

## Energy and Infrastructure

### Introduction

The ~~Energy and Infrastructure and Energy~~ Chapter contains district-wide provisions that cover ~~Regionally Significant Infrastructure, Lifeline Utilities~~<sup>1</sup> and other infrastructure. It also contains provisions applying to amateur radio and to protect the operation of Richard Pearse (~~Timaru~~) Airport (~~Timaru Airport~~). Transport-related infrastructure is ~~also covered by contained in~~<sup>2</sup> the Transport Chapter. Provisions relating to ~~the Port activities at the Port of Timaru are also covered by contained in~~<sup>3</sup> the Port Zone Chapter.

Regionally ~~Significant Infrastructure, Lifeline Utilities~~<sup>4</sup> 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, Lifeline Utilities~~<sup>5</sup> and other infrastructure may be realised locally, regionally or nationally. However, they can also have adverse effects, especially on sensitive environments.

Amateur radio is a personal recreational and technical activity that encourages experimentation in radio technology and related topics, self-training, and personal communications across wide geographic areas. Amateur radio operators do not fit within the definition of network utility operators under the RMA and the structures they use are not defined as infrastructure under the RMA; however, their activities involve radio-communication and amateur radio configurations that involve masts, aerials and supporting structures similar to some infrastructure.

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

Give effect to the following national documents:

1. the National Policy Statement for Renewable Electricity Generation 2011 (NPSREG);
2. the National Policy Statement on Electricity Transmission 2008 (NPSET); and
3. the New Zealand Coastal Policy Statement 2010 (NZCPS).

Are consistent with:

4. the National Environmental Standards on Electricity Transmission Activities 2009 (NESETA); and
5. the National Environmental Standards for Telecommunications Facilities 2016 (NESTF).

Notwithstanding any other rules in the District Plan:

1. the ~~NESETA Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009~~ applies to the operation, maintenance, upgrading, relocation or removal of National Grid transmission lines that were operating or able to be operated on, or prior to, 14 January 2010 and remain part of the National Grid; and
2. the ~~NESTF Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016~~ applies to telecommunications facilities;

In the case of conflict with any other provision in the District Plan, the NESETA and NESTF prevail. ~~Except in relation to the Port of Timaru operations,<sup>6</sup> The objectives and policies in this chapter take precedence over the objectives and policies in any Zzone Chapter of Part 3 — Area Specific Matters as specified in EI-O2, EI-P2 and EI-PX5.<sup>7</sup> In managing the effects of Regionally Significant Infrastructure and other infrastructure, the provisions in Part 2 — District Wide Matters also apply.<sup>8</sup> The application of the rules in relation to other chapters is set out in the Rules section.<sup>9</sup>~~

<sup>1</sup> TDC [42.15] and Radio NZ [152.27]

<sup>2</sup> Waka Kotahi [143.20]

<sup>3</sup> A consequential amendment following Waka Kotahi [143.20]

<sup>4</sup> TDC [42.15] and Radio NZ [152.27]

<sup>5</sup> TDC [42.15] and Radio NZ [152.27]

<sup>6</sup> PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186]

<sup>7</sup> Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]

<sup>8</sup> Panel Decision Report Part 5, Section 2.16.2.

<sup>9</sup> Forest and Bird [156.49, 156.50, 156.51]

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.<sup>10</sup> For the purposes of the Energy and Infrastructure Chapter the Redruth Landfill and Resource Recovery facility is regionally significant infrastructure<sup>11</sup>.

Objective	
<b>EI-O1</b>	<b>Regionally Significant Infrastructure and Lifeline Utilities<sup>12</sup></b>
<p>Regionally Significant Infrastructure and Lifeline Utilities<sup>13</sup> are Effective, resilient, efficient and safe Regionally Significant Infrastructure and Lifeline Utilities that and:<sup>14</sup></p> <ol style="list-style-type: none"> <li>1. provides essential and secure services, including in emergencies; and</li> <li>2. facilitates local, regional, national or international connectivity; and</li> <li>3. contributes to the economy, support emissions reduction<sup>15</sup> where practicable<sup>16</sup> and supports a high standard of living; and</li> <li>4. is are aligned and integrates with the timing and location of urban development; and</li> <li>5. enables<sup>17</sup> people and communities to provide for their health, safety and wellbeing.</li> </ol>	
<b>EI-O2</b>	<b>Adverse effects of infrastructure, including<sup>18</sup> Regionally Significant Infrastructure and Lifeline Utilities<sup>19,20</sup></b>
<p>The adverse effects of infrastructure, including Regionally Significant Infrastructure, and Lifeline Utilities and other infrastructure<sup>21</sup>:</p> <ol style="list-style-type: none"> <li>1. are avoided in sensitive environments the areas identified in EI-P2.1.a<sup>22</sup> unless there is a functional need<sup>23</sup> or operational need for the infrastructure to be in that location and no practicable alternative locations are available,<sup>24</sup> in which case they must be remedied or mitigated managed by applying the effects management hierarchy set out in consistent with<sup>25</sup> EI-P2; and</li> <li>2. in other areas, are avoided, remedied or mitigated to achieve having regard to the relevant objectives for the underlying zone in other areas;<sup>26</sup> and</li> <li>3. in the case of the National Grid, are managed appropriately in the context of: <ol style="list-style-type: none"> <li>a. the characteristics and values of the receiving environment; and</li> <li>b. the nature of the National Grid, including its functional needs and operational needs.<sup>27</sup></li> </ol> </li> </ol>	
<b>EI-O3</b>	<b>Adverse effects of other infrastructure<sup>28</sup></b>
<p>The adverse effects of other infrastructure:</p>	

<sup>10</sup> Kāinga Ora [229.14], TDC [42.14] and Opuha Water [181.33], [181.43], [181.44]

<sup>11</sup> Panel Decision Report Part 5, Section 2.8.2 relating to Enviro NZ [162.2].

<sup>12</sup> The Telcos [176.35, 208.35, 209.35, 210.35] and TDC [42.16]

<sup>13</sup> The Telcos [176.35, 208.35, 209.35, 210.35] and TDC [42.16]

<sup>14</sup> Waka Kotahi [143.21]

<sup>15</sup> Forest and Bird [156.52]

<sup>16</sup> Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 29.

<sup>17</sup> Opuha Water [181.25] for all the singular to plural changes

<sup>18</sup> Clause 16(2). See also the evidence of Ms Francis for ECan [183] for Hearing E, dated 23 January 2025 at paragraph 69

<sup>19</sup> The Telcos [176.36, 208.36, 209.36, 210.36] and TDC [42.17]

<sup>20</sup> Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]

<sup>21</sup> Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]. Clause 16(2). See also the evidence of Ms Francis for ECan [183] for Hearing E, dated 23 January 2025 at paragraph 69

<sup>22</sup> Opuha Water [181.26]

<sup>23</sup> Clause 16(2)

<sup>24</sup> Dir. General Conservation [166.20] and Radio NZ [152.29]

<sup>25</sup> Panel Decision Report, Part 5, Section 2.19.2

<sup>26</sup> The Telcos [176.36, 208.36, 209.36, 210.36]

<sup>27</sup> Transpower [159.33] and the evidence of Ms McLeod for Transpower for Hearing E, dated 23 January 2025, paragraph 29

<sup>28</sup> Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]

- ~~1. are avoided on the identified characteristics and values of the sensitive environments the infrastructure is located within; and~~
- ~~2. are avoided, remedied or mitigated to achieve the relevant objectives for the underlying zone in other areas.~~

**EI-O43      Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities**

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~~<sup>29</sup> reverse sensitivity effects.

**EI-O54      Amateur radio configurations**

Amateur radio configurations are able to be efficiently established with ~~no~~<sup>30</sup> minimal adverse effects on the surrounding environment.

**Policies**

**EI-P1**

**Recognising the benefits of Regionally Significant Infrastructure and Lifeline Utilities**

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

- ~~1. enabling providing for~~ their operation, maintenance, repair, ~~removal~~<sup>31</sup>, upgrade, and development in appropriate locations;<sup>32</sup> and
- ~~2. enabling their removal during an emergency; and~~<sup>33</sup>
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; and
  - b. allow for the re-use of redundant services and structures and construction materials<sup>34</sup>; and
  - c. increase resilience, safety or reliability of networks and services; and
  - d. result in environmental benefits and enhancements; or
  - e. promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.

**EI-P2<sup>35</sup>**

**Managing adverse effects of Regionally Significant**

<sup>29</sup> Kāinga Ora [229.18]

<sup>30</sup> **Panel Decision Report Part 5, Section 2.22.2**

<sup>31</sup> TDC [42.18] and Opuha Water [181.28]

<sup>32</sup> Forest and Bird [156.57]

<sup>33</sup> TDC [42.18] and Opuha Water [181.28]

<sup>34</sup> Forest and Bird [156.57] for all the changes after the deletion of clause 2, except where specified.

<sup>35</sup> The drafting of EI-P2 that the panel adopts is shown as a duplicate rule below.

**Infrastructure and Lifeline Utilities<sup>36</sup> and other infrastructure**

1. ~~Except as provided for by Policy EI-PX5,<sup>37</sup> provide for Regionally Significant Infrastructure, Lifeline Utilities<sup>38</sup> 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 (ONLs), and Outstanding Natural Features (ONFs), Visual Amenity Landscapes (VALs), the Coastal Environment outside of urban zoned areas,<sup>39</sup> Significant Natural Areas (SNAs), High Naturalness Waterbodies Areas (HNWB), Sites and areas<sup>40</sup> of Significance to Māori (SASM), historic heritage, cultural, and archaeological areas, riparian margins, Long Tailed bBat pProtection aAreas<sup>41</sup> and notable trees in accordance with the relevant Part 2 – District Wide provisions applying to those areas; and~~
  - ~~b. controlling managing<sup>42</sup> the height, bulk and location of Regionally Significant Infrastructure and other all infrastructure, consistent with taking into account<sup>43</sup> 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<sup>44</sup>; and~~
  - ~~d. requiring the undergrounding of network utilities lines<sup>45</sup> 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~~
  - ~~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<sup>46</sup>~~
  - ~~g. requiring other infrastructure to adopt sensitive design to integrate within the site, and existing built form and/or landform, and to maintain take into account<sup>47</sup> the character and qualities of the surrounding area;~~
- ~~while:~~
2. ~~r~~Recognising the functional need<sup>48</sup> or operational need of Regionally Significant Infrastructure, Lifeline Utilities<sup>49</sup> 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, replacing,<sup>50</sup> upgrading, removing or developing the regionally significant infrastructure or other infrastructure; and~~
  - ~~d. the time, duration or frequency of adverse effects; and~~

<sup>36</sup> The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

<sup>37</sup> Transpower [159.36]

<sup>38</sup> The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

<sup>39</sup> PrimePort [175.20]

<sup>40</sup> Clause 16(2)

<sup>41</sup> S42A Report Overarching matters Proposed Timaru District Plan: Part 1 - Introduction and General Definitions, dated 5 April 2024, paragraph 233, responding to a submission from Dir. General of Conservation [166.11]

<sup>42</sup> Radio NZ [152.32]

<sup>43</sup> The Telcos [176.40, 208.40, 209.40, 210.40]

<sup>44</sup> Kāinga Ora [229.20]

<sup>45</sup> The Telcos [176.40, 208.40, 209.40, 210.40]

<sup>46</sup> Opuha Water [181.29]

<sup>47</sup> The Telcos [176.40, 208.40, 209.40, 210.40]

<sup>48</sup> Clause 16(2)

<sup>49</sup> The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

<sup>50</sup> Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]

- 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;<sup>51</sup> and
- f. for renewable energy generation, the need to locate where the natural resources occur; and

~~3. w) Where due to functional needs or operational needs, regionally significant infrastructure RSI and other infrastructure must be located in the environments identified in EI-P2.1.a, and trigger a resource consent for those environments under the District-Wide provisions,<sup>52</sup> 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, consider whether the activity itself must should be avoided in the environments identified in EI-P2.1.a.<sup>53</sup>~~

**1.<sup>54</sup> Except where provided for by Policy EI-P5,<sup>55</sup> provide for regionally significant infrastructure, lifeline utilities<sup>56</sup> 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 (ONLs), and Outstanding Natural Features-(ONFs), Visual Amenity Landscapes (VALs), the coastal environment outside of urban zoned areas,<sup>57</sup> Significant Natural Areas (SNAs), HNWB, SASM, historic heritage, cultural, and archaeological areas, riparian margins, Long-Tailed Bat Habitat Protection Areas<sup>58</sup> and notable trees in accordance with the relevant Part 2 – District-Wide provisions applying to those areas unless functional needs or operational needs require that such infrastructure must be located in these areas.**

**b. Where due to functional needs or operational needs, regionally significant infrastructure and other infrastructure must be located in the environments identified in clause 1(a), and trigger a resource consent under those district-wide provisions,<sup>59</sup> manage adverse effects in the following way:**

- i. adverse effects are avoided where practicable; and**
- ii. where adverse effects cannot be avoided, they are remedied where practicable; and**
- iii. where adverse effects cannot be remedied, they are mitigated where practicable; and**
- iv. where more than minor residual adverse effects cannot be avoided, remedied, or mitigated offsetting is provided where possible; and**

<sup>51</sup> Opuha Water [181.29] and TDC [42.19]

<sup>52</sup> Clause 16(2)

<sup>53</sup> Dir. General Conservation [166.22]

<sup>54</sup> Panel Decision Report, Part 5, Section 2.19.2. This is the Panel drafting of EI-P2. It is not shown as track changes relative to the Final Reply version to improve readability.

<sup>55</sup> Transpower [159.36]

<sup>56</sup> The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

<sup>57</sup> PrimePort [175.20]

<sup>58</sup> S42A Report Overarching matters Proposed Timaru District Plan: Part 1 - Introduction and General Definitions, dated 5 April 2024, paragraph 233, responding to a submission from Dir. General of Conservation [166.11]

<sup>59</sup> Clause 16(2)

- v. if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and
- vi. if compensation is not appropriate, consider whether the activity itself should be avoided.<sup>60</sup>

c. In all environments (including the environments described in 1(a)):

- i. managing<sup>61</sup> the height, bulk and location of all infrastructure, taking into account<sup>62</sup> the role, function, character and identified qualities of the underlying zone; and
- ii. 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<sup>63</sup>; and
- iii. requiring the undergrounding of network utility lines<sup>64</sup> in new areas of urban development; and
- iv. minimising adverse visual effects on the environment through landscaping and/or the use of recessive colours and finishes; and
- v. requiring other infrastructure to adopt sensitive design to integrate within the site, and existing built form and/or landform, and to take into account<sup>65</sup> the character and qualities of the surrounding area;
- vi. recognising the functional needs or operational needs of the infrastructure.

2. When recognising the functional needs<sup>66</sup> or operational needs of regionally significant infrastructure, lifeline utilities<sup>67</sup> and other infrastructure activities, regard must be had 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, replacing,<sup>68</sup> 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;
  - iii. the extent to which there are feasible alternative sites, routes or methods available;<sup>69</sup>
- f. for renewable energy generation, the need to locate where the natural resources occur.

EI-P3

**Adverse effects on Regionally Significant Infrastructure and Lifeline Utilities<sup>70</sup>**

1. Ensure new or modified<sup>71</sup> 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

<sup>60</sup> Dir. General Conservation [166.22]

<sup>61</sup> Radio NZ [152.32]

<sup>62</sup> The Telcos [176.40, 208.40, 209.40, 210.40]

<sup>63</sup> Kāinga Ora [229.20]

<sup>64</sup> The Telcos [176.40, 208.40, 209.40, 210.40]

<sup>65</sup> The Telcos [176.40, 208.40, 209.40, 210.40]

<sup>66</sup> Clause 16(2)

<sup>67</sup> The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

<sup>68</sup> Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]

<sup>69</sup> Opuha Water [181.29] and TDC [42.19]

<sup>70</sup> TDC [42.20]

<sup>71</sup> BP Oil, et al [196.24]

2. Recognise and provide for the safe and efficient operation, maintenance, repair,<sup>72</sup> 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 would<sup>73</sup> compromise the operation, maintenance, repair, upgrading, renewal replacement,<sup>74</sup> or development of the National Grid; and
  - b. providing security of supply and/or maintaining the integrity of National Grid assets; and
  - c. maintaining ongoing access to conductors and support structures for maintenance and upgrading works; and
  - d. minimising exposure to health and safety risks from the National Grid; and
  - e. managing activities, as far as reasonably practicable, to avoid the potential for reverse sensitivity effects on the National Grid.

#### **EI-P4 Amateur radio configurations**

1. Enable amateur radio configurations within the Rural zones, Residential zones, and Commercial and mixed-use zones, General Industrial Zone, Māori Purpose Zone and Port Zone, where:
  - a. they are of a size and scale that is compatible with the character and qualities of the zone; and
  - b. there are no adverse effects on the health and safety of people and communities; and
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 minimised.

#### **EI-PX5 Managing adverse effects of the National Grid**<sup>75</sup>

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; and
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; and
  - b. in the coastal environment, recognising that there will be areas where avoidance of adverse effects is required<sup>76</sup> to protect the special values and characteristics of those areas; and
  - c. where (a) and (b) do not apply, seeking to avoid adverse effects on the characteristics and values of the following:
    - i. SNAs significant natural areas listed in SCHED7 or other areas of significant indigenous vegetation and significant habitats of indigenous fauna; and
    - ii. ONFs and ONLs outstanding natural features and landscapes listed in SCHED8 and SCHED9; and
    - iii. HNWB High Naturalness Waterbodies Areas; and
    - iv. areas of high or outstanding natural character; and
    - v. historic heritage items sites and historic heritage areas listed in SCHED3-4; and
    - vii. SASM sites and areas of significance to Kāti Huirapa listed in SCHED6; and
    - viii. VALs visual amenity landscapes listed in SCHED10; and

<sup>72</sup> Clause 16(2)

<sup>73</sup> Kāinga Ora [229.21]. See also the evidence of Ms McLeod for Transpower [159] Hearing H., dated 23 January 2025, at paragraph 45

<sup>74</sup> Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]

<sup>75</sup> Transpower [159.36]

<sup>76</sup> Evidence of Ms McLeod for Transpower [159.36] for Hearing E, dated 23 January 2025, paragraph 59

- ix. ~~Long-Tailed Bat Habitat Protection Areas listed in SCHEDULE 77; 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, remedying or mitigating adverse effects; and
    - b. the extent to which significant adverse effects are avoided; and
    - c. the extent to which any adverse effects have been avoided, remedied or mitigated by route, site and method selection; and
    - d. for substantial upgrades, the extent to which existing adverse effects have been reduced as part of the upgrade; and
    - 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); and
  5. prevailing clause 2(c) over SASM-P5, SASM-P6, and SASM-P7 and SASM-8<sup>78</sup> in the event of conflict; and
  6. prevailing clause 2(c) over NATC-P4 and 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.

**EI-P6****Application of Provisions<sup>79</sup>**

**Except for the Port Zone, when considering activities involving regionally significant infrastructure or lifeline utilities, in the event of a conflict between the objectives and policies of this chapter and those of a zone chapter, the objectives and policies of this chapter are to be given greater weight.**

**Rules**

**Note:** *Activities not listed in the rules of this chapter are classified as a permitted under this chapter but may still require resource consent under other chapters.<sup>80</sup>*

*With the exception of the rules in the Port Zone ~~PORTZ~~ applying to Port activities<sup>81</sup> Rules in Sections A - Section F of this chapter ~~take precedence over~~ **apply instead of<sup>82</sup>** rules in any ~~Zone Chapters~~ of Part 3 — Area-Specific Matters - Zone Chapters and the ~~Zone Chapter~~ rules do not apply.<sup>83</sup> ~~Unless otherwise specified in this chapter, the provisions of the Development Area Chapter, Designation Chapter<sup>84</sup> 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.<sup>85</sup>~~*

*Rules in Section G of this chapter **apply as well as do not take precedence over<sup>86</sup>** rules in the ~~Zone~~ chapters. Consent may be required by rules the Part 2 - District-Wide Matters Chapters and Part*

<sup>77</sup> the Long Tailed Bat Protection Areas are mapped but are not listed in a schedule

<sup>78</sup> Clause 10(2)(b) relating to Fenlea Farms [171.30] Rooney, A J [177.12] and K J Rooney [197.5]. SASM-P8 is recommended to be removed

<sup>79</sup> **Panel Decision Report Part 5, Section 2.16.2**

<sup>80</sup> Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]

<sup>81</sup> Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 27.

<sup>82</sup> **Panel Decision Report Part 5, Section 2.16.2**

<sup>83</sup> Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]

<sup>84</sup> **Schedule 1 cl10(b)(2)**

<sup>85</sup> Forest and Bird [156.50]

<sup>86</sup> **Panel Decision Report Part 5, Section 2.16.2**

3 — *Area-Specific Matters - Zone Chapters. Unless expressly stated otherwise by a rule, consent is required under each of those rules.*

Large infrastructure may have multiple components covered by more than one section of these rules.<sup>87</sup>

The steps plan users should take to determine which rules apply to any activity, and the status of that activity, are provided in Part 1, HPW — How the Plan Works - General Approach.

<b>Section A - Rules for Energy and Infrastructure Activities (not <u>otherwise</u> listed in other Sections of this chapter)</b>		
<b>EI-R1</b>	<b><u>Operation, Maintenance</u><sup>88</sup> and repair, or removal of infrastructure not otherwise addressed by another rule listed in this chapter</b>	
<b>All Zones</b>	<b>Activity status: Permitted</b> <b>Where:</b> <b>PER-1</b> EI-S1 is complied with.	<b>Activity status when compliance not achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> 1. the matters of discretion of any infringed standard.
<b>EI-R2</b>	<b><u>Upgrading of underground infrastructure, not otherwise addressed by another rule in this chapter</u><sup>89</sup></b>	
<b>All Zones</b>	<b>Activity status: Permitted</b> - <b>Where</b> - <b>PER-1</b> EI-S2 is complied with.	<b>Activity status when compliance not achieved: Restricted Discretionary</b> - <b>Matters of discretion are restricted to:</b> 1. the matters of discretion of any infringed standard.
<b>EI-R32</b>	<b><u>New and upgrading existing</u><sup>90</sup> underground infrastructure (including customer connections) not otherwise listed addressed by another rule in this chapter</b>	
<b>All Zones</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>EI-R43</b>	<b><u>Upgrading of</u><sup>91</sup> above ground network utilities not otherwise listed addressed by another rule in this chapter</b>	
<b>All Zones</b>	<b>Activity status: Permitted</b> <b>Where:</b> <b>PER-1</b> EI-S1 and EI-S2 are complied with.	<b>Activity status when compliance not achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> 1. the matters of discretion of any infringed standard.
<b>EI-R54</b>	<b><u>Vehicle access tracks for network utilities, including ancillary access tracks</u></b>	
<b>All Zones</b>	<b>Activity status: Permitted</b> <b>Where:</b> <b>PER-1</b>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b>

<sup>87</sup> Opuha Water [181.32]

<sup>88</sup> KiwiRail [187.24] and Radio NZ [152.34]

<sup>89</sup> Transpower [159.40]

<sup>90</sup> Transpower [159.40]

<sup>91</sup> Clause 16(2)

	<p>The access track is unsealed; and</p> <p><b>PER-2</b> The access track, including unformed paper roads, is not classified as a road under the District Plan; and</p> <p><b>PER-3</b> The access track is 6m or less in width.</p>	<ol style="list-style-type: none"> <li>1. the purpose, necessity and location of the vehicle access track; and</li> <li>2. the impact on the character and qualities of the surrounding area.</li> </ol>
<b>EI-R65</b>	<b>Above ground customer connections</b>	
<p>1.</p> <p><b>Residential Zones</b></p> <p><b>Commercial and Mixed Use Zones</b></p> <p><b>Open Space and Recreation Zones</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The connection does not require a new tower; and</p> <p><b>PER-2</b> The connection does not exceed three additional poles; and</p> <p><b>PER-3</b> EI-S1 is complied with.</p>	<p><b>Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the purpose, necessity and location of the above ground customer connection; and</li> <li>2. the extent to which the design integrates the activity within the site, existing built form and/or landform in a way that assists to maintain the character and qualities of the surrounding area; and</li> <li>3. the extent to which landscaping and/or recessive colours and finishing mitigates any adverse effects.</li> </ol> <p><b>Activity status when compliance not achieved with PER-3: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>
<p>2.</p> <p><b>Rural Zones</b></p> <p><b>General Industrial Zone</b></p> <p><b>Port Zone</b></p> <p><b>Māori Purpose Zone</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> EI-S1 is complied with.</p>	<p><b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>
<b>EI-R76</b>	<b>Temporary network utilities, including generators</b>	
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p>	<p><b>Activity status when compliance not achieved with PER-1, PER-2, PER-3, or PER-5: Restricted Discretionary</b></p>

	<p>The temporary network utility operates for a maximum of up to 12 consecutive months; and</p> <p><b>PER-2</b> Any temporary network utilities, and associated buildings and structures, are removed from the site within two months of completion of the associated works; and</p> <p><b>PER-3</b> Any electricity generator, excluding those covered under EI-R2419:  <ol style="list-style-type: none"> <li>1. is transportable; <u>and</u></li> <li>2. operates for a maximum of up to 12 consecutive months in any two year period; and</li> <li>3. is removed from the site within one month of when it ceases to be used; and</li> </ol> </p> <p><b>PER-4</b> EI-S1 is complied with.</p> <p><b>Note: PER-5</b> Where relevant, the area must be reinstated in accordance with conditions specified in the National Code of Practice for Utility Operators' Access to Transport Corridors.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs <del>and</del> <u>or</u><sup>92</sup> operational needs of, and benefits from, the temporary network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and</li> <li>2. the bulk, height, location and design of the temporary network utility, including any associated buildings or structures; and</li> <li>3. the impact on the character and qualities of the surrounding area.</li> </ol>
<p><b>EI-R87</b></p>	<p><b>Substations (including switching stations) and energy storage batteries not enclosed within a building</b></p>	
<p><b>All Zzones</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The maximum building and structure height for a network utility structures is:  <ol style="list-style-type: none"> <li>1. <u>as set out in EI-S1 for those structures covered under EI-S1; and for other structures and buildings;</u><sup>93</sup></li> <li>2. <del>is</del> a. 2.5m <del>metres</del>; or</li> <li>3. <del>is</del> b. in the General Rural Zone, Rural Lifestyle Zone or General Industrial Zone, the maximum building and structure height for network utility structures is the maximum building height for the underlying zone; and</li> </ol> </p> <p><b>PER-2</b></p>	<p><b>Activity status when compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs <del>and</del> <u>or</u><sup>97</sup> 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; and</li> <li>2. the bulk, height, location and design of the activity, including any associated buildings or structures; and</li> <li>3. the impact on the character and qualities of the surrounding area; and</li> <li>4. any adverse effects on public health and/or safety.</li> </ol>

<sup>92</sup> Waka Kotahi [143.31]

<sup>93</sup> Clause 16(2)

<sup>97</sup> Waka Kotahi [143.31]

	<p>The maximum area of the substation, or energy storage batteries is:</p> <ol style="list-style-type: none"> <li>420m<sup>2</sup> in Residential Zones; or</li> <li>630<sup>94</sup>m<sup>2</sup> in all other zones; and<sup>95</sup></li> </ol> <p><b>PER-3</b> The substation, or energy storage batteries are set-back at least 2m metres from any Residential Zone site boundary; and</p> <p><b>PER-4</b> EI-S1 is complied with.</p> <p><b>Note:</b> <i>Height shall be measured from the existing ground level prior to any works commencing.</i><sup>96</sup></p>	<p><b>Activity status when compliance not achieved with PER-4: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the matters of discretion of any infringed standard.<sup>98</sup></li> </ol>
<b>EI-R98</b>	<b>New network utilities within existing fully enclosed buildings</b>	
<b>All Zones</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Not applicable</b>
<b>EI-R409</b>	<b>Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological)</b>	
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The activity complies with the height, setback, and height in relation to boundary standards of the underlying for the zone.</p>	<p><b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the matters of discretion of any infringed standard.</li> </ol>
<b>EI-R4410</b>	<b>New overhead lines and associated support structures that convey electricity excluding customer connections</b>	
<b>General Rural Zone</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Restricted Discretionary</b>
<b>General Industrial Zone</b>	<p><b>Where:</b></p> <p><b>PER-1</b> EI-S1 is complied with.</p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the matters of discretion of any infringed standard.</li> </ol>
<b>Port Zone</b>		
<b>All zones other than the General Rural Zone.</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the functional needs and or<sup>99</sup> operational needs of, and benefits from, the network utility, including the</li> </ol>	<b>Activity status when compliance not achieved: Not applicable</b>

<sup>94</sup> Panel Decision Report Part 5, Section 2.31.2, Clause 16(2)

<sup>95</sup> Millward Finlay Lobb [60.9] and the tabled evidence of Ms McMullan for Hearing E, dated 30 January 2025

<sup>96</sup> ECan [183.4]

<sup>98</sup> Consequential change arising from PER-4 being deleted.

<sup>99</sup> Waka Kotahi [143.31]

<b>General Industrial Zone and Port Zone</b>	<p>potential impact on the levels of service or health and safety if the work is not undertaken; and</p> <ol style="list-style-type: none"> <li>the bulk, height, location and design of the network utility, including any associated buildings or structures; and</li> <li>the impact on the character and qualities of the surrounding area; and</li> <li>any adverse effects on public health and/or safety.</li> </ol>	
<b>EI-RX11 Network utilities emitting electric and magnetic fields<sup>100</sup></b>		
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> Any activity that generates electric or magnetic fields does not exceed:</p> <ol style="list-style-type: none"> <li>the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz - 100kHz) (Health physics, 2010, 99(6); 818-836); and</li> <li>recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).</li> </ol>	<p><b>Activity status when compliance not achieved: Non-complying</b></p>
<b>EI-R12</b>	<b>New electricity generation from a non-renewable source not otherwise addressed listed in this chapter</b>	
<b>All Zones</b>	<b>Activity status: Discretionary</b>	<b>Activity status when compliance not achieved: Not applicable</b>

~~Renumber all rules to take account of EI-RX~~

Rules Section B - Rules for Telecommunication and Radiocommunication Activities		
<b>EI-R13 New overhead telecommunications lines and associated support structures excluding customer connections</b>		
<p><b>1. General Rural Zone</b></p> <p><b>General Industrial Zone</b></p> <p><b>Port Zone</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> EI-S1 is complied with.</p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the matters of discretion of any infringed standard.</li> </ol>

<sup>100</sup> Transpower [159.48]

<p><b>2. All Zones, other than the General Rural Zone, General Industrial Zone, and Port Zone</b></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs <del>and</del> <u>or</u><sup>101</sup> operational needs of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and</li> <li>2. the bulk, height, location and design of the network utility, including any associated buildings or structures; and</li> <li>3. the impact on the character and qualities of the surrounding area; and</li> <li>4. any adverse effects on public health and/or safety.</li> </ol>	<p><b>Activity status when compliance not achieved: Not applicable</b></p>
<p><b>EI-R14 Telecommunications kiosk</b></p>		
<p><b>All Zones</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The telecommunication kiosk does not exceed:</p> <ol style="list-style-type: none"> <li>1. a height for network utility structures of <del>3.5m metres</del>; and</li> <li>2. a total area of 1.5m<sup>2</sup>; and</li> </ol> <p><b>PER-2</b> If not located within a road reserve, the telecommunication kiosk is setback:</p> <ol style="list-style-type: none"> <li>1. no less than 2m from all <u>side and rear site boundaries</u>, and</li> <li>2. no less than 2m from <del>set back from</del> a road boundary in any zone other than a Mixed Use Zone, Town Centre Zone, City Centre Zone, Port Zone or General Industrial Zone in accordance with the underlying applicable zone setback requirements;<sup>102</sup><sup>103</sup> and</li> </ol> <p><b>PER-3</b> Any attached small cell unit or antenna is no greater than 1m in height for network utility structures and does not have a horizontal dimension greater than the horizontal dimensions of the telecommunication kiosk.</p> <p><b>Note:</b> <del>Height shall be measured from the existing ground level prior to any works commencing.</del><sup>104</sup></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs <del>and</del> <u>or</u><sup>105</sup> 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; and</li> <li>2. the bulk, height, location and design of the activity, including any associated buildings or structures; and</li> <li>3. the impact on the character and qualities of the surrounding area; and</li> <li>4. any adverse effect on public health and/or safety.</li> </ol>

<sup>101</sup> Waka Kotahi [143.31]

<sup>102</sup> Panel Decision Report Part 5, Section 2.34.2

<sup>103</sup> Telcos [176.52, 208.52, 209.52, 210.52] and the evidence of Mr Anderson for the Telcos, dated 23 January 2025 at paragraphs 38 to 44

<sup>104</sup> ECan [183.4]

<sup>105</sup> Waka Kotahi [143.31]

<b>EI-R15</b>	<b>Telecommunications or radiocommunication activities (not otherwise listed in rules EI-R15 to EI-R22 and not regulated by the NESTF)</b>	
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> All telecommunications poles and antenna (except those located on the road reserve) do not project above a 45° height in relation to boundary recession plane that is measured from any point 3m above the site boundary when the adjoining <u>residential zone</u> property is zoned <u>Residential</u> (but not a road boundary); and</p> <p><b>PER-2</b> A panel antenna: 1. does not exceed a width of <u>0.79m metres</u>; <sup>106</sup> and 2. when in a road reserve, fits within an envelope of <u>3.5m metres</u> in length and <u>0.79m metres</u> in width; <sup>107</sup> and</p> <p><b>PER-3</b> A dish antenna does not exceed a diameter of <u>1.2m metres</u>; and</p> <p><b>PER-4</b> Omni directional 'whip' or dipole antenna do not exceed: 1. <u>1.6m metres</u> in vertical length; and 2. 60mm in diameter; and 3. <u>1.5m metres</u> in horizontal length; and</p> <p><b>PER-5</b> A headframe does not exceed: 1. <u>2.5m metres</u> in diameter in a <u>Residential zone</u> (except when located in a road as provided for by PER-2<u>2.2</u> above); or 2. <u>6m metres</u> in diameter in all other zones; and</p> <p><b>PER-6</b> For antenna attached to a building, the antenna does not exceed a height for network utility structures of <u>5m metres</u> above the point of attachment to the building; and</p> <p><b>PER-7</b> A telecommunications cabinet does not exceed:</p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs <del>and</del> <sup>or</sup><sup>110</sup> 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; and</li> <li>2. the bulk, height, location and design of the activity, including any associated buildings or structures; and</li> <li>3. the impact on the character and qualities of the surrounding area; and</li> <li>4. any adverse effect on public health and/or safety.</li> </ol>

<sup>106</sup> The Telcos [176.53, 208.53, 209.53, 210.53]

<sup>107</sup> The Telcos [176.53, 208.53, 209.53, 210.53]

<sup>110</sup> Waka Kotahi [143.31]

	<p>1. within a road corridor, a footprint of 2m<sup>2</sup> or height for network utility structures of <del>2m metres</del>; or</p> <p>2. outside of a road corridor, a footprint of 2.5m<sup>2</sup> or height for network utility structures of <del>2m metres</del>; and</p> <p><b>PER-8</b> A group of telecommunications cabinets does not exceed a footprint of 3m<sup>2</sup>.</p> <p><b>Note:</b> <del>Height shall be measured from the existing ground level prior to any works commencing.</del><sup>108</sup> <sup>109</sup></p>	
<b>EI-R16</b>	<b>Small cell units</b>	
<b>All Zones</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Not Applicable</b>
<b>EI-R17</b>	<b>Other network utilities (including network utility buildings and enclosed substations) not otherwise addressed by another rule in EI-R12<del>13</del> to EI-R20 and not regulated by the NESTF.</b>	
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> <del>The network utility is located within an existing building; or</del><sup>111</sup></p> <p><b>PER-42</b> <del>The maximum building and structure height for a network utility structures is:</del> 1. as set out in EI-S1 for those structures covered under EI-S1; and 2. for other structures and buildings; <del>The building or structure complies with the building height for network utility structures, setback, and height in relation to boundary standards of the underlying for the zone; and</del></p> <p><b>PER-23</b> 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</p>	<p><b>Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the functional needs and or<sup>112</sup> operational needs of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and</li> <li>effects resulting from<sup>113</sup> the bulk, height, location and design of the network utility, including any associated buildings or structures; and any matters to address those effects to the extent practicable given any functional need and operational need, and benefits from, the network utility; and<sup>114</sup></li> <li>the impact on the character and qualities of the surrounding area and any matters to address those</li> </ol>

<sup>108</sup> ECan [183.4]

<sup>109</sup> ECan [183.4]

<sup>111</sup> Clause 16(2) to be consistent with EI-R9. See also the evidence of Mr Anderson for the Telcos for Hearing E dated 23 January 2025, paragraph 49

<sup>112</sup> Waka Kotahi [143.31]

<sup>113</sup> Clause 16(2) and the evidence of Mr Anderson for the Telcos for Hearing E dated 23 January 2025, paragraph 50

<sup>114</sup> Panel Decision Report Part 5, Section 2.36.2

	<p>2. 50m<sup>2</sup> in any other zone, except the General Industrial Zone, which has no maximum footprint, <del>and</del></p> <p><b>PER-3</b> EI-S1 is <del>complied with.</del></p>	<p><del>effects to the extent practicable given any functional need and operational need, and benefits from, the network utility; and</del><sup>115</sup>;</p> <p>4. any adverse effect on public health and/or safety.</p> <p><b>Activity status when compliance not achieved with PER-3: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <p>1. <del>the matters of discretion of any infringed standard.</del><sup>116</sup></p>
<b>EI-R18</b>	<b>Network utilities emitting electric and magnetic fields</b> <sup>117</sup>	
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p>-</p> <p><b>Where:</b></p> <p>-</p> <p><b>PER-1</b> Any activity that generates electric or magnetic fields does not exceed:</p> <p>2. the International Commission on Non-Ionising Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz–100kHz) (Health physics, 2010, 99(6); 818-836); and</p> <p>3. recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).</p>	<p><b>Activity status when compliance not achieved: Non-complying</b></p> <p>-</p> <p>-</p> <p>-</p>
<b>EI-R19</b>	<b>Network utilities generating radiofrequency fields</b>	
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> An activity that generates radiofrequency fields does not exceed the maximum exposure level of the general public in New Zealand Standards NZS2772.1: 1999 Radiofrequency fields - Maximum exposure levels - 3KHz to 300 GHz.</p>	<p><b>Activity status when compliance not achieved: Non-complying</b></p>
<b>EI-R20</b>	<b>New emergency or permanent back-up electricity generation (including any associated energy storage batteries) for a utility or lifeline utility which is not the primary electricity supply to the site.</b>	
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p>

<sup>115</sup> Panel Decision Report Part 5, Section 2.36.2

<sup>116</sup> Consequential change arising from PER-3 being deleted.

<sup>117</sup> Transpower [159.48]

	<p><b>PER-1</b> Buildings and structures comply with the height, boundary and height in relation to boundary standards <del>of the underlying for the relevant zone</del>; and</p> <p><b>PER-2</b> Any permanent back-up generator or a self-contained power unit is:</p> <ol style="list-style-type: none"> <li>1. setback at least <del>2m metres</del> from a site boundary with a residential activity; and</li> <li>2. operates for a maximum of 12 consecutive months.</li> </ol>	<ol style="list-style-type: none"> <li>1. the functional needs <del>and or</del><sup>118</sup> operational needs of, and benefits derived from, the network utility; and</li> <li>2. the purpose and necessity of the generator or power unit; and</li> <li>3. any adverse visual or nuisance effects (including the effects of any outdoor lighting), particularly on the character and qualities of the surrounding area.</li> </ol>
<p><b>EI-R2120</b> Telecommunications lines, cabinets, poles and new antennas regulated by the NESTF that do not meet the permitted activity standards in Regulations 20, 21, 22, 27, 29, 31, 33, 35 or 37 of the NESTF and are not expressly listed as a controlled activity in Part 3 of the NESTF Regulations.</p>		
<p><b>All Zones</b></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs <del>and or</del><sup>119</sup> operational needs of, and benefits from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and</li> <li>2. the bulk, height, location and design of the network utility, including any associated buildings or structures; and</li> <li>3. the impact on the character and qualities of the surrounding area; and</li> <li>4. any adverse effects on public health and/or safety.</li> </ol>	<p><b>Activity status when compliance not achieved: Not applicable</b></p>

Rules Section C - Rules for Network Utilities - Three Waters		
<p><del><b>EI-R22</b><sup>120</sup> <b>Construction, maintenance, repair and upgrading of underground water supply, wastewater systems, and stormwater infrastructure</b></del></p>		
<p><b>All Zones</b></p>	<p><del><b>Activity status: Permitted</b></del></p> <p><del><b>Where:</b></del></p> <p><del>-</del></p> <p><del><b>PER-4</b></del> <del>Any pipe is not located on or within a waterbody, except where it is:</del></p> <ol style="list-style-type: none"> <li><del>1. attached to and/or incorporated within an existing bridge structure; or</del></li> <li><del>2. within an existing conduit or duct.</del></li> </ol>	<p><del><b>Activity status when compliance not achieved: Restricted Discretionary</b></del></p> <p><del><b>Matters of discretion are restricted to:</b></del></p> <ol style="list-style-type: none"> <li><del>1. the functional needs <del>and or</del><sup>121</sup> 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; and</del></li> </ol>

<sup>118</sup> Waka Kotahi [143.31]

<sup>119</sup> Waka Kotahi [143.31]

<sup>120</sup> Opuha Water [181.34] and TDC [42.21]

<sup>121</sup> Waka Kotahi [143.27]

		<p><del>2. the impact on the character and qualities of the surrounding area; and</del>  <del>3. the effects on the values of Kati Huirapa.</del><sup>122</sup></p>
<b>EI-R2321</b>	<b>New water <u>supply</u><sup>123</sup>, wastewater <u>systems</u><sup>124</sup> and stormwater <u>infrastructure</u><sup>125</sup> connections to existing reticulated networks</b>	
<b>All Zones</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Not Applicable</b>
<b>EI-R2422</b>	<b>Rainwater collection systems for non-potable use</b>	
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The rainwater tank complies with building height, setback and height in relation to boundary standards for the zone.</p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>
<b>EI-R2523</b>	<p><b>Maintenance, repair and upgrading of existing <u>underground and above ground water systems infrastructure, including:</u></b></p> <ul style="list-style-type: none"> <li>• <b>water supply, wastewater systems, and stormwater infrastructure not covered under EI-R2321;</b><sup>126</sup></li> <li>• <del>open drains and channels, pipes, water reservoirs, storage ponds; and</del></li> <li>• <del>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).</del><sup>127</sup></li> </ul>	
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> Building or structure maintenance and upgrades occur within the existing building or structure<sup>128</sup> envelope; or</p> <p><b>PER-2</b> New buildings and structures comply with the building height, setback, and height in relation to boundary standards for the underlying zone; and</p> <p><b>PER-3</b></p>	<p><b>Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs and or<sup>131</sup> 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; and</li> <li>2. the bulk, height, location and design of the activity, including any associated buildings or structures; and<sup>132</sup></li> <li>3. the impact on the character and qualities of the surrounding area.</li> </ol>

<sup>122</sup> Te Runanga o Ngai Tahu [185.8]

<sup>123</sup> Clause 16(2) for consistency

<sup>124</sup> Clause 16(2) for consistency

<sup>125</sup> Clause 16(2) for consistency

<sup>126</sup> Clause 16(2)

<sup>127</sup> Clause 16(2)

<sup>128</sup> Opuha Water [181.35] and TDC [42.22, 42.80]

<sup>131</sup> Waka Kotahi [143.30]

<sup>132</sup> Schedule 1, cl16(2)

	<p><del>El-S1 and El-S2</del> <sup>129</sup> <u>If located outside a rural zone</u> <del>are</del> <sup>130</sup> <u>is</u> <del>is</del> <sup>130</sup> <u>complied with.</u></p>	<p><b>Activity status when compliance not achieved with PER-3: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard.</li> </ol>
<p><b>EI-R2624</b></p>	<p><b>Construction of new underground and above ground <del>water systems</del> infrastructure, including:</b><sup>133</sup></p> <ul style="list-style-type: none"> <li>• <b>water supply, wastewater systems and stormwater infrastructure <u>not covered under EI-R2321</u></b><sup>134</sup>;</li> <li>• <b>open drains and channels, pipes, water reservoirs, storage ponds; and</b></li> <li>• <b>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)</b><sup>135</sup></li> </ul>	
<p><b>1. Rural Zones</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> New buildings and structures comply with the building height, setback, and height in relation to boundary for the zone.</p> <p><b>PER-2</b> <del>El-S1 is</del> <sup>136</sup> <u>complied with.</u></p>	<p><b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs 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; <u>and</u></li> <li>2. the bulk, height, location and design of the activity, including any associated buildings or structures; <u>and</u><sup>137</sup></li> <li>3. the impact on the character and qualities of the surrounding area; <u>and</u></li> <li>4. <u>dust nuisance, sedimentation, land instability, erosion and contamination effects.</u><sup>138</sup></li> </ol> <p><b>Activity status when compliance not achieved with PER-2: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <del>the matters of discretion of any infringed standard.</del></li> </ol>
<p><del>2. 42.</del> <b>All Zones</b></p>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p>	<p><b>Activity status when compliance not achieved: Not applicable</b></p>

<sup>129</sup> Clause 16(2) – EI-S1 applies to network utility poles, towers and antenna  
<sup>130</sup> Clause 16(2) to avoid conflict with EI-R26 that permits new 3 waters infrastructure in rural zones  
<sup>133</sup> Rooney, et al [249.14, 250.14, 251.14, 252.14, 191.14, 174.14] for all these changes except where separately referenced  
<sup>134</sup> Clause 16(2)  
<sup>135</sup> **Panel Decision Report Part 5, Section 2.41.2**  
<sup>136</sup> Clause 16(2) – EI-S1 applies to network utility poles, towers and antenna  
<sup>137</sup> **Schedule 1, cl16(2)**  
<sup>138</sup> Transpower [159.38]

<p><b>except Rural Zones</b></p>	<ol style="list-style-type: none"> <li>1. the functional needs <del>and</del> <u>or</u><sup>139</sup> 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; <del>and</del><sup>140</sup></li> <li>2. the bulk, height, location and design of the activity, including any associated buildings or structures; <del>and</del></li> <li>3. the impact on the character and qualities of the surrounding area; <del>and</del></li> <li>4. <u>the potential adverse effects on the spiritual and cultural values and beliefs of Kāti Huirapa, and any measures to avoid, remedy or mitigate adverse effects;</u><sup>141</sup> <del>and</del></li> <li>5. <u>dust nuisance, sedimentation, land instability, erosion and contamination effects.</u><sup>142</sup></li> </ol> <p style="background-color: red; color: black; padding: 2px;"><del>Note: This rule does not apply to connections permitted under EI-R2321.</del><sup>143</sup></p>	
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Rules Section D - Rules for the National Grid		
EI-R <del>27</del> 25	Buildings or structures within the National Grid Yard	
<p><b>All Zones</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> In the National Grid Yard:</p> <ol style="list-style-type: none"> <li>1. any alteration or addition to an existing building or structure for a sensitive activity does not involve an increase in the building height <del>for network utility structures</del><sup>144</sup> or footprint; or</li> <li>2. it is a network utility undertaken by a network utility operator <del>(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes)</del>;</li> <li>3. it is a non-habitable building or structure for primary production in the <del>Rural Zones</del>, including yards for milking/dairy sheds and artificial crop protection structures (but does not</li> </ol>	<p><b>Activity status when compliance not achieved: Non-complying</b></p>

<sup>139</sup> Waka Kotahi [143.31]

<sup>140</sup> [Schedule 1, cl16\(2\)](#)

<sup>141</sup> Te Runanga o Ngai Tahu [185.8]

<sup>142</sup> Transpower [159.38]

<sup>143</sup> Clause 16(2).

<sup>144</sup> Transpower [159.49] for all the changes in EI-R27

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~~  
 4. 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, **measured from the existing ground level**, 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
3. an artificial crop protection structure or crop support structure not exceeding 2.5m ~~metres~~ in height, **measured from the existing ground level**, and located at least 8m ~~metres~~ from a National Grid transmission line pole that is removable or temporary to allow a clear working space of 12m ~~metres~~ from the pole for maintenance and allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane; or
4. a building or structure where Transpower New Zealand Limited has given written approval in accordance with clause 2.4.1 of NZECP34:2001; and

**PER-3**

The building or structure meets the requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP2434:2001).

**Note:**

	<p><del>Height shall be measured from the existing ground level prior to any works commencing.<sup>145</sup></del></p>	
<p><b>EI-R2826</b></p>	<p><b>Earthworks, and land disturbance for the installation of fence posts within the National Grid Yard, excluding:</b></p> <ul style="list-style-type: none"> <li>• <del>the repair or resealing of a road, footpath, driveway or farm track; and</del></li> <li>• <del>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.</del></li> </ul>	
<p><b>All Zones</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p> <p>The <del>depth of the</del> earthworks or land disturbance is no greater than 300mm deep within <del>6m</del><sup>142</sup> metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole; and<sup>146</sup></p> <p><b>PER-2</b></p> <p>The <del>earthworks or land disturbance work</del> does not compromise the stability of a National Grid transmission line tower or pole; and</p> <p><b>PER-3</b></p> <p>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); and</p> <p><b>PER-4</b></p> <p>The earthworks or land disturbance does not result in existing vehicle access to a National Grid support structure being permanently obstructed.</p> <p><del>Note: PER-1 to PER-4 clauses (a) and (b) do not apply to:</del></p> <ul style="list-style-type: none"> <li><del>a. the repair or resealing of a road, footpath, driveway or farm track; and</del></li> <li><del>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</del></li> </ul>	<p><b>Activity status when compliance not achieved with PER-1: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b></p> <p>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.</p> <p><b>Matters over which of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. effects on the operation, maintenance, upgrading and development of the National Grid; and</li> <li>2. the risk to the structural integrity of the National Grid support structure(s); and</li> <li>3. any impact on the ability to access the National Grid; and</li> <li>4. the risk of electrical hazards affecting public or individual safety and the risk of property damage; and</li> <li>5. the outcome of any consultation with the owner and operator of the National Grid.</li> </ol> <p><b>Activity status when compliance not achieved with RDIS-1, PER-2, PER-3 or PER-4: Non-complying</b></p>

<sup>145</sup> ECan [183.4]

<sup>146</sup> Transpower [159.50] for all the changes to EI-R28 except where specified.

	<del>wire</del>	
<b>EI-R29</b>	<b>Subdivision of land within the National Grid Subdivision Corridor<sup>147</sup></b>	
<b>All Zzones</b>	<p><b>Activity status: Restricted Discretionary</b></p> <p><b>Where:</b></p> <p><b>RDIS-1</b> All resulting allotments can accommodate a building platform for the likely principal building(s) and any building(s) for sensitive activities outside the National Grid Yard (other than where the allotments are for roads, access ways and network utilities);<u>z</u> and</p> <p>-</p> <p><b>RDIS-2</b> Existing vehicle access way to National Grid assets is maintained.</p> <p>-</p> <p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>1. the extent to which the subdivision allows for the ongoing efficient operation, maintenance and upgrading of the National Grid, including the ability for continued reasonable access for inspections, maintenance and upgrading; and</li> <li>2. the location of any future building platform as it relates to the National Grid Yard; and</li> <li>3. the extent to which the subdivision design allows for any future sensitive activity to be setback from the National Grid; and</li> <li>4. the nature and location of any vegetation to be planted in the vicinity of the National Grid; and</li> <li>5. the ability of future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; and</li> <li>6. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and</li> <li>7. the outcome of any consultation with the owner and operator of the National Grid.</li> </ol>	<p><b>Activity status when compliance not achieved: Non-complying</b></p> <p>-</p> <p>-</p>
<b>EI-R3027</b>	<b>Sensitive activities, including within an existing building or the erection of buildings for sensitive activities, within the National Grid Yard</b>	
<b>All Zzones</b>	<b>Activity status: Non-complying</b>	<b>Activity status when compliance not achieved: Not applicable</b>

<sup>147</sup> Speirs, B [66.45]

<b><u>EI-R<del>XX</del>28</u></b>	<b><u>The storage and/or handling of hazardous substances with explosive or flammable intrinsic properties in the National Grid Yard</u></b> <sup>148</sup>	
<b><u>All Zzones</u></b>	<b><u>Activity Status: Non-Complying</u></b>	<b><u>Activity status when compliance not achieved: Not applicable</u></b>
	<p><b>Notification:</b>  <u>Any application arising from EI-R<del>XX</del>28 shall not be subject to public notification and shall be limited notified to the following parties: Transpower New Zealand Limited, unless their written approval is provided.</u></p>	

Rules Section E - Rules for Renewable Electricity Generation		
<b><u>EI-R<del>34</del>29</u></b>	<b><u>Installation, operation, maintenance, repair, upgrading and removal of new utility equipment for investigating a site for suitability for renewable electricity generation</u></b>	
<b><u>All Zzones</u></b>	<b><u>Activity status: Permitted</u></b>	<b><u>Activity status when compliance not achieved with PER-1 to PER-5: Restricted Discretionary</u></b>
	<p><b>Where:</b></p> <p><b>PER-1</b>                      The utility equipment is not on-site for more than 18 months within any 36-month period; and</p> <p><b>PER-2</b>                      The utility equipment complies with NZS6808:2010 Acoustics — Wind farm noise, or when not a wind turbine, it must comply with the underlying zone noise standards; and</p> <p><b>PER-3</b>                      An anemometer does not exceed 90m in height for network utility structures; and</p> <p><b>PER-4</b>                      All masts are removed at the end of the investigation period; <u>and</u></p> <p><b>PER-5</b>                      The site is restored to its pre-works condition after completion of all investigation activities, and the removal of all investigation equipment; <u>and</u></p> <p><b>PER-6</b>                      Other than as provided by PER-3, any other utility equipment does not exceed the permitted height for network utility structures in relation to boundary and setback standards for the underlying zone.</p> <p><b>Note:</b></p>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs <del>and</del> <u>or</u><sup>150</sup> operational needs of, and benefits from, the activity; and</li> <li>2. the impact on the character and qualities of the surrounding area; and</li> <li>3. noise; and</li> <li>4. site restoration.</li> </ol> <p><b>Activity status when compliance not achieved with PER-6: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard; <u>and</u></li> <li>2. <del>No</del> noise; and</li> <li>3. site restoration.</li> </ol>

<sup>148</sup> Transpower [159.66]

<sup>150</sup> Waka Kotahi [143.31]

	<del>Height shall be measured from the existing ground level prior to any works commencing.</del> <sup>149</sup>	
<b>EI-R3230</b>	<b>The installation, operation, maintenance, <u>repair</u>,<sup>151</sup> upgrading, <u>installation of new</u><sup>152</sup> and removal of a solar cell or an array of solar cells for small scale renewable electricity generation and its use</b>	
<b>4. Rural Lifestyle Zone</b>	<p><del>Activity status: Permitted</del><sup>153</sup></p> <p><del>Where:</del></p> <p><del>PER-1</del> The electricity generated is solely for use on the site and ancillary to the principal use of the site; and</p> <p><del>PER-2</del> Buildings and structures comply with the building height, setback, and height in relation to boundary standards for the zone.</p>	<p><del>Activity status when compliance not achieved with PER-1: Restricted Discretionary</del></p> <p>-</p> <p><del>Matters of discretion are restricted to:</del></p> <ol style="list-style-type: none"> <li><del>1. the functional needs and operational needs of, and benefits from, the activity; and</del></li> <li><del>2. the impact on the character and qualities of the surrounding area; and</del></li> <li><del>3. overshadowing on surrounding sites.</del></li> </ol> <p><del>Activity status when compliance not achieved with PER-2: Restricted Discretionary</del></p> <p>-</p> <p><del>Matters of discretion are restricted to:</del></p> <ol style="list-style-type: none"> <li><del>1. the matters of discretion of any infringed standard.</del></li> </ol>
<b>2. <del>4.</del> All <del>Z</del>zones except the Rural Lifestyle Zone</b>	<p><del>Activity status: Permitted</del></p> <p><del>Where:</del></p> <p><del>PER-1</del> The electricity generated is either:</p> <ol style="list-style-type: none"> <li><del>1. solely for use on the site and ancillary to the principal use of the site; or</del></li> <li><del>2. for use on the site and ancillary to the principal use of the site, and</del> <ol style="list-style-type: none"> <li><del>a. for supply to not more than 20 other properties; and</del></li> <li><del>b. for supply of any excess electricity to the electricity distribution network or the National Grid; and</del></li> </ol> </li> </ol> <p><del>PER-2</del> Buildings and structures comply with the building height, setback, and height in relation to boundary standards <u>of the underlying</u> <del>for the</del> zone.</p>	<p><del>Activity status when compliance not achieved with PER-1: Restricted Discretionary</del></p> <p><del>Matters of discretion are restricted to:</del></p> <ol style="list-style-type: none"> <li><del>1. the functional needs and operational needs of, and benefits from, the activity; and</del></li> <li><del>2. the impact on the character and qualities of the surrounding area; and</del></li> <li><del>3. overshadowing on surrounding sites.</del></li> </ol> <p><del>Activity status when compliance not achieved with PER-2: Restricted Discretionary</del></p> <p><del>Matters of discretion are restricted to:</del></p> <ol style="list-style-type: none"> <li><del>1. the matters of discretion of any infringed standard.</del></li> </ol>

<sup>149</sup> ECan [183.4]

<sup>151</sup> Clause 16(2)

<sup>152</sup> Clause 16(2) to change the order of activities from low to high change

<sup>153</sup> Rooney, et al [174.15, 191.15, 249.15, 250.15, 251.15, 252.15] and Bruce Spiers [66.20] for all these changes

<p><b>EI-R3331</b></p>	<p><b>The installation, operation, maintenance, repair,<sup>154</sup> upgrading, installation of new and removal of a small-scale wind turbine/s for small-scale renewable electricity generation and its use</b></p>	
<p><b>All Zones</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The electricity generated is either:</p> <ol style="list-style-type: none"> <li>1. solely for use on the site and ancillary to the principal use of the site; or</li> <li>2. for use on the site and ancillary to the principal use of the site, and             <ol style="list-style-type: none"> <li>a. for supply to not more than 20 other properties; and</li> <li>b. for supply of any excess electricity to the electricity distribution network or the National Grid; and</li> </ol> </li> </ol> <p><b>PER-2</b> If PER-1.2. a.<sup>155</sup> applies, no more than one wind turbine is erected on a site; and</p> <p><b>PER-3</b> If PER-1.2.b.<sup>156</sup> applies, the wind turbines are either erected on a single site or clustered on one or more of sites; and</p> <p><b>PER-4</b> The maximum permitted height for network utility structures of each wind turbine (including the full extent of blades) is:</p> <ol style="list-style-type: none"> <li>1. 20m in the General Rural Zone and General Industrial Zone; and</li> <li>2. 15m in all other zones; and</li> </ol> <p><b>PER-5</b> The utility equipment complies with NZS6808:2010 Acoustics — Wind farm noise, or when not a wind turbine, it must comply with the underlying zone noise standards; and</p> <p><b>PER-6</b> Each wind turbine (including the full extent of blades) complies with road and internal boundary building setback standards <u>of the underlying for the zone.</u></p> <p><b>Note:</b></p>	<p><b>Activity status when compliance not achieved with PER-1 to PER-5: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs and operational needs of, and benefits from, the activity; and</li> <li>2. the impact on the character and qualities of the surrounding area; and</li> <li>3. noise.</li> </ol> <p><b>Activity status when compliance not achieved with PER-6: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the matters of discretion of any infringed standard; and</li> <li>2. noise.</li> </ol>

<sup>154</sup> Clause 16(2)

<sup>155</sup> Bruce Spiers [66.19]

<sup>156</sup> Bruce Spiers [66.19]

	<del>Height shall be measured from the existing ground level prior to any works commencing.</del> <sup>157</sup>	
<b>EI-R3432</b>	<b>Solar hot water systems</b>	
<b>All Zzones</b>	<b>Activity status: Permitted</b>	<b>Activity status when compliance not achieved: Not Applicable</b>
<b>EI-R3533</b>	<b>The installation and upgrading of large scale renewable electricity generation activities</b>	
<b>General Industrial Zone GIZ</b> <del>(and the Clondeboyne Special Purpose Precinct Zone if created)</del> <sup>158</sup>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The activity is a solar array and is located on a building in the <u>General Industrial Zone GIZ</u> ; and  <b>PER-2</b> The solar array meets the applicable height limit for buildings and structures in the <u>General Industrial Zone GIZ</u> ; and  <b>PER-3</b> The solar array has a maximum reflectance value of 30%. <sup>159</sup>	<b>Activity status when compliance not achieved: Discretionary</b>
<b>All Zzones other than the General Industrial Zone GIZ</b>	<b>Activity status: Discretionary</b>	<b>Activity status when compliance not achieved: Not Applicable</b>

<b>Rules Section F - Rules for Amateur Radio Configurations</b>		
<b>EI-R3634</b>	<b>Amateur radio configurations</b>	
<b>All Zzones</b>	<b>Activity status: Permitted</b>  <b>Where:</b>  <b>PER-1</b> The amateur radio configuration must be owned and operated by a licensed amateur radio operator; and  <b>PER-2</b> All amateur radio configurations must be designed and operated in compliance with	<b>Activity status when compliance not achieved: Restricted Discretionary</b>  <b>Matters of discretion are restricted to:</b> <ol style="list-style-type: none"> <li>1. visual amenity effects, including effects on landscape and streetscape values and neighbouring properties; and</li> <li>2. any positive effects of the activity; and</li> <li>3. cumulative effects associated with multiple devices and structures.</li> </ol>

<sup>157</sup> ECan [183.4]

<sup>158</sup> ~~Panel Decision Report Part 5, Section 2.47.2~~

<sup>159</sup> Rooney, et al [174.16, 191.16, 249.16, 250.16, 251.16, 252.16] and the evidence of Mr Hole for Hearing E, dated 23 January 2025, at paragraphs 9 to 14

New Zealand Standard NZS 2772.1:1999; and

**PER-3**

There are no more than 12 antennas and aerials per site; and

**PER-4**

The underlying relevant zone setback standards are complied with; and

**PER-5**

Within the Residential zones, no support structures, aerials and antennas are located between the road and the closest part of any building on the site, or within 1.5m from any other boundary; and

**PER-6**

The maximum height for network utility structures of aerials and associated support structures attached to buildings must not exceed the permitted building height for network utility structures for the underlying relevant zone by more than 5m; and

**PER-7**

1. Where antennas are attached to a building or other structure (including a mast), the radio and telecommunications antenna does not exceed:
  - a. for an antenna dish; 2m in diameter, or
  - b. for panel antenna; 4m<sup>2</sup> in area; and
2. Provided there is no more than one pedestal mounted antenna per site, which:
  - a. is pivoted less than 4m above the ground with a maximum diameter of 5m and a maximum height for network utility structures of 6.5m; and
  - b. if guy wires are used, where these do not exceed 12mm in diameter; and

**PER-8**

1. Provided any element making up an aerial does not exceed 80mm in diameter; and
2. For horizontal HF yagi aerials, provided the maximum element length does not exceed 14.9m, and maximum boom length does not exceed 13m; and

<p>3. <del>F</del>or whip aerials, provided the maximum length does not exceed 3.5m in height for network utility structures above the maximum height for network utility structures for the support structure; and</p> <p><b>PER-9</b></p> <p>1. Provided there is only one primary mast per site, which does not exceed a maximum height for network utility structures of 20m. This mast may be a pole of lattice mast, and may be guyed or self-supporting. Lattice masts shall be no more than:</p> <ul style="list-style-type: none"> <li>a. 1,000mm in outside diameter up to 9m in height for network utility structures; <u>or</u></li> <li>b. 420mm in outside diameter above 9m in height for network utility structures; <u>and</u></li> </ul> <p>2. <del>P</del>rovided there is only one secondary mast per site with a maximum height for network utility structures of 12m. This mast may be fitted with a rotator for VHF and/or UHF aerials; <u>and</u></p> <p>3. <del>P</del>rovided all masts (except for as provided for in PER 6(a) above) shall be less than 115mm in outside diameter; and</p> <p>4. <del>I</del>n addition to the primary mast and the secondary mast, provided there are no more than six other masts per site, which do not exceed the maximum height for network utility structures for buildings within the <u>underlying zone in which it is located</u> by more than 30% (except that one mast may be used as a vertical aerial up to 13.5m in height for network utility structures).</p>	
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**Rules Section G - Flight Paths Protection for Richard Pearse (Timaru) Airport (~~Timaru Airport~~)**

<b>EI-R3735 Fish processing or packing plants, abattoirs or freezing works</b>		
<b>Birdstrike Management Area Overlay</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> Storage, processing and disposal of all organic material takes place within enclosed buildings; <u>and</u></p> <p><b>PER-2</b> There is no disposal of effluent onto land associated with the plant or works.</p>	<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>1. <del>S</del>scale and significance of birdstrike risk likely to be created at the location proposed; and</li> <li>2. <del>M</del>itigation of birdstrike risk including by design measures, operation or management procedures, direct intervention practices and monitoring.</li> </ul>

<p><b>EI-R3836</b></p>	<p><b>Creation of a new stormwater basins, or new<sup>160</sup> waterbodies body (including wastewater oxidation ponds) which exceeds 500m<sup>2</sup> in area</b></p>							
<p><b>Birdstrike Management Area Overlay</b></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The combined area of all existing and proposed stormwater basins and/or water-bodies, that are wholly or partly within 0.75km of the centre of the proposed water-body or stormwater basins, shall not exceed 1,000m<sup>2</sup>; <u>and</u></p> <p><b>PER-2</b> Any stormwater basin has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards:</p> <ol style="list-style-type: none"> <li>1. <del>S</del>stormwater infiltration basins shall be designed to fully drain within 48 hours of the cessation of a 2% AEP storm event;</li> <li>2. <del>S</del>sufficient rapid soakage overflow capacity shall be provided to minimise any ponding of stormwater outside the infiltration area(s); and</li> <li>3. <del>P</del>plant species used shall be limited to those listed in Table 3 below; <u>and</u></li> </ol> <p><b>PER-3</b> Any water-body has been designed by a suitably qualified <u>and experienced practitioner person</u>, with experience in <u>managing avian fauna within and around waterbodies stormwater management systems</u>,<sup>161</sup> to the following standards:</p> <ol style="list-style-type: none"> <li>1. <del>N</del>o permanent island features shall be included, that could provide perching sites for birds; and</li> <li>2. <del>P</del>plant species used shall be limited to those listed in Table 3 below.</li> </ol> <p><b>Table 3 — Plant <del>S</del>species for water-bodies and stormwater basins in the Birdstrike Management Area Overlay</b></p> <table border="1" data-bbox="389 1794 879 1888"> <thead> <tr> <th colspan="2" data-bbox="389 1794 879 1839">Edge of <del>W</del>water-body/stormwater basin</th> </tr> <tr> <th data-bbox="389 1845 635 1888">Botanical name:</th> <th data-bbox="635 1845 879 1888">Common name:</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Edge of <del>W</del> water-body/stormwater basin		Botanical name:	Common name:			<p><b>Activity status when compliance not achieved: Restricted Discretionary</b></p> <p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <del>S</del>scale and significance of birdstrike risk likely to be created at the location proposed; and</li> <li>2. <del>M</del>itigation of birdstrike risk including by design measures, operation or management procedures, direct intervention practices and monitoring.</li> </ol>
Edge of <del>W</del> water-body/stormwater basin								
Botanical name:	Common name:							

<sup>160</sup> Panel Decision Report Part 5, Section 2.48.2

<sup>161</sup> Road Metals [169.10] and Fulton Hogan [170.11]

<i>Schoenoplectus validus / tabernaemontani</i>	lake club rush / kapungawha
<i>Eleocharis acuta</i>	spike sedge
<i>Carex germinate</i>	makura
<i>Schoenus pauciflorus</i>	bog rush
<i>Polystichum vestitum</i>	prickly shield fern
<i>Juncus pallidus</i>	tussock rush / wiwi
<i>Cyperus ustulatus</i>	umbrella sedge
<b>Lower Bank</b>	
<b>Botanical name</b>	<b>Common name</b>
<i>Anemanthele lessoniana</i>	wind grass
<i>Astelia fragrans</i>	bush lily / kakaha
<i>Coprosma propinqua</i>	mikimiki
<i>Dianella nigra</i>	ink berry / turutu
<i>Plagianthus divaricatus</i>	swamp ribbonwood
<b>Upper Bank</b>	
<b>Botanical name</b>	<b>Common name</b>
<i>Aristotelia serrata</i>	makomako / wineberry
<i>Carpodetus serratus</i>	marbleleaf / putaputaweta
<i>Coprosma rotundifolia</i>	roundleaved coprosma
<i>Dodonea viscosa (frost tender)</i>	akeake
<i>Eleocarpus hookerianus</i>	pokaka
<i>Griselinia littoralis</i>	kapuka / broadleaf
<i>Hebe salicifolia</i>	koromiko
<i>Hoheria angustifolia</i>	narrow leaved lacebark
<i>Kunzea ericoides</i>	kanuka
<i>Leptospermum scoparium</i>	manuka
<i>Lophomyrtus obcordata</i>	rohutu / NZ myrtle
<i>Myrsine australis</i>	mapou
<i>Myrsine divaricate</i>	weeping mapou

	<table border="1"> <tr> <td><i>Pittosporum eugenioides</i></td> <td>lemonwood</td> </tr> <tr> <td><i>Pittosporum tenuifolium</i></td> <td>matipo</td> </tr> <tr> <td><i>Plagianthus regius</i></td> <td>lowland ribbonwood</td> </tr> <tr> <td><i>Podocarpus totara</i></td> <td>totara</td> </tr> <tr> <td><i>Prumnopitys taxifolia</i></td> <td>matai</td> </tr> <tr> <td><i>Pseudowintera colorata</i></td> <td>peppertree</td> </tr> <tr> <td><i>Sophora microphylla</i></td> <td>kowhai</td> </tr> </table> <p><b>Note:</b> <del>This rule does not apply to replacements of existing stormwater basins or water bodies.</del><sup>162,163</sup></p>	<i>Pittosporum eugenioides</i>	lemonwood	<i>Pittosporum tenuifolium</i>	matipo	<i>Plagianthus regius</i>	lowland ribbonwood	<i>Podocarpus totara</i>	totara	<i>Prumnopitys taxifolia</i>	matai	<i>Pseudowintera colorata</i>	peppertree	<i>Sophora microphylla</i>	kowhai	
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<b>EI-R3937</b>	<b>Buildings, structures or trees within<sup>164</sup> the Aerodrome Flight Paths Protection Area Overlay</b>															
<b>Aerodrome Flight Paths Protection Area Overlay</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> Richard Pearce (Timaru) Airport has provided a written certification statement<sup>165</sup> to Timaru District Council that the building, structure or tree complies with Appendix 10; or</p> <p><b>PER-2</b> The building, structure or tree is located in an urban area of<sup>166</sup> Temuka or Timaru and is no higher than 10m above existing ground level.</p>	<b>Activity status where compliance not achieved: Non-complying</b>														
<b>EI-4038</b>	<b>New landfills, excluding cleanfills, landfills for cleanfill material,<sup>167</sup> within the Birdstrike Management Overlay</b>															
<b>Birdstrike Management Area Overlay</b>	<p><b>Activity status: <u>Restricted</u><sup>168</sup> Discretionary</b></p> <p><b><u>Matters of discretion are restricted to:</u></b></p> <ol style="list-style-type: none"> <li><del>the nature of the proposed fill and the extent to which it includes material that could attract avian</del></li> </ol>	<b>Activity status where compliance not achieved: Not applicable</b>														

<sup>162</sup> Road Metals [169.10] and Fulton Hogan [170.11]

<sup>163</sup> Panel Decision Part 5, Section 2.48.2

<sup>164</sup> Bruce Spiers [66.21]

<sup>165</sup> North Meadows [190.6], Hilton Haulage [168.24], Southern Proteins [140.6]

<sup>166</sup> Fenlea Farms [171.19], AJ Rooney [177.9], KJ Rooney [197.2] and ECan [183.10]

<sup>167</sup> RMA Clause 16(2)

<sup>168</sup> Road Metals [169.11] and Fulton Hogan [170.12] for all these changes

	<p><u>fauna directly, or attract other wildlife that could attract avian fauna; and</u></p> <p>2. <u>The methods proposed to avoid or minimise birdstrike risk on Richard Pearse (Timaru) Airport (Timaru Airport);</u></p>	
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Standards		
<b>EI-S1</b>	<b>Maximum structure height for network utility structures of poles, antenna, and towers and telecommunications poles<sup>169</sup> (including the combined height of poles and antenna)</b>	
<b>All Zones</b>	<p>5m above the permitted height limit for buildings in the <u>underlying applicable zone</u>.</p> <p><b>Notes except that:</b></p> <ol style="list-style-type: none"> <li>1. Omni directional 'whip' or dipole antenna that comply with dimensions in EI-R4 (4) are excluded from the 'combined height' (i.e. only the pole needs to comply with the maximum structure height for network utility structures) lighting rods are exempt from the maximum for network utility structures standard.</li> <li>2. <u>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.</u><sup>170</sup></li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. <u>changes in</u><sup>171</sup> visual dominance; and</li> <li>2. <u>changes in</u><sup>172</sup> the impact on the character and qualities of the surrounding area; <u>and</u></li> <li>3. the functional needs and operational needs of, and benefits derived from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken.</li> </ol>
<b>EI-S2</b>	<b>Upgrading infrastructure</b>	
<b>All Zones</b>	<ol style="list-style-type: none"> <li>1. The realignment, relocation or replacement of a line, pipe (excluding a liquid petroleum pipeline), telecommunication pole, pole, tower, conductor, switch, transformer or ancillary structure <u>is</u> within 5m of the existing alignment or location; <u>and</u></li> <li>2. A pole is not replaced with a tower; <u>and</u></li> <li>3. A replacement pole, tower or telecommunication pole does not exceed the height for network utility structures of the replaced pole or tower or telecommunication pole by the greater of:</li> </ol>	<p><b>Matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>1. the functional needs and operational needs of, and benefits derived from, the network utility, including the potential impact on the levels of service or health and safety if the work is not undertaken; and</li> <li>2. <u>changes in</u><sup>173</sup> the bulk, height, location and design of the network utility, including any associated buildings or structures; and</li> <li>3. <u>changes in</u><sup>174</sup> the impact on the character and qualities of the surrounding area; and</li> </ol>

<sup>169</sup> The Telcos [176.58, 208.58, 209.58, 210.58]

<sup>170</sup> The Telcos [176.58, 208.58, 209.58, 210.58] and Radio NZ [152.45]

<sup>171</sup> Radio NZ [152.45]

<sup>172</sup> Radio NZ [152.45]

<sup>173</sup> Radio NZ [152.46]

<sup>174</sup> Radio NZ [152.46]

<ul style="list-style-type: none"> <li>a. more than 15% across any 10-year period; or</li> <li>b. the maximum height for network utility structures of the underlying zone; <u>and</u></li> </ul> <p>4. The diameter or width of a replacement pole or telecommunications pole:</p> <ul style="list-style-type: none"> <li>a. does not exceed twice that of the replaced pole at its widest point; or</li> <li>b. where a single pole is replaced with a pi pole, the width of the pi pole structure must not exceed three times the width of the replaced pole at its widest point; <u>and</u></li> </ul> <p>5. The footprint of a replacement tower does not exceed the width of the tower by more than 25% across any 10-year period; <u>and</u></p> <p>6. There are no additional towers; <u>and</u></p> <p>7. There are no more than two poles, which are necessary to achieve the conductor clearances required by NZECP 34:2001; <u>and</u></p> <p>8. The realignment, relocation of replacement of any other network utility structure or building:</p> <ul style="list-style-type: none"> <li>a. is within 5m of the alignment or location of the original structure or building; and</li> <li>b. does increase the footprint of the structure or building by greater than 25% across any 10-year period; <u>and</u></li> </ul> <p>9. A replacement antenna does not increase the diameter of an existing dish antenna or the width of an existing panel antenna by more than 25% across any 10-year period; <u>and</u></p> <p>10. A replacement cabinet or building does not increase the footprint of the existing cabinet or building by more than 25% in any 10-year calendar period; <u>and</u></p> <p>11. The diameter of replacement pipes located above ground must not exceed the diameter of the replaced pipe by more than 300mm.</p>	<ul style="list-style-type: none"> <li>4. site reinstatement and replanting; and</li> <li>5. the duration, timing, and frequency of adverse effects.</li> </ul>
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