward the upgrade or future maintenance of a road due to an unanticipated increase in heavy vehicle traffic is necessary. They seek to amend TRAN-R10 RDIS-1.1 and TRAN-R10 RDIS-1.2 to include a matter of discretion referencing APP7-Financial Contribution where increases in heavy vehicle traffic by an activity has potential to generate adverse effects on the road network.

**Analysis**

6.82.3 I note that APP7 - Financial Contributions already includes a section on roading, with clause 1.2(e) stating that a financial contribution shall be payable when a development will adversely affect any aspect of the Council's road infrastructure/network to the extent that changes, modifications or strengthening is required to be made to comply with the District Plan, any relevant adopted Council road design manual, or expert technical advice. In their memo (s 9.1), Abley supports this submission regarding referencing APP7 Financial Contributions within TRAN-R10 for heavy vehicle movements. I agree that expressly referring to heavy vehicle movements would be appropriate, noting that the Financial Contributions Chapter itself is not

being heard until a later hearing and that recommendations on that hearing may have a consequential impact on this recommendation. However, I consider that a reference to the financial contributions provisions is required for all vehicle movements, not just heavy vehicle movements given APP7 clause 1.2(e). Furthermore, I am concerned that if only heavy vehicle movements are expressly linked from the rule then this could cause confusion for how non-heavy vehicle movements are considered. Accordingly, I recommend that this submission is accepted in part.

### **Conclusions and Recommendations**

6.82.4 I recommend that the submissions from TDC [42.27] is **accepted in part**.

6.82.5 Amend TRAN-R10 as follows:

#### **TRAN-R10 High trip generation activities**

[...]

Matters of discretion are restricted to:

1. [...]

#### c. financial contributions

i. where an increase in vehicle traffic by an activity has potential to generate adverse effects on the road network, any financial contributions provided in accordance with APP7-Financial Contribution.

[...]

2. [...]

#### d. financial contributions

i. where an increase in vehicle traffic by an activity has potential to generate adverse effects on the road network, any financial contributions provided in accordance with APP7-Financial Contribution.

6.82.6 Regarding a s32AA assessment, I consider that this change is appropriate as it clarifies the link between transport effects from heavy vehicle movements and the financial contributions chapter. APP7 - Financial Contributions already enables financial contributions to be taken for transport matters and so this amendment is not technically a change in approach. As such, I consider that the original s32 continues to apply.

### 6.83 TRAN Chapter – TRAN-R11 New private roads, roads and other land transport infrastructure outside of existing road or rail corridors

6.83.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rooney, et al	174.23, 191.23, 249.23, 250.23, 251.23, 252.23

#### **Submissions**

6.83.2 Rooney, et al consider that there is no definition of a 'Private Road' and that any combined private access appears to meet the definition of a 'Private Way'. They seek to add a definition of 'Private Way' to the definition section or remove the reference to 'Private Way' in TRAN-R11.

#### **Analysis**

6.83.3 I am not clear on the submitters requested relief as 'Private Way' is not referred to in TRAN-R11. In the absence of further evidence on this matter I recommend that this submission is rejected.

#### **Conclusions and Recommendations**

6.83.4 I recommend that the submissions from Rooney, et al [174.23, 191.23, 249.23, 250.23, 251.23, 252.23] are **rejected**.

6.83.5 No changes are recommended.

### 6.84 TRAN Chapter – TRAN-S1 Landscaping where five or more at grade car parking spaces are provided for non-residential activities on a site

6.84.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Fonterra	165.41
Rooney, et al	174.24, 191.24, 249.24, 250.24, 251.24, 252.24
PrimePort	175.26
Timaru District Holdings	186.12
Z Energy	116.8
Woolworths	242.12



## Submissions

- 6.84.2 Fonterra considers that on a site as large and visually complex as those in the SRIZ (Clandeboye Manufacturing Zone / Precinct), it is unreasonable to expect amenity landscaping along a road boundary, where the new additional car parking is not visible from the road. They seek to exclude TRAN-S1 from applying to the SRIZ.
- 6.84.3 Rooney, et al oppose TRAN-S1 as limiting landscaping to indigenous species and requiring a 40mm minimum diameter tree, as well as being required to source the plantings from within the ecological district is unnecessarily onerous and expensive, let alone potentially difficult to source. They seek to amend TRAN-S1 to encourage but not mandate indigenous planting and reduce the 40mm diameter requirement of TRAN-S1(5)(b) for indigenous tree species.
- 6.84.4 PrimePort and Timaru District Holdings consider that the Port zone is a highly modified urban area with no ability to expand to meet future demand for port-related industry and as such the efficient use of land is critical. They consider that landscaping in car parking areas would undermine efficiency and could cause a health and safety issue given reduced visibility. They seek to exclude the Port zone from TRAN-S1.
- 6.84.5 Z Energy considers that many of these design requirements will not be appropriate or achievable in many circumstances, including, for example, where changes to an existing established service station are proposed or where there may be five or more car parking spaces on a site, but they are not laid out in a row on the site. The submitter seeks clarification that this standard does not apply to refuelling lanes at existing or proposed service stations, and where there may be more than five non-residential car parking spaces but those spaces are dispersed throughout a site. The submitter also seeks to exclude car parks for EV charging stations.
- 6.84.6 Woolworths accepts that the submission of a landscaping plan for a carpark area is appropriate but considers that current standard is overly prescriptive and arduous. The submitter seeks the following amendments:

[...]

~~3. — Planting must be limited to indigenous vegetation sourced from within the ecological district to enhance local or regional indigenous biodiversity.~~

4. Landscaping may be integrated with stormwater management for the parking area, and may include the use of raingardens for stormwater collection and attenuation of stormwater runoff.

~~5. — Trees must:~~

~~a. — be spaced one tree every 10 metres of road frontage (excluding access ways and any other means of access to the building) on the side of a road boundary or within a parking area;~~

~~b. have a minimum stem diameter of 40mm at the time of planting and be capable of reaching a height of at least three metres at maturity;~~

~~c. be planted no closer than 2m from an underground service or 1m from a footpath or kerb.~~

6. [...]

Matters of discretion are restricted to:

2. the extent to which the non-compliance is required for traffic safety reasons or due to impacts on underground services; ~~and~~

3. The landscaping design, type of species and height of landscaping; ~~and~~

4. Operational and functional requirements of the activity.

### Analysis

6.84.7 Regarding the Fonterra submission, I agree that landscaping may not always be required in heavily industrialised areas and that the Clandeboye manufacturing zone / precinct is an example of a zone that should be excluded. Whilst I agree with the submitter, this exclusion relies on the proposed Clandeboye manufacturing zone / precinct being accepted by the Panel. As an interim recommendation should a new zone or a precinct for the site be created, I recommend this submission is accepted.

6.84.8 Regarding the Rooney, et al submission, I note that section 3.22(3) of the NPS for Indigenous Biodiversity (NPS-IB) requires Regional Councils to set a target of at least 10% indigenous vegetation cover for urban environments that have less than 10% cover and that section 3.22(4) requires local authorities to promote the increase of indigenous vegetation cover in their regions and districts having regard to targets set by Regional Councils. Whilst I prefer that the landscaping under this rule is indigenous vegetation, I note that there is currently no Regional Council target and that the NPS-IB requires Councils to promote indigenous vegetation cover rather than require it. I also note that TRAN-P8(4) does not refer to indigenous landscaping. However, I consider the minimum 40mm stem diameter is useful to ensure newly planted trees are less likely to be vandalised. Accordingly, I recommend that these submissions on indigenous landscaping are accepted in part.

6.84.9 Regarding the PrimePort and Timaru District Holdings submissions, I note that the Port area has low amenity with little landscaping. Whilst I would prefer to require landscaping to improve its amenity, I accept that the area is physically constrained, that intensification will be required, and that landscaping may reduce development opportunities. For these reasons I recommend that these submissions are accepted.

- 6.84.10 Regarding the Z Energy submission, in my opinion this rule is not intended to apply to refuelling lanes or EV charging parks, but rather permanent carparks used for vehicle parking only. I also consider it is principally focussed on large areas of hardstanding where vehicle parks are grouped together, rather than situations where the spaces are spread out in different locations on a site. Accordingly, I recommend that this submission is accepted.
- 6.84.11 Regarding the Woolworths submission, I have already recommended removing the requirement for landscaping to be indigenous vegetation, and I support adding in operational or functional requirements as a matter of discretion as sometimes it may be appropriate to approve a resource consent for these reasons. However, I do not agree with deleting the tree per 10m of road frontage requirement, the minimum stem diameter and maturity size and services / footpaths / kerb setback requirements. In my opinion, a long road frontage should have road boundary landscaping commensurate with its length, minimum stem sizes are useful to ensure newly planted trees are less likely to be vandalised, minimum heights ensure trees rather than small shrubs are planted, and setback requirements support ongoing maintenance and provide room for the tree roots to grow. Accordingly, I recommend that this submission is accepted in part.

### **Conclusions and Recommendations**

- 6.84.12 I recommend that the submissions from Fonterra [165.41], PrimePort [175.26], Timaru District Holdings [186.12], Z Energy [116.8] are **accepted**.
- 6.84.13 I recommend that the submission from Rooney, et al [174.24, 191.24, 249.24, 250.24, 251.24, 252.24] and Woolworths [242.12] are **accepted in part**.
- 6.84.14 Amend TRAN-S1 as follows:

#### **TRAN-S1 - Landscaping where five or more at grade car parking spaces are provided and grouped together for non-residential activities on a site**

All Zones, except the PORTZ and Clandeboye Manufacturing Zone / Precinct

1. [...]

2. [...]

~~3. Planting must be limited to indigenous vegetation sourced from within the ecological district to enhance local or regional indigenous biodiversity.~~

[...]

Note 1: This standard does not apply to Car Parks for refuelling lanes or EV Charging Stations.

Matters of discretion are restricted to:

[...]; and

4. the operational and functional requirements of the activity.

6.84.15 In terms of a s32AA assessment, I consider this amendment better achieves TRAN-O1(7) regarding parking avoiding adverse effects on the environment, and better responds to TRAN-O2 which seeks that adverse effects on the environment from land transport infrastructure are avoided, remedied or mitigated to achieve the character and qualities of the underlying zone or overlay. The removal of the PORTZ and Clandeboye Manufacturing Zone / Precinct from the application of this rule recognises the character and qualities of these zones, consistent with TRAN-O2. Accordingly, I consider the amendments are the most appropriate way to achieve the objectives and the purpose of the Act.

### 6.85 TRAN Chapter – TRAN-S2 Road design requirements

6.85.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Bruce Spiers	66.23

#### **Submissions**

6.85.2 Bruce Spiers seeks to correct a typo to change the reference to Figure 5 to Figure 6.

#### **Analysis**

6.85.3 The correct figure is Figure 6. Accordingly, I recommend that this submission is accepted.

#### **Conclusions and Recommendations**

6.85.4 I recommend that the submission from Bruce Spiers [66.23] is **accepted**.

6.85.5 Amend TRAN-S2 as follows:

1. Roads must meet the requirements specified in Table 8— Road design requirements and explained in Figure ~~5~~6 — Transport corridor cross section example

6.85.6 This change only corrects an error. As such the original s32 continues to apply.

### 6.86 TRAN Chapter – TRAN-S5 - Cycle parking provision

6.86.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Fonterra	165.42

### **Submissions**

- 6.86.2 Fonterra considers that it is unnecessary to provide for cycle parking in the SRIZ (Clandeboye Manufacturing Zone / Precinct) given the isolated location. In the event that cycle parking is provided, it will meet the requirements of TRAN-S6. They seek to exclude the SRIZ from TRAN-S5.

### **Analysis**

- 6.86.3 In their memo (s11.1), Abley states that under the PDP, new activities at Fonterra's sites would likely be classified as Industrial Activities, requiring the provision of one long-term cycle park per 1,000m<sup>2</sup> of GFA, with a minimum of two spaces, as outlined in TRAN Table 12. Abley's acknowledge that Clandeboye is relatively isolated, being about 13 km from Temuka, the nearest urban development, and that demand for cycle parking is likely to be low and therefore agree that the Clandeboye site can be excluded from the requirements of TRAN-S5.
- 6.86.4 I accept the Abley advice around accessibility. Accordingly, I recommend that this submission is accepted, noting that I have no comments on the merits of creating the Clandeboye Manufacturing Zone / Precinct in the first place.

### **Conclusions and Recommendations**

- 6.86.5 I recommend that the submission from Fonterra [165.42] is **accepted**.
- 6.86.6 Amend TRAN-S5 as follows

#### **TRAN-S5**

All Zones, except Clandeboye Manufacturing Zone / Precinct

- 6.86.7 In terms of a s32AA assessment, I consider this amendment better achieves TRAN-O1(7) regarding parking in an efficient, functional and sustainable manner. Although it does not encourage active transport as per TRAN-P1, I understand this is unlikely given the location of the Clandeboye Manufacturing Zone / Precinct. Accordingly, I consider the amendments are the most appropriate way to achieve the objectives and the purpose of the Act.

### **6.87 TRAN Chapter – TRAN-S7 Minimum loading space requirements**

- 6.87.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Fonterra	165.43

### Submissions

6.87.2 Fonterra considers that it is not necessary to make specific provision for loading on a site like those in the SRIZ (Clandeboye Manufacturing Zone / Precinct), as suitable loading is inherent to the site's layout and operational requirements. When loading is provided it will comply with the requirements of TRAN-S8. Fonterra seeks to exclude the SRIZ from TRAN-S7.

### Analysis

6.87.3 In their memo (s12.1), Abley states that under the PDP, new activities at Fonterra's sites, classified as Industrial Activities, would be required to provide one heavy vehicle bay per 2,000m<sup>2</sup> GFA to accommodate at least an 11.5m truck, as outlined in TRAN Table 13. Abley recommends rejecting the requested relief, as it is important for the Council to retain discretion over the provision of loading spaces, regardless of the submitter's assumption that these will be inherently included on their sites. Additionally, Abley notes that the Whangarei District Plan, which includes a SRIZ, does not exempt the zone from providing loading spaces (as per TRA Appendix 1C of the Whangarei District Plan). I accept Abley's advice and recommend that this submission is rejected.

### Conclusions and Recommendations

6.87.4 I recommend that the submissions from Fonterra [165.43] is **rejected**.

6.87.5 No changes are recommended.

### 6.88 TRAN Chapter – TRAN-S9 Approach sight triangles for public road/rail level crossings

6.88.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
KiwiRail	187.42

### Submissions

6.88.2 KiwiRail notes that public safety at level crossings is crucial, and protection of sight lines and vehicle crossing setbacks are a key means of ensuring this. Therefore, the submitter supports the inclusion of a standard for sight triangles for railway level crossings. However, an Amendment is sought to assist with the clear interpretation and implementation of this standard. They seek the following amendments:

***TRAN-S9 Rail level crossing sightlines and vehicle crossing setbacks Approach sight triangles for public road/rail level crossings***

1. Any vehicle access way and vehicle crossing must not cross a railway line and any vehicle crossing must not be located less than 30 metres from a rail level crossing. ***The 30***

metres shall be measured from the edge of the closest rail track to the edge of seal on the proposed vehicle access point.

2. Any building, structure ~~or~~ planting or other visual obstruction must not be located within the ~~shaded~~ restart or approach sightline areas of a rail level crossing as shown in the shaded areas as identified in Figure 7 or Figure 8 below.

**Figure 7 - level crossings controlled by Stop or Give Way control Approach sight triangles for level crossings with Give Way signs**

[...]

### **Analysis**

6.88.3 In their memo (s13.1), Abley considers that these amendments improve the clarity of TRAN-S9 and recommend that they are adopted. I accept Abley's advice and recommend that this submission is accepted.

### **Conclusions and Recommendations**

6.88.4 I recommend that the submissions from KiwiRail [187.42] is **accepted**.

6.88.5 Amend TRAN-S9 as follows:

**TRAN-S9 Rail level crossing sightlines and vehicle crossing setbacks Approach sight triangles for public road/rail level crossings**

1. Any vehicle access way and vehicle crossing must not cross a railway line and any vehicle crossing must not be located less than 30 metres from a rail level crossing. The 30 metres shall be measured from the edge of the closest rail track to the edge of seal on the proposed vehicle access point.

2. Any building, structure, ~~or~~ planting or other visual obstruction must not be located within the ~~shaded~~ restart or approach sightline areas of a rail level crossing as shown in the shaded areas as identified in Figure 7 or Figure 8 below.

**Figure 7 - level crossings controlled by Stop or Give Way control Approach sight triangles for level crossings with Give Way signs**

[...]

6.88.6 Regarding a s32AA assessment, in my opinion these changes merely seek to add clarity for the application of the rule. Accordingly, I consider that the original s32 continues to be applicable.

### **6.89 TRAN Chapter – TRAN-S10 Vehicle access way requirements**

6.89.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rooney, et al	174.25, 191.25, 249.25, 250.25, 251.25, 252.25
Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited	27.3
Milward Finlay Lobb	60.21
John Leonard Shirtcliff and Rosemary Jean Shirtcliff	81.4
Fire and Emergency	131.7
Kāinga Ora	229.36

### Submissions

- 6.89.2 Rooney, et al considers TRAN-S10(2) which requires sealing for 20 metres is unnecessarily long, and most roads are not sealed to the road boundary. The submitters consider there are many examples where it is appropriate to access from the primary road without any adverse effect and therefore, consider TRAN-S10(3) should promote rather than require access to secondary roads. The submitters consider the passing bay width of 5.5 metres in TRAN-S10(4) is excessive and the 5.5m is intended to be the combined width of the carriage way and passing bay, but the drafting does not specify this. They seek to: reduce the sealing requirement of TRAN-S10(2) from 20m to 5 metres from the existing seal formation regardless of the distance to the road boundary, and not require sealing where the road is unsealed; amend TRAN-S10(3) to promote the access to the secondary road as the principal consideration but provide for access to the primary road as an alternative where there are no resulting adverse effects; and amend TRAN-S10(3) to specify a combined passing bay and carriage way width of 5.5 metres.
- 6.89.3 Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust and Milward Finlay Lobb also consider TRAN-S10(2) is excessive and seek that this clause is deleted. John Leonard Shirtcliff and Rosemary Jean Shirtcliff also consider this clause is excessive and seek that the GRUZ accessway sealing requirement is applied to the RLZ.
- 6.89.4 Fire and Emergency state that they need to be able to reach buildings with their different vehicles in a fire or other emergency and that carriageways therefore need to be wide enough to allow emergency vehicles to get through them easily and to allow emergency personnel to carry out emergency operations. They seek to add the following note to Table 15:
- \*\*\* The vehicle access point complies with the dimensions required for fire appliances for developments in SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice where a driveway length exceeds 75m or a fire appliance is not able to reach the source of a firefighting water supply from a public road.**
- 6.89.5 Kāinga Ora considers the formation requirements for more than 3-9 residential units is overly prescriptive and may inhibit further residential intensification. The submitter considers the note which states that 'vehicle access ways where 10 or more parking spaces are provided,



should be vested as a road' does not appear to be an equivalent rule for road vesting. They seek to clarify if access ways which serve more than 10 parking spaces must be vested as a road, or if more than 10 parking spaces results in the requirement for a restricted discretionary activity consent. They also seek the following amendments:

**Table 15 - Vehicle access way requirements**

<b>Zone</b>	<b>Development served</b>	<b>Minimum vehicle access way width</b>	<b>Minimum vehicle access way formed width</b>	<b>Maximum length</b>	<b>Maximum gradient**</b>
Residential Zones	1 to 2 parking spaces	3.5m**	2.7m	No limit	1:5 (20%)
	3 to 9 parking spaces*	5m	<del>4m</del> 3.5m	No Limit	
	10+parking spaces	6.5m	4.5m	No Limit	

### Analysis

- 6.89.6 Regarding the Rooney, et al submissions, in their memo (s14.1) Abley considers TRAN-S10.2 and notes that the purpose of the sealing requirement is to ensure debris is not dragged onto the road which could cause a safety hazard due to loss of traction and that this does not apply where the road is unsealed. Abley has reviewed other district plans and suggests the standard not apply to unsealed roads and that a distance of 5 or 6m back from the edge of the road seal is a sufficient distance to avoid debris being dragged onto the road. Abley recommends TRAN S10.2 is amended as requested. Regarding the submitters requested amendments to TRAN-S10.3, Abley notes that the PDP already provides the opportunity for vehicle access to be from the Primary Road, when a site has frontage to both a Primary and Secondary Road. In such a situation an applicant can seek consent for this, with Council having discretion over potential safety and efficiency effects. Abley therefore recommends that the requested relief is rejected. Regarding TRAN-S10.4, Abley agrees with the submitter's interpretation that the 5.5m width of the passing bay is the full width required, i.e. the passing bay width is not additive to the minimum vehicle access way formed width. In their opinion the notified PDP is clear, and amendments are not required. Accordingly, I recommend that the submissions are accepted in part.
- 6.89.7 Regarding the Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited submission, the Milward Finlay Lobb submission and the John Leonard Shirtcliff and Rosemary Jean Shirtcliff submission (all on TRAN-S10.2), consistent with my recommendation in response to Rooney, et al and in accordance with Abley's recommendation in section 14.2 of their memo, I recommend that these submissions are accepted in part.
- 6.89.8 Regarding the Fire and Emergency submission, in their memo (s14.3) Abley states that Fire and Emergency New Zealand vehicle access requirements were recently discussed as part of Auckland Council's Plan Change 79 and the Decision recommended including an emergency responder access "Note". Abley understands there was some concern about duplicating the

requirement of other documents (such as the Building Code and/or Fire and Emergency New Zealand guidelines). Abley agrees with the outcome that the District Plan makes reference to emergency responder access, however, is unsure whether the District Plan should reference SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice (published by Fire and Emergency New Zealand), Building Code requirements, or some other Code, Standard or Guideline, and whether this should be included as a Standard or as a Note. I note that the partially operative SDP equivalent rule does not include a note or standard referring to the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. I also note that there is no figure in TRAN-S10 Table 15 that would expressly link to this requested note.<sup>36</sup> Given Abley's advice, I consider it appropriate to include an advisory note that makes PDP users aware of the code of practice but does not require adherence to it as a standard. Accordingly, I recommend that this submission is accepted in part.

- 6.89.9 Regarding the Kāinga Ora submission, in their memo (s14.4) Abley reviewed whether it is appropriate to have a rule that limits private ways to serving no more than 10 spaces, with the implication being that private accessways that serve more than 10 spaces need to be vested in the Council as road. Abley notes that there are occasions where it is appropriate for a private access way to service more than 10 car parking spaces, for example, a medium to high density residential development with a common car parking area. Scenarios such as those are typically not well suited to road vesting, as well as achieving the road design standards that are attached to vesting but are rather best considered on a case-by-case basis. Similarly, there may be greenfield subdivision accesses that service more than 10 car parks that are appropriately designed as private roads. For example, this may include a relatively small-scale subdivision that does not provide any strategic transport link opportunities and is able to accommodate an accessway design to an appropriate standard to meet transport demands, safety standards and servicing requirements. Abley notes similar submissions, including from Kāinga Ora, were made to the replacement SDP and the S42A report recommended that accessways serving 7-9 sites be treated as discretionary activities and more than 9 sites treated as non-complying activities. Overall, Abley recommends that where residential accessways are proposed to service 10 or more car parks that council has discretion over the vehicle accessway design. This will enable Council to consider each application on a case-by-case basis and in particular whether access via a private way is an appropriate outcome from a transport perspective. Abley agrees that a 3.5m minimum vehicle accessway formed width is appropriate for developments of 3 to 9 parking spaces and supports this aspect of the amendments from the submitter. I accept Abley's advice and accordingly recommend that this submission is accepted in part.

### **Conclusions and Recommendations**

- 6.89.10 I recommend that the submissions from Rooney, et al [174.25, 191.25, 249.25, 250.25, 251.25, 252.25], Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited [27.3], Milward

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<sup>36</sup> The submission includes three stars (\*\*\*) but there is no figure in Table 15 that has three stars.

Finlay Lobb [60.21] John Leonard Shirtcliff and Rosemary Jean Shirtcliff [81.4], Fire and Emergency [131.7] and Kainga Ora [229.36] are **accepted in part**.

6.89.11 Amend TRAN-S10 as follows:

[...]

2. Where a vehicle access way is provided in Rural lifestyle zone, Settlement zone, Māori Purpose or General rural zone onto a sealed road, then the vehicle access way must be formed, sealed and drained for at least the first ~~20~~5m from the road boundary. Vehicle access way in other zones must be formed, sealed and drained for their entire length.

[...]

Table 15 – Vehicle access way requirements

Zone	Development served	Minimum vehicle access way width	Minimum vehicle access way formed width	Maximum length	Maximum gradient**
Residential Zones	1 to 2 parking spaces	3.5m**	2.7m	No limit	1:5 (20%)
	3 to 9 parking spaces*	5m	<del>4m</del> <u>3.5m</u>	No Limit	

\*\*\* Emergency responder access requirements are further informed by the dimensions required for fire appliances for developments in SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice where a driveway length exceeds 75m or a fire appliance is not able to reach the source of a firefighting water supply from a public road.

6.89.12 In terms of a s32AA assessment, in my opinion these amendments support achieving the safe and efficient transport outcomes under TRAN-O1. Accordingly, I consider these amendments are the most appropriate way to achieve the objectives and the purpose of the Act.

## 6.90 TRAN Chapter – TRAN-S12 Minimum sight distance from vehicle crossings

6.90.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.59

### Submissions

6.90.2 Waka Kotahi supports the diagram in Figure 12 but considers that this should be applied to all posted speed limits of 50km/h or greater, which would be consistent with the New Zealand Transport Agency Planning Policy Manual. They seek the following amendments:

1. Any vehicle crossing onto roads with equal to or greater than a 50km/h ~~60km/h~~ posted speed must comply with the minimum sight distance in Figure 12.

[...]

### Analysis

6.90.3 In their memo (section 15.1), Abley supports the intent of the requested relief, however do not think it is appropriate to apply this sight line requirement on all urban roads. Abley suggests the following amendment to TRAN-S12.1.

1. Any vehicle crossing onto roads with greater than a 60km/h posted speed or onto any State Highway must comply with the minimum sight distance in Figure 12.

6.90.4 I accept Abley's advice and accordingly recommend that this submission is accepted in part.

### Conclusions and Recommendations

6.90.5 I recommend that the submissions from Waka Kotahi [143.59] is **accepted in part**.

6.90.6 Amend TRAN-S12 as follows:

#### **TRAN-S12 Minimum sight distance from vehicle**

1. Any vehicle crossing onto roads with greater than a 60km/h posted speed or onto any State Highway must comply with the minimum sight distance in Figure 12.

6.90.7 In terms of a s32AA assessment, in my opinion these amendments support achieving the safe and efficient transport outcomes under TRAN-O1. Accordingly, I consider these amendments are the most appropriate way to achieve the objectives and the purpose of the Act.

### 6.91 TRAN Chapter – TRAN-S15 Minimum distance between vehicle crossings

6.91.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.61

## Submissions

- 6.91.2 Waka Kotahi supports TRAN-S15 as it provides minimum distances between vehicle crossings on the same side of the road based on the speed limit. However, the submitter states the standards in Table 18 are inconsistent with the Waka Kotahi Policy Planning Manual - Appendix 5B (PPM) for vehicle crossings onto the state highway with a 70km/h posted speed or greater. As currently proposed, this could result in adverse safety effects on the state highway network. They seek the following amendments:

**TRAN-S15 Minimum distance between vehicle crossings Table 18**

Frontage road speed limit	Minimum distance between vehicle crossing on <u>Local, Collector, Regional Arterial, District Arterial and Principal.</u>	<u>Minimum distance between vehicle crossing on National Route</u>
70km/h	40m	<u>40m</u>
80km/h	70m	<u>100m</u>
90km/h	85m	<u>200m</u>
100km/h	105m	<u>200m</u>

## Analysis

- 6.91.3 In their memo (s16.1), Abley supports this amendment, as any vehicle access onto a State Highway will require Waka Kotahi NZ Transport Agency approval, and therefore the PDP should be consistent with Waka Kotahi NZ Transport Agency asset owner requirements. I accept Abley's advice and accordingly recommend that this submission is accepted.

## Conclusions and Recommendations

- 6.91.4 I recommend that the submissions from Waka Kotahi [143.61] is **accepted**.
- 6.91.5 Amend TRAN-S15 as follows:

**TRAN-S15 Minimum distance between vehicle crossings Table 18**

Frontage road speed limit	Minimum distance between vehicle crossing on <u>Local, Collector, Regional Arterial, District Arterial and Principal roads</u>	<u>Minimum distance between vehicle crossing on National Route</u>
70km/h	40m	<u>40m</u>
80km/h	70m	<u>100m</u>
90km/h	85m	<u>200m</u>

100km/h	105m	<u>200m</u>
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- 6.91.6 In terms of a s32AA assessment, in my opinion these amendments support achieving the safe and efficient transport outcomes under TRAN-O1. Accordingly, I consider these amendments are the most appropriate way to achieve the objectives and the purpose of the Act.

## 6.92 TRAN Chapter – TRAN-S17 Vehicle crossings onto roads with 70km/h or greater posted speed limits

- 6.92.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Waka Kotahi	143.63
Rooney, et al	174.26, 191.26, 249.26, 250.26, 251.26, 252.26

### Submissions

- 6.92.2 Waka Kotahi generally supports the intent of the standard as it provides for vehicle crossing designs onto roads with a 70km/h or greater posted speed limit. However, the submitter considers Table 20.b incorrectly references the vehicle crossing design to meet Figure 17, rather than Figure 16, which is equivalent to a Waka Kotahi Diagram C in the PPM. The requirement for 31-100 daily traffic volumes on a state highway to meet Figure 17 is supported and is consistent with the Waka Kotahi PPM. They seek the following amendments:

**Table 20 - Vehicle crossings**

	Daily Traffic Volumes using the vehicle crossing (ECMs*)	Is the vehicle crossing on a state highway?	Figure to use for vehicle crossing design
b.	1 - 30	Yes	<del>Figure 16 (Vehicle crossing without shoulder widening)</del> <del>Figure 17 (Vehicle crossing with shoulder widening)</del>

- 6.92.3 Rooney, et al is neutral on TRAN-S17.1 as the Plan does not appear to specify Gate Setback Distances referred to in the standard, but seeks to amend TRAN-S17.1 to specify Gate Setback Distances.

### Analysis

- 6.92.4 In their memo (s17.1), Abley supports the proposed amendment by waka Kotahi as any vehicle access onto a State Highway will require Waka Kotahi NZ Transport Agency approval, and therefore the PDP should be consistent with Waka Kotahi NZ Transport Agency asset owner

requirements. I accept Abley's advice and accordingly recommend that this submission is accepted.

- 6.92.5 In their memo (s17.2), Abley considers TRAN-S17.1 is simple to apply and allows the vehicle crossing and gate design to be contextual depending on the likely type of use. For example, a vehicle crossing for a single dwelling will likely only require a 11m Gate Setback Distance if there are only occasional heavy vehicles, whereas a stockyard may require a 20m Gate Setback Distance as the largest vehicle may be a truck and trailer unit. Abley therefore recommends that these submissions are rejected. I accept Abley's advice and accordingly recommend that these submissions are rejected.

### **Conclusions and Recommendations**

- 6.92.6 I recommend that the submission from Waka Kotahi [143.63] is **accepted**.
- 6.92.7 I recommend that the submissions from Rooney, et al [174.26, 191.26, 249.26, 250.26, 251.26, 252.26] are **rejected**.
- 6.92.8 Amend TRAN-S17 as follows:

**Table 20 - Vehicle crossings**

	Daily Traffic Volumes using the vehicle crossing (ECMs*)	Is the vehicle crossing on a state highway?	Figure to use for vehicle crossing design
b.	1 - 30	Yes	<u>Figure 16 (Vehicle crossing without shoulder widening)</u> <u>Figure 17 (Vehicle crossing with shoulder widening)</u>

- 6.92.9 In terms of a s32AA assessment, in my opinion these amendments support achieving safe and efficient transport outcomes under TRAN-O1. Accordingly, I consider these amendments are the most appropriate way to achieve the objectives and the purpose of the Act.

### **6.93 TRAN Chapter – TRAN-S18 Reverse manoeuvring**

- 6.93.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
TDC	42.29

### Submissions

6.93.2 TDC considers that the current wording of TRAN-S18(1) controls how a vehicle is driven, as opposed to ensuring that vehicle manoeuvring space is available on a site. The submitter states that some existing residential streets have been elevated from Collector to Principal Roads and new development on these streets needs to ensure that suitable on-site manoeuvring is maintained. They seek the following amendments:

**TRAN-S18 Reverse manoeuvring** as follows:

1. Where vehicular access is from a National, or Regional, or District Arterial or Principal Road as identified in SCHED1 - Schedule of Roading Hierarchy, there must be sufficient space provided to ensure no reverse manoeuvring onto or off the road; and
2. [...]

### Analysis

6.93.3 In their memo (s18.1), Abley agrees with the submitter and recommends that the relief is adopted. I accept Abley's advice and accordingly recommend that this submission is accepted.

### Conclusions and Recommendations

6.93.4 I recommend that the submission from TDC [42.29] is **accepted**.

6.93.5 Amend TRAN-S18 as follows:

**TRAN-S18 Reverse manoeuvring**

1. Where vehicular access is from a National, or Regional, or District Arterial or Principal Road as identified in SCHED1 - Schedule of Roading Hierarchy, there must be sufficient space provided to ensure no reverse manoeuvring onto or off the road; and

[...]

6.93.6 In terms of a s32AA assessment, in my opinion this amendment simply clarifies the intent of the rule. Accordingly, I consider the original s32 continues to be applicable.

## 6.94 TRAN Chapter – TRAN-S19 Lighting of parking and manoeuvring

6.94.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Rooney, et al	174.27, 191.27, 249.27, 250.27, 251.27, 252.27



### **Submissions**

- 6.94.2 Rooney, et al oppose TRAN-S19 referring to all zones, stating that this standard conflicts with light restrictions within Light Sensitive Areas as it is not clear what the standard means when it states "...that comply with the rules in the Light Chapter...". They seek to amend this rule, considering: that many farms (Primary Production properties) will load and unload stock in darkness at certain times of the year and it is unnecessary to require lighting of these areas for when this activity occurs; the need to provide an exemption within Light Sensitive Areas; and that many rural or rural lifestyle residential properties will have 10 or more (unmarked) parking spaces.

### **Analysis**

- 6.94.3 In their memo (s19.1), Abley agrees with the submitter that any lighting of vehicle parking, loading and manoeuvring areas should consider Light Sensitive Areas. However, Abley notes that TRAN-19 links to the Lighting Chapter and therefore amendments to TRAN-S19 may not be required to provide the relief sought by the submitter. In my opinion it is clear that lighting is required under TRAN-S19 but that this is subject to the Light Chapter, which contains rules for Light Sensitive Areas (LIGHT-R3). This rule refers to LIGHT-S1 and LIGHT-S2 which contain various technical requirements for managing adverse effects, including on roads. I consider that this approach is clear and workable. As such, I do not agree that an exemption is required for Light Sensitive Areas. I accept that many farms load and unload stock in darkness at certain times of the year and acknowledge the effects lighting can have on neighbouring properties. Accordingly, I am comfortable that the rural zones are excluded from the application of this rule. I also consider the TRAN-S19.2 requirement applying to residential activities with 10 or more parking spaces should be amended to refer to 10 or more marked parking spaces to avoid capturing areas of informal or temporary parking. Accordingly, I recommend that these submissions are accepted in part.

### **Conclusions and Recommendations**

- 6.94.4 I recommend that the submissions from Rooney, et al [174.27, 191.27, 249.27, 250.27, 251.27, 252.27] are **accepted in part**.

- 6.94.5 Amend TRAN-S19 as follows:

#### **TRAN-S19 Lighting of parking and manoeuvring areas**

##### **All zones except the GRUZ and RLZ**

Lighting must be provided for all parking and manoeuvring areas and associated pedestrian routes that comply with the rules in the Light Chapter for:

1. all non-residential activities which have parking areas and/or loading areas used during hours of darkness; and

2. residential activities, where there are 10 or more marked parking spaces.

6.94.6 In terms of a s32AA assessment, in my opinion these amendments support achieving safe and efficient land transport infrastructure, and efficient, functional and sustainable parking under TRAN-O1. Accordingly, I consider these amendments are the most appropriate way to achieve the objectives and the purpose of the Act.

## 6.95 TRAN Chapter – TRAN-S20 High Trip Generating Activities

6.95.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Fonterra	165.44
TDC	42.28
Ministry of Education	106.9
Z Energy	116.9
BP Oil, et al	196.42
Woolworths	242.15

### Submissions

6.95.2 Fonterra considers that traffic generation for development in the SRIZ (now the Clandeboye SPZ) will be controlled by a new provision for that zone. They therefore seek to exclude the Clandeboye Manufacturing Zone / Precinct from the application of the rule.

6.95.3 TDC considers that heavy vehicle movements on roads accelerate the need for maintenance, remediation and/or upgrading of carriageway pavements, when these occur out of zone and/or on roads not designed to carry heavy traffic. Table 21 for High Trip Generating Activities outlines various thresholds that focus on GFA/lots/# of movements/etc and that any movements quantum would appear to relate to light vehicle movements, whereas heavy vehicles generate wear and tear on the road network at an accelerated rate. They seek to amend TRAN-S20 table 21 to either: include a quantum of heavy vehicle traffic to trigger an ITA (full or basic); or add a heavy vehicle movement percentage increase based on the pre-activity % of heavy vehicle movements along the accessing road.

6.95.4 The Ministry of Education supports the inclusion of education facilities within Table 21, and acknowledges that education facilities can result in high volumes of traffic, however, considers that the qualifiers specified in Table 21 are too low, particularly given that the number of students is not an accurate reflection of traffic movements. They seek to amend the ITA threshold in Table 21 for schools from 70 to 100 students.

- 6.95.5 Z Energy and BP Oil, et al consider the standard should only apply to new or extensions to an existing activity. Z Energy seeks to ensure that the standard is not triggered by, for example, the installation of 1 x additional fuel dispenser, existing site upgrades or redevelopment to the same character and intensity. BP Oil, et al also states replacing fuel types (petrol to electricity) does not generate new transport movements per se. Both submitters seek to add the word “new” before Service Stations in Table 21.
- 6.95.6 Woolworths considers that the Plan’s definition of supermarket which includes a GFA threshold of 1500m<sup>2</sup> is currently misaligned with the standard. The submitter considers the thresholds are currently unnecessarily low, such that the established baseline against which traffic effects will be required to be assessed against is also too low. They seek the following amendments to Table 21:

Activity	Basic ITA Required		Full ITA Required	
...	...	...	...	...
Residential Activity	40	Residential Unit / lot	90	Residential Unit / lo
General Retail <del>and</del> supermarkets	200	m <sup>2</sup> GLFA	800	m <sup>2</sup> GLFA
<u>Supermarkets</u>			<u>1500 m<sup>2</sup></u>	<u>GFA</u>
[...]	...	...	...	...

### Analysis

- 6.95.7 Regarding Fonterra’s submission, in their memo (s20.1), Abley has considered the submitter’s proposed new rule for the SIRZ (Clandeboye Manufacturing Zone / Precinct) (SIRZ-R2 reproduced in the Abley memo), stating that: the submission does not provide details of existing traffic generation for sites that are proposed to be subject to SRIZ-R2; SRIZ-R2.1 is unclear whether the 50% threshold applies to the traffic generation of the entire SRIZ zone, or a specific site or building; and that the submission does not provide an assessment of transport effects for the 50% increase in traffic generation from sites that are proposed to be subject to SRIZ-R2.<sup>37</sup> Therefore, the safety and efficiency effects on the transport network from any

<sup>37</sup> I understand that SIRZ-R2 is no longer proposed by the submitter in their latest version of the SIRZ provisions.

activities that generate up to 50% increases in traffic are unknown. Abley recommends that the submission is rejected. I accept Abley's advice and accordingly recommend that this submission is rejected.

6.95.8 Regarding the TDC submission, the Abley memo responds to this submission under TDC [42.27] in s9.1. In their memo, Abley notes the work undertaken by GeoSolve (a Pavement Engineering Consultant), to analyse and provide evidence of pavement effects from heavy vehicles in relation to the Council's roading network. GeoSolve recommends requiring a Pavement Impact Assessment for developments expected to generate:

1. Heavy vehicle traffic that exceed 5% of current heavy vehicle traffic on affected roads; or
2. Traffic involving High Productivity Motor Vehicles<sup>38</sup> with non-standard axle loadings exceeding NZTA Class 1 limits.<sup>39</sup>

6.95.9 Abley have also considered applying an alternative to 1 above based on an absolute increase in heavy vehicle movements on any Collector Road or Local Road, or any Principal Road that shares a boundary with a Rural zone, of 5 annual average daily heavy vehicle movements on that road. Accordingly, the Abley memo provides two alternative drafting options for a new heavy vehicle rule, but does not identify a preference.

6.95.10 I have reviewed the two options provided. I understand that a key concern regarding the 5% approach is that this could be difficult to apply without conducting traffic surveys which could impose unreasonable costs on resource consent applications. However, I understand this concern has been allayed by the Council advice confirming that it maintains a database of heavy vehicle movements and that this will be made publicly accessible. A second key concern is that traffic movements change over time, so whereas an activity might have only contributed say a 4% increase in 2025 and been permitted, this could equate to say a 6% increase in 2026 and require consent for a lawfully established activity. I understand that this concern can also be allayed by the same Council database which can demonstrate changes in heavy vehicle movements as it is updated.

6.95.11 While I consider an absolute increase is a more common and understood threshold for vehicle movements, I understand that the Council prefers a threshold approach. I consider both options can work on the basis that a heavy vehicle movements database is readily publicly accessible and regularly updated. Accordingly, I recommend that this submission is accepted with a new threshold rule included as set out below and in **Appendix 1**.

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<sup>38</sup> Trucks that are able to operate above the current 44 tonne weight limit under permit.

<sup>39</sup> These are specified by NZTA: <https://www.nzta.govt.nz/vehicles/vehicle-types/vehicle-classes-and-standards/vehicle-dimensions-and-mass/>

6.95.12 Regarding the Ministry of Education submission, in their memo (s20.3) Abley has reviewed other Canterbury district plans and industry standard vehicle trip rates (NZTA Research Report 453 - Trips and parking related to land use (2011)). Abley states the vehicle trip rates can be converted to a floor area or other scale-based value, such as roll of a school, to reflect a per hour or daily trip threshold that would trigger an ITA. Abley states that in the case of Timaru, the thresholds of 50 vehicle trips per peak hour (basic ITA) and 120 vehicle trips per peak hour (full ITA) were adopted. In this way, the ITA thresholds are set at a similar level of traffic generation for all activities. NZTA Research Report 453 identifies a peak hour trip rate for Primary Schools of 0.7 veh/hr per pupil, therefore 70 students are, on average, anticipated to generate 49 peak hour trips. Abley therefore recommends that the 70-student threshold for requiring an ITA is retained and the submission is rejected. I accept Abley's advice and recommend that the submission is rejected.

6.95.13 Regarding Z Energy and BP Oil, et al, in their memo (s20.4 and s20.5) Abley agrees with the submitters that Table 21 should only apply when a new activity meets or exceeds the stated thresholds. Using the submitters example, if a Service Station that had 5 filling points sought consent for an additional filling point, it would not trigger a requirement for a Full ITA (while the activity would result in 6 filling points on the site, the change in activity is only 1 filling point and therefore sits below the threshold for Table 21). However, the relief sought by the submitters to TRAN-S20 could, indirectly, infer that Service Stations should be assessed in a different manner to other activities in Table 21. Instead, Abley recommends that TRAN-R10 is amended as follows:

***TRAN-R10 High trip generation activities***

***Activity status: Restricted Discretionary***

***Where:***

***RDIS-1***

***Any new or additional use or development which generates vehicle trips that meet or exceed the thresholds in TRAN-S20.***

***[...]***

6.95.14 Abley also notes that the terminology 'filling points' is sufficiently broad to include petrol, diesel, and electrical filling points, hence with their proposed changes to TRAN-R10 any change in type of filling point would not trigger the ITA threshold. I accept Abley's advice and accordingly recommend that these submissions are accepted in part.

6.95.15 Regarding the Woolworths submission, in their memo (s20.6) Abley have reviewed other Canterbury Plans and industry standard vehicle trip rates (NZTA Research Report 453 - Trips and parking related to land use (2011)). Based on NZTA Research Report 453, Abley considers that the basic and full ITA thresholds as shown in the PDP are appropriate and aligned with the research report and therefore recommends the submission is rejected. Abley does however suggest the Council consider whether the PDP definition for Supermarket requires amendment. I accept Abley's advice on this matter in relation to the ITA thresholds, however,

note that this does not align with the definition of supermarket. In practice this means that only a full ITA will be undertaken for supermarkets that meet the PDP definition as a full ITA is required for 800m<sup>2</sup> GLFA supermarkets and general retail. I am reluctant to change the supermarket definition to achieve alignment as this will have consequences for other chapters where the activity is referenced (e.g. LCZ-R1; and LFRZ-R8). Also, this misalignment is not a fatal flaw for TRAN-S20. Instead, I propose to tweak the wording in TRAN-S20 to refer to “General Retail (including Supermarkets)”. Accordingly, I recommend that this submission is accepted in part.

### **Conclusions and Recommendations**

6.95.16 I recommend that the submissions from TDC [42.28], Z Energy [116.9], BP Oil, et al [196.42] and Woolworths [242.15] are **accepted in part**.

6.95.17 I recommend that the submissions from Fonterra [165.44] and the Ministry of Education [106.9] are **rejected**.

6.95.18 Amend TRAN-R10 as follows

#### **TRAN-R10 High trip generation activities**

##### **Activity status: Restricted Discretionary**

##### **Where:**

##### **RDIS-1**

Any new or additional use or development which generates vehicle trips that meet or exceed the thresholds in TRAN-S20.

[...]

6.95.19 Amend TRAN-S20 as follows:

#### **Table 21 - High traffic generating activities**

Activity	Basic ITA Required		Full ITA Required	
...	...	...	...	...
Residential Activity	40	Residential Unit / lot	90	Residential Unit / lot
General Retail and (including supermarkets)	200	m <sup>2</sup> GLFA	800	m <sup>2</sup> GLFA
[...]	...	...	...	...

6.95.20 Add a new rule for heavy vehicle movements as follows:

**TRAN-RX Heavy vehicle trip generation activities**

**All Zones**

**Activity status: Restricted Discretionary**

**Where:**

**RDIS-1**

Any use or development which generates heavy vehicle movements on any Collector Road or Local Road, or any Principal Road that shares a boundary with a Rural zone, that meet or exceed a 5% increase in annual average daily heavy vehicle movements on that Road.

**RDIS-2**

Any use or development that generates any high productivity motor vehicles movements with non-standard axle loadings exceeding NZTA class 1 axle limits on any Collector Road or Local Road, or any Principal Road that shares a boundary with a Rural zone.

Matters of discretion are restricted to:

1. Pavement impacts having particular regard to the level of additional traffic generated by the activity and the extent to which measures are proposed to adequately mitigate the effects on the road marginal cost.
2. APP7 – Financial Contribution

Notes:

1. This rule does not apply to heavy vehicle movements generated on State Highways, Regional Arterials, District Arterials, or Principal Roads that do not share a boundary with a Rural zone.

2. If a Pavement Impact Assessment has already been approved for the site as part of a granted resource consent, then these rules do not apply to any development that is within the scope of that Pavement Impact Assessment and in accordance with the resource consent, unless the resource consent has lapsed.

3. The Timaru District Council maintains a database of heavy vehicle movements on all Council Roads. This data can be accessed on Council's website [LINK TO BE INSERTED TO COUNCIL DATA](#).

4. Guidance on preparing a pavement impact assessment is provided in the Queensland Guide to Traffic Impact Assessment and Queensland Pavement Impact Assessment Practice Note.

5. Road marginal cost is a cost per 100m segment of road derived over a 50-year cycle of road costings (including maintenance, rehabilitation and reconstruction)

6.95.21 In terms of a s32AA assessment, in my opinion the TRAN-R10 and TRAN-S20 amendments simply clarify the intended application of the provisions. Regarding the proposed new TRAN-RX Heavy vehicle trip generation activities rule, in my opinion this rule supports achieving safe and efficient land transport infrastructure under TRAN-O1 and supports the safe and efficient operation and development of land transport infrastructure under TRAN-P6. Accordingly, I consider these amendments are the most appropriate way to achieve the objectives and the purpose of the Act.

## 6.96 TRAN Chapter – SCHED1 - Schedule of Roading Hierarchy and Planning Maps

6.96.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
TDC	42.69
Fonterra	165.6
Rooney, et al	174.95, 191.95, 249.95, 250.95, 251.95, 252.95
Broughs Gully	167.49

### Submissions

6.96.2 TDC seeks that a new Road (Road 5) to link Seadown Road and Meadows Road identified in DEV 3 - Washdyke Industrial Development Area Plan should be classed the same as the roads it links (a Principal Road). TDC also states that that Falvey Road, Levels Plain Road and Brosnan Road should be added to the schedule of Principal Roads (Falvey and Levels Plain Road would correspondingly be deleted from the Collector Roads list).



- 6.96.3 Fonterra states that given the role of Kotuku Place, the Regional Arterial status of Kotuku Place should be removed and the Regional Arterial route instead continued on Canal Road to the intersection of Canal Road / Rolleston Road / Milford Clandeboye Road.
- 6.96.4 Rooney, et al oppose DEV3-S1 but do not oppose the location of ROAD 5. The submitter considers that there is no benefit to the landowner from ROAD 5 as the road is facilitating Council's vision for development of the road network through DEV3 and that the Council should be solely responsible for the design and construction of ROAD 5 and compensation should be paid to the landowner for the land taken which is not insignificant at 22 metres wide (if ROAD 5 becomes a Principal Road). The submitter notes that ROAD 5 is not listed in SCHED1 – Schedule of Roding Hierarchy, however as ROAD 5 is taking on the function of the Seadown Road to Meadows Road connection it is anticipated ROAD 5 will become a Principal Road and Seadown Road between ROAD 5 and Meadows Road will revert to a Local Road. They seek to amend SCHED1 - Schedule of Roding Hierarchy to include ROAD 5 as a local road or add a note on DEV3 - Washdyke Industrial Development Plan that ROAD 5 is a Local Road.
- 6.96.5 Broughs Gully stated that SCHED1 identifies Lancewood Terrace as a 'collector road' but it is unclear whether 'Road 1', which is essentially an extension to Lancewood Terrace, will also be a 'collector road'. If so, SCHED1 should be updated to reflect this. The submitter requests the PDP clarify if Road 1 will be classified as a collector road.

### **Analysis**

- 6.96.6 Regarding the TDC submission, in their memo (s21.1), Abley states that the Washdyke Industrial Development Area was rezoned under Plan Change 14 (which became operative on July 1, 2013) and that Road 5 appears to be an extension/realignment of Seadown Road, which is classified as a Principal Road in SCHED1. They recommend that Road 5 be classified as a Principal Road. Regarding the other changes, on the basis of information reviewed Abley does not support these changes. Abley notes that classifying a road as a Principal Road imposes additional requirements for accessways and vehicle crossings on properties fronting the road. Therefore, decisions regarding roding hierarchy should consider the impact on adjacent properties. Abley believes there is insufficient evidence provided by the submitter to support classifying Falvey Road, Levels Plain Road, and Brosnan Road as Principal Roads. Accordingly, I recommend that this submission is accepted in part.
- 6.96.7 Regarding the Fonterra submission, in their memo (s21.2) Abley considers that the classification of Kotuku Place as a Regional Arterial is a mapping error, noting that Kotuku Place is not included in SCHED1. Abley agrees with the submitter that Canal Road should be identified as the Regional Arterial and Kotuku Place should have no classification in the Road Hierarchy. I accept Abley's recommendation and accordingly recommend that this submission is accepted.
- 6.96.8 Regarding the Rooney, et al submissions, in their memo (s21.3), Abley states that while the technical assessments for the relevant Plan Change were not provided for review it seems

logical to classify Road 5 as a Principal Road since it serves as an extension/realignment of Seadown Road. Abley considers that the submitter's primary concern appears to be related to who bears the cost of delivering the road, rather than the road's classification. They therefore recommend that the Council clarify any discussions and decisions made regarding the apportionment of Road 5 costs as part of the relevant Plan Change. I accept Abley's advice that the road should be classified according to its function. Accordingly, I recommend that these submissions are rejected.

- 6.96.9 Regarding the Broughs Gully submission, in their memo (section 21.4), Abley states that DEV 1 - Broughs Gully Development Area Plan does not provide a roading hierarchy for proposed roads, but the Plan Change for the site described Road 1 as the primary transport link through the site, providing linkages and connectivity with the wider transport network and that this indicates that Road 1 is a higher order road, compared with other roads within the site. Accordingly, Abley recommends that Road 1 is classified in SCHED1 as a Collector Road. I accept Abley's advice and recommend that this submission is accepted.

### **Conclusions and Recommendations**

- 6.96.10 I recommend that the submissions from Fonterra [165.6] and Broughs Gully [167.49] are **accepted**.
- 6.96.11 I recommend that the submission from TDC [42.69] is **accepted in part**.
- 6.96.12 I recommend that the submissions from Rooney, et al [174.95, 191.95, 249.95, 250.95, 251.95, 252.95] are **rejected**.
- 6.96.13 Amend the PDP Planning Maps to remove Kotuku Place from the Road Hierarchy.
- 6.96.14 Classify "Road 1" as a Collector Road in SCHED1.
- 6.96.15 Classify "Road 5" as a Principal Road in SCHED1.
- 6.96.16 In terms of a s32AA assessment, in my opinion these amendments support achieving safe and efficient land transport infrastructure under TRAN-O1. Accordingly, I consider these amendments are the most appropriate way to achieve the objectives and the purpose of the Act.

### **6.97 TRAN Chapter – Definitions**

- 6.97.1 The following table sets out the submission points covered in this section of the report (which may be individually or more broadly discussed). The decision requested in relation to each point is provided in full in **Appendix 2**:

SUBMITTER NAME	SUBMISSION POINT NUMBER(S)
Bruce Spiers	66.5, 66.11

## Submissions

6.97.2 Bruce Spiers [66.5] considers the listed services under “personal services” are not a complete list of services offered to people but gives the impression that other services not listed are excluded. The submitter seeks to delete the examples from the definition. In submission [66.11] Bruce Spiers seeks to amend the definition of “vehicle parking area” to “vehicle parking and manoeuvring area” to provide clarity. The submission also seeks to delete the word “building”. These amendments are as follows:

### **Personal Services**

means an activity which provides individual service to people ~~and includes hairdressers, beauticians and photographers.~~

### **Vehicle Parking and Manoeuvring Area**

means that part of a site ~~or building~~ within which vehicle parking and manoeuvring are accommodated.

## Analysis

6.97.3 Regarding the definition of “personal services” I consider the list of examples is helpful and note that the definition includes these examples and is not limited to them. Accordingly, I recommend that this submission is rejected.

6.97.4 Regarding the definition of “vehicle parking and manoeuvring area”, in their memo (s2.1) Abley states that while the notified definition includes “manoeuvring”, the requested relief could be adopted to improve clarity. Abley notes that this would require consequential changes to TRAN-R6, TRAN-R9, and TRAN-S4, where the term “vehicle parking area” is used. Abley disagrees with the request to delete “or building” as some parking and manoeuvring areas may be within buildings (for example basement parking, parking buildings etc). Abley therefore recommends that this submission is accepted in part. I agree with Abley and accordingly recommend that this submission is accepted in part.

## Conclusions and Recommendations

6.97.5 I recommend that the submission from Bruce Spiers [66.11] is **accepted in part**.

6.97.6 I recommend that the submission from Bruce Spiers [66.5] is **rejected**.

6.97.7 Amend the definition of “Vehicle Parking” as follows:

### **Vehicle Parking and Manoeuvring Area**

means that part of a site or building within which vehicle parking and manoeuvring are accommodated.

6.97.8 Retitle TRAN-R6 and TRAN-S4 and amend TRAN-R9 PER-1, to refer to “vehicle parking and manoeuvring areas”.

6.97.9 In terms of a s32AA assessment, in my opinion these amendments clarify the intended application of the provisions. Accordingly, I consider the original s32A assessment remains applicable.

## 7. Conclusion

7.1.1 Submissions have been received both in support of and in opposition to the Energy and Infrastructure, Stormwater and Transport chapters and associated provisions.

7.1.2 Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in **Appendix 1** of this report.

7.1.3 For the reasons set out in the section 32AA evaluation included throughout this report, I consider that the recommended amended objectives and provisions are the most appropriate means to achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2, and otherwise give effect to higher order planning documents.

### Recommendations:

7.1.4 I recommend that:

- The PDP is amended in accordance with the changes recommended in **Appendix 1** of this report; and
- The Hearing Panel accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix 2** of this report.

## **Appendix 1 - Recommended Amendments**

Where I recommend changes in response to submissions, these are shown as follows:

Text recommended to be added to the Proposed Plan is underlined.

Text recommended to be deleted from the Proposed Plan is ~~struck through~~.

**Appendix 2 - Recommended responses to submissions and further submissions**

## **Appendix 3 – Memo from WSP on Stormwater Management**

## **Appendix 4 – Memo from Mr Kemp on Stormwater Management**



**Appendix 5 – Memo from Abley Transportation Ltd on Transport Matters**