

**BEFORE THE INDEPENDENT HEARINGS PANEL  
APPOINTED ON BEHALF OF THE TIMARU DISTRICT COUNCIL**

**UNDER** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Submissions and further submissions in relation to the Timaru Proposed District Plan – Hearing E – Energy and Infrastructure

**AND** PrimePort Limited (submitter 175), Dir. General Conservation (submitter 166), Transpower (submitter 159), The Telcos (submitters 176, 208, 209, 210) and Opuha Water Limited (submitter 181)

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**JOINT WITNESS STATEMENT  
Planning**

Dated: 28 August 2025

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## 1 INTRODUCTION

- 1.1 This joint witness statement relates to a direction of the Hearing Panel (**the Panel**) in Minute 43 (dated 24 July 2025). In Minute 43 (paragraph 8) the Panel made the following direction:

*“[8] The Panel has some difficulty interpreting the requirements of Policy E1-P2 and understanding how it is to be applied in practice. It is not clear how E1-P2.2 with the conjunctive ‘and’ in E1-P2.3 are to be interpreted relative to the ‘while’ that sits between E1-P2.1 and E1-P2.2. The drafting is overly complex and difficult to apply in practice. Can Counsel for the Council and Mr Willis (in consultation with planning witnesses and legal counsel for The Telcos, PrimePort Limited, Transpower, Opuha Water and the Director General of Conservation), please review the drafting of the provision with the view to simplifying, and possibly separating out the various parts into separate policies for clarity.”*

- 1.2 Further correspondence has now occurred with the identified parties<sup>1</sup> on this matter which has led to this Joint Witness Statement (**JWS**) being prepared.
- 1.3 This JWS has been prepared in accordance with sections 9.4 and 9.5 of the Environment Court Practice Note 2023, which relates specifically to expert conferencing. The signatories confirm they have read, and agree to abide with, the updated Code of Conduct for Expert Witnesses included in Section 9 of the Environment Court Practice Note 2023.

## 2 Position of the parties in relation to Policy EI-P2 (and EI-O2)

- 2.1 The parties agree that the revised provisions in Appendix 1 (consisting of a revised EI-P2 with sub-policies EI-P2A and EI-P2B, and a revised EI-O2 to include updated cross references), appropriately responds to the Panel's direction in Minute 43.
- 2.2 Mr Willis wishes to alert the Panel that the parties also support the following changes (under clause 16(2) which have arisen as part of the further work on these provisions:
- (a) deleting “cultural, and archaeological areas” in EI-P2.1 as this is duplication with SASM and historic heritage that are already identified in EI-P2.1; and
  - (b) replacing “renewable energy generation” with “renewable electricity generation” in EI-P2A.6.
- 2.3 Amendments consistent with the above agreement are set out in **Appendix 1**, with the amendments shown in blue font as ~~strike through~~ and underlined.

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<sup>1</sup> The Telcos are: Connexa [176]; Spark New Zealand Trading Limited [208]; Chorus New Zealand Limited [209]; and Vodafone New Zealand Limited [210].

### **3 S32AA Assessment**

- 3.1 Mr Willis considers that the changes recommended here in response to Panel Minute 43 do not change the substantive meaning or effect of the revised provisions and as such no s32AA is required.

**Signed:**



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**Kim Seaton**  
**(for PrimePort Limited)**



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**Ainsley McLeod**  
**(for Transpower)**



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**Liz Williams**  
**(for Dir. General Conservation)**



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**Andrew Willis**  
**(for the Council)**



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**Julia Crossman**  
**(for Opuha Water Limited)**



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**Tom Anderson**  
**(for the Telcos)**

## Appendix 1 – Recommended Amendments to EI-O2 and EI-P2 and

Previously recommended amendments are identified as ~~strike through~~ and underlined.

Amendments resulting from this JWS are shown in blue font as ~~strike through~~ and underlined.

Amendments made for standardisation by the Council (and addressed in the Council's wrap-up report) are shown in red font as ~~strike through~~ and underlined.

Objective	
EI-O2	<p><b>Adverse effects of <u>infrastructure</u>, <u>including</u><sup>2</sup> <del>R</del>regionally <del>S</del>significant <u>infrastructure</u> and <u>lifeline utilities</u><sup>3 4</sup></b></p> <p>The adverse effects of infrastructure, including <del>R</del>regionally <del>S</del>significant <del>infrastructure</del>, and<sup>5</sup> <u>lifeline utilities</u> and other infrastructure<sup>6</sup>:</p> <ol style="list-style-type: none"> <li>are avoided in <del>sensitive environments</del> the areas identified in EI-P2.1-<del>a</del><sup>7</sup> unless there is a functional <u>need</u><sup>8</sup> or operational need for the infrastructure to be in that location <u>and no practicable alternative locations are available</u>,<sup>9</sup> in which case they must be <del>remedied or mitigated</del> <u>managed by applying the effects management hierarchy set out in EI-P2B</u>,<sup>10</sup> and</li> <li><u>in other areas</u>, are avoided, remedied or mitigated <del>to achieve</del> <u>having regard to</u> the relevant objectives for the underlying zone <del>in other areas</del>,<sup>11</sup> and</li> <li><u>in the case of the National Grid, are managed appropriately in the context of:</u> <ol style="list-style-type: none"> <li>the characteristics and values of the receiving environment; and</li> <li>the nature of the National Grid, including its functional needs and operational needs.<sup>12</sup></li> </ol> </li> </ol>
Policies	
EI-P2	<p><b>Managing adverse effects of <del>R</del>regionally <del>S</del>significant <u>infrastructure</u> and <u>lifeline utilities</u><sup>13</sup> and other infrastructure</b></p> <p><u>Except as provided for by Policy EI-PX</u>,<sup>14</sup> <del>P</del>provide for <del>R</del>regionally <del>S</del>significant <del>infrastructure</del>, <u>lifeline utilities</u><sup>15</sup> and other infrastructure where any adverse effects are appropriately managed <u>in accordance with this policy and Policies EI-P2A and EI-P2B</u>,<sup>16</sup> by:</p> <ol style="list-style-type: none"> <li>seeking to avoid adverse effects on the identified values and qualities of Outstanding Natural Landscapes (<u>ONLs</u>), and Outstanding Natural Features-<del>(ONFs)</del>, Visual Amenity Landscapes (<u>VALs</u>), the <del>C</del>oastal <del>E</del>nvironment <u>outside of urban zoned areas</u>,<sup>17</sup> Significant Natural Areas (<u>SNAs</u>), <del>High Naturalness Waterbodies Areas HNWB</del>, <del>Sites and areas</del><sup>18</sup> <u>of Significance to</u></li> </ol>

<sup>2</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>3</sup> The Telcos [176.36, 208.36, 209.36, 210.36] and TDC [42.17]

<sup>4</sup> Forest and Bird [156.54] and The Telcos [176.37, 208.37, 209.37, 210.37]

<sup>5</sup> Clause 16(2)

<sup>6</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>7</sup> Opuha Water [181.26]

<sup>8</sup> Clause 16(2)

<sup>9</sup> Dir. General Conservation [166.20] and Radio NZ [152.29]

<sup>10</sup> Dir. General Conservation [166.20] and Opuha Water [181.26] and TDC [42.17]

<sup>11</sup> The Telcos [176.36, 208.36, 209.36, 210.36]

<sup>12</sup> Transpower [159.33] and the evidence of Ms McLeod for Transpower for Hearing E, dated 23 January 2025, paragraph 29

<sup>13</sup> The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

<sup>14</sup> Transpower [159.36]

<sup>15</sup> The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

<sup>16</sup> Clause 16(2) to improve clarity

<sup>17</sup> PrimePort [175.20]

<sup>18</sup> Clause 16(2)

~~Māori SASM~~, historic heritage, ~~cultural, and archaeological areas~~,<sup>19</sup> riparian margins, ~~bat protection areas~~<sup>20</sup> and notable trees in accordance with the relevant Part 2 – District-Wide provisions applying to those areas; and

2. ~~controlling managing~~<sup>21</sup> the height, bulk and location of Regionally Significant Infrastructure and other all infrastructure, ~~consistent with taking into account~~<sup>22</sup> the role, function, character and identified qualities of the underlying zone; and
3. 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>23</sup>; and
4. requiring the undergrounding of network utilities ~~lines~~<sup>24</sup> in new areas of urban development; and
5. 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>25</sup>
6. 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>26</sup> the character and qualities of the surrounding area.

while:

**EI-P2A**      Functional need and operational need of regionally significant infrastructure, lifeline utilities and other infrastructure

~~Except as provided for by Policy EI-PX,~~ recognising the functional need<sup>27</sup> or operational need of ~~Regionally Significant Infrastructure, Lifeline Utilities~~<sup>28</sup> and other infrastructure activities, and ~~having~~<sup>29</sup> regard to:

1. the extent to which adverse effects have been addressed through site, route or method selection; and
2. the need to quickly repair and restore disrupted services; and
3. the impact of not operating, repairing, maintaining, ~~replacing~~,<sup>30</sup> upgrading, removing or developing the regionally significant infrastructure or other infrastructure; and
4. the time, duration or frequency of adverse effects; and
5. their location, including:
  - a. the complexity and connectedness of the networks and services;
  - b. the potential for co-location and shared use of infrastructure corridors; ~~and~~
  - c. the extent to which there are feasible alternative sites, routes or methods available;<sup>31</sup> and
6. for renewable ~~energy electricity~~<sup>32</sup> generation, the need to locate where the natural resources occur; ~~and~~

<sup>19</sup> Clause 16(2) – duplication with SASM and historic heritage

<sup>20</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>21</sup> Radio NZ [152.32]

<sup>22</sup> The Telcos [176.40, 208.40, 209.40, 210.40]

<sup>23</sup> Kāinga Ora [229.20]

<sup>24</sup> The Telcos [176.40, 208.40, 209.40, 210.40]

<sup>25</sup> Opuha Water [181.29]

<sup>26</sup> The Telcos [176.40, 208.40, 209.40, 210.40]

<sup>27</sup> Clause 16(2)

<sup>28</sup> The Telcos [176.40, 208.40, 209.40, 210.40] and Radio NZ [152.32]

<sup>29</sup> Clause 16(2)

<sup>30</sup> Transpower [159.24], the Telcos [176.25, 208.25, 209.25 and 210.25]

<sup>31</sup> Opuha Water [181.29] and TDC [42.19]

<sup>32</sup> Clause 16(2)

EI-P2B      Effects management hierarchy for managing adverse effects of infrastructure with functional needs or operational needs

Except as provided for by Policy EI-PX, 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>33</sup> apply the following effects management hierarchy:

1. adverse effects are avoided where practicable; and
2. where adverse effects cannot be avoided, they are minimised where practicable; and
3. where adverse effects cannot be minimised, they are remedied where practicable; and
4. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, offsetting is provided where possible; and
5. if offsetting of more than minor residual adverse effects is not possible, compensation is provided; and
6. if compensation is not appropriate, consider whether the activity itself ~~must~~ should be avoided in the environments identified in EI-P2.1-a.<sup>34</sup>

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<sup>33</sup> Clause 16(2)

<sup>34</sup> Dir. General Conservation [166.22]