

Energy and Infrastructure

Introduction

The ~~Energy and~~ Infrastructure ~~and Energy~~ Chapter contains district-wide provisions that cover ~~R~~regionally ~~S~~significant ~~I~~nfrastructure, ~~L~~ifeline ~~U~~tilities¹ 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~~² the Transport Chapter. Provisions relating to ~~the P~~port activities at the Port of Timaru are also covered by ~~contained in~~³ the Port Zone Chapter.

Regionally ~~S~~significant ~~I~~nfrastructure, ~~L~~ifeline ~~U~~tilities⁴ and other infrastructure have important functions and enable people and communities to provide for their social, economic and cultural wellbeing. The positive effects of ~~R~~regionally ~~S~~significant ~~I~~nfrastructure, ~~L~~ifeline ~~U~~tilities⁵ 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 facilities⁶.

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,⁶ The objectives and policies in this chapter take precedence over the objectives and policies in any ~~Z~~zone ~~C~~chapter of Part 3 – Area-Specific Matters as specified in EI-O2, EI-P2 and EI-P~~X~~5.⁷ In managing the effects of ~~R~~regionally ~~S~~significant ~~I~~nfrastructure and other infrastructure, the provisions in Part 2 – District-Wide Matters also apply. The application of the rules in relation to other chapters is set out in the Rules section.⁸

¹ TDC [42.15] and Radio NZ [152.27]

² Waka Kotahi [143.20]

³ A consequential amendment following Waka Kotahi [143.20]

⁴ TDC [42.15] and Radio NZ [152.27]

⁵ TDC [42.15] and Radio NZ [152.27]

⁶ Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 25

⁷ Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]

⁸ 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.⁹

Objective	
EI-O1 Regionally Significant Infrastructure and Lifeline Utilities¹⁰ Regionally Significant Infrastructure and Lifeline Utilities¹¹ are Effective, resilient, efficient and safe Regionally Significant Infrastructure and Lifeline Utilities that and:¹² 1. provides essential and secure services, including in emergencies; and 2. facilitates local, regional, national or international connectivity; and 3. contributes to the economy, <u>support emissions reduction</u>¹³ <u>where practicable</u>¹⁴ and supports a high standard of living; and 4. <u>is</u> <u>are</u> aligned and integrates with the timing and location of urban development; and 5. enables¹⁵ people and communities to provide for their health, safety and wellbeing.	
EI-O2 Adverse effects of <u>infrastructure, including</u>¹⁶ Regionally Significant Infrastructure and Lifeline Utilities¹⁷¹⁸ The adverse effects of <u>infrastructure, including</u> Regionally Significant Infrastructure, and Lifeline Utilities and other infrastructure¹⁹: 1. are avoided in sensitive environments <u>the areas identified in EI-P2.1.a</u>²⁰ unless there is a functional <u>need</u>²¹ or operational need for the infrastructure to be in that location <u>and no practicable alternative locations are available</u>,²² in which case they must be remedied or mitigated <u>managed by applying the effects management hierarchy set out in EI-P2</u>; ²³ and 2. <u>in other areas</u>, are avoided, remedied or mitigated <u>to achieve having regard to the relevant objectives for the underlying zone in other areas</u>; ²⁴ <u>and</u> 3. in the case of the National Grid, are managed appropriately in the context of: a. the characteristics and values of the receiving environment; and b. the nature of the National Grid, including its functional needs and operational needs.²⁵	
EI-O3 Adverse effects of other infrastructure²⁶ The adverse effects of other infrastructure: 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.	

⁹ Kāinga Ora [229.14], TDC [42.14] and Opuha Water [181.33], [181.43], [181.44]

¹⁰ The Telcos [176.35, 208.35, 209.35, 210.35] and TDC [42.16]

¹¹ The Telcos [176.35, 208.35, 209.35, 210.35] and TDC [42.16]

¹² Waka Kotahi [143.21]

¹³ Forest and Bird [156.52]

¹⁴ Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 29.

¹⁵ Opuha Water [181.25] for all the singular to plural changes

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

¹⁷ The Telcos [176.36, 208.36, 209.36, 210.36] and TDC [42.17]

¹⁸ Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]

¹⁹ 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

²⁰ Opuha Water [181.26]

²¹ Clause 16(2)

²² Dir. General Conservation [166.20] and Radio NZ [152.29]

²³ Dir. General Conservation [166.20] and Opuha Water [181.26] and TDC [42.17]

²⁴ The Telcos [176.36, 208.36, 209.36, 210.36]

²⁵ Transpower [159.33] and the evidence of Ms McLeod for Transpower for Hearing E, dated 23 January 2025, paragraph 29

²⁶ Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]

EI-O43	Adverse effects on Rregionally Ssignificant Infrastructure and Lifeline Utilities
The efficient operation, maintenance, repair, upgrading or development of R regionally S significant I nfrastructure and lifeline utilities are not constrained or compromised by the adverse effects of subdivision, use and development, including incompatible activities and ²⁷ reverse sensitivity effects.	
EI-O54	Amateur radio configurations
Amateur radio configurations are able to be efficiently established with <u>no to</u> ²⁸ minimal adverse effects on the surrounding environment.	

Policies

EI-P1	Recognising the benefits of Rregionally Ssignificant Infrastructure and Lifeline Utilities
Recognise the benefits of Rregionally Ssignificant Infrastructure and Lifeline Utilities by: enabling providing for their operation, maintenance, repair, removal²⁹, upgrade, <u>and</u> development <u>in appropriate locations</u>,³⁰ <u>and</u> enabling their removal during an emergency; and³¹ - recognising their functional needs or operational needs; and 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 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 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 - supporting Rregionally Ssignificant Infrastructure in adopting new technologies that: - improve access to, and efficient use of, networks and services; <u>and</u> - allow for the re-use of redundant services and structures <u>and construction materials</u>³²; <u>and</u> - increase resilience, safety or reliability of networks and services; <u>and</u> - result in environmental benefits and enhancements; or - promote environmentally sustainable outcomes including green infrastructure and the increased utilisation of renewable resources.	
EI-P2	Managing adverse effects of Rregionally Ssignificant Infrastructure and Lifeline Utilities³³ and other infrastructure
<u>Except as provided for by Policy EI-PX5</u>³⁴ Pprovide for Rregionally Ssignificant Infrastructure, Lifeline Utilities³⁵ and other infrastructure where any adverse effects are appropriately managed by: - 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 <u>outside of urban zoned areas</u>,³⁶ Significant	

²⁷ Kāinga Ora [229.18]²⁸ Forest and Bird [156.56]²⁹ TDC [42.18] and Opuha Water [181.28]³⁰ Forest and Bird [156.57]³¹ TDC [42.18] and Opuha Water [181.28]³² Forest and Bird [156.57] for all the changes after the deletion of clause 2, except where specified.³³ The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]³⁴ Transpower [159.36]³⁵ The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]³⁶ PrimePort [175.20]

Natural Areas (SNAs), ~~High Naturalness Waterbodies Areas HNWB~~, ~~Sites and areas³⁷ of Significance to Māori SASM~~, historic heritage, cultural, and archaeological areas, riparian margins, ~~Long Tailed BB at PP~~ protection ~~AA~~ areas³⁸ and notable trees in accordance with the relevant Part 2 – District-Wide provisions applying to those areas; and

- b. ~~controlling managing³⁹~~ the height, bulk and location of Regionally Significant Infrastructure and other ~~all~~ infrastructure, consistent with taking into account⁴⁰ 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 amenity⁴¹~~; and
- d. requiring the undergrounding of network utilities ~~lines⁴²~~ 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; and⁴³~~
- 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 account⁴⁴ the character and qualities of the surrounding area;

while:

2. ~~Recognising~~ the functional need⁴⁵ or operational need of ~~Regionally Significant Infrastructure~~, ~~Lifeline Utilities⁴⁶~~ 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, ~~replacing⁴⁷~~ upgrading, removing or developing the regionally significant infrastructure or other infrastructure; and
 - d. the time, duration or frequency of adverse effects; and
 - e. their location, including:
 - i. the complexity and connectedness of the networks and services;
 - ii. the potential for co-location and shared use of infrastructure corridors; ~~and~~
 - iii. the extent to which there are feasible alternative sites, routes or methods available;⁴⁸ and
 - f. for renewable energy generation, the need to locate where the natural resources occur; ~~and~~
3. ~~Where~~ due to functional needs or operational needs, ~~regionally significant infrastructure 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,⁴⁹ 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

³⁷ Clause 16(2)

³⁸ 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]

³⁹ Radio NZ [152.32]

⁴⁰ The Telcos [176.40, 208.40, 209.40, 210.40]

⁴¹ Kāinga Ora [229.20]

⁴² The Telcos [176.40, 208.40, 209.40, 210.40]

⁴³ Opuha Water [181.29]

⁴⁴ The Telcos [176.40, 208.40, 209.40, 210.40]

⁴⁵ Clause 16(2)

⁴⁶ The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

⁴⁷ Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]

⁴⁸ Opuha Water [181.29] and TDC [42.19]

⁴⁹ Clause 16(2)

- 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.⁵⁰

EI-P3**Adverse effects on ~~R~~regionally ~~S~~significant ~~I~~nfrastructure and ~~L~~ifeline ~~U~~tilities⁵¹**

1. Ensure new or modified⁵² 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 ~~R~~regionally ~~S~~significant ~~I~~nfrastructure and lifeline utilities; and
2. Recognise and provide for the safe and efficient operation, maintenance, repair,⁵³ 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~~⁵⁴ compromise the operation, maintenance, repair, upgrading, ~~renewal replacement~~,⁵⁵ 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 ~~R~~ural ~~z~~ones, ~~R~~esidential ~~z~~ones, and ~~C~~ommercial 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 Grid⁵⁶**

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. ~~I~~n urban environments, minimising adverse effect on urban amenity and avoiding adverse

⁵⁰ Dir. General Conservation [166.22]

⁵¹ TDC [42.20]

⁵² BP Oil, et al [196.24]

⁵³ Clause 16(2)

⁵⁴ Kāinga Ora [229.21]. See also the evidence of Ms McLeod for Transpower [159] Hearing H., dated 23 January 2025, at paragraph 45

⁵⁵ Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]

⁵⁶ Transpower [159.36]

- 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 required⁵⁷ 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. SNA 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
 - ix. Long-Tailed Bat Protection Areas listed in SCHEDXX⁵⁸; 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-8⁵⁹ 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.

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.⁶⁰

With the exception of the rules in the Port Zone PORTZ applying to Pport activities⁶¹ Rrules in Sections A - Section F of this chapter take precedence over rules in any Zzone Cchapters of Part 3 — Area-Specific Matters - Zone Chapters and the Zzone Cchapter rules do not apply.⁶² Unless otherwise specified in this chapter, the provisions of the Development Area Chapter, Designation Chapter and Chapters in Part 2 - District-Wide Matters Chapters still apply to activities provided for in Sections A - Section F and therefore resource consent may be required by the rules in Part 2.⁶³

⁵⁷ Evidence of Ms McLeod for Transpower [159.36] for Hearing E, dated 23 January 2025, paragraph 59

⁵⁸ the Long Tailed Bat Protection Areas are mapped but are not listed in a schedule

⁵⁹ 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

⁶⁰ Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]

⁶¹ Evidence of Ms Seaton for PrimePort Timaru Limited [175] and Timaru District Holdings Limited [186] at paragraph 27.

⁶² Transpower [159.38] and The Telcos [176.34, 208.34, 209.34, 210.34]

⁶³ Forest and Bird [156.50]

Rules in Section G of this chapter do not take precedence over rules in the ~~Zzones~~ chapters. Consent may be required by rules the Part 2 - District-~~w~~Wide Matters Chapters and Part 3 — Area-~~z~~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.⁶⁴

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.

Section A - Rules for Energy and Infrastructure Activities (not otherwise listed in other Sections of this chapter)		
EI-R1	Operation, Mmaintenance⁶⁵ and repair, or removal of infrastructure not otherwise addressed by another rule listed in this chapter	
All Zzones	Activity status: Permitted Where: PER-1 EI-S1 is complied with.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: the matters of discretion of any infringed standard.
EI-R2	Upgrading of underground infrastructure, not otherwise addressed by another rule in this chapter⁶⁶	
All Zones	Activity status: Permitted - Where - PER-1 EI-S2 is complied with.	Activity status when compliance not achieved: Restricted Discretionary - Matters of discretion are restricted to: the matters of discretion of any infringed standard.
EI-R32	New and upgrading existing⁶⁷ underground infrastructure (including customer connections) not otherwise listed addressed by another rule in this chapter	
All Zzones	Activity status: Permitted	Activity status when compliance not achieved: Not applicable
EI-R43	Upgrading of⁶⁸ above ground network utilities not otherwise listed addressed by another rule in this chapter	
All Zzones	Activity status: Permitted Where: PER-1 EI-S1 and EI-S2 are complied with.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: the matters of discretion of any infringed standard.
EI-R54	Vehicle access tracks for network utilities, including ancillary access tracks	
All Zzones	Activity status: Permitted Where:	Activity status when compliance not achieved: Restricted Discretionary

⁶⁴ Opuha Water [181.32]

⁶⁵ KiwiRail [187.24] and Radio NZ [152.34]

⁶⁶ Transpower [159.40]

⁶⁷ Transpower [159.40]

⁶⁸ Clause 16(2)

	PER-1 The access track is unsealed; and PER-2 The access track, including unformed paper roads, is not classified as a road under the District Plan; and PER-3 The access track is 6m or less in width.	Matters of discretion are restricted to: 1. the purpose, necessity and location of the vehicle access track; and 2. the impact on the character and qualities of the surrounding area.
EI-R65	Above ground customer connections	
1. Residential Zones Commercial and Mixed Use Zones Open Space and Recreation Zones	Activity status: Permitted Where: PER-1 The connection does not require a new tower; and PER-2 The connection does not exceed three additional poles; and PER-3 EI-S1 is complied with.	Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the purpose, necessity and location of the above ground customer connection; and 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 3. the extent to which landscaping and/or recessive colours and finishing mitigates any adverse effects. Activity status when compliance not achieved with PER-3: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
2. Rural Zones General Industrial Zone Port Zone Māori Purpose Zone	Activity status: Permitted Where: PER-1 EI-S1 is complied with.	Activity status when compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
EI-R76	Temporary network utilities, including generators	
All Zones	Activity status: Permitted Where:	Activity status when compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary

	PER-1 The temporary network utility operates for a maximum of up to 12 consecutive months; and PER-2 Any temporary network utilities, and associated buildings and structures, are removed from the site within two months of completion of the associated works; and PER-3 Any electricity generator, excluding those covered under EI-R24¹⁹: 1. is transportable; <u>and</u> 2. operates for a maximum of up to 12 consecutive months in any two year period; and 3. is removed from the site within one month of when it ceases to be used; and PER-4 EI-S1 is complied with. Note: <i>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.</i>	Matters of discretion are restricted to: 1. the functional needs <u>and or</u>⁶⁹ 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 2. the bulk, height, location and design of the temporary network utility, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area. Activity status when compliance not achieved with PER-4: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
EI-R87	Substations (including switching stations) and energy storage batteries not enclosed within a building	
All Zzones	Activity status: Permitted Where: PER-1 The maximum building and structure height for a network utility structures is: 1. <u>as set out in EI-S1 for those structures covered under EI-S1; and for other structures and buildings</u>;⁷⁰ 2. is a <u>2.5m metres</u>; or 3. is b <u>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</u> PER-2	Activity status when compliance not achieved with PER-1, PER-2 or PER-3: Restricted Discretionary Matters of discretion are restricted to: 1. the functional needs <u>and or</u>⁷³ 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 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effects on public health and/or safety.

⁶⁹ Waka Kotahi [143.31]

⁷⁰ Clause 16(2)

⁷³ Waka Kotahi [143.31]

	The maximum area of the substation, or energy storage batteries is: 1. 420m² in Rresidential Zzones; or 2. 630m² in all other zones; and⁷¹ PER-3 The substation, or energy storage batteries are set-back at least 2m metres from any Rresidential Zzone site boundary, and PER-4 EI-S1 is complied with. Note: <i>Height shall be measured from the existing ground level prior to any works commencing.</i>⁷²	Activity status when compliance not achieved with PER-4: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
EI-R98	New network utilities within existing fully enclosed buildings	
All Zzones	Activity status: Permitted	Activity status when compliance not achieved: Not applicable
EI-R409	Navigational aids, sensing and environmental monitoring equipment (including air quality and meteorological)	
All Zzones	Activity status: Permitted Where: PER-1 The activity complies with the height, setback, and height in relation to boundary standards of the underlying for the zone.	Activity status when compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
EI-R4410	New overhead lines and associated support structures that convey electricity excluding customer connections	
General Rural Zone General Industrial Zone Port Zone	Activity status: Permitted Where: PER-1 EI-S1 is complied with.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
All zones other than the General Rural Zone, General Industrial	Activity status: Restricted Discretionary Matters of discretion are restricted to: 1. the functional needs and or⁷⁴ operational needs of, and benefits from, the network utility, including the potential impact on the levels of	Activity status when compliance not achieved: Not applicable

⁷¹ Millward Finlay Lobb [60.9] and the tabled evidence of Ms McMullan for Hearing E, dated 30 January 2025

⁷² ECan [183.4]

⁷⁴ Waka Kotahi [143.31]

Zone and Port Zone	service or health and safety if the work is not undertaken; and 2. the bulk, height, location and design of the network utility, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effects on public health and/or safety.	
EI-RX11	Network utilities emitting electric and magnetic fields⁷⁵	
All Zzones	Activity status: Permitted Where: PER-1 <u>Any activity that generates electric or magnetic fields does not exceed:</u> 1. <u>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</u> 2. <u>recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).</u>	Activity status when compliance not achieved: Non-complying
EI-R12	New electricity generation from a non-renewable source not otherwise addressed listed in this chapter	
All Zzones	Activity status: Discretionary	Activity status when compliance not achieved: Not applicable

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

Rules Section B - Rules for Telecommunication and Radiocommunication Activities		
EI-R13	New overhead telecommunications lines and associated support structures excluding customer connections	
1. General Rural Zone General Industrial Zone Port Zone	Activity status: Permitted Where: PER-1 EI-S1 is complied with.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
2. All Zzones, other than	Activity status: Restricted Discretionary	Activity status when compliance not achieved: Not applicable

⁷⁵ Transpower [159.48]

the General Rural Zone, General Industrial Zone, and Port Zone	Matters of discretion are restricted to: 1. the functional needs and <u>or</u>⁷⁶ 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 2. the bulk, height, location and design of the network utility, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effects on public health and/or safety.	
EI-R14	Telecommunications kiosk	
All Z zones	Activity status: Permitted Where: PER-1 The telecommunication kiosk does not exceed: 1. a height for network utility structures of 3.5m metres; and 2. a total area of 1.5m²; and PER-2 If not located within a road reserve, the telecommunication kiosk is setback no less than 2m from all <u>side and rear site boundaries, and set-back from a road boundary in accordance with the underlying applicable zone setback requirements</u>;⁷⁷ and PER-3 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. Note: <u>Height shall be measured from the existing ground level prior to any works commencing.</u>⁷⁸	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the functional needs and <u>or</u>⁷⁹ 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 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effect on public health and/or safety.
EI-R15	Telecommunications or radiocommunication activities (not otherwise listed in rules EI-R15 to EI-R22 and not regulated by the NESTF)	

⁷⁶ Waka Kotahi [143.31]

⁷⁷ 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

⁷⁸ ECan [183.4]

⁷⁹ Waka Kotahi [143.31]

All Z ones	Activity status: Permitted	Activity status when compliance not achieved: Restricted Discretionary
	Where: PER-1 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 residential zone property is-zoned Residential (but not a road boundary); and PER-2 A panel antenna: 1. does not exceed a width of 0.79m metres; ⁸⁰ and 2. when in a road reserve, fits within an envelope of 3.5m metres in length and 0.79m metres in width;⁸¹ and PER-3 A dish antenna does not exceed a diameter of 1.2m metres; and PER-4 Omni directional 'whip' or dipole antenna do not exceed: 1. 1.6m metres in vertical length; and 2. 60mm in diameter; and 3. 1.5m metres in horizontal length; and PER-5 A headframe does not exceed: 1. 2.5m metres in diameter in a Residential zone (except when located in a road as provided for by PER-2 b.2. above); or 2. 6m metres in diameter in all other zones; and PER-6 For antenna attached to a building, the antenna does not exceed a height for network utility structures of 5m metres above the point of attachment to the building; and PER-7 A telecommunications cabinet does not exceed: 1. within a road corridor, a footprint of 2m² or height for network utility structures of 2m metres; or	Matters of discretion are restricted to: 1. the functional needs and or⁸³ 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 2. the bulk, height, location and design of the activity, including any associated buildings or structures; and 3. the impact on the character and qualities of the surrounding area; and 4. any adverse effect on public health and/or safety.

⁸⁰ The Telcos [176.53, 208.53, 209.53, 210.53]

⁸¹ The Telcos [176.53, 208.53, 209.53, 210.53]

⁸³ Waka Kotahi [143.31]

	2. outside of a road corridor, a footprint of 2.5m² or height for network utility structures of 2m metres; and PER-8 A group of telecommunications cabinets does not exceed a footprint of 3m². Note: <i>Height shall be measured from the existing ground level prior to any works commencing.</i>⁸²	
EI-R16	Small cell units	
All Zzones	Activity status: Permitted	Activity status when compliance not achieved: Not Applicable
EI-R17	Other network utilities (including network utility buildings and enclosed substations) not otherwise addressed by another rule in EI-R4213 to EI-R20 and not regulated by the NESTF.	
All Zzones	Activity status: Permitted Where: PER-1 <u>The network utility is located within an existing building; or</u>⁸⁴ PER-12 <u>The maximum building and structure height for a network utility structures is:</u> 1. as set out in EI-S1 for those structures covered under EI-S1; and 2. for other structures and buildings; 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 PER-23 The building or structure does not exceed a maximum footprint of: 1. 20m² in a Residential Zzone or Oopen Sspace and Recreation Zzone; or 2. 50m² in any other zone, except the General Industrial Zone, which has no maximum footprint; and PER-3 EI-S1 is complied with.	Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary Matters of discretion are restricted to: - the functional needs and or⁸⁵ 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 <u>effects resulting from</u>⁸⁶ the bulk, height, location and design of the network utility, including any associated buildings or structures; and - the impact on the character and qualities of the surrounding area; and - any adverse effect on public health and/or safety. Activity status when compliance not achieved with PER-3: Restricted Discretionary Matters of discretion are restricted to: - the matters of discretion of any infringed standard.

⁸² ECan [183.4]⁸⁴ 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 49⁸⁵ Waka Kotahi [143.31]⁸⁶ Clause 16(2) and the evidence of Mr Anderson for the Telcos for Hearing E dated 23 January 2025, paragraph 50

EI-R18	Network utilities emitting electric and magnetic fields⁸⁷	
All Zones	Activity status: Permitted Where: PER-1 Any activity that generates electric or magnetic fields does not exceed: 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 3. recommendations from the World Health Organisation monograph Environmental Health Criteria (No 238, June 2007).	Activity status when compliance not achieved: Non-complying - - -
EI-R1918	Network utilities generating radiofrequency fields	
All Zones	Activity status: Permitted Where: PER-1 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.	Activity status when compliance not achieved: Non-complying
EI-R2019	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.	
All Zones	Activity status: Permitted Where: PER-1 Buildings and structures comply with the height, boundary and height in relation to boundary standards <u>of the underlying</u> for the relevant zone; and PER-2 Any permanent back-up generator or a self-contained power unit is: 1. setback at least <u>2m</u> metres from a site boundary with a residential activity; and 2. operates for a maximum of 12 consecutive months.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. the functional needs and <u>or</u>⁸⁸ operational needs of, and benefits derived from, the network utility; and 2. the purpose and necessity of the generator or power unit; and 3. any adverse visual or nuisance effects (including the effects of any outdoor lighting), particularly on the character and qualities of the surrounding area.
EI-R2420	Telecommunications lines, cabinets, poles and new antennas regulated by the NESTF that do not meet the permitted activity standards in Regulations 20, 21,	

⁸⁷ Transpower [159.48]⁸⁸ Waka Kotahi [143.31]

	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.	
All Zones	Activity status: Restricted Discretionary Matters of discretion are restricted to: - the functional needs and ⁸⁹or 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 - the bulk, height, location and design of the network utility, including any associated buildings or structures; and - the impact on the character and qualities of the surrounding area; and - any adverse effects on public health and/or safety.	Activity status when compliance not achieved: Not applicable

Rules Section C - Rules for Network Utilities - Three Waters

EI-R22⁹⁰	Construction, maintenance, repair and upgrading of underground water supply, wastewater systems, and stormwater infrastructure	
All Zones	Activity status: Permitted Where: PER-1 Any pipe is not located on or within a waterbody, except where it is: attached to and/or incorporated within an existing bridge structure; or within an existing conduit or duct.	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: the functional needs and ⁹¹or 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 the impact on the character and qualities of the surrounding area; and the effects on the values of Kati Huirapa.⁹²
EI-R2321	New water <u>supply</u>⁹³, wastewater <u>systems</u>⁹⁴ and stormwater <u>infrastructure</u>⁹⁵ connections to existing reticulated networks	
All Zones	Activity status: Permitted	Activity status when compliance not achieved: Not Applicable
EI-R2422	Rainwater collection systems for non-potable use	
All Zones	Activity status: Permitted	Activity status when compliance not achieved: Restricted Discretionary

⁸⁹ Waka Kotahi [143.31]

⁹⁰ Opuha Water [181.34] and TDC [42.21]

⁹¹ Waka Kotahi [143.27]

⁹² Te Runanga o Ngai Tahu [185.8]

⁹³ Clause 16(2) for consistency

⁹⁴ Clause 16(2) for consistency

⁹⁵ Clause 16(2) for consistency

	Where: PER-1 The rainwater tank complies with building height, setback and height in relation to boundary standards for the zone.	Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
EI-R2523	Maintenance, repair and upgrading of existing <u>underground and above ground water systems infrastructure, including:</u> • water supply, wastewater systems, and stormwater infrastructure <u>not covered under EI-R2321</u>⁹⁶ • open drains and channels, pipes, water reservoirs, storage ponds; and • other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities)⁹⁷	
All Zones	Activity status: Permitted Where: PER-1 Building or structure maintenance and upgrades occur within the existing building or structure⁹⁸ envelope; or PER-2 New buildings and structures comply with the building height, setback, and height in relation to boundary <u>standards</u> for the <u>underlying zone</u>; and PER-3 EI-S1 and⁹⁹ If located outside a rural zone EI-S2 are ¹⁰⁰ is complied with.	Activity status when compliance not achieved with PER-1 or PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the functional needs and or¹⁰¹ 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. 2. the bulk, height, location and design of the activity, including any associated buildings or structures. 3. the impact on the character and qualities of the surrounding area. Activity status when compliance not achieved with PER-3: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
EI-R2624	Construction of new underground and above ground <u>water systems infrastructure, including:</u>¹⁰² • water supply, wastewater systems and stormwater infrastructure <u>not covered under EI-R2321</u>¹⁰³ • open drains and channels, pipes, water reservoirs, storage ponds; and • other ancillary facilities and structures for the reticulation and storage of water for agricultural and horticultural activities (excluding mobile irrigation equipment for agricultural and horticultural activities)	

⁹⁶ Clause 16(2)⁹⁷ Clause 16(2)⁹⁸ Opuha Water [181.35] and TDC [42.22, 42.80]⁹⁹ Clause 16(2) – EI-S1 applies to network utility poles, towers and antenna¹⁰⁰ Clause 16(2) to avoid conflict with EI-R26 that permits new 3 waters infrastructure in rural zones¹⁰¹ Waka Kotahi [143.30]¹⁰² Rooney, et al [249.14, 250.14, 251.14, 252.14, 191.14, 174.14] for all these changes except where separately referenced¹⁰³ Clause 16(2)

1. Rural Zones	Activity status: Permitted Where: PER-1 New buildings and structures comply with the building height, setback, and height in relation to boundary for the zone. PER-2 El-S1 is complied with.¹⁰⁴	Activity status when compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to: 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. 2. the bulk, height, location and design of the activity, including any associated buildings or structures. 3. the impact on the character and qualities of the surrounding area; <u>and</u> 4. <u>dust nuisance, sedimentation, land instability, erosion and contamination effects.</u>¹⁰⁵ Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
2. 12. All Zones except Rural Zones	Activity status: Restricted Discretionary Matters of discretion are restricted to: 1. the functional needs and <u>or</u>¹⁰⁶ 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. 2. the bulk, height, location and design of the activity, including any associated buildings or structures. 3. the impact on the character and qualities of the surrounding area; <u>and</u> 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>¹⁰⁷ <u>and</u> 5. <u>dust nuisance, sedimentation, land instability, erosion and contamination effects.</u>¹⁰⁸	Activity status when re compliance not achieved: Not applicable

¹⁰⁴ Clause 16(2) – El-S1 applies to network utility poles, towers and antenna

¹⁰⁵ Transpower [159.38]

¹⁰⁶ Waka Kotahi [143.31]

¹⁰⁷ Te Runanga o Ngai Tahu [185.8]

¹⁰⁸ Transpower [159.38]

Note: ~~This rule does not apply to connections permitted under EI-R2321.~~¹⁰⁹

Rules Section D - Rules for the National Grid

EI-R2725

Buildings or structures within the National Grid Yard

**All
Zones**

Activity status: Permitted

Activity status when compliance not achieved: Non-complying

Where:

PER-1

In the National Grid Yard:

1. any alteration or addition to an existing building or structure for a sensitive activity does not involve an increase in the building height for ~~network utility structures~~¹¹⁰ or footprint; or
2. it is a network utility undertaken by a network utility operator ~~(other than for the reticulation and storage of water in canals, dams or reservoirs including for irrigation purposes)~~; or
3. it is a non-habitable building or structure for primary production in the ~~Rural Zones~~, including yards for milking/dairy sheds and artificial crop protection structures (but does not include any building for intensive primary production, commercial greenhouses or milking/dairy sheds); or
- ~~4. it is a yard for milking/dairy sheds; or~~
- ~~5. it is an artificial crop protection and support structure; or~~
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 and that is no closer than 5m to the

¹⁰⁹ Clause 16(2).

¹¹⁰ Transpower [159.49] for all the changes in EI-R27

	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 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: <i>Height shall be measured from the existing ground level prior to any works commencing.</i>¹¹¹	
EI-R2826	Earthworks, and land disturbance for the installation of fence posts within the National Grid Yard	
All Zones	Activity status: Permitted Where: PER-1 The depth of the earthworks or land disturbance is no greater than 300mm deep within 6m 12 metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole; and¹¹² PER-2 The earthworks or land disturbance work does not compromise the stability of a National Grid transmission line tower or pole; and PER-3	Activity status when compliance not achieved with PER-1: Restricted Discretionary Where: RDIS-1 <u>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.</u> Matters over which of discretion are is restricted to: 1. effects on the operation, maintenance, upgrading and development of the National Grid; and

¹¹¹ ECan [183.4]¹¹² Transpower [159.50] for all the changes to EI-R28 except where specified.

	<u>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</u> PER-4 <u>The earthworks or land disturbance does not result in existing vehicle access to a National Grid support structure being permanently obstructed.</u> Note: <i>PER-1 to PER-4 clauses (a) and (b) do not apply to:</i> a. <i>the repair or resealing of a road, footpath, driveway or farm track; and</i> b. <i>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.</i>	2. the risk to the structural integrity of the National Grid support structure(s); and 3. any impact on the ability to access the National Grid; and 4. the risk of electrical hazards affecting public or individual safety and the risk of property damage; and 5. the outcome of any consultation with the owner and operator of the National Grid. <u>Activity status when compliance not achieved with RDIS-1, PER-2, PER-3 or PER-4: Non-Complying</u>
EI-R29	Subdivision of land within the National Grid Subdivision Corridor¹¹³	
All Zones	Activity status: Restricted Discretionary Where: RDIS-1 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>and</u> - RDIS-2 Existing vehicle access way to National Grid assets is maintained. - Matters over which discretion is restricted: 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 2. the location of any future building platform as it relates to the National Grid Yard; and	Activity status when compliance not achieved: Non-complying - -

¹¹³ Speirs, B [66.45]

	3. the extent to which the subdivision design allows for any future sensitive activity to be setback from the National Grid; and 4. the nature and location of any vegetation to be planted in the vicinity of the National Grid; and 5. the ability of future development to comply with NZECP 34:2001 New Zealand Electricity Code of Practice for Electricity Safe Distances; and 6. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and 7. the outcome of any consultation with the owner and operator of the National Grid.	
EI-R3027	Sensitive activities, including within an existing building or the erection of buildings for sensitive activities, within the National Grid Yard	
All Zzones	Activity status: Non-complying	Activity status when compliance not achieved: Not applicable
EI-RXX28	<u>The storage and/or handling of hazardous substances with explosive or flammable intrinsic properties in the National Grid Yard</u>¹¹⁴	
All Zzones	Activity Status: Non-Ccomplying Notification: <u>Any application arising from EI-RXX28 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>	<u>Activity status when compliance not achieved: Not applicable</u>

Rules Section E - Rules for Renewable Electricity Generation

EI-R3429	Installation, operation, maintenance, repair, upgrading and removal of new utility equipment for investigating a site for suitability for renewable electricity generation	
All Zzones	Activity status: Permitted Where: PER-1 The utility equipment is not on-site for more than 18 months within any 36-month period; and PER-2 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	Activity status when compliance not achieved with PER-1 to PER-5: Restricted Discretionary Matters of discretion are restricted to: 1. the functional needs and or¹¹⁶ operational needs of, and benefits from, the activity; and 2. the impact on the character and qualities of the surrounding area; and 3. noise; and 4. site restoration. Activity status when compliance not achieved with PER-6: Restricted Discretionary

¹¹⁴ Transpower [159.66]

¹¹⁶ Waka Kotahi [143.31]

	PER-3 An anemometer does not exceed 90m in height for network utility structures; and PER-4 All masts are removed at the end of the investigation period; and PER-5 The site is restored to its pre-works condition after completion of all investigation activities, and the removal of all investigation equipment; and PER-6 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. Note: <i>Height shall be measured from the existing ground level prior to any works commencing.</i>¹¹⁵	Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard; and 2. Nonoise; and 3. site restoration.
EI-R3230	The installation, operation, maintenance, repair,¹¹⁷ upgrading, installation of new¹¹⁸ and removal of a solar cell or an array of solar cells for small scale renewable electricity generation and its use	
4. 1. Rural Lifestyle Zone	Activity status: Permitted¹¹⁹ Where: PER-1 The electricity generated is solely for use on the site and ancillary to the principal use of the site; and PER-2 Buildings and structures comply with the building height, setback, and height in relation to boundary standards for the zone.	Activity status when compliance not achieved with PER-1: Restricted Discretionary - Matters of discretion are restricted to: 1. the functional needs and operational needs of, and benefits from, the activity; and 2. the impact on the character and qualities of the surrounding area; and 3. overshadowing on surrounding sites. Activity status when compliance not achieved with PER-2: Restricted Discretionary - Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
2. 1. All Zzones except the Rural	Activity status: Permitted Where: PER-1	Activity status when compliance not achieved with PER-1: Restricted Discretionary Matters of discretion are restricted to:

¹¹⁵ ECan [183.4]¹¹⁷ Clause 16(2)¹¹⁸ Clause 16(2) to change the order of activities from low to high change¹¹⁹ Rooney, et al [174.15, 191.15, 249.15, 250.15, 251.15, 252.15] and Bruce Spiers [66.20] for all these changes

Lifestyle Zone	The electricity generated is either: 1. solely for use on the site and ancillary to the principal use of the site; or 2. for use on the site and ancillary to the principal use of the site, and a. for supply to not more than 20 other properties; and b. for supply of any excess electricity to the electricity distribution network or the National Grid; and PER-2 Buildings and structures comply with the building height, setback, and height in relation to boundary standards <u>of the underlying for the</u> zone.	1. the functional needs and operational needs of, and benefits from, the activity; and 2. the impact on the character and qualities of the surrounding area; and 3. overshadowing on surrounding sites. Activity status when compliance not achieved with PER-2: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard.
EI-R3331	The installation, operation, maintenance, <u>repair</u>,¹²⁰ upgrading, installation of new and removal of a small-scale wind turbine/s for small-scale renewable electricity generation and its use	
All Zzones	Activity status: Permitted Where: PER-1 The electricity generated is either: 1. solely for use on the site and ancillary to the principal use of the site; or 2. for use on the site and ancillary to the principal use of the site, and a. for supply to not more than 20 other properties; and b. for supply of any excess electricity to the electricity distribution network or the National Grid; and PER-2 If PER-1.2. a.¹²¹ applies, no more than one wind turbine is erected on a site; and PER-3 If PER-1.2. b.¹²² applies, the wind turbines are either erected on a single site or clustered on one or more of sites; and PER-4 The maximum permitted height for network utility structures of each wind turbine (including the full extent of blades) is: 1. 20m in the General Rural Zone and General Industrial Zone; and	Activity status when compliance not achieved with PER-1 to PER-5: Restricted Discretionary Matters of discretion are restricted to: 1. the functional needs and operational needs of, and benefits from, the activity; and 2. the impact on the character and qualities of the surrounding area; and 3. noise. Activity status when compliance not achieved with PER-6: Restricted Discretionary Matters of discretion are restricted to: 1. the matters of discretion of any infringed standard; and 2. noise.

¹²⁰ Clause 16(2)¹²¹ Bruce Spiers [66.19]¹²² Bruce Spiers [66.19]

	2. 15m in all other zones; and PER-5 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 PER-6 Each wind turbine (including the full extent of blades) complies with road and internal boundary building setback standards <u>of the underlying for the</u> zone. Note: <u>Height shall be measured from the existing ground level prior to any works commencing.</u>¹²³	
EI-R3432	Solar hot water systems	
All Zzones	Activity status: Permitted	Activity status when compliance not achieved: Not Applicable
EI-R3533	The installation and upgrading of large scale renewable electricity generation activities	
General Industrial Zone GIZ [and the Clandeboye Special Purpose Precinct Zone if created]	Activity status: Permitted Where: PER-1 The activity is a solar array and is located on a building in the <u>General Industrial Zone GIZ</u>; and PER-2 The solar array meets the applicable height limit for buildings and structures in the <u>General Industrial Zone GIZ</u>; and PER-3 The solar array has a maximum reflectance value of 30%.¹²⁴	Activity status when compliance not achieved: Discretionary
All Zzones other than the General Industrial Zone GIZ	Activity status: Discretionary	Activity status when compliance not achieved: Not Applicable

Rules Section F - Rules for Amateur Radio Configurations

EI-R3634 Amateur radio configurations

¹²³ ECan [183.4]

¹²⁴ 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

All Zones	Activity status: Permitted Where: PER-1 The amateur radio configuration must be owned and operated by a licensed amateur radio operator; <u>and</u> PER-2 All amateur radio configurations must be designed and operated in compliance with New Zealand Standard NZS 2772.1:1999; <u>and</u> PER-3 There are no more than 12 antennas and aerials per site; <u>and</u> PER-4 The <u>underlying relevant</u> zone setback standards are complied with; <u>and</u> PER-5 Within the <u>Residential</u> 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 <u>or</u> aerials and associated support structures attached to buildings must not exceed the permitted building height for network utility structures for the <u>underlying relevant</u> zone by more than 5m; <u>and</u> PER-7 1. Where antennas are attached to a building or other structure (including a mast), the radio and telecommunications antenna <u>does</u> not exceed: a. for an antenna dish; 2m in diameter, or b. for panel antenna; 4m² in area; and 2. <u>Provided</u> 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; <u>and</u> b. if guy wires are used, where these do not exceed 12mm in diameter; <u>and</u>	Activity status when compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. visual amenity effects, including effects on landscape and streetscape values and neighbouring properties; and 2. any positive effects of the activity; and 3. cumulative effects associated with multiple devices and structures.
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	PER-8 1. Provided any element making up an aerial does not exceed 80mm in diameter; <u>and</u> 2. <u>F</u>or horizontal HF yagi aerials, provided the maximum element length does not exceed 14.9m, and maximum boom length does not exceed 13m; and 3. <u>F</u>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 PER-9 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: a. 1,000mm in outside diameter up to 9m in height for network utility structures; <u>or</u> b. 420mm in outside diameter above 9m in height for network utility structures; <u>and</u> 2. <u>P</u>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> 3. <u>P</u>rovided all masts (except for as provided for in PER 6(a) above) shall be less than 115mm in outside diameter; and 4. <u>I</u>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</u> zone in which it is located 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).	
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Rules Section G - Flight Paths Protection for Richard Pearse (Timaru) Airport ~~(Timaru Airport)~~

EI-R3735	Fish processing or packing plants, abattoirs or freezing works	
Birdstrike Management Area Overlay	Activity status: Permitted Where:	Activity status when <u>re</u> compliance not achieved: Restricted Discretionary

	PER-1 Storage, processing and disposal of all organic material takes place within enclosed buildings; and <u>and</u> PER-2 There is no disposal of effluent onto land associated with the plant or works.	Matters of discretion are restricted to: 1. S<u>s</u>cale and significance of birdstrike risk likely to be created at the location proposed; and 2. M<u>m</u>itigation of birdstrike risk including by design measures, operation or management procedures, direct intervention practices and monitoring.
EI-R3836	Creation of a new stormwater basins; or waterbodies body (including wastewater oxidation ponds) which exceeds 500m² in area	
Birdstrike Management Area Overlay	Activity status: Permitted Where: PER-1 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 basin's, shall not exceed 1,000m²; and <u>and</u> PER-2 Any stormwater basin has been designed by a suitably qualified person, with experience in stormwater management systems, to the following standards: 1. S<u>s</u>tormwater infiltration basins shall be designed to fully drain within 48 hours of the cessation of a 2% AEP storm event; 2. S<u>s</u>ufficient rapid soakage overflow capacity shall be provided to minimise any ponding of stormwater outside the infiltration area(s); and 3. P<u>p</u>lant species used shall be limited to those listed in Table 3 below; and <u>and</u> PER-3 Any water-body has been designed by a suitably qualified <u>and experienced practitioner</u> person, with experience in <u>managing avian fauna within and around waterbodies stormwater management systems</u>,¹²⁵ to the following standards: 1. N<u>n</u>o permanent island features shall be included, that could provide perching sites for birds; and 2. P<u>p</u>lant species used shall be limited to those listed in Table 3 below.	Activity status when n<u>r</u>e compliance not achieved: Restricted Discretionary Matters of discretion are restricted to: 1. S<u>s</u>cale and significance of birdstrike risk likely to be created at the location proposed; and 2. M<u>m</u>itigation of birdstrike risk including by design measures, operation or management procedures, direct intervention practices and monitoring.

¹²⁵ Road Metals [169.10] and Fulton Hogan [170.11]

Table 3 — Plant Species for water-bodies and stormwater basins in the Birdstrike Management Area Overlay

Edge of W water-body/ s stormwater basin	
Botanical name:	Common name:
<i>Schoenoplectus validus / tabernaemontani</i>	lake club rush / kapungawha
<i>Eleocharis acuta</i>	spike sedge
<i>Carex germinata</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
Lower Bank	
Botanical name	Common name
<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
Upper Bank	
Botanical name	Common name
<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

	<table><tr><td><i>Lophomyrtus obcordata</i></td><td>rohutu / NZ myrtle</td></tr><tr><td><i>Myrsine australis</i></td><td>mapou</td></tr><tr><td><i>Myrsine divaricata</i></td><td>weeping mapou</td></tr><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> Note: <u>This rule does not apply to replacements of existing stormwater basins or water-bodies.</u> ¹²⁶	<i>Lophomyrtus obcordata</i>	rohutu / NZ myrtle	<i>Myrsine australis</i>	mapou	<i>Myrsine divaricata</i>	weeping mapou	<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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<i>Pseudowintera colorata</i>	peppertree																					
<i>Sophora microphylla</i>	kowhai																					
EI-R3937	Buildings, structures or trees within¹²⁷ the Aerodrome Flight Paths Protection Area Overlay																					
Aerodrome Flight Paths Protection Area Overlay	Activity status: Permitted Where: PER-1 Richard Pearce (Timaru) Airport has provided a written certification statement¹²⁸ to Timaru District Council that the building, structure or tree complies with Appendix 10; or PER-2 The building, structure or tree is located in an urban area of¹²⁹ Temuka or Timaru and is no higher than 10m above existing ground level.	Activity status whenre compliance not achieved: Non-complying																				
EI-4038	New landfills, excluding cleanfills, landfills for cleanfill material,¹³⁰ within the Birdstrike Management Overlay																					
Birdstrike Management Area Overlay	Activity status: <u>Restricted</u>¹³¹ Discretionary	Activity status whenre compliance not achieved: Not applicable																				

¹²⁶ Road Metals [169.10] and Fulton Hogan [170.11]

¹²⁷ Bruce Spiers [66.21]

¹²⁸ North Meadows [190.6], Hilton Haulage [168.24], Southern Proteins [140.6]

¹²⁹ Fenlea Farms [171.19], AJ Rooney [177.9], KJ Rooney [197.2] and ECan [183.10]

¹³⁰ RMA Clause 16(2)

¹³¹ Road Metals [169.11] and Fulton Hogan [170.12] for all these changes

	<u>Matters of discretion are restricted to:</u> 1. <u>The nature of the proposed fill and the extent to which it includes material that could attract avian fauna directly, or attract other wildlife that could attract avian fauna; and</u> 2. <u>The methods proposed to avoid or minimise birdstrike risk on Richard Pearse (Timaru) Airport (Timaru Airport);.</u>	
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Standards		
EI-S1	Maximum structure height for network utility structures of poles, antenna, and towers and telecommunications poles¹³² (including the combined height of poles and antenna)	
All Zones	5m above the permitted height limit for buildings in the <u>underlying applicable</u> zone. Notes: 1. <u>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.</u> 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>¹³³	Matters of discretion are restricted to: 1. <u>changes in</u>¹³⁴ visual dominance; and 2. <u>changes in</u>¹³⁵ the impact on the character and qualities of the surrounding area; and 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.
EI-S2	Upgrading infrastructure	
All Zones	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; and 2. A pole is not replaced with a tower; and	Matters of discretion are restricted to: 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 2. <u>changes in</u>¹³⁶ the bulk, height, location and design of the network

¹³² The Telcos [176.58, 208.58, 209.58, 210.58]

¹³³ The Telcos [176.58, 208.58, 209.58, 210.58] and Radio NZ [152.45]

¹³⁴ Radio NZ [152.45]

¹³⁵ Radio NZ [152.45]

¹³⁶ Radio NZ [152.46]

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: a. more than 15% across any 10-year period; or b. the maximum height for network utility structures of the underlying zone; <u>and</u> 4. The diameter or width of a replacement pole or telecommunications pole: a. does not exceed twice that of the replaced pole at its widest point; or 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> 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> 6. There are no additional towers; <u>and</u> 7. There are no more than two poles, which are necessary to achieve the conductor clearances required by NZECP 34:2001; <u>and</u> 8. The realignment, relocation of replacement of any other network utility structure or building: a. is within 5m of the alignment or location of the original structure or building; and b. does increase the footprint of the structure or building by greater than 25% across any 10-year period; <u>and</u> 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> 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> 11. The diameter of replacement pipes located above ground must not exceed the diameter of the replaced pipe by more than 300mm.	utility, including any associated buildings or structures; and 3. <u>changes in</u>¹³⁷ the impact on the character and qualities of the surrounding area; and 4. site reinstatement and replanting; and 5. the duration, timing, and frequency of adverse effects.
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¹³⁷ Radio NZ [152.46]