IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF Proposed Timaru District Plan

Decision Report – Part 5

Energy and Infrastructure, Stormwater Management, Transport, Financial Contributions, Subdivision and Development Areas

DRAFT FOR TECHNICAL REVIEW

3 February 2026

Part 5: Energy and Infrastructure, Stormwater Management, Transport, Financial Contributions, Subdivision and Development Areas

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1 MATTERS CONSIDERED IN THIS PART

[1] This section of the Decision Report sets out the Hearing Panel's decisions on submissions and further submissions relating to Energy and Infrastructure (EI), Stormwater Management, Transport (TRAN), Financial Contributions (FC), Subdivision (SUB), and Development Areas (DEV).

2 ENERGY AND INFRASTRUCTURE

2.1 BACKGROUND

2.1.1 Assessment

[2] The Energy and Infrastructure Chapter includes district-wide provisions that address Regionally Significant Infrastructure (RSI) as well as other types of infrastructure. It also contains provisions applying to amateur radio, and provisions to protect the operation of Richard Pearse Airport (Timaru Airport). Our decisions on EI Chapter submissions are set out in Section 2 of this Report.

[3] As we have discussed in Part 1 of the Report the Government gazetted a new National Policy Statement for Infrastructure (NPS-I), amended the NPS-REG and amended and renamed NPS-ET to the National Policy Statement for Electricity Networks (NPS-EN), which all now have effect. We requested the views of Council and Submitters as to the effect of the suite of new (and amended) national direction instruments.[1] Mr Willis, the s42A Report author for the EI Chapter was of the opinion that no changes are required to the Proposed Plan in light of the changes in national direction, and there were no changes to his recommendations. For the most part he considered that there is good alignment between new national direction and the Proposed Plan and where there was not complete alignment, he questioned the appropriateness of making changes given the lack of scope in submissions on the Proposed Plan and the complexity of the evaluations that would be required to do so.[2] We did not receive any specific comments from submitters on these new or updated documents.

2.2 GENERAL DISTRICT WIDE SUBMISSIONS

2.2.1 Assessment

[4] There are no specific decisions made on district-wide submissions made within this chapter, as these have been addressed in other parts of the Decision Report.

2.3 DEFINITION OF URBAN DEVELOPMENT

2.3.1 Assessment

[5] The term urban development is used across several chapters in the Proposed Plan. The definition in **Appendix 3** is capable of implementation within this chapter, and this matter is not addressed further in this section of our Report.

2.4 DEFINITION OF URBAN AREA

2.4.1 Assessment

[6] The term 'urban area' is used across several chapters in the Proposed Plan. The consideration of 'urban area' below is addressed in the context of the EI, Natural Hazards, and Coastal Environment Chapters.

[7] Within the EI Chapter, the definition of 'urban area' is relevant because the approach to managing effects addressed in the policies will differ depending on whether the activity is occurring within or outside of an 'urban area'.

[8] A Joint Witness Statement[1] of planning witnesses considered what an appropriate definition of 'urban area' should be in the context of the EI Chapter related to the application of EI-P2. The wording agreed in the JWS is:

> …for the purpose of the Energy and Infrastructure, National Hazards and Coastal Environment chapters means all zones with the exception of the General Rural, Rural Production, Rural Lifestyle, Future Urban, and any Open Space and Recreation zones that do not share at least 50% of their boundary with a qualifying urban zone.

[9] The definition change in the Joint Witness Statement is proposed to be addressed through introducing a new definition of 'Urban Zone / Urban Zoned Areas' for the purpose of the Energy and Infrastructure, Natural Hazard, and Coastal Environment Chapters. We find this is an appropriate approach and have included this definition.

[10] The definition of 'urban area' is also relevant to several Transportation provisions (for example TRAN-S2 Table 8 and TRAN-S13 Table 16) which distinguish between urban and non-urban contexts. Rather than alter the definition of 'urban area', Mr Willis, in his s42A report, has recommended changing the specific Transport provisions so it is clear where and how these provisions are to be applied. We accept this approach.

[11] Mr Willis has also recommended removing the term 'urban area' from EI-R39 which addresses the Aerodrome Flight Paths Protection Overlay as this term is not necessary to the implementation of the provision. We accept his recommendation.

[12] Overall, we find that the combination of relief recommended will ensure that the provisions apply to the zones and locations as anticipated.

2.4.2 Decision

[13] The Panel adopts the analysis and wording in the Joint Witness Statement in relation to adding a definition of 'Urban Zone / Urban Zoned Areas' for the purposes of the Energy and Infrastructure, Natural Hazard and Coastal Environment Chapters'.

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[1] Andrew Willis, Interim Reply Addendum, 3 June 2025, Appendix 1 Joint Witness Statement Planning 27 May 2025

[14] The Panel adopts the analysis and recommendations of Mr Willis in relation to EI-R39 and the related Transport provisions TRAN-O1.5, TRAN-P2.3, TRAN-S2 Table 8 and TRAN-S13 Table 16.

[15] The amendments to the provisions are set out in **Appendix 3.**

[16] In terms of s32AA, we adopt the evaluation attached to the JWS and the evaluation on other provisions by Mr Willis contained within his s42A Report.

2.5 DEFINITION OF LIFELINE UTILITIES

2.5.1 Assessment

[17] We accept Mr Willis' analysis and recommendations in response to submissions on this definition. In his Interim Reply[2] Mr Willis provided amended wording, which did not change the meaning, but provided clarity of what a 'lifeline utility' is. Mr Willis did not make any further changes in his Final Reply.[3] We accept the wording of Mr Willis. In reaching this view we note that we received no evidence to the contrary.

2.5.2 Decision

[18] We adopt the recommendations of Mr Willis for the definition of 'lifeline utility'. The amendment to the definition is set out in **Appendix 3.**

[19] We are satisfied that this minor amendment will provide clarity for plan users. On this basis, we are satisfied that the original s32 evaluation continues to apply.

2.6 DEFINITION OF NATIONAL GRID SUBDIVISION CORRIDOR AND NATIONAL GRID YARD

2.6.1 Assessment

[20] As summarised in the s42A Report of Mr Willis[4] there was concern from submitters regarding the definition of 'National Grid Subdivision Corridor' and 'National Grid Yard'.

[21] We heard from Mr Speirs on the definitions of National Grid Subdivision Corridor and National Grid Yard. Mr Speirs considered that the definitions were in exceedance of safety requirements under the New Zealand Code of Practice for Electrical Safe Distances. He considered the consequence to be taking private property rights and transferring these rights to Transpower. He considered that if Transpower required additional land then as it is a Requiring Authority it can use those powers, which may include consideration of compensation. He told us that neither Waimate nor Ashburton Districts have these requirements in their District Plans. We have addressed the consideration of regulation in relation to private property rights in Part 1 of our Decision. Consistent with that reasoning, we do not accept Mr Speirs' position that the provisions in the Proposed Plan addressing the

[2] Andrew Willis, Interim Reply, 17 April 2025 and position confirmed as unchanged in his Final Reply dated 4 August 2025
[3] Andrew Willis Final Reply, 4 August 2025
[4] Andrew Willis, s42A Report, EI, SW and TRAN, 11 December 2024, sections 6.7 and 6.8.

National Grid Subdivision Corridor and National Grid Yard remove private property rights or transfer rights to Transpower. With respect to whether the extent of these areas is more than what is required we prefer the evaluation of Mr Willis.

[22] Ms McLeod presented planning evidence for Transpower. Ms McLeod did not address definitions matters in detail but supported[5] the s42A Report recommendations. While the NPS-ET has been superseded by the NPS-EN the matters addressed remain relevant under the current national direction.

2.6.2 Decision

[23] We adopt Mr Willis' analysis and recommendations which are supported by Ms McLeod. The amendments to the definitions are set out in **Appendix 3**.

[24] In terms of s32AA, we are satisfied that the original s32 assessment continues to apply.

2.7 DEFINITION OF POLE

2.7.1 Assessment

[25] We accept Mr Willis' analysis and recommendations in response to those submitters addressing this definition, that the NES-TF provides for lattice structures as a 'pole'. Mr Anderson who provided planning evidence for the Telcos[6] supported the recommendation.

2.7.2 Decision

[26] We adopt Mr Willis' analysis and recommendations on the definition of 'pole'. The amendment to the definition is set out in **Appendix 3**.

[27] In terms of s32AA, we are satisfied that the original s32 assessment continues to apply.

2.8 DEFINITION OF REGIONALLY SIGNIFICANT INFRASTRUCTURE

2.8.1 Assessment

[28] As set out in the s42A Report[7] this definition attracted a number of submissions, both supporting the definition, but also seeking changes.

[29] In his s42A Report Mr Willis recommended amending the definition that was notified so that:

(a) In relation to the strategic land transport network, the definition included reference to national routes, regional arterials, and district arterials;

(b) That the National Grid was referenced separately rather than as part of the electricity transmission network; and

(c) The Redruth Landfill and Resource Recovery Facility in Timaru be included.

5 Ainsley McLeod, Statement of Evidence, 23 January 2025, Table of recommendations supported Page 38
6 Connexa [176.15], Spark [208.15], Chorus [209.15] and Vodafone [210.15]
7 Andrew Willis, s42A Report, EI, SW and TRAN, 11 December 2024, section 6.10.

[30] At the hearing KiwiRail[8] and the Fuel Companies[9] provided written confirmation of their acceptance of the s42A recommendations. Ms McLeod, who gave planning evidence for Transpower [159.14] also supported the recommendation. While the NPS-ET has been superseded by the NPS-EN and the National Grid is now addressed as part of the electricity transmission network no tension arises with referring to it separately.

[31] We accept Willis' analysis and recommendations, relating to the strategic land transport network, the National Grid, and the electricity transmission network.

[32] We heard from Mr Anderson who provided planning evidence for the Telcos[10] who sought that the reference to 'telecommunication service' in the definition be changed to 'telecommunication network.' Mr Willis initially recommended this submission be rejected, as NES-TF, s4 refers to facilities, and it is facilities which are the infrastructure, and not the service.

[33] Mr Anderson[11] stated:

> I understand this point of view. However, as is stated in the corporate evidence of the Telecommunication Companies, there is concern that facilities may be misinterpreted. Whilst facility is a term that is used in the NESTF, by definition in Section 4 of that regulation, facility is limited to an antenna, cabinet, telecommunication line or small cell unit. It does cover the full gambit of a telecommunication network, missing essential infrastructure, such as poles.
>
> In my view, a better term is telecommunication network. A network is a defined term in the Telecommunications Act 2001, and is more holistic than the aforementioned definition of facility.

[34] Mr Willis in his Interim Reply[12] reconsidered this matter and supported an amended definition consistent with the evidence of Mr Anderson.

[35] We accept Mr Anderson's analysis and recommendations, supported by Mr Willis in his Interim Reply, and amend the reference in the definition from "telecommunication facilities" to "telecommunication network."

[36] Ms Rosser, who gave evidence for Enviro NZ [162.2] strongly supported the recommended amendment to include Redruth Landfill and Resource Recovery Facility. The inclusion of the Redruth Landfill and Resource Recovery Facility within the definition of RSI was also addressed in Hearing A in the evidence of Ms Rosser and the s42A Report of Mr Willis. This matter was addressed in further detail at the hearing of the EI Chapter.

[37] The key matter relates to the definition of infrastructure in the RMA, which through questioning Mr Willis clarified his view that the Redruth Landfill and Resource Recovery Facility did not fit within the RMA definition of 'infrastructure.' Mr Willis identified that some

[8] Letter from KiwiRail, dated 23 January 2025
[9] Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12
[10] Connexa [176.16], Spark [208.16], Chorus [209.16] and Vodafone [210.16]
[11] Tom Anderson, Statement of Evidence, 23 January 2023, Paras 18 and 19
[12] Andrew Willis, Interim Reply, 17 April 2025 and position confirmed as unchanged in his Final Reply dated 4 August 2025

other District Plans, for example Selwyn, had included matters that fell outside of the definition of infrastructure in the RMA within their District Plan provisions as infrastructure. Mr Willis considered, given the importance of the facility in the Timaru District that, while finely balanced, he supported its inclusion in the definition RSI.

[38] We heard from Ms Rosser who supported Mr Willis s42A Report recommendation. Ms Rosser, as she had done in Hearing A, provided comprehensive evidence regarding the importance of the Redruth Landfill, which is a Class 1 landfill and Resource Recovery Facility within Timaru, which is uncontested. She was also provided the opportunity to respond to the questions that we put to Mr Willis regarding whether the facility could be considered infrastructure and whether there were alternative ways of providing for the facility. Ms Rosser reinforced that she considered it was infrastructure and that was the most appropriate way to provide for the facility.

[39] In response to questions Ms Rosser identified the key provisions that apply to RSI that she considers important to the Redruth Landfill and Resource Recovery Facility are those provisions that recognise the importance of RSI itself, and provisions that address reverse sensitivity.

[40] The Panel accepts that the Redruth Landfill and Resource Recovery Facility is important and should be recognised in the Proposed Plan. The matter for the Panel is how and where it should be provided for, and whether it should be included within the definition of RSI, given the RMA (as it is currently) definition of infrastructure. In minute 24 the Panel sought that Ms Rosser and Mr Willis:

> Reconsider how and where the Redruth facility is most appropriately provided for in the District Plan – i.e. as Regionally Significant Infrastructure (RSI) in the EI Chapter or within the zone with or without a precinct, given the Panel's indication that RSI does not meet the RMA definition of 'infrastructure,' or the definition of RSI in the CRPS. Mr Willis and Ms Rosser to provide alternative drafting of provisions that could apply within the zone, with or without a precinct for the Panel's consideration. Include a comparative s32AA evaluation for EI, Zone and Zone with precinct.

[41] A Joint Witness Statement (JWS) was received from Mr Willis and Ms Rosser dated 14 April 2025. In the JWS[13] both Mr Willis and Ms Rosser addressed three alternatives to provide for the Redruth facility. These were:

[42] Option 1, provide for the facility as RSI within the Proposed Plan, enabling the objectives and policies to be relied upon. The JWS acknowledged that the facility did not fit within the definition of infrastructure in the RMA or the definition of RSI in the CRPS. The JWS provided examples of activities that were not infrastructure in the RMA definition that had been included as RSI in the CRPS and other District Plans.

[43] Option 2, amend the General Industrial Zone Chapter. This option would include site specific provisions. The identified weakness with this option is that it is zone specific, and not explicit in terms of activities occurring in other zones needing to consider these provisions.

[13] JWS, Appendix C to Andrew Willis Interim Reply, 17 April 2025

The JWS identifies that through its submission Enviro NZ had initially sought a precinct for its Redruth landfill facility, but that was not pursued following discussions with TDC staff on this chapter at the time.

[44] Option 3, amend the EI Chapter, particularly Objective EI-O4 and Policy EI-P3 to refer to the Redruth Landfill and Resource Recovery Facility which provides greater support for the facility due to its location in a District Wide Chapter.

[45] The conclusion of the JWS is:

> The parties consider that there is no standout option as each involves the pros and cons identified above. On balance, if the Panel do not support a change in the definition of RSI, Mr Willis and Ms Rosser prefer amending the EI chapter (option 3) for the reasons provided above.

[46] As addressed in Part 1 of our Decision, on 15 January 2026, the National Policy Statement for Infrastructure (NPS-I) came into force. This includes a definition of 'additional infrastructure' which includes as matter (g) resource recovery or waste disposal facilities. The Redruth Landfill and Resource Recovery Facility would fit within this definition. However, as addressed in Decision 1 and based on the submissions of Ms Vella, we have taken a cautious approach to changes that might raise a risk of prejudice or risk of inconsistent outcomes. The definition of 'additional infrastructure' in the NPS-I addresses a range of activities, including schools, health facilities, fire and emergency services facilities and defence facilities, that have not been considered as part of the notified EI Chapter and as such were not subject to submissions. To avoid unintended consequences and within limited scope we have not incorporated the NPS-I definition of 'additional infrastructure' into the Proposed Plan. We have instead provided a bespoke solution for the Redruth Landfill and Resource Recovery Facility, as outlined below.

[47] The Panel considers that the most appropriate and effective approach is to provide for the Redruth Landfill and Resource Recovery Facility by way of a clause within the definition of 'Regionally Significant Infrastructure' that deems the Redruth Land and Resource Recovery Facility to be RSI for the purposes of the Energy and Infrastructure Chapter in the Proposed Plan. This will create the key linkage sought by Ms Rosser that the Redruth Landfill and Resource Recovery Facility can rely upon the objectives and policies of the Energy and Infrastructure Chapter, particularly those addressing reverse sensitivity, but does not create any tension with how infrastructure is defined within the Resource Management Act. We also include a corresponding statement within the Energy and Infrastructure Chapter to make this clear.

2.8.2 Decision

[48] We adopt Mr Willis' analysis and recommendations, on amendments to the definition of RSI in relation to references to strategic land transport network, the National Grid, and the electricity transmission network.

[49] We adopt Mr Anderson's analysis and recommendations, supported by Mr Willis in his Interim Reply[14] and change the reference in the definition from "telecommunication facilities" to "telecommunication network."

[50] We adopt the reasoning of Mr Willis and Ms Rosser for the Redruth Landfill and Resource Recovery Facility to be considered as RSI, but adopt different relief in the form of a deeming clause within the definition of RSI and a corresponding statement within the Energy and Infrastructure Chapter itself. The wording is in **Appendix 3.**

[51] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

2.9 DEFINITION OF TOWER

2.9.1 Assessment

[52] We heard from Mr Anderson who presented planning evidence for the Telcos.[15] He sought that the definition of 'tower' clarity that it only applies in the context of electricity infrastructure. Mr Anderson considered that the changes he recommends, in combination with the change he recommended to the definition of 'pole' (addressed earlier in this Decision) would ensure consistency between the Proposed Plan and NES-TF as to what a 'tower' is.

[53] Mr Willis in his s42A Report recommended the submission of the Telcos be rejected. In his Interim Reply[16] Mr Willis said that he had reconsidered this matter and supported an amended definition in response to the evidence of Mr Anderson which seeks to avoid confusion between this definition and the definition of pole. Mr Willis recommended different wording to that of Mr Anderson, by excluding telecommunications equipment.

[54] We accept Mr Anderson's analysis and recommendations, supported by Mr Willis in his Interim Reply[17], but prefer the wording proposed by Mr Anderson. We prefer this wording as it more clearly addresses the matter of concern than that of Mr Willis.

2.9.2 Decision

[55] We adopt Mr Anderson's analysis, supported by Mr Willis. We adopt the wording of the definition of 'tower' as recommended by Mr Anderson.[18] The amendments to the definition are set out in **Appendix 3**.

[56] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

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[14] Andrew Willis Interim Reply, 17 April 2025
[15] Connexa [176.24], Spark [208.24], Chorus [209.24] and Vodafone [210.24]
[16] Andrew Willis, Interim Reply, 17 April 2025 and position confirmed as unchanged in his Final Reply dated 4 August 2025
[17] Andrew Willis Interim Reply, 17 April 2025
[18] Tom Anderson, Statement of Evidence, 23 January 2025, para 29.

2.10 DEFINITION OF UPGRADING / UPGRADE

2.10.1 Assessment

[57] We accept Mr Willis' analysis and recommendations in response to those submitters addressing this definition. In reaching this view we note that we received no evidence that sought a contrary outcome.

2.10.2 Decision

[58] We adopt Mr Willis' analysis and recommendations. The wording of the definition is set out in **Appendix 3**.

[59] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

2.11 DEFINITION OF TRANSMISSION LINE

2.11.1 Assessment

[60] We accept Mr Willis' analysis and recommendations in response to submissions on this definition to correct a minor error.

2.11.2 Decision

[61] We adopt Mr Willis' analysis and recommendations. The wording of the definition is set out in **Appendix 3**.

[62] In terms of s32AA, we are satisfied that the original evaluation continues to apply.

2.12 DEFINITION OF TELECOMMUNICATION LINE - PROPOSED NEW DEFINITION

2.12.1 Assessment

[63] We heard from Mr Anderson, who presented planning evidence for the Telcos[19] regarding the definition of 'line' as it applies to telecommunication lines.

[64] Mr Anderson[20] stated that:

> Rule EI-R13 specifically refers to telecommunication lines. The definition of line provided in the submissions is for a telecommunication line. I consider that such a definition makes it abundantly clear what a telecommunication line is for the purpose of Rule EI-R13.
>
> As such, I consider that the definition of Line as submitted be included in the PDP, but that it is reframed as Telecommunication Line, as opposed to simply 'Line'

[19] Connexa [176.26], Spark [208.26], Chorus [209.26] and Vodafone [210.26]
[20] Tom Anderson, Statement of Evidence 23 January 2025, Paras 13 and 14

[65] In his s42A Report Mr Willis said he had not identified rules that addressed telecommunications lines and did not consider the definition sought was necessary. In his Interim Reply[21] Mr Willis said that he had reconsidered this matter and supported the definition in the evidence of Mr Anderson.

[66] We accept Mr Anderson's analysis and recommendations, supported by Mr Willis in his Interim Reply.

2.12.2 Decision

[67] We adopt Mr Anderson's analysis, supported by Mr Willis in relation to the inclusion of a new definition of 'telecommunication line'. The wording of the definition is set out in **Appendix 3**.

[68] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

2.13 DEFINITION OF RADIO COMMUNICATIONS - PROPOSED NEW DEFINITION

2.13.1 Assessment

[69] We accept Mr Willis' analysis and recommendations in response to submissions on this definition. We received no evidence to the contrary from other submitters on this matter. Mr Anderson, who provided evidence for the Telcos[22] supported this recommendation.

2.13.2 Decision

[70] We adopt Mr Willis' analysis and recommendations to include a new definition of 'radio communications'. The wording of the definition is set out in **Appendix 3**.

[71] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan, and for giving effect to other relevant statutory instruments.

2.14 DEFINITION OF ALTERATION - PROPOSED NEW DEFINITION

2.14.1 Assessment

[72] We accept Mr Willis' analysis and recommendation in response to a submission from OWL [181.41] to include a new definition of 'alteration'. Ms Crossman confirmed support for the recommendation even though it recommended rejecting the submission of OWL.

[21] Andrew Willis, Interim Reply, 17 April 2025 and position confirmed as unchanged in his Final Reply dated 4 August 2025

[22] Connexa [176.27], Spark [208.27], Chorus [209.27] and Vodafone [210.27]

2.14.2 Decision

[73] We adopt Mr Willis' analysis and recommendations. No changes are made to the definition.

2.15 GENERAL

2.15.1 Assessment

[74] The submissions of the Rooney Group are addressed later in this Decision Report when addressing the provisions applying to renewable electricity generation and are not addressed further in this section.

[75] The submission of Kāinga Ora [229.14] (that considers the proposed National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid) has been addressed in the Decision Report addressing the provisions related to the National Grid and is not addressed further in this section.

[76] The submissions of TDC [42.14] and OWL [181.33, 181.43, 181.44] identified that there is some inconsistent use of terminology within the EI section. We accept Mr Willis' analysis and recommendations to amend the Introduction in response to these submissions. We received no evidence to the contrary from other submitters on this matter.

2.15.2 Decision

[77] We adopt Mr Willis' analysis and recommendations. The wording changes to the Introduction of the EI Chapter in response to these submissions is set out in **Appendix 3**.

[78] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

2.16 INTEGRATION OF THE ENERGY AND INFRASTRUCTURE CHAPTER WITH OTHER CHAPTERS

2.16.1 Assessment

[79] The relationship between the EI Chapter and Zone and other District Wide Chapters was a matter addressed at the hearing, the particular focus was on RSI and lifeline utilities. This was also addressed in the hearings addressing various urban and rural zones. The key relationship matter is whether the objectives and policies and/or the rules of the EI Chapter were to take precedence or were to prevail over the provisions in other chapters. We have addressed this matter in Part 1 of our decision when addressing General Themes.

[80] In this decision we address additional evidence that was received on this matter in addition to the s42A Report of Mr Willis and the evidence of Ms Pull[23] for Te Rūnanga o Ngāi Tahu that are addressed in Part 1 of the Report.

[23] Rachel Pull, Statement of Evidence, 22 January 2025, Para 51

[81] Ms McLeod[24] for Transpower [159.38, 159.100, 159.101, 159.102] was supportive of the clarification Mr Willis recommended in the introduction and within the objectives and policies that express the relationship between the EI Chapters and other chapters.

[82] Ms Seaton[25] for PrimePort and TDHL raised concerns regarding the relationship between the EI Chapter and the Port of Timaru which is managed via the PORTZ Chapter. She considered that the PORTZ provisions are deliberately enabling of Port activity and need to be considered alongside the EI provisions or there is a risk that the EI provisions could inadvertently undermine the PORTZ provisions. Ms Williams[26] for DOC supported the evidence of Ms Seaton. Mr Willis in his Interim Reply[27] responded to the concerns raised by Ms Seaton and recommended further changes to the Introduction of the chapter to clarify that the objectives and policies in the EI Chapter do not take precedence over the zone provisions in relation to the operation of the Port of Timaru.

[83] As we addressed in Part 1 of the Report, we have considered the relationship between the objectives and policies in the EI Chapter and other chapters, in particular the Zone Chapters, and area specific chapters. Within the EI Chapter the relationship of the EI provisions with other chapters is expressed within the provisions of the EI Chapter. This is illustrated in relation to the zones in EI-O2 where regard is to be had to the relevant objectives for the underlying zone and EI-P2, which requires taking into account the role, function, and character of the underlying zone. In relation to the area specific matters this is also addressed in EI-O2 where effects are to be avoided in particular areas unless there is a need for the infrastructure and there are no practicable alternative locations available and in EI-P2 by addressing how adverse effects of infrastructure is to be managed.

[84] We find that the relationship between the objectives and policies in the EI Chapter and the objectives and policies in those chapters in Part 2 – District Wide Matters is adequately expressed within the provisions of the chapters. Adding wording in the introduction explaining the relationship between these chapters is not necessary, and we have not included the wording recommended by Mr Willis.

[85] We accept the evidence provided at the EI hearing and the Zone Chapter hearings that there is potential for conflict between the objectives and policies of the EI Chapter and those of the Zone Chapters. With the exception of the PORTZ, the evidence was that in the event of conflict, greater weight should be placed on the EI Chapter objectives and policies. We accept this and now consider the most effective and efficient method for giving this relationship statutory effect.

[86] We do not consider that relying on amendments to the Introduction text, as recommended by Mr Willis, would achieve the necessary statutory weight. We find that this relationship must be addressed within the objectives and policies themselves. We have not

[24] Ainsley McLeod, Statement of Evidence, 23 January 2025, Table of recommendations supported Page 38
[25] Kim Seaton, Statement of Evidence, 23 January 2025, Para 25
[26] Elizabeth Williams, Hearing Speaking Notes
[27] Andrew Willis, Interim Reply, 17 April 2025 and position confirmed as unchanged in his Final Reply dated 4 August 2025

included the changes to the Introduction recommended by Mr Willis, as we do not consider this effective.

[87] We have considered two alternative ways to address the relationship between the EI Chapter and the Zone Chapters' objectives and policies:

(a) Within the EI Chapter, through inserting a new policy addressing the relationship between the EI Chapter in relation to RSI and lifeline utilities and the Zone Chapters in the event of any conflict, or

(b) Within the Zone Chapters, through making changes to a number of the policies to address how they should be considered in relation to RSI and lifeline utilities.

[88] We have determined that the most appropriate, efficient and effective method is to include a specific policy within the EI Chapter, and have drafted an appropriate policy. This policy identifies that that for RSI and lifeline utilities, in the event of conflict between the EI Chapter and any Zone Chapter, greater weight is to be given to the EI objectives and policies. We have inserted a new policy to this effect (EI-P6). As the relationship issue to be addressed is one of weighting of provisions between the different chapters, we have used this phrasing in the policy.

[89] In relation to Ms Seaton's concerns regarding the Port, we find that given the focus of the provisions in the PORTZ on port activities that tension between those provisions and the objectives and policies within the EI Chapter is unlikely. However, in the event that any conflict does arise, we have excluded the PORTZ from the application of the new policy.

[90] With respect to the rules, we find that the most appropriate method of addressing the relationship between the rules in the EI Chapter and other chapters is through a statement appearing under the rule heading. This clarifies whether the rules in the EI Chapter apply 'instead of' or 'as well as' rules in other chapters. We have included this as part of the rule regulatory framework rather than a 'note'.

[91] Turning now to the matters of discretion for Kāti Huirapa values in Rules EI-R22, EI-R25 and EI-R26.[28] The matter of integration arose due to Ms White[29] in her Summary Statement recommending that matters of control or discretion be added to these provisions. Mr Willis was asked to consider these matters and advise on whether he would recommend accepting or not the matters of control or discretion for EI-R22, EI-R25 and EI-R26.

[92] Mr Willis advised in his Interim Reply that including additional matters of discretion is not necessary in these circumstances, given the nature of the activities that the restricted discretionary activities address.

[28] EI-R22 now deleted, EI-R25 and EI-R26 renumbered EI-R23 and EI-R24 in the Decision Version of the provisions.

[29] Summary Statement relating to Section 42A Report: Sites and Areas of Significance to Māori and Māori Purpose Zone, Report on submissions and further submissions, Liz White, 4 February 2023

[93] In his Interim Reply he explained[30] that the activities covered by these rules such as work focus on the matters related to the infrastructure itself, rather than wider values. He identified that the District Wide provisions covering sensitive environments (such as SASMs) continue to apply to the infrastructure. Mr Willis[31] also noted that he was unsure of the scope for such a change as there were no submissions seeking to include this matter of discretion on these rules or the EI Chapter generally (the submission of Te Rūnanga o Ngāi Tahu [185.8] only seeks matters of control or discretion in the Zone Chapters).

[94] We have addressed these matters on their merits and have determined that given the focus of the restricted discretionary matters is related to infrastructure, we do not consider it necessary or appropriate in these circumstances to include matters of control or discretion for Kāti Huirapa values for these specific rules. We adopt Mr Willis' analysis and recommendations not to include matters of control or discretion for Kāti Huirapa values in Rules EI-R25 and EI-R26. With respect to rule EI-R22 the decision of the Panel is to delete this rule. Having determined not to include the matters on merit we have not needed to further address any matters of scope.

2.16.2 Decision

[95] We adopt Mr Willis' analysis and recommendations, except as relates to:

(a) not including the addition of text regarding the relationship of the objectives and policies in the EI Chapter with other chapters in the Plan, we prefer a new policy (EI-P6) addressing the relationship with the objectives and policies in the Zone Chapters, and

(b) not using the words 'takes precedence over' within the explanation to the rules. As we have addressed in Part 2 of our decision we prefer 'apply instead of'.

[96] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan, and for giving effect to other relevant statutory instruments. We consider that the wording of the objectives and policies already describes the relationship anticipated with District Wide Chapters of the Plan and further explanation is not necessary. We consider, for the reasons outlined in our decision that a new policy is appropriate to describe the relationship anticipated with the Zone Chapters. With respect to the rules, we have included a statement of when the rules apply instead of other rules in the Plan within the relevant rules of this chapter.

2.17 INTRODUCTION

2.17.1 Assessment

[97] We accept Mr Willis' analysis and recommendations on submissions relating to the Introduction to the chapter. This relates to providing specific reference to lifeline utilities, which

[30] Andrew Willis Interim Reply Addendum, 3 June 2025 and position confirmed as unchanged in his Final Reply dated 4 August 2025

[31] Andrew Willis Interim Reply, 3 June 2025, paragraph 44

was supported in the written legal submissions received from Radio New Zealand [152.27], and grammatical changes to how other chapters are referred to. We agree and find the amendments to be appropriate.

2.17.2 Decision

[98] We adopt the analysis and recommendations of Mr Willis. The changes to the Introduction are set out in **Appendix 3**.

[99] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

2.18 OBJECTIVE EI-O1 REGIONALLY SIGNIFICANT INFRASTRUCTURE

2.18.1 Assessment

[100] The analysis of submissions and changes recommended by Mr Willis to Objective EI-O1 are to include lifeline utilities within both the heading and the body of the objective. This was supported by Waka Kotahi [143.21], TDC [42.16] and by the Telcos [176.35, 208.35, 209.35, 210.35]. We accept that it is appropriate to refer to lifeline utilities in addition to RSI. KiwiRail[32] and the Fuel Companies[33] provided written confirmation of their acceptance of the s42A recommendations.

[101] Ms Snoyink in her verbal presentation for Forest and Bird [156.52] was supportive of Mr Willis' recommendation to add the words "support emissions reduction" to Clause 3. In response to the submission of Forest and Bird, Ms Seaton in her evidence for PrimePort and TDHL, relying on the evidence of Mr Cooper, identified that it is not always practicable for RSI to support emissions reduction[34], she illustrated this by reference to new fuel tanks that may be developed within Port Timaru. In his Interim Reply[35] Mr Willis agreed with Ms Seaton and suggested changes by adding the words "where practicable" to this clause. We accept the evidence of Ms Seaton that it is not always practicable for RSI activities to support emissions reduction, and consider the changes proposed by Ms Seaton and agreed by Mr Willis in his Interim Reply to be appropriate.

2.18.2 Decision

[102] We accept the analysis and recommendations of Ms Seaton and Mr Willis in his Interim Reply with respect to emissions reductions and of Mr Willis in relation to other matters. The changes to Objective EI-O1 are set out in **Appendix 3**.

[103] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

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32 Letter from KiwiRail, dated 23 January 2025
33 Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12
34 Kim Seaton, Statement of Evidence, 23 January 2025, Para 29
35 Andrew Willis Interim Reply, 17 April 2025 and position confirmed as unchanged in his Final Reply dated 4 August 2025

2.19 OBJECTIVE EI-O2 ADVERSE EFFECTS OF REGIONALLY SIGNIFICANT INFRASTRUCTURE AND POLICY EI-P2

2.19.1 Assessment

[104] Objective EI-O2 is a key objective addressing adverse effects of infrastructure, including RSI and Lifeline Infrastructure. Policy EI-P2 is a key policy addressing adverse effects of infrastructure, including RSI and Lifeline Infrastructure. As set out in the s42A Report this objective and policy attracted a number of submissions seeking changes.

[105] Mr Willis in his s42A Report recommended several changes to this objective and policy to provide greater clarity as to how adverse effects of infrastructure are to be managed in both sensitive and other environments. In this context, sensitive environments include Outstanding Natural Landscapes and Outstanding Natural Features, Visual Amenity Landscapes, the Coastal Environment, Significant Natural Areas, High Naturalness Waterbodies Areas, Sites, and areas of Significance to Māori, historic heritage, cultural and archaeological areas, riparian margins, bat protection areas, and notable trees.

[106] The approach recommended by Mr Willis is to utilise an effects management hierarchy approach within both the objective and policy. The detail of the actions intended is addressed in EI-P2, which implements Objective EI-O2. Mr Willis, in response to questioning on these provisions, outlined that his reference to an effects management hierarchy was in the form of a planning tool differentiating the actions to occur and was not related to either the NPS-IB or the NPS-FM, which are the only statutory documents to specifically reference an effects management hierarchy.

[107] KiwiRail[36] and the Fuel Companies[37] provided written confirmation of their acceptance of the s42A recommendations.

[108] Ms Snoyink in her verbal presentation for Forest and Bird [156.53, 159.58] considered that amendments recommended Mr Willis, while an improvement, still fail to address Forest and Bird's concerns. This is because, in her view, EI-O2.1 requires adverse effects to be "avoided", but that requirement is not carried through to EI-P2. Further, where EI-O2.1 includes exceptions, EI-P2.2 does not apply the NPS-IB cl 3.10(2) avoidance requirements to "other infrastructure". Nor does EI-P2.2 include the requirement of the NPS-IB 3.11(1)(c) requirement for RSI that there be no practicable alternative locations. In relation to the policy, Ms Snoyink expressed concern that there were no limits on offsetting and compensation, and noted that 'seeking to avoid' is different from 'avoid.' Ms Snoyink also supported splitting transmission out of this policy, noting that the NPS-IB does not apply to activities of the National Grid or Renewable Electricity Generation activities.

[109] In considering the matters raised by Ms Snoyink we note that she was seeking to apply an effects management hierarchy as expressed in the NPS-IB. This is different from the way Mr Willis explained to us that he has used the effects management hierarchy.

[36] Letter from KiwiRail, dated 23 January 2025
[37] Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12

[110] We heard from Ms McLeod for Transpower [159.33, 159.36] who did not support the s42A Report conclusion and recommended amendments to this objective as it related to the National Grid to give effect to the NPS-ET.38 She recommended a specific clause within the objective to give effect to the NPS-ET and supported a separate policy for the National Grid. Mr Willis in his Interim Reply[39] was supportive of this approach. We accept that matters relevant to Transpower be addressed through an additional clause in the objective and a new policy. We address the specific wording new policy EI-P5 later in this decision. While the NPS-ET has been superseded by the NPS-EN and addresses the National Grid as part of the electricity transmission network, the matters addressed by Transpower remain relevant under the current national direction.

[111] Mr Anderson on behalf of the Telcos[40] also sought changes to objective wording recommended by Mr Willis. In particular, he considered that outside of sensitive areas management of effects should be avoided remedied or mitigated to the extent practicable when having regard to the functional need or operational need of the infrastructure.[41] He was not supportive of the approach of Mr Willis that in other areas the effects are avoided remedied or mitigated having regard to the relevant objectives for the underlying zone.

[112] Ms Seaton, on behalf of PrimePort and TDHL, raised concerns about applying the effects management hierarchy in the recommended objective and policy to land that is both within an urban zone and subject to the coastal environment overlay. She considered[42] that, whether the land is zoned PORTZ, Residential or Industrial, the approach is unnecessarily onerous because it requires residual adverse effects that are more than minor, and that cannot be avoided, minimised or remedied are required to be offset or (alternatively) compensated for. In her view, if offsetting or compensation is not provided, the policy framework would require the activity to be avoided. She considered this requirement to be excessive when assessed against the notified policy framework and a number of CRPS provisions, including Policies 5.2.2, 5.3.2, and 5.3.9. She also considered EI-P2 to be too onerous and specifically sought the removal of urban areas from Clause (1)(a) of EI-P2.

[113] Ms Williams, providing evidence for DOC, supported the wording recommended by Mr Willis, particularly the reference to Long-Tailed Bat Habitat Protection Area. Ms Williams supported applying an effects management hierarchy approach to managing adverse effects of infrastructure within sensitive environments, where there is a functional or operational need for the activity to be located within the sensitive environment and there are no practical alternative locations.[43]

[114] Ms Francis, for Canterbury Regional Council, was also supportive of the changes, noting the absence of specific policies on functional or operational need in the CRPS.

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38 Ainsley McLeod, Statement of Evidence, 23 January 2025, Para 28
39 Andrew Willis Interim Reply, 17 April 2025 and position confirmed as unchanged in his Final Reply dated 4 August 2025
40 Connexa [176.36, 176.40], Spark [208.36, 208.40], Chorus [209.36, 209.40] and Vodafone [210.36, 210.40]
41 Tom Anderson, Statement of Evidence 23 January 2025, Para 36
42 Kim Seaton, Statement of Evidence 23 January 2025, Paras 32-37
43 Elizabeth Williams, Statement of Evidence, 23 January 2025, Para 19

[115] The written legal submissions received from Radio New Zealand were supportive of the changes recommended by Mr Willis.

[116] Following the hearing of evidence the Panel[44] requested that Mr Willis revisit the drafting of Policy EI-P2 in consultation with submitter planning experts and provide a s32AA assessment. We specifically requested that consideration be given to whether it is appropriate to apply an effects management hierarchy approach within the provisions. This resulted in a JWS dated 27 May 2025[45], in which all planners confirmed the appropriateness of applying an effects management hierarchy to infrastructure activities, but identified nuances in its application to different activities and locations.

[117] Having received and considered the revised wording of EI-P2 in the JWS the Panel raised concerns in Minute 43[46] regarding the relationship between sub-clauses and the practical application of the policy. A further JWS dated 28 August 2025[47] provided revised drafting, recommending that Policy EI-P2 be split into three separate policies. This JWS also provided wording for Objective EI-O2.

[118] Other than the reference to the effects management hierarchy, the Panel finds the wording of Objective EI-O2 provided in the second JWS to be appropriate.

[119] The Panel does not consider that the proposed split of Policy EI-P2 into three policies resolves the concerns about clarity and application. The Panel has provided alternative drafting of Policy EI-P2. Other than in relation to the effects management hierarchy, our redrafting has not sought to change the meaning of the policy, rather it has involved re-ordering a number of the subclauses to ensure that they are clear in how they work together.

[120] With respect to the effects management hierarchy, the Panel notes that while Mr Willis described it as a planning tool, its origin is in the NPS-IB and the NPS-FM. We find that once outside of this hearing and decision-making process it will not be obvious that the use of the effects management hierarchy in this chapter is not intended to implement NPSs.

[121] We are concerned that including an effects management hierarchy, when not directly giving effect to an NPS, would introduce unnecessary complexity and potential confusion. We have therefore determined not to include any reference to an effects management hierarchy in these provisions. Our approach in this context is to address effects based on avoiding, remedying, and mitigating adverse effects, and enabling consideration of offsetting and compensation. While this is similar to an effects management hierarchy, it is not responding to (and is less likely to be perceived as responding to) an effects management hierarchy in any current NPSs.

[122] The Panel has considered the new policy related to the National Grid. Both Mr Willis and Ms McLeod support a separate policy for the National Grid, primarily so that the policy

[44] Minute 24 Para 8
[45] Andrew Willis, Interim Reply Addendum, EI-P2 and 3Waters Rules, 3 June 2025, Appendix 1 JWS Planning, 27 May 2025.
[46] Minute 43 24 July 2025
[47] JWS Planning, 28 August 2025

wording more effectively gives effect to the NPS-ET than if National Grid matters were embedded within EI-P2. While the NPS-ET has been superseded by the NPS-EN and addresses the National Grid as part of the electricity transmission network, the matters addressed by Ms McLeod remain relevant under the current national direction. Ms Snoyink, for Forest and Bird, also supported addressing the National Grid in a new policy, but did not support the wording proposed. Mr Willis and Ms McLeod substantially agree on the wording of the new policy, EI-P5, with Ms McLeod supporting several additional clauses recommended by Mr Willis. The key difference now relates to the placement of the clause concerning the coastal environment, and the Panel has retained the drafting as recommended by Mr Willis.

[123] The Panel notes that Ms Snoyink, for Forest and Bird, raised concerns about whether the proposed wording in the s42A Report gives effect to RMA, s6(a), particularly in relation to lakes, rivers, and their margins. She recommended that the Panel consider the recently agreed Marlborough Environment Plan, specifically Policy 4.2.3, which addresses the environmental effects of National Grid activities and provides wording for a proposed policy to better give effect to national direction. We note that there is no evidence before us regarding the effectiveness of the Marlborough policy wording, nor any evidence supporting its adoption in this context.

2.19.2 Decision

[124] We generally accept the analysis provided in the two JWSs and the drafting solution in the JWS dated 28 August 2025 in relation to EI-O2, other than in relation to the effects management hierarchy.

[125] In relation to Policy EI-P2 we accept the analysis in relation to EI-P2 of Mr Willis and the planners who signed the JWS dated 28 August 2025, other than in relation to the effects management hierarchy that we have addressed in our assessment above. We adopt a different structure and provide an alternative drafting of Policy EI-P2.

[126] We adopt the analysis and wording of EI-P5 recommended by Mr Willis, supported to a large extent by Ms McLeod.

[127] The wording of the provisions is set out in **Appendix 3**.

[128] We adopt the s32 evaluation provided with the JWS dated 27 May 2025, except for the effects management hierarchy which we have addressed in our assessment above. We consider that the drafting of EI-O2, EI-P2 and EI-P5 is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments, will provide clarity and is capable of effective and efficient implementation.

2.20 OBJECTIVE EI-O3[48] ADVERSE EFFECTS OF OTHER INFRASTRUCTURE

2.20.1 Assessment

[129] Mr Willis has recommended that Objective EI-O3 be deleted as the relevant matters it addressed are now incorporated into Objective EI-O2. We were not provided with any evidence seeking that this objective be retained.

2.20.2 Decision

[130] We adopt Mr Willis' analysis and recommendations to delete this objective.

[131] In terms of s32AA, we adopt Mr Willis' evaluation in support of the deletion.

2.21 OBJECTIVE EI-O4[49] ADVERSE EFFECTS ON REGIONALLY SIGNIFICANT INFRASTRUCTURE AND LIFELINE UTILITIES

2.21.1 Assessment

[132] We accept Mr Willis' analysis and recommendations as set out in his s42A Report[50] in response to those submitters addressing this objective. In reaching this view we note that we received no evidence to the contrary. KiwiRail[51] and the Fuel Companies[52] provided written confirmation of their acceptance of the s42A recommendations and amendments to the objective.

[133] The approach expressed in this objective is consistent with our findings on reverse sensitivity which we addressed in our decision on Strategic Directions in Part 2 of our Decision Report.

2.21.2 Decision

[134] We adopt Mr Willis' analysis and recommendations. The wording of the objective is set out in **Appendix 3**.

[135] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

2.22 OBJECTIVE EI-O5[53] AMATEUR RADIO CONFIGURATIONS

2.22.1 Assessment

[136] Forest and Bird's submission [156.56] sought that the objective refers to there being "no-to" minimal adverse effects on the surrounding environment.

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48 EI-O3 as notified. Now deleted from the Decision Version of the provisions.
49 Now renumbered EI-O3 in the Decision Version of the provisions.
50 Andrew Willis, s42A Report, 11 December 2024, Section 6.23
51 Letter from KiwiRail, dated 23 January 2025
52 Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12
53 Now renumbered EI-O4 in the Decision Version of the provisions.

[137] Mr Willis recommended this amendment be made. In his evaluation he considered that 'minimal adverse effects' encompasses a range from no adverse effects to less than minor adverse effects.

[138] The Panel finds that the change proposed does not aid in the implementation of the objective. This is because, as described by Mr Willis, the term 'minimal' already covers the spectrum from no effects to less than minor. Adding the reference of "no-to" minimal adverse effects diminishes the clarity of the objective and does not add to its understanding.

2.22.2 Decision

[139] The Panel makes no change to Objective EI-O5 as it considers the recommended amendment is not the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

2.23 POLICY EI-P1 RECOGNISING THE BENEFITS OF REGIONALLY SIGNIFICANT INFRASTRUCTURE AND LIFELINE UTILITIES

2.23.1 Assessment

[140] We accept Mr Willis' analysis and recommendations in response to those submitters addressing this policy as set out in his s42A Report.[54] We note that Mr Anderson for the Telcos[55] did not seek further changes to those recommended by Mr Willis. Ms Seaton[56] for PrimePort considered that the wording 'providing for' was appropriate. Ms Crossman for OWL [181.29] supported the recommendations. KiwiRail[57] provided written confirmation of their acceptance of the s42A recommendations.

[141] Ms McLeod for Transpower[58] does not support changing Clause 1 from 'enabling' to 'providing for' as she considered this was not consistent with the NPS-ET as far as it applies to the National Grid. In particular, removing the focus on 'enabling' is not consistent with Policy 5 of the NPS-ET which explicitly requires that 'decision-makers must enable'. While the NPS-ET has been superseded by the NPS-EN the matters addressed by Ms McLeod remain relevant under the current national direction.

[142] When considering the wording of this policy we have been cognisant that it applies to a wider range of infrastructure than the National Grid which was the focus of Ms McLeod's evidence. We have considered that 'providing for' does provide explicit recognition for the benefits of the infrastructure, which is the purpose of the policy. We do not agree with Ms McLeod that using the words 'providing for' rather than 'enable' leads to our decision not giving effect to the relevant NPS. In relation to the National Grid Policy EI-P5 uses both 'provide for' and 'enable'. We consider the use of language of 'providing for' is consistent with the expression used in other policies within this chapter.

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54 Andrew Willis, s42A Report, 11 December 2024, Section 6.25
55 Tom Anderson, Statement of Evidence 23 January 2025, Para 8
56 Kim Seaton, Statement of Evidence 23 January 2025, Para 39
57 Letter from KiwiRail, dated 23 January 2025
58 Ainsley McLeod, Statement of Evidence 23 January 2025, Para 53

2.23.2 Decision

[143] We adopt Mr Willis' analysis and recommendations on EI-P1. The amendments to the policy are set out in **Appendix 3**.

[144] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

2.24 POLICY EI-P3 ADVERSE EFFECTS ON REGIONALLY SIGNIFICANT INFRASTRUCTURE

2.24.1 Assessment

[145] We accept Mr Willis' analysis and recommendations in response to those submitters addressing this policy, as set out in his s42A Report.[59] In reaching this view we note that we received no evidence to the contrary. Forest and Bird [156.59], the Fuel Companies[60] and KiwiRail[61] confirmed their support for the changes recommended by Mr Willis in the written summaries provided for the hearing.

2.24.2 Decision

[146] We adopt Mr Willis' analysis and recommendations on EI-P3. The amendments to the policy are set out in **Appendix 3**.

[147] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

2.25 POLICY EI-P4 AMATEUR RADIO CONFIGURATIONS

2.25.1 Assessment

[148] Forest and Bird [156.60] submitted on this policy. The s42A Report did not recommend any changes as a result of the submission. At the hearing Ms Snoyink confirmed that Forest and Bird supported the policy.

2.25.2 Decision

[149] We adopt Mr Willis' analysis and recommendations and make no changes to the policy.

2.26 RULES SECTION C - RULES FOR NETWORK UTILITIES - THREE WATERS - GENERAL

2.26.1 Assessment

[150] We accept Mr Willis' analysis and recommendations in response to the submission from OWL [181.32] addressing the rule headings.[62] Ms Crossman for OWL supported the recommendation of Mr Willis.

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59 Andrew Willis, s42A Report, 11 December 2024, Section 6.27
60 Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12
61 Letter from KiwiRail, dated 23 January 2025
62 Julia Crossman, Statement of Evidence, 23 January 2025, Para 3.3

2.26.2 Decision

[151] We adopt Mr Willis' analysis and recommendations. The amendment to the rules headings is set out in **Appendix 3**.

[152] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

2.27 RULE EI-R1 MAINTENANCE AND REPAIR, OR REMOVAL OF INFRASTRUCTURE, NOT OTHERWISE ADDRESSED BY ANOTHER RULE

2.27.1 Assessment

[153] We accept Mr Willis' analysis and recommendations in response to those submitters addressing this rule, as set out in his s42 Report.[63] In reaching this view we note that we received no evidence to the contrary. KiwiRail [187.24], Radio NZ [152.34], the Fuel Companies[64] and Transpower[65] confirmed their support for the changes recommended by Mr Willis in the written summaries received at the hearing.

2.27.2 Decision

[154] We adopt Mr Willis' analysis and recommendations on EI-R1. The minor amendment to the rule is set out in **Appendix 3**.

[155] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

2.28 RULE EI-R2 AND EI-R3[66] UPGRADING OF UNDERGROUND INFRASTRUCTURE AND NEW UNDERGROUND INFRASTRUCTURE, NOT OTHERWISE ADDRESSED BY ANOTHER RULE

2.28.1 Assessment

[156] We accept Mr Willis' analysis and recommendations in response to the submission of Transpower [159.40] to these rules. Ms McLeod for Transpower[67] confirmed her support for the changes recommended by Mr Willis. The Fuel Companies[68] provided written confirmation of their acceptance of the s42A recommendations.

2.28.2 Decision

[157] We adopt Mr Willis' analysis and recommendations to delete EI-R2 and amend EI-R3[66] to merge the rules. The amendments to the rules are set out in **Appendix 3**.

[158] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

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63 Andrew Willis, s42A Report, 11 December 2024, Section 6.30
64 Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12
65 Ainsley McLeod, Statement of Evidence, 23 January 2025, page 41
66 EI-R2 now deleted and EI-R3 renumbered EI-R2 in the Decision Version of the provisions.
67 Ainsley McLeod, Statement of Evidence, 23 January 2025, Page 42
68 Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12

2.29 RULE EI-R4[69] UPGRADING OF ABOVE GROUND NETWORK UTILITIES, NOT OTHERWISE ADDRESSED BY ANOTHER RULE IN THIS CHAPTER

2.29.1 Assessment

[159] We accept Mr Willis' analysis and recommendations in response to those submitters addressing this rule. Radio NZ confirmed its support for the changes recommended by Mr Willis in the written legal submissions received at the hearing. The Fuel Companies[70] provided written confirmation of their acceptance of the s42A recommendations. Ms McLeod for Transpower[71] confirmed her support for the changes recommended by Mr Willis. We agree that the submissions can be appropriately addressed through an amendment to EI-S1 (addressed later in this Decision Report) and that no changes are required to the rule.

2.29.2 Decision

[160] We adopt Mr Willis' analysis and recommendations and make no change to EI-R4.[72]

2.30 RULE EI-R6[73] ABOVE GROUND CUSTOMER CONNECTIONS[74]

2.30.1 Assessment

[161] We accept Mr Willis' analysis and recommendations[75] on submissions related to this rule. At the hearing Ms McMullan appearing for MFL [60.8] did not specifically address us on this submission point. The submission itself sought that the practicality of the rule be reconsidered. No specific relief has been provided to us.

2.30.2 Decision

[162] We adopt the analysis and recommendations of Mr Willis. No changes have been made to the rule.

2.31 RULE EI-R8[76] SUBSTATIONS (INCLUDING SWITCHING STATIONS) AND ENERGY STORAGE BATTERIES NOT ENCLOSED WITHIN A BUILDING

2.31.1 Assessment

[163] MFL [60.9] sought amendments to the size of substations. At the hearing as part of her verbal presentation Ms McMullan[77] provided recent examples of the scale of substations developed by Alpine Energy, to illustrate how restrictive the rule is. Ms McMullan did not specify the size of substation that the rule should provide for, nor was any size specified in the

69 Now renumbered EI-R3 in the Decision Version of the provisions.
70 Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12
71 Ainsley McLeod, Statement of Evidence, 23 January 2025, Page 42
72 Now renumbered EI-R3 in the Decision Version of the provisions.
73 Now renumbered EI-R5 in the Decision Version of the provisions.
74 A submission in support of Rule EI-R7 was received from Transpower, but no changes were sought as such the rule is not individually addressed in this decision.
75 Andrew Willis, s42A Report, 11 December 2024, Section 6.33.
76 Now renumbered EI-R7 in the Decision Version of the provisions.
77 Presentation of Melissa McMullan at hearing on 11 February 2025

original submission. Ms McLeod for Transpower[78] confirmed her support for the changes recommended by Mr Willis in his s42A Report. In his Interim Reply[79] Mr Willis supporting a doubling of the permitted area standard for substations.

[164] We accept that the provision as notified is unnecessarily restrictive and accept the analysis and recommendation of Mr Willis that the size specified in the rule be doubled. This provides for a change from 20m^2 to 40m^2 in the residential zones and from 30m^2 to 60m^2 in other zones.

2.31.2 Decision

[165] We adopt Mr Willis' analysis and recommendations on EI-R8.[76] The wording of the rule is set out in **Appendix 3**.

[166] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

2.32 RULE EI-R12 NEW ELECTRICITY GENERATION FROM A NON-RENEWABLE SOURCE

2.32.1 Assessment

[167] We accept Mr Willis' analysis and recommendations to reject the submission of Forest and Bird [156.68] which sought that electricity generation from non-renewable sources be discouraged and a non-complying activity status provided. Ms Snoyink did not address the rules in her presentation to us at the hearing.

2.32.2 Decision

[168] We adopt Mr Willis' analysis and recommendations. No changes are made to this rule.

2.33 RULE EI-R13 NEW OVERHEAD TELECOMMUNICATIONS LINES AND ASSOCIATED SUPPORT STRUCTURES EXCLUDING CUSTOMER CONNECTIONS

2.33.1 Assessment

[169] We accept Mr Willis' analysis and recommendations in response to the submission from the Telcos addressing this rule. In reaching this view we note that Mr Anderson[80] was accepting of the recommendation of Mr Willis not to amend this rule.

2.33.2 Decision

[170] We adopt Mr Willis' analysis and recommendations. No changes are made to this rule.

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78 Ainsley McLeod, Statement of Evidence, 23 January 2025, Page 43
79 Interim Reply of Andrew Willis 17 April 2025 and position confirmed as unchanged in his Final Reply dated 4 August 2025
80 Tom Anderson, Statement of Evidence, 23 January 2025, paragraph 8

2.34 RULE EI-R14 TELECOMMUNICATIONS KIOSK

2.34.1 Assessment

[171] We heard from Mr Anderson for the Telcos[81] on this rule related to telecommunication kiosks. The recommendation in the s42A Report is that this submission be rejected.

[172] Mr Anderson identified[82] that there were consistency issues at play in that a telecommunication kiosk can be placed in a road reserve without needing to be setback from a site boundary and, as such, a telecommunication kiosk outside of road reserve should not require a setback from road reserve boundary. A telecommunication kiosk is effectively a 'phone box.' It is a glass structure that provides telecommunication services. He advised that they are often in legal road, or adjacent to legal road. Mr Anderson considered that based on the typical location characteristics, a 2m setback standard from legal road should not apply in the Mixed Use, Town Centre, Port or General Industrial Zones, and he provided changes to the rule to achieve this.

[173] Mr Willis in his Interim Reply has accepted that changes should be made to the rule. Mr Willis[83] has proposed a different drafting solution to Mr Anderson, by requiring any set back from a road boundary to be in accordance with the applicable zone setback requirements.

[174] In considering the solution proposed by Mr Willis we have considered that in a number of zones setback standards apply to specific activities, such as residential activities, and not generally to buildings and structures. This may mean that the setbacks Mr Willis intends to apply will not in fact apply. This reduces the effectiveness of the recommended solution of Mr Willis.

[175] We have considered the drafting solution provided by Mr Anderson, which is to provide separate rules with one rule providing for Mixed Use, Town Centre, City Centre, Port or General Industrial Zones with only side and rear boundaries requiring a 2m setback, and another rule applying to all other zones which requires a 2m setback from all site boundaries. Given that the only difference in the rules is the setback requirement we do not consider it necessary to separate out the rules. Rather we have specified the different setback required for the zones within the same rule.

2.34.2 Decision

[176] We adopt Mr Anderson's analysis, supported by Mr Willis. We do not adopt the specific wording solution proposed by either Mr Anderson or Mr Willis, and have drafted different wording for Rule EI-R14. The amendments to the rule are outlined in **Appendix 3**.

[177] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

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81 Connexa [176.52], Spark [208.52], Chorus [209.52] and Vodafone [210.52]
82 Tom Anderson, Statement of Evidence, 23 January 2025, paragraph 39
83 Andrew Willis Interim Reply, 17 April 2025 Appendix E and position confirmed as unchanged in his Final Reply dated 4 August 2025

2.35 RULE EI-R15 TELECOMMUNICATIONS OR RADIO COMMUNICATION ACTIVITIES (NOT OTHERWISE LISTED IN RULES EI-R15 TO EI-R22 AND NOT REGULATED BY THE NES-TF)

2.35.1 Assessment

[178] We accept Mr Willis' analysis and recommendations in response to the submission of the Telcos[84] to this rule. Mr Anderson for the Telcos [85] confirmed his support for the changes recommended by Mr Willis.

2.35.2 Decision

[179] We adopt Mr Willis' analysis and recommendations. The wording of the rule is set out in **Appendix 3**.

[180] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

2.36 RULE EI-R17 OTHER NETWORK UTILITIES (INCLUDING NETWORK UTILITY BUILDINGS AND ENCLOSED SUBSTATIONS)

2.36.1 Assessment

[181] The Telcos [176.55, 208.55, 209.55, 210.55] sought amendments to this rule, to reflect underlying zone provisions related to footprint/site coverage. The recommendation in the s42A Report is that this submission be rejected.

[182] The rationale in the s42A Report recommendation rejecting the submission is expressed in paragraph 6.3.9 and is:

> I note that most PDP zones do not have building footprint or site coverage rules (e.g. GRUZ, GIZ, NCZ, LCZ, MUZ, TCZ, CCZ, LFRZ, MPZ and PORTZ) while for other zones such as the MRZ the site coverage would enable a significantly sized and potentially incongruous infrastructure building or structure covering half the site. As such, in my opinion the requested approach could result in a dominating infrastructure building being established as a permitted activity. I also note that for some zones, such as the TCZ and CCZ, buildings are controlled activities (under TCZ-R6; CCZ-R7) with matters of control including architectural design. As the zone rules do not apply to activities covered by the EI chapter, I consider this would create an inconsistency for large infrastructure buildings in these important centre locations. In the absence of evidence supporting alternative footprints standards, I recommend that these submissions are rejected.

[183] Mr Anderson agreed that the concerns raised by Mr Willis are valid in a residential environment as far as the concerns are only related to amenity, and not the benefit of such a building. He stated that:

> Network utility buildings are only ever constructed to service the community within which they are located. While functional needs and operational needs,

[84] Connexa [176.53], Spark [208.53], Chorus [209.53] and Vodafone [210.53]
[85] Tom Anderson, Statement of Evidence, 23 January 2025, Para 8

> and benefits from the network utility are a matter of discretion under EI-R17, there are other matters of discretion included in the rule which seek to provide balance, such as effects from the building design, and effects on the character and qualities of the surrounding area. In my view, if building size is continued to be limited, then the aforementioned matters of discretion should be explicitly subject to the extent practicable when considering the functional and operation needs, and benefits from the building or structure. My concern otherwise is that impacts on character and qualities of an area from a proposed building are given greater weight than the clear benefit a network utility building can have on that same area.

[184] Mr Anderson also noted that

> Further, EI-R17, by being a catch all rule, appears to limit the size of telecommunication structures within buildings. Often telecommunications equipment will be co-located in and on an existing building. PER-2 of EI-R17 could be considered as limiting the space these structures could use within an existing building. Such internal structures would not change any effects on the surrounding area (noting that other matters arising from structures, such as noise, would be subject to the noise rules of the PDP). In my view, this should be clarified in the rule.

[185] Mr Willis in his Interim Reply[86] has recommended some changes that address the concerns raised by Mr Anderson in terms of the rule limiting the size of activities within existing buildings.

[186] We accept the evidence of Mr Anderson that clarification does need to be provided within the rule. However, we prefer the wording solution of Mr Willis as we consider focussing only on residential zones as recommended by Mr Anderson may be too limiting. However, we accept the evidence of Mr Anderson that the matters of discretion addressing effects and impact on character need to be considered in the context of the functional need, operational need and benefits of the network utility and have included that relief.

2.36.2 Decision

[187] We adopt both Mr Willis' and Mr Anderson's analysis and recommendations in part. We prefer Mr Willis' wording for the rule but include the additional matter of discretion sought by Mr Anderson. The wording of the rule is set out in **Appendix 3**.

[188] In terms of s32AA we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

[86] Andrew Willis Interim Reply, 17 April 2025

2.37 RULE EI-R18[87] NETWORK UTILITIES EMITTING ELECTRIC AND MAGNETIC FIELDS

2.37.1 Assessment

[189] The only submission on this rule was from Transpower [159.48] who sought that the rule be relocated so that it applies to activities addressed in Section A in order to give effect to Policy 9 of the NPS-ET. The matters addressed by Ms McLeod remain relevant under the current national direction. Mr Willis in his s42A Report agrees with this and has relocated the rule. Ms McLeod for Transpower[88] confirmed her support the changes recommended by Mr Willis. We accept that the rule is better located in Section A of the chapter.

2.37.2 Decision

[190] We adopt Mr Willis' analysis and recommendations to relocate the rule. In **Appendix 3** this rule is now relocated and renumbered EI-R11.

[191] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply as the rule has not changed, only its location.

2.38 RULE EI-R22 CONSTRUCTION, MAINTENANCE REPAIR AND UPGRADING OF UNDERGROUND WATER SUPPLY, WASTEWATER SYSTEMS AND STORMWATER INFRASTRUCTURE

2.38.1 Assessment

[192] We accept Mr Willis' analysis and recommendations in response to the submissions to this rule as set out in his s42A Report. As addressed by Mr Willis three rules being EI-R22, EI-R25 and EI-R26[89] work as a package, and he has recommended amendments to EI-R25 and EI-R26 to remove overlap with EI-R22. Ms Crossman for OWL[90] in her evidence confirmed her support the recommendation of Mr Willis in his s42A Report but remained concerned with the recommendation on Mr Willis' recommended changes to the other rules.

[193] In his Interim Reply[91] Mr Willis further considered rules EI-R22, EI-R25 and EI-R26 and amended his recommendations. Mr Willis stated that:

> Upon further reflection, I consider the requested amendment by Opuha Water and TDC is a preferable solution to remove the duplication with EI-R25 and EI-R26, because this supports my recommended changes to EI-R25 and EI-R26 discussed below. Accordingly, I recommend that the submissions from Opuha Water [181.34] and TDC [42.21] are accepted (these were previously recommended to be accepted in part).

[194] In relation to Rule EI-R22 Mr Willis has recommended the rule be deleted. We accept his recommendations and reasons for deleting this rule.

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87 Now renumbered EI-R11 in the Decision Version of the provisions.
88 Ainsley McLeod, Statement of Evidence, 23 January 2025, Page 44
89 EI-R22 now deleted, EI-R25 and EI-R26 renumbered EI-R23 and EI-R24 in the Decision Version of the provisions.
90 Juila Crossman, Statement of Evidence, 23 January 2025, Para 3.3(a)
91 Andrew Willis, Interim Reply Addendum, 3 June 2025

2.38.2 Decision

[195] We adopt Mr Willis' analysis and recommendations. The rule has been deleted and is no longer in **Appendix 3**.

[196] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

2.39 RULE EI-R24[92] RAINWATER COLLECTION SYSTEMS FOR NON-POTABLE USE

2.39.1 Assessment

[197] Andrew Scott Rabbidge, Holly Renee Singline and RSM Trust Limited [27.2] raised concerns relating to the requirement for rainwater tanks to meet the setback requirements for the zone in which they are located. Mr Willis in his s42A Report described the setbacks in the GRUZ being 20m for significant roads and 10m for all other road and site boundaries (under GRUZ-S3) and for the RLZ an 8m setback from all site boundaries applies. He noted that the setback in all other zones is much less. Mr Willis noted that this was a matter that arose in the submissions on the GRUZ Zone. Mr Maclennan (the s42A report author at that hearing) disagreed with an exemption being provided for water tanks, which we accepted. Mr Willis stated in his analysis that "Whilst I have some sympathy for the submissions, I defer to the opinion of Mr Maclennan on this matter as he has considered the matter expressly in relation to the GRUZ." In relation to the EI Chapter, we agree with the recommendation of Mr Willis and retain consistency with the decision of the Panel in relation to the GRUZ.

[198] The other matter was changing the terminology of 'height in relation to boundary' to recession plane requirements in response to a submission of MFL [60.10]. As identified by Mr Willis 'height in relation to boundary' is the term used in the National Planning Standards (NPS). Ms McMullan, for MFL, in her appearance at the hearing agreed that as it was a term from the NPS it should not be changed. We accept that the appropriate term to use is from the NPS.

2.39.2 Decision

[199] We adopt Mr Willis' analysis and recommendations. No changes are made to this rule.

2.40 RULE EI-R25[93] MAINTENANCE, REPAIR AND UPGRADING OF ... WATER SYSTEMS INFRASTRUCTURE, INCLUDING: [...]

2.40.1 Assessment

[200] We accept Mr Willis' analysis and recommendations in response to the submissions to this rule. As addressed by Mr Willis three rules being EI-R22, EI-R25 and EI-R26[94] work as a package, and he has recommended amendments to EI-R25 to remove overlap with the other

[92] Now renumbered EI-R22 in the Decision Version of the provisions.
[93] Now renumbered EI-R23 in the Decision Version of the provisions.
[94] EI-R22 now deleted, EI-R25 and EI-R26 renumbered EI-R23 and EI-R24 in the Decision Version of the provisions.

rules. Ms Crossman for OWL[95] in her evidence confirmed her support for the recommendation of Mr Willis.

[201] In his Interim Reply Addendum dated 3 June 2025[96] Mr Willis has further considered rules EI-R22, EI-R25 and EI-R26 and amended his recommendations. In relation to Rule EI-R25 Mr Willis has recommended the rule address both existing underground and above ground infrastructure and recommended an additional change that this rule only applies to those activities not covered under Rule EI-23[97]. He states[98]:

> To avoid the duplication with EI-R22 I recommended that EI-R25 was amended to delete the reference to underground water systems infrastructure. With EI-R22 being deleted, that change is no longer required. This means that maintenance, repair and upgrading activities for both underground and above ground three waters infrastructure can be treated consistently, which I consider is preferable to treating underground maintenance, repair and upgrading differently to above ground maintenance, repair and upgrading, noting that in many instances the same infrastructure network occupies both below and above ground locations or the intersection of these, at different points in the network. I also recommend an amendment to PER-3 under clause 16(2) to only apply outside of rural zones as otherwise maintenance, repair and upgrading in a rural zone that does not comply with EI-S2 would be RDIS, whereas under EI-R26, entirely new three waters infrastructure would be permitted in rural zones. EI-S2 is useful to ensure the activity is maintenance, repair or upgrading, as opposed to entirely new three waters infrastructure.

[202] We accept the evaluation of Mr Willis and consider that the change to the rule ensures that the suite of rules that address three waters infrastructure are better integrated.

2.40.2 Decision

[203] We adopt Mr Willis' analysis and recommendations in his Interim Reply Addendum on EI-R25.[99] The wording of the rule is set out in **Appendix 3**.

[204] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

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95 Juila Crossman, Statement of Evidence, 23 January 2025, Para 3.3(a)
96 Andrew Willis – Interim Reply Addendum, 3 June 2025 Para 18 and position confirmed as unchanged in his Final Reply dated 4 August 2025
97 Now renumbered EI-R21 in the Decision Version of the provisions.
98 Andrew Willis – Interim Reply Addendum, 3 June 2025 Para 18 and position confirmed as unchanged in his Final Reply dated 4 August 2025
99 Now renumbered EI-R23 in the Decision Version of the provisions.

2.41 RULE EI-R26[100] CONSTRUCTION OF NEW UNDERGROUND AND ABOVE GROUND WATER SYSTEMS INFRASTRUCTURE

2.41.1 Assessment

[205] We accept Mr Willis' analysis and recommendations in response to the submissions to this rule. As addressed by Mr Willis three rules being EI-R22, EI-R25 and EI-R26[101] work as a package, and he has recommended amendments to EI-R26 to remove overlap with the other rules. Other submitters on this rule were Waka Kotahi [143.31] and Rooney Group.[102] Mr Hole appeared at the hearing for Rooney Group but did not specifically address us on this submission point.

[206] Ms Crossman for OWL[103] in her evidence addressed us on Rule EI-R26. While not listed as a submitter in the s42A Report, OWL supported in part Rules EI-R22 to EI-R26. No changes were sought to EI-R26 in the submission. The concerns Ms Crossman addressed us on have arisen through recommended changes to the Rule from the s42A Report recommendations.

[207] Ms Crossman is concerned that the recommendation of Mr Willis will narrow the scope of activities governed by Rule EI-26 (by deletions within the title of the rule). She considers that narrowing the scope of the rule, as recommended, now leaves a gap whereby there is no infrastructure rule that governs the construction of:

(a) Open drains and channels, pipes, water reservoirs, storage ponds; and

(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)."

[208] Ms Seaton provided evidence for PrimePort and TDHL who are further submitters in support of the Rooney Group submission that sought deletion of Rule EI-R26.2. Ms Seaton addressed us on a matter arising from the recommendation in the s42A Report. Ms Seaton considered that:

> The Section 42A Report has recommended further amendments to the rule, so that it applies to above ground systems only. However, the rule continues to apply to above ground stormwater infrastructure. The Section 42A Report states *'I further consider it should be limited to above ground reservoirs, storage ponds and treatment facilities for network utilities and that these should be an RDIS activity in all zones'*. However, the rule does not define stormwater infrastructure, and it would therefore in effect apply restricted discretionary activity status to all stormwater infrastructure, which I would interpret to include stormwater swales and rain gardens. I recommend that Rule EI-R26 be amended to make clearer that minor stormwater infrastructure such as swales

[100] Now renumbered EI-R24 in the Decision Version of the provisions.
[101] EI-R22 now deleted, EI-R25 and EI-R26 renumbered EI-R23 and EI-R24 in the Decision Version of the provisions.
[102] [249.14], [250.14], [251.14], [252.14], [191.14], [174.14]
[103] Juila Crossman, Statement of Evidence, 23 January 2025, Paras 3.16 to 3.22

and rain gardens are not captured by this rule, or make clear exactly what stormwater infrastructure is sought to be captured.

[209] As addressed in other parts this decision in his Interim Reply Addendum dated 3 June 2025 Mr Willis further considered rules EI-R22, EI-R25 and EI-R26 and amended his recommendations. In relation to Rule EI-R26[104] Mr Willis has recommended the rule apply to both new underground and above ground infrastructure not covered under EI-R23.[105]

> In addition to reverting back to the notified approach of EI-R26 applying to both underground and above ground three waters infrastructure, I recommend reverting back to permitting these activities in Rural Zones as per the notified PDP. In my s42A report (paragraph 6.44.5) I recommended limiting EI-R26 to above ground reservoirs, storage ponds and treatment facilities for network utilities and that these should be an RDIS activity in all zones, as the matters removed from this new above ground rule (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)) would likely have been permitted in the rural zone (see GRUZ-R13 which permits ancillary structures for reticulation and storage or water for agricultural and horticultural activities). However, I consider it simpler and more transparent to expressly permit these activities in EI-R26 rather than relying on GRUZ-R13. In addition to being more transparent, I note that the EI three waters provisions are intended to take precedence over the rules in the zone chapters, and therefore relying on GRUZ-R13 is problematic.
>
> As EI-R26 is recommended to be excluded from the Earthworks Chapter under EW-R1, the earthworks chapter s42A author Ms Williams and I agree that an additional matter of discretion should be added to EI-R26.2 to enable consideration of dust nuisance, sedimentation, land instability, erosion and contamination effects for the construction of new three waters infrastructure outside of rural zones (where existing neighbouring activities are more intensive). The scope for this change is Transpower [159.38] who sought to provide clarity in the chapter on which district wide rules applied.

[210] Mr Willis also states that:

> In addition to the above changes, I also recommend (under clause 16(2)) standardising the activity references in EI-R23, EI-R25 and EI-R26 to “water supply, wastewater systems and stormwater infrastructure” rather than various references to “water systems infrastructure” and components of it. In my opinion it is not clear what “water systems infrastructure" is.

[211] Having considered the submissions and evidence, particularly the concerns raised by Ms Crossman for OWL, and the explanation provided by Mr Willis, we accept that Rule EI-R26[106] should explicitly provide for the construction of 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

[104] Interim Reply Addendum of Andrew Willis 3 June 2025 and position confirmed as unchanged in his Final Reply dated 4 August 2025
[105] Now renumbered EI-R21 in the Decision Version of the provisions.
[106] Now renumbered EI-R24 in the Decision Version of the provisions.

equipment). We agree with Mr Willis that relying on GRUZ-R13 is not appropriate, as the EI Chapter rules are intended to apply instead of the zone rules for these activities. However, we note that the recommended changes to the provisions in the Final Reply[107] of Mr Willis did not achieve this intent, as these activities remained shown as struck through in the draft rule. We have amended Rule EI-26[108] so that it provides for these activities as notified.

[212] The change to the provision recommended by Mr Willis now applying to both underground and above ground infrastructure does provide a permitted activity pathway which should go some way to address the matters raised by Ms Seaton.

2.41.2 Decision

[213] We adopt Mr Willis' analysis in his Interim Reply Addendum which addresses the concerns raised and addressed in the evidence of Ms Crossman and in part Ms Seaton. We have amended the wording from that in the Final Reply[109] of Mr Willis to reinstate the activities of concern to Ms Crossman into Rule EI-R26.[110] The amendments to the rule are set out in **Appendix 3**.

[214] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

2.42 RULE EI-R27[111] BUILDINGS OR STRUCTURES WITHIN THE NATIONAL GRID YARD

2.42.1 Assessment

[215] We accept Mr Willis' analysis and recommendations in response to the submissions on this rule.[112] Ms McLeod for Transpower[113] confirmed her support of the changes recommended by Mr Willis. While the NPS-ET has been superseded by the NPS-EN the matters addressed remain relevant under the current national direction.

2.42.2 Decision

[216] We adopt Mr Willis' analysis and recommendations. The amendments to the rule are set out in **Appendix 3**.

[217] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

[107] Andrew Willis Final Reply, 4 August 2025
[108] Now renumbered EI-R24 in the Decision Version of the provisions.
[109] Andrew Willis Final Reply, 4 August 2025
[110] Now renumbered EI-R24 in the Decision Version of the provisions.
[111] Now renumbered EI-R25 in the Decision Version of the provisions
[112] Andrew Willis, s42A Report, 11 December 2024, Section 6.45
[113] Ainsley McLeod, Statement of Evidence, 23 January 2025, Page 42

2.43 RULE EI-R28[114] EARTHWORKS, AND LAND DISTURBANCE FOR THE INSTALLATION OF FENCE POSTS WITHIN THE NATIONAL GRID YARD

2.43.1 Assessment

[218] We accept Mr Willis' analysis and recommendations in response to the submissions on this rule.[115] Ms McLeod for Transpower[116] confirmed her support the changes recommended by Mr Willis. While the NPS-ET has been superseded by the NPS-EN the matters addressed remain relevant under the current national direction.

2.43.2 Decision

[219] We adopt Mr Willis' analysis and recommendations. The amendments to the rule are set out in **Appendix 3**.

[220] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

2.44 RULE EI-R29[117] SUBDIVISION OF LAND WITHIN THE NATIONAL GRID SUBDIVISION CORRIDOR

2.44.1 Assessment

[221] We accept Mr Willis' analysis and recommendations in response to the general submissions of Mr Speirs [66] who addressed us at the hearing seeking all subdivision rules be consolidated within the Subdivision Chapter of the Plan. Ms McLeod for Transpower[118] confirmed her support for the changes recommended by Mr Willis.

[222] We agree that the most appropriate location for this rule is within the Subdivision Chapter.

2.44.2 Decision

[223] We adopt Mr Willis' analysis and recommendations. The rule is relocated into the Subdivision Chapter and is numbered SUB-R5. The amended provisions are set out in **Appendix 3**.

[224] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

[114] Now renumbered EI-R26 in the Decision Version of the provisions.
[115] Andrew Willis, s42A Report, 11 December 2024, Section 6.46.
[116] Ainsley McLeod, Statement of Evidence, 23 January 2025, Page 42
[117] Now relocated and renumbered SUB-R4 in the Decision Version of the provisions.
[118] Ainsley McLeod, Statement of Evidence, 23 January 2025, Page 42

2.45 RULE EI-R30[119] SENSITIVE ACTIVITIES, INCLUDING WITHIN AN EXISTING BUILDING OR THE ERECTION OF BUILDINGS FOR SENSITIVE ACTIVITIES, WITHIN THE NATIONAL GRID YARD

2.45.1 Assessment

[225] We accept Mr Willis' analysis and recommendations in response to the submissions on this rule.[120] Ms McLeod for Transpower[121] confirmed her support for the s42A Report recommendations. While the NPS-ET has been superseded by the NPS-EN the matters addressed remain relevant under the current national direction.

2.45.2 Decision

[226] We adopt Mr Willis' analysis and recommendations. No changes are made to this rule.

2.46 RULE EI-R32 AND EI-R33[122] THE INSTALLATION, OPERATION, MAINTENANCE, UPGRADING AND REMOVAL OF A SOLAR CELL OR ANY ARRAY OF SOLAR CELLS AND SMALL-SCALE WIND TURBINE/S FOR SMALL-SCALE RENEWABLE ELECTRICITY GENERATION AND ITS USE

2.46.1 Assessment

[227] We accept Mr Willis' analysis and recommendations in response to the submissions to these rules.[123] Mr Hole for Rooney Group and Mr Speirs [66.19, 66.20] appeared at the hearing but did not specifically address this rule. The recommendation of Mr Willis is that these submissions be accepted and accepted in part, respectively. We accept the recommendations of Mr Willis to amend these rules.

2.46.2 Decision

[228] We adopt Mr Willis' analysis and recommendations. The amendments to the rules are set out in **Appendix 3**.

[229] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

2.47 RULE EI-R35[124] THE INSTALLATION AND UPGRADING OF LARGE-SCALE RENEWABLE ELECTRICITY GENERATION ACTIVITIES

2.47.1 Assessment

[230] Mr Hole appearing for Rooney Group[125] addressed us at the hearing. He sought that the Proposed Plan be made more enabling for the establishment of larger scale solar generation on buildings. In particular, the establishment of new solar generation should be provided for without the requirement for resource consent.

[119] Now renumbered EI-R27 in the Decision Version of the provisions.
[120] Andrew Willis, s42A Report, 11 December 2024, Section 6.48.
[121] Ainsley McLeod, Statement of Evidence, 23 January 2025, Page 42
[122] Now renumbered EI-R30 and EI-R31 in the Decision Version of the provisions.
[123] Andrew Willis, s42A Report, 11 December 2024, Section 6.48.
[124] Now renumbered EI-R33 in the Decision Version of the provisions.
[125] Submission points [174.16], [191.16], [249.16], [250.16], [251.16] and [252.16]

[231] Mr Willis in his s42A Report[126] acknowledged that:

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

[232] Mr Hole in his evidence described[127], as an example, that the land owned by Rooney Holdings Limited at Washdyke contains 20 large scale industrial bulk storage sheds of varying sizes (the most recent, Shed 20 being 8,500m^2). All have been constructed north facing specifically to enable future solar generation.

[233] He described that:

> While I acknowledge the officer's comment at page 50 of the section 42A report that policy E1 of the National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) requires the District Plan to have a policy and rule framework to address solar generation, I consider that the PDP could better achieve the objective of the NPS-REG by providing for the establishment of large scale solar generation utilising existing buildings in the General Industrial Zone (GIZ) as a permitted activity.
>
> Such activity would not have adverse effects in this zone, particularly given in the context of existing uses and structures that are by nature industrial. Solar generation on building roofs is completely consistent with the purpose and function of industrial zone.
>
> While solar technology is evolving, the method of attaching panels to building roofs remains largely unchanged. Rooney Group's submission is seeking a permitted activity rule in relation to using existing buildings, not free-standing land based solar generation that may have potential adverse environmental effects requiring further assessment through a resource consent process.
>
> A permitted activity rule providing for the establishment of large-scale solar generation on existing buildings in the GIZ would provide better regulatory support to landowners looking to implement this activity without requiring a fully discretionary resource consent.

[126] Andrew Willis, S42A Report, EI, SW and TRAN, Para 6.50.4
[127] Nathan Hole, Statement of Evidence, 23 January 2025, Para 10

[234] The evidence of Mr Hole made it clear that the focus for the permitted activity status being sought was on existing buildings within the GIZ.

[235] Mr Willis in his Interim Reply[128] confirmed what he verbally signalled at Hearing E that:

> …having considered the matter further that there is merit in providing for renewable electricity generation in the GIZ zone on the roofs of buildings where the adverse effects on sensitive locations (such as coastal environment) can be appropriate managed.

[236] Mr Willis provided amendments to EI-R35 to permit large scale renewable solar generation on buildings in the GIZ where the height limit is complied with, and the solar array has a reflectance value of 30%. Mr Willis noted that this recommendation, as it applies to the GIZ, would also include the Clandeboye Dairy Manufacturing Precinct which lies with the GIZ. We agree this is appropriate. However, a specific reference to the Clandeboye Dairy Manufacturing Precinct is unnecessary because it sits within the General Industrial Zone and is already captured by the zone reference. Mr Willis also addressed the matters relevant to s32AA and we accept his assessment.

[237] The NPS-REG has been updated since that considered by Mr Willis and Mr Hole, we consider the matters addressed remain relevant under the current national direction.

[238] We accept the evidence of Mr Hole and the revised recommendation of Mr Willis that solar panels can appropriately be provided for on existing buildings within the GIZ. Mr Hole did not provide us with specific wording therefore we accept the rule drafting provided by Mr Willis.

2.47.2 Decision

[239] We adopt the analysis of Mr Willis and Mr Hole in relation to EI-R35[129], and adopt the drafting of Mr Willis, other than specifically referring to the Clandeboye Dairy Manufacturing Precinct within the GIZ, as this is unnecessary. The amendments to the rule are set out in **Appendix 3**.

[240] In terms of s32AA we adopt the evaluation of Mr Willis in support of the changes made.

2.48 SECTION G FLIGHT PATHS - EI-R38[130] CREATION OF A NEW STORMWATER BASIN OR WATER BODY (INCLUDING WASTEWATER OXIDATION POND) WHICH EXCEEDS 500M IN AREA

2.48.1 Assessment

[241] We heard from Ms Crossman for OWL [181.42] on this rule. Ms Crossman identified that the key concern of OWL was to ensure that the Proposed Plan did not unintentionally foreclose opportunities for future upgrades to its Levels Plains sub-scheme, which is, in part,

[128] Andrew Willis, Interim Reply, 17 April 2025, Para 34 and position confirmed as unchanged in his Final Reply dated 4 August 2025
[129] Now renumbered EI-R33 in the Decision Version of the provisions.
[130] Now renumbered EI-R36 in the Decision Version of the provisions.

located within the proposed Bird Management Area (BMA) overlay related to the Richard Pearse Airport (Timaru Airport).

[242] Mr Crossman[131] described the reasons that changes were sought to the rule:

> As the creation of new water storage ponds as part of any such upgrade would fall within the scope of Rule EI-R38, and would form part of a largescale community water supply scheme, OWL considered it would be appropriate for the matters of discretion to include the operational and functional requirements, and benefits, of such infrastructure, to align with the approach taken in other rules governing infrastructure in the Energy and Infrastructure Chapter (e.g., EI-R7, EI-R8, EI-R11, EI-R13 to EI-R15, EI-R17, EI-R20 to EI-R22, EI-R25, EI-26, and EI-R31 to EI-33)
>
> With respect to the requested amendment to the title of Rule EI-R38, OWL had considered this was necessary to address the apparent inconsistency between the title of this rule i.e., new stormwater basin/water body which exceed 500m2 in area, and the reference in PER-1 to water bodies of 1000m2 in area.

[243] Mr Willis had recommended that the submission be declined. His analysis was:

> Regarding the Opuha Water submission, I do not agree that there is a threshold inconsistency. The rule applies to any single waterbody exceeding 500m^2 in area, while PER-1 applies to a combined area of all existing and proposed waterbodies not exceeding 1000m$^{2.}$ I do not support including a matter of discretion to consider functional and operational needs and benefits as the matter is a life safety risk - just because there is a functional or operational need does not mean that people's lives should therefore be put at risk. I note that non-compliance with the standard is a restricted discretionary activity for which consent can be sought. I therefore recommend that this submission is rejected.

[244] Ms Crossman considered that Mr Willis has taken an unnecessarily narrow approach in his response to the submission seeking additional matters of discretion. She reinforced to us that what OWL had sought was not the deletion of the matters of discretion included in the rule as notified which addresses bird strike risk to be considered within the overlay, rather it also enables the consideration of operational and functional needs, and benefits of a new water body within the BMA Overlay, and to impose conditions on a resource consent granted under that rule in relation to such matters. She considered this would[132] implement Objective EI-O2 and Policies EI-P1 and EI-P2 (as revised in accordance with Mr Willis' recommendations) and be consistent with statutory requirements for District Plans and relevant directives in higher order planning documents in relation to infrastructure.

[245] The Panel recognises that the key purpose of this rule is to address risks of bird strike associated with the creation of a new stormwater basin or waterbody. We find that given the purpose of the rule it is appropriate to limit the matters of discretion solely to matters related to bird strike, rather than wider matters relevant to infrastructure.

[131] Julia Crossman, Statement of Evidence, 23 January 2025, Paras 3.9 and 3.10
[132] Juila Crossman, Statement of Evidence, 23 January 2025, Para 3.14

[246] Road Metals [169.10] and Fulton Hogan [170.11] sought changes to the rule to ensure that it did not apply to replacement waterbodies. Mr Willis considered that the rule applies to new waterbodies, not replacement ones and as such the addition to exclude replacement ponds is not required. He considered that if there were to be an additional exclusion that this would more accurately apply to all existing waterbodies, as opposed to replacement oxidation ponds, which is how the specific drafting solution proposed by the submitter could be interpreted. Mr Willis was comfortable including an explanatory note to this rule if this provides greater clarity and recommended wording for such a note. The Panel has carefully considered notes that have been recommended to the rules, to ensure that they are appropriate as notes or whether the matter should be addressed as part of the rule. In this situation we find that the wording of the rule heading refers to 'new' stormwater basins but simply refers to 'waterbodies' and as the intent is that the rule addresses new activities that this should be made clear in the rule, rather than as a note. We accept Mr Willis' analysis and recommendations, other than providing clarity that the rule applies to new waterbodies in the title heading, rather than as a note.

2.48.2 Decision

[247] We adopt the analysis and recommendation of Mr Willis other than providing clarity that the rule applies to new waterbodies in the title heading, rather than as a note. The amendments to the rule are set out in **Appendix 3**.

[248] In terms of s32AA we adopt the evaluation of Mr Willis, but alter the specific relief provided. We are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

2.49 SECTION G FLIGHT PATHS - EI-R39[133] BUILDINGS, STRUCTURES OR TREES WITH THE AERODROME FLIGHT PATHS PROTECTION AREA OVERLAY

2.49.1 Assessment

[249] We accept Mr Willis' analysis and recommendations in response to the submissions to this rule. We did not receive any evidence presenting a contrary position at the hearing.

2.49.2 Decision

[250] We adopt Mr Willis' analysis and recommendations. The minor amendments to the rule are set out in **Appendix 3**.

[251] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

[133] Now renumbered EI-R37 in the Decision Version of the provisions.

2.50 SECTION G FLIGHT PATHS EI-R40[134] NEW LANDFILLS, EXCLUDING CLEAN FILLS, WITHIN THE BIRD STRIKE MANAGEMENT OVERLAY

2.50.1 Assessment

[252] We accept Mr Willis' analysis and recommendations in response to the submissions to this provision. We did not receive any evidence presenting a contrary position at the hearing.

2.50.2 Decision

[253] We adopt Mr Willis' analysis and recommendations. The amendments to the rule are set out in **Appendix 3**.

[254] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

2.51 RULES SECTION G FLIGHT PATHS – GENERAL, MAPPING AND APP 10 - FLIGHT PATH PROTECTION AREAS

2.51.1 Assessment

[255] We accept Mr Willis' analysis and recommendations in response to the submissions on these matters. We did not receive any evidence presenting a contrary position at the hearing. Mr Willis recommended that APP 10 (8) Table 1 and (9) Table 2 are amended with updated figures and that the Planning Map is amended to illustrate the 500m extent of the runway and runway extension, as shown in the map attached as Appendix 2 to the TDC [42.79] submission. We agree these amendments will provide additional clarity in relation to the application of the EI rules.

2.51.2 Decision

[256] We adopt Mr Willis' analysis and recommendations on APP 10 and the Planning Maps. The amendments to the Planning Maps are set out in **Appendix 2**, and the amendments to the provisions are set out in **Appendix 3.**

[257] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

2.52 STANDARD EI-S1 MAXIMUM STRUCTURE HEIGHT FOR NETWORK UTILITY STRUCTURES OF POLES, ANTENNA, TOWERS AND TELECOMMUNICATIONS POLES (INCLUDING…)

2.52.1 Assessment

[258] We accept Mr Willis' analysis and recommendations in response to those submitters addressing this standard. Radio NZ [152.45], KiwiRail[135] and the Fuel Companies[136] provided confirmation of their acceptance of the s42A recommendations. Mr Anderson for the Telcos[137] confirmed his support for the changes recommended by Mr Willis.

[134] Now renumbered EI-R38 in the Decision Version of the provisions.
[135] Letter from KiwiRail, dated 23 January 2025
[136] Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12
[137] Tom Anderson, Statement of Evidence, 23 January 2025, Para 8

2.52.2 Decision

[259] We adopt Mr Willis' analysis and recommendations on EI-S1. The amendments to the standard are set out in **Appendix 3**.

[260] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

2.53 STANDARD EI-S2 UPGRADING INFRASTRUCTURE

2.53.1 Assessment

[261] We accept Mr Willis' analysis and recommendations in response to those submitters addressing this standard. Radio NZ [152.46], KiwiRail[138] and the Fuel Companies[139] provided confirmation of their acceptance of the s42A recommendations.

2.53.2 Decision

[262] We adopt Mr Willis' analysis and recommendations. The minor amendments to the standard are set out in **Appendix 3**.

[263] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

2.54 MISCELLANEOUS SUBMISSIONS

2.54.1 Assessment

[264] We accept Mr Willis' analysis and recommendations in response to those submitters categorised as miscellaneous submissions. Ms McLeod for Transpower[140] confirmed her support for the changes recommended by Mr Willis to include a new rule within the EI Chapter covering the storage and/or handling of hazardous substances with explosive or flammable intrinsic properties in the National Grid Yard. We agree and have included this as new rule EI-R28 in the Decision Version of the provisions. While the NPS-ET has been superseded by the NPS-EN the matters addressed remain relevant under the current national direction.

[265] The submission from TDC [42.8] addressed how the infrastructure was referred to considering the then Three Waters Legislation. The Panel recognises that the legislation relating to Three Waters has changed, but accept that the amendment to the abbreviation of 'the Council' to include the successors of infrastructure management remains appropriate and we have made that change.

[266] In relation to the submission from PrimePort [175.7] and North Meadows [190.2] these are addressed in Part 9 of the Decision Report and are not addressed further in this section.

[138] Letter from KiwiRail, dated 23 January 2025
[139] Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12
[140] Ainsley McLeod, Statement of Evidence, 23 January 2025, Pages 52 and 58

2.54.2 Decision

[267] We adopt Mr Willis' analysis and recommendations relating to new Rule EI-R28, the abbreviation of 'the Council' and the amendments to show voltage for the National Grid on the Planning Maps. The amendments to the provisions are set out in **Appendix 2 and 3**.

[268] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

3 STORMWATER MANAGEMENT

3.1 OVERALL CONSIDERATION

3.1.1 Assessment

[269] The Panel's approach to the Stormwater Chapter differs from other chapters, primarily because the final Decision Version of the provisions is substantially changed from the notified version. Many provisions originally included have been removed or significantly altered, meaning that several specific points raised by submitters no longer correspond to the current chapter. As a result, this decision addresses the chapter as a whole, rather than responding to individual provisions.

[270] The Proposed Plan initially contained extensive stormwater provisions. Numerous submissions, particularly from PrimePort [175] and TDHL [186], opposed the chapter in its entirety, arguing that it duplicated matters already managed under the Timaru Consolidated Bylaw 2018.

[271] Mr Willis, in his s42A Report[141], recommended retaining much of the chapter but acknowledged that further changes could improve its effectiveness and efficiency. Before the hearing, the Panel received evidence from several parties, including legal and planning submissions from PrimePort and TDHL, which supported the chapter's deletion.

[272] At the start of the hearing, Mr Willis presented a summary statement indicating that, after considering the written expert evidence, substantial changes to the chapter were warranted. He sought to work collaboratively with submitters to develop revised provisions. Given this, the Panel did not question Mr Willis or submitters on stormwater matters during the hearing.

[273] Following the hearing, the Panel issued Minutes 24 and 25, directing Mr Willis to liaise with the planners for the parties listed in the Minute to develop revised provisions. This process resulted in a JWS containing a focused set of provisions. The JWS recorded full agreement among the signatories, except for one point of difference between Mr Willis and Ms Seaton (planner for PrimePort) regarding the definition of "stormwater neutrality".

[141] Andrew Willis, s42A Report, 11 December 2024, Section 6.

[274] In his Interim Reply[142], Mr Willis recommended further changes to the JWS provisions and confirmed that the issue of stormwater neutrality remained unresolved between himself and Ms Seaton.

[275] The Panel issued Minute 38 to the parties who were signatories to the JWS providing an opportunity for them to comment on the further changes recommended by Mr Willis. The Minute also sought confirmation from PrimePort whether the matter of stormwater neutrality was still outstanding following the Interim Reply[143] of Mr Willis. We received confirmation that the definition of stormwater neutrality remained outstanding, and a way to resolve the differences between the submitter and Council was proposed.

[276] To ensure all submitters had the opportunity to comment on the revised chapter provisions, the Panel issued Minute 43 to all parties who had submitted on the Stormwater Chapter and invited written feedback. No further comments were received.

[277] In his Final Reply[144] Mr Willis advised that the differences in view of the definition of stormwater neutrality had been resolved.

[278] The provisions recommended by Mr Willis are substantially different from those notified. The Panel accepts these changes as appropriate, noting that the reasons for the amendments are detailed in the JWS (which includes a s32 evaluation) and in Mr Willis' Final Reply[145]. Despite the scale of the changes, there are no issues of scope, as the range of submissions covered everything from retaining the chapter as notified to deleting it entirely.

3.1.2 Decision

[279] We accept the recommended changes to the Stormwater Chapter as appropriate and justified. The rationale for these amendments is set out in the JWS and Mr Willis' Final Reply.[146] The amendments to the Stormwater Chapter are set out in **Appendix 3**.

[280] In terms of s32AA, the Panel is satisfied that the revised chapter is the most effective and efficient means of addressing stormwater management in the Plan. We are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

4 TRANSPORT

4.1 GENERAL

4.1.1 Assessment

[281] The submission from Waka Kotahi [143.20] raised an integration matter between the Transport Chapter and the EI Chapter. Waka Kotahi considers that amendments are required

[142] Andrew Willis Interim Reply, 17 April 2025
[143] Andrew Willis Interim Reply, 17 April 2025
[144] Andrew Willis Final Reply, 4 August 2025
[145] Andrew Willis Final Reply, 4 August 2025
[146] Andrew Willis Final Reply, 4 August 2025

to either allow consideration of transport matters in the EI Chapter or amend other chapters to provide for an exclusion for transport infrastructure as RSI where there are exclusions for activities considered in the EI Chapter.

[282] In relation to the submission of Waka Kotahi [143.20] Mr Willis recognised[147] that:

> As there is both an EI chapter and a transport chapter in the National Planning Standards there is an overlap regarding transport matters. The PDP sought to clarify this overlap by stating transport related infrastructure is contained in the transport chapter. While I resolved the relationship between the EI and TRAN chapters in my assessment of the submission on the EI chapter, I did not consider the submission in relation to the TRAN chapter and how the TRAN chapter provisions relate to the area specific and district wide provisions.

[283] Mr Willis' recommended an amendment to the note to make it clear which rules were to take precedence [148] over other rules. His recommendation was that

> Rules TRAN-R1 to TRAN-R11 in this chapter take precedence over rules in any Zone Chapter of Part 3 – Area Specific Matters - Zone Chapters. Unless otherwise specified in this chapter, the provisions of the Development Area chapter, Designation Chapter, and chapters in Part 2 - District-wide Matters Chapters still apply to activities provided for in the TRAN Chapter and therefore resource consent may be required by the rules in these chapters.

[284] In his Interim Reply[149] Mr Willis recommended a further change so that TRAN-R6 (vehicle parking and manoeuvring areas) did not have precedence over the zone rules. This was so that vehicle parking areas including private areas would still be assessed under the relevant zone rules as the rules in the TRAN Chapter covers the design aspects of the parking area, not the amenity aspects.

[285] In his Final Reply[150] Mr Willis stated that he had further considered which transport rules should take precedence over the zone rules and altered his recommendation. Mr Willis has recommended that TRAN-R7 (Structures, buildings or planting or vehicular access in relation to a road-rail level crossing) and TRAN-R10 (High trip generating activities) should not take precedence over the zone rules. He considers compliance with these requirements should not override the requirement to meet the zone activity standards.

[286] We have addressed terminology regarding 'take precedence' in Part 1 of the Report and prefer the wording 'apply instead of', with this exception we accept Mr Willis' analysis and recommendations set out in his Final Reply[151] in response to the submission from Waka Kotahi [143.20]. We have addressed the terminology of 'takes precedence' in Part 1 of the Report.

[287] Bruce Speirs [66.22] sought that the font size in the chapter be amended so that it is consistent. Mr Willis recommended the submission be accepted. The matter of font size is not

[147] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.68.7
[148] We interpret 'take precedence' as applying instead of. We address this terminology in Part 1 of the Report at Section 4.3
[149] Andrew Willis Interim Reply, 17 April 2025
[150] Andrew Willis Final Reply, 4 August 2025 Paras 31 to 33
[151] Andrew Willis Final Reply, 4 August 2025

a matter for a decision of the Panel but is a matter for the Council in publishing its document. We have therefore not accepted the submission of Mr Speirs.

[288] The RVA [230.23] raised concerns that the provisions in the Transport Chapter are restrictive for retirement village development. Mr Willis evaluated the submission[152] and noted that it did not specify any relief sought. He considered that, as a result, it is difficult to identify which provisions the submitter sought es to change and how. We received no further information from this submitter in evidence or at the hearing. We accept Mr Willis' analysis and recommendations to the submission from RVA.

4.1.2 Decision

[289] We adopt Mr Willis' analysis and recommendations on the introduction to the Transport Rules. The amendments to the Rules introduction are set out in **Appendix 3**.

[290] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

4.2 OBJECTIVE TRAN-O1 SAFE, EFFICIENT, INTEGRATED AND SUSTAINABLE LAND TRANSPORT INFRASTRUCTURE

4.2.1 Assessment

[291] We accept Mr Willis' analysis and recommendations in response to the submissions from Waka Kotahi [143.36] and Forest and Bird [156.76] to TRAN-O1.[153] We received no evidence to the contrary from other submitters or further submitters on this matter. KiwiRail[154] and the Fuel Companies[155] provided written confirmation of their acceptance of the s42A recommendations. Ms Tait for Fonterra confirmed[156] her support for the recommendation.

4.2.2 Decision

[292] We adopt Mr Willis' analysis and recommendations on TRAN-O1. The amendments to the objective are set out in **Appendix 3**.

[293] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

[152] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.68.2-3
[153] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.68.4-5
[154] Letter from KiwiRail, dated 23 January 2025
[155] Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 12
[156] Susannah Tail, Statement of Evidence, 23 January 2025, Para 5.3.1

4.3 OBJECTIVE TRAN-O3 ADVERSE EFFECTS ON LAND TRANSPORT INFRASTRUCTURE

4.3.1 Assessment

[294] We accept Mr Willis' analysis and recommendations in response to the submission by Kāinga Ora [229.27] to TRAN-O3[157]. We received no evidence to the contrary from other submitters on this matter.

4.3.2 Decision

[295] We adopt Mr Willis' analysis and recommendations on TRAN-O3. The amendments to the objective are set out in **Appendix 3**.

[296] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

4.4 POLICY TRAN-P1 ACTIVE TRANSPORT

4.4.1 Assessment

[297] We accept Mr Willis' analysis and recommendations in response to the submissions by Rooney Group [174.21, 191.21, 249.21, 250.21, 251.21, 252.21] and HB [74.2] to TRAN-P1.[158] We received no evidence to the contrary from other submitters on this matter.

4.4.2 Decision

[298] We adopt Mr Willis' analysis and recommendations on TRAN-P1. No changes are made to the policy.

4.5 POLICY TRAN-P3 EXISTING LAND TRANSPORT INFRASTRUCTURE

4.5.1 Assessment

[299] We accept Mr Willis' analysis and recommendations in response to the submissions by Waka Kotahi [143.41] and KiwiRail [187.33] to TRAN-P3. We received no evidence to the contrary from other submitters on this matter. KiwiRail provided written confirmation[159] of their acceptance of the s42A recommendations.

4.5.2 Decision

[300] We adopt Mr Willis' analysis and recommendations. The minor amendment to the policy is set out in **Appendix 3**.

[301] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

[157] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.70.3
[158] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.71.4-5
[159] Letter from KiwiRail, dated 23 January 2025

4.6 POLICY TRAN-P4 NEW LAND TRANSPORT INFRASTRUCTURE

4.6.1 Assessment

[302] We accept Mr Willis' analysis and recommendations in response to the submissions by Forest and Bird [156.79], Waka Kotahi [143.42], and KiwiRail [187.34] to TRAN-P4.[160] We received no evidence to the contrary from other submitters on this matter.

4.6.2 Decision

[303] We adopt Mr Willis' analysis and recommendations on TRAN-P4. The amendments to the policy are set out in **Appendix 3**.

[304] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

4.7 POLICY TRAN-P5 ROAD CLASSIFICATION

4.7.1 Assessment

[305] We accept Mr Willis' analysis and recommendations in response to the submission of Kāinga Ora [229.30] to TRAN-P5.[161] We received no evidence to the contrary from other submitters on this matter.

4.7.2 Decision

[306] We adopt Mr Willis' analysis and recommendations on TRAN-P5. The amendments to the policy are set out in **Appendix 3**.

[307] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

4.8 POLICY TRAN-P8 PARKING, LOADING AND MANOEUVRING

4.8.1 Assessment

[308] We accept Mr Willis' analysis and recommendations in response to the submissions from Fonterra [165.40], Rooney Group [174.22, 191.22, 249.22, 250.22, 251.22, 252.22], and Kāinga Ora [229.33] to TRAN-P8.[162] We received no evidence to the contrary from other submitters on this matter. Ms Tait for Fonterra confirmed[163] her support for the recommendation.

4.8.2 Decision

[309] We adopt Mr Willis' analysis and recommendations on TRAN-P8. The amendments to the policy are set out in **Appendix 3**.

[310] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

[160] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.73.5-6
[161] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.74.3
[162] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.75.5-7
[163] Susannah Tail, Statement of Evidence, 23 January 2025, Para 5.3.2

4.9 POLICY TRAN-P9 NON-TRANSPORT RELATED ACTIVITIES

4.9.1 Assessment

[311] We accept Mr Willis' analysis and recommendations in response to the submissions from HB [74.1] and Waka Kotahi [143.47] to TRAN-P9.[164] We received no evidence to the contrary from other submitters on this matter.

4.9.2 Decision

[312] We adopt Mr Willis' analysis and recommendations on TRAN-P9. The amendments to the policy are set out in **Appendix 3**.

[313] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

4.10 TRANSPORT – NEW POLICY

4.10.1 Assessment

[314] We accept Mr Willis' analysis and recommendations in response to the submissions from Z Energy [116.6] and BP Oil, et al [196.40] which sought a new policy to encourage EV charging facilities in all zones.[165] We received no evidence to the contrary from other submitters on this matter. BP Oil, et al[166] provided written confirmation of their acceptance of the s42A recommendation.

4.10.2 Decision

[315] We adopt Mr Willis' analysis and recommendations regarding inclusion of a new policy, which is numbered TRAN-P10 in the Decision Version of the provisions. The wording of the new policy is set out in **Appendix 3**.

[316] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan, agree it supports achieving TRAN-O1.2 (being responsive to current and future needs), and for giving effect to other relevant statutory instruments.

4.11 TRANSPORT – RULES NOTE

4.11.1 Assessment

[317] DOC [166.26] supports the note relating to other rules in the plan that are relevant to transport, however, suggests that hyperlinks are included in the note to specifically reference the relevant sections as has been done under the EI Chapter. This has been addressed in Part 2 of the Report and is not considered further in this part.

[164] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.76.4-6
[165] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.77.3
[166] Letter from SLR Consulting New Zealand, dated 7 February 2025, Pages 12 and 13

4.12 RULE TRAN-R3 NEW VEHICLE ACCESS WAY

4.12.1 Assessment

[318] We accept Mr Willis' analysis and recommendations in response to the submission from Waka Kotahi [143.29] to TRAN-R3.[167] We received no evidence to the contrary from other submitters on this matter.

4.12.2 Decision

[319] We adopt Mr Willis' analysis and recommendations on TRAN-R3. The amendments to the rule are set out in **Appendix 3**.

[320] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

4.13 RULE TRAN-R4 NEW VEHICLE CROSSING

4.13.1 Assessment

[321] We accept Mr Willis' analysis and recommendations in response to the submission from JR Livestock [241.33] to TRAN-R4. While this addresses a site-specific matter we received no evidence to the contrary from submitters on this matter.

4.13.2 Decision

[322] We adopt Mr Willis' analysis and recommendations.[168] The amendments to the rule are set out in **Appendix 3**.

[323] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

4.14 RULE TRAN-R9 INSTALLATION OF NEW OR REPLACEMENT CHARGING FACILITIES FOR ELECTRIC VEHICLES

4.14.1 Assessment

[324] We accept Mr Willis' analysis and recommendations in response to the submissions by Z Energy [116.7] and BP Oil, et al [196.41] to TRAN-R9.[169] We received no evidence to the contrary from other submitters on this matter. The Fuel Companies[170] provided written confirmation of their acceptance of the s42A recommendations.

4.14.2 Decision

[325] We adopt Mr Willis' analysis and recommendations. There are no changes to the wording of the rule.

[167] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.79.3-6
[168] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.80.3-6
[169] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.81.2-5
[170] Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 13

4.15 RULE TRAN-R10 HIGH TRIP GENERATION ACTIVITIES

4.15.1 Assessment

[326] Mr Hole for Rooney Group Limited and others [278.10FS] addressed us. on their concern relating to adding a matter of discretion that would enable the council to levy a financial contribution, and references APP7 – Financial Contribution. This was in response to a submission by [TDC 42.27] that considered that heavy vehicle movements on roads accelerate the need for maintenance, remediation and/or upgrading of carriageway pavements, when these occur out of zone and/or on roads not designed to carry heavy traffic a financial contribution toward the upgrade or future maintenance of a road due to an unanticipated increase in heavy vehicle traffic is necessary. Mr Hole described that:

> TRAN-R10 applies to any use or development which generates vehicle trips that meet or exceed the thresholds in TRAN-S20. However, TRAN-S20 does not necessarily specify vehicle trips (movements) for a use or development. Rather, it predominantly details activities described in Table 21 specifying criteria such as floor area, number of allotments, and number of persons as thresholds to determine whether or not a basic or full integrated traffic assessment (ITA) is required.
>
> The ITA would then be relied upon to determine whether or not the use or development would result in an increase of heavy vehicle movements, and whether that increase would result in adverse effects on the road network.
>
> The change sought by TDC will result in new developments being penalised where heavy vehicle movements arise from the activity, compared to existing activities. This has the potential to restrict new development or activities establishing in the district.
>
> This inhibiting effect would have negative consequences for economic growth, and would potentially supress innovation, and reduce resilience through increasing the costs of diversification. Rooney Group consider that Council's PDP should be designed to support rather than inhibit land use changes that provide a platform for the District's growth.

[327] Mr Willis' analysis is:

> …. that APP7 – Financial Contributions already includes a section on roading, with clause 1.2(e) stating that a financial contribution shall be payable when a development will adversely affect any aspect of the Council's road infrastructure/network to the extent that changes, modifications or strengthening is required to be made to comply with the District Plan, any relevant adopted Council road design manual, or expert technical advice. In their memo (s9.1), Abley supports this submission regarding referencing APP7 Financial Contributions within TRAN-R10 for heavy vehicle movements. I agree that expressly referring to heavy vehicle movements would be appropriate, noting that the Financial Contributions Chapter itself is not being heard until a later hearing and that recommendations on that hearing may have a consequential impact on this recommendation. However, I consider that a reference to the financial contributions provisions is required for all vehicle movements, not just heavy vehicle movements given APP7 clause 1.2(e). Furthermore, I am concerned that if only heavy vehicle movements are

expressly linked from the rule then this could cause confusion for how nonheavy vehicle movements are considered. Accordingly, I recommend that this submission is accepted in part.

[328] To provide consistency between the provisions, we find that the reference should be to heavy vehicle movements, as identified by Mr Willis. While we understand the concern expressed by Mr Hole, the Financial Contributions Chapter expressly identifies roading as a relevant matter. We therefore find it is appropriate to include the additional matter of discretion.

4.15.2 Decision

[329] We adopt Mr Willis' analysis and recommendations on TRAN-R10. The amendments to the rule are set out in **Appendix 3**.

[330] terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

4.16 RULE TRAN-R11 NEW PRIVATE ROADS, ROADS AND OTHER LAND TRANSPORT INFRASTRUCTURE OUTSIDE OF EXISTING ROAD OR RAIL CORRIDORS

4.16.1 Assessment

[331] We accept Mr Willis' analysis and recommendations in response to the submissions by Rooney Group [174.23, 191.23, 249.23, 250.23, 251.23, 252.23] to TRAN-R11.[171] We received no evidence to the contrary from other submitters on this matter.

4.16.2 Decision

[332] We adopt Mr Willis' analysis and recommendations on TRAN-R11. No changes are made to the rule.

4.17 STANDARD TRAN-S1 LANDSCAPING WHERE FIVE OR MORE AT GRADE CAR PARKING SPACES ARE PROVIDED FOR NON-RESIDENTIAL ACTIVITIES ON A SITE

4.17.1 Assessment

[333] We accept Mr Willis' analysis and recommendations in response to the submissions to TRAN-S1.[172] Ms Tait for Fonterra [165.41] confirmed[173] her support for the recommendation, as did Ms Seaton for PrimePort [175.26] and TDHL [186.12].[174] We received no evidence to the contrary from other submitters on this matter.

[171] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.83.3-5
[172] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.84.1-15
[173] Susannah Tail, Statement of Evidence, 23 January 2025, Para 5.3.4
[174] Kim Seaton, Statement of Evidence, 23 January 2025, Para72

4.17.2 Decision

[334] We adopt Mr Willis' analysis and recommendations on TRAN-S1. The amendments to the standard are set out in **Appendix 3**.

[335] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

4.18 STANDARD TRAN-S2 ROAD DESIGN REQUIREMENTS

4.18.1 Assessment

[336] We accept Mr Willis' analysis and recommendations in response to the submission by Bruce Speirs [66.23] to TRAN-S2.[175] The submission identified an incorrect reference to a Figure.

4.18.2 Decision

[337] We adopt Mr Willis' analysis and recommendations. The amendment to the standard is set out in **Appendix 3**.

[338] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

4.18.3 STANDARD TRAN-S5 CYCLE PARKING PROVISION

4.18.4 Assessment

[339] We accept Mr Willis' analysis and recommendations in response to the submission from Fonterra [165.42] to TRAN-S5.[176] Ms Tait for Fonterra confirmed[177] her support for the recommendation.

4.18.5 Decision

[340] We adopt Mr Willis' analysis and recommendations on TRAN-S5. The amendments to the standard are set out in **Appendix 3**.

[341] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

4.19 STANDARD TRAN-S7 MINIMUM LOADING SPACE REQUIREMENTS

4.19.1 Assessment

[342] Ms Tait for Fonterra [165.43] addressed us on this matter. She stated that:

> The nature and function of the Clandeboye site mean that the loading spaces are closely integrated with the site's circulation and not marked (as there is no need for such an approach).

[175] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.85.3.6
[176] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.86.2-4
[177] Susannah Tail, Statement of Evidence, 23 January 2025, Para 5.3.4

> I consider that including the Clandeboye site in TRAN-S7 (and consequently TRAN-S8) would create a burdensome consenting trigger for smaller projects at the site (that are anticipated by the proposed zone provisions). As explained by Ms O'Rourke, the rule requirement to provide for specific loading at the site is not practicable for Fonterra. Loading and logistics management form a core part of Fonterra's operations, receiving milk and supplies/equipment to site and then delivering milk powder, cheese and other dairy products to supply lines.
>
> In the event that a significant project is proposed (that would substantially change the layout of the site), resource consent as a discretionary activity will be required and will allow Council with the scope to consider the transport aspects of the Clandeboye site (including loading/circulation). As such, I consider that the Clandeboye site should be exempt from TRAN-S7 (and consequently TRAN-S8).

[343] Mr Willis' recommendation is that the submission be rejected. Mr Willis stated he is reliant on the advice in the memo from Abley.[178] The Panel sought clarification from Mr Collins at the hearing as to whether he had been to the Clandeboye site. He advised that he had not.

[344] The Panel accepts the evidence of Ms Tait as to the need to have specific loading space requirements that apply to the Clandeboye site. The Panel considers that the characteristics of the site are such that a specific loading space requirement in the rules is unnecessary. Having visited the site, we accept that the full site design provides for the movement of heavy vehicles throughout the site as required and there is sufficient space within the site that Fonterra can manage its own effects in this regard. This is a site-specific decision of the Panel based on the characteristics of the Clandeboye site and the activities that occur on that site.

4.19.2 Decision

[345] We do not adopt the recommendation of Mr Willis on TRAN-S7, as we have accepted the evidence of Ms Tait for Fonterra. The amendments to the standard are set out in **Appendix 3**.

[346] In terms of s32AA, we are satisfied that the nature of the activity and the scale of the activity occurring on the Clandeboye Dairy Manufacturing Precinct means that the movement of heavy vehicles is effectively and efficiently managed as an integral part of the operations on the site. The site design provides for the movement of heavy vehicles to the extent that imposing a standard on minimum loading space requirements would be ineffectual. We consider the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

[178] Appendix 5 of the S42A report of Andrew Willis being a Memorandum from Abley, prepared by Mat Collins, Associate Transportation Engineer dated 4 December 2024

4.20 STANDARD TRAN-S9 APPROACH SIGHT TRIANGLES FOR PUBLIC ROAD/RAIL LEVEL CROSSINGS

4.20.1 Assessment

[347] We accept Mr Willis' analysis and recommendations in response to the KiwiRail [187.42] submission to TRAN-S9.[179]

4.20.2 Decision

[348] We adopt Mr Willis' analysis and recommendations on TRAN-S9. The amendments to the standard are set out in **Appendix 3**.

[349] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

4.21 STANDARD TRAN-S10 VEHICLE ACCESS WAY REQUIREMENTS

4.21.1 Assessment

[350] We accept Mr Willis' analysis and recommendations in response to the submissions to TRAN-S10.[180] We received no evidence to the contrary from submitters on this matter.

4.21.2 Decision

[351] We adopt Mr Willis' analysis and recommendations on TRAN-S10. The amendments to the standard are set out in **Appendix 3**.

[352] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

4.22 STANDARD TRAN-S12 MINIMUM SIGHT DISTANCE FROM VEHICLE CROSSINGS

4.22.1 Assessment

[353] We accept Mr Willis' analysis and recommendations in response to the submission from Waka Kotahi [143.59] to TRAN-S12.[181] We received no evidence to the contrary from the submitter on this matter.

4.22.2 Decision

[354] We adopt Mr Willis' analysis and recommendations on TRAN-S12. The amendments to the standard are set out in **Appendix 3**.

[355] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

[179] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.88.3-6
[180] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.88.2-12
[181] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.90.2-4

4.23 STANDARD TRAN-S15 MINIMUM DISTANCE BETWEEN VEHICLE CROSSINGS

4.23.1 Assessment

[356] We accept Mr Willis' analysis and recommendations in response to the submission from Waka Kotahi [143.61] to TRAN-S15.[182] We received no evidence to the contrary from the submitter on this matter.

4.23.2 Decision

[357] We adopt Mr Willis' analysis and recommendations on TRAN-S15. The amendments to the standard are set out in **Appendix 3**.

[358] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

4.24 STANDARD TRAN-S17 VEHICLE CROSSINGS ONTO ROADS WITH 70KM/H OR GREATER POSTED SPEED LIMITS

4.24.1 Assessment

[359] We accept Mr Willis' analysis and recommendations in response to the submissions to TRAN-S17.[183] We received no evidence to the contrary from submitters on this matter.

4.24.2 Decision

[360] We adopt Mr Willis' analysis and recommendations on TRAN-S17. The amendments to the standard are set out in **Appendix 3**.

[361] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

4.25 STANDARD TRAN-S18 REVERSE MANOEUVRING

4.25.1 Assessment

[362] We accept Mr Willis' analysis and recommendations in response to the submission from TDC [42.29] to the standard.[184] We received no evidence to the contrary from TDC on this matter.

4.25.2 Decision

[363] We adopt Mr Willis' analysis and recommendations on TRAN-S18. The amendments to the standard are set out in **Appendix 3**.

[364] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

[182] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.91.3-6
[183] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.92.1-3
[184] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.93.2-3

4.26 STANDARD TRAN-S19 LIGHTING OF PARKING AND MANOEUVRING

4.26.1 Assessment

[365] We accept Mr Willis' analysis and recommendations in response to the submissions to TRAN-S19.[185]

4.26.2 Decision

[366] We adopt Mr Willis' analysis and recommendations on TRAN-S19. The amendments to the standard are set out in **Appendix 3**.

[367] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

4.27 STANDARD TRAN-S20 HIGH TRIP GENERATING ACTIVITIES

4.27.1 Assessment

[368] TRAN-S20 addresses High Trip Generating Activities and attracted a number of submissions seeking changes. Submissions either supported the standard with an increase being provided in the thresholds, for example the Ministry of Education [106.9] and Woolworths [242.156], sought refinement to apply only to new activities or extensions to existing activities in the case of Z Energy [116.9] and BP Oil, et al [196.42]. Fonterra [165.44] sought the rule exclude the Clandeboye Manufacturing Zone / Precinct which Fonterra is seeking through other submissions as traffic generation would be addressed by rules applicable to that zone or area.

[369] Mr Willis recommended that the submission of Fonterra and the Ministry of Education be rejected, based on advice received by Abley[186], and the submissions of Z Energy and BP Oil, et al and Woolworths be accepted in part. At the hearing, the Fuel Companies[187] provided written confirmation of their acceptance of the s42A recommendations.

[370] The submission from TDC [42.28] sought a more substantive change to the standard. This was described in the s42A Report of Mr Willis:

> TDC considers that heavy vehicle movements on roads accelerate the need for maintenance, remediation and/or upgrading of carriageway pavements, when these occur out of zone and/or on roads not designed to carry heavy traffic. Table 21 for High Trip Generating Activities outlines various thresholds that focus on GFA/lots/# of movements/etc and that any movements quantum would appear to relate to light vehicle movements, whereas heavy vehicles generate wear and tear on the road network at an accelerated rate. They seek to amend TRAN-S20 table 21 to either: include a quantum of heavy vehicle traffic to trigger an ITA (full or basic); or add a heavy vehicle movement percentage

[185] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.93.2-6
[186] Appendix 5 of the S42A report of Andrew Willis being a Memorandum from Abley, prepared by Mat Collins, Associate Transportation Engineer dated 4 December 2024
[187] Letter from SLR Consulting New Zealand, dated 7 February 2025, Page 13

> increase based on the preactivity % of heavy vehicle movements along the accessing road.[188]

[371] We understand the submission addresses impacts of heavy vehicles on roads and sought a threshold be included in TRAN-S20 to trigger an Integrated Traffic Assessment, either basic or full.

[372] In relation to this submission, Mr Willis[189] based on advice received from Abley addressing the impact of heavy vehicles on the Council's roads identified that two options for triggering a Pavement Impact Assessment are proposed: a percentage increase in heavy vehicle traffic, or a fixed increase in daily movements. Mr Willis considered the two options provided and stated:

> I have reviewed the two options provided. I understand that a key concern regarding the 5% approach is that this could be difficult to apply without conducting traffic surveys which could impose unreasonable costs on resource consent applications. However, I understand this concern has been allayed by the Council advice confirming that it maintains a database of heavy vehicle movements and that this will be made publicly accessible. A second key concern is that traffic movements change over time, so whereas an activity might have only contributed say a 4% increase in 2025 and been permitted, this could equate to say a 6% increase in 2026 and require consent for a lawfully established activity. I understand that this concern can also be allayed by the same Council database which can demonstrate changes in heavy vehicle movements as it is updated.
>
> While I consider an absolute increase is a more common and understood threshold for vehicle movements, I understand that the Council prefers a threshold approach. I consider both options can work on the basis that a heavy vehicle movements database is readily publicly accessible and regularly updated. Accordingly, I recommend that this submission is accepted with a new threshold rule included as set out below and in Appendix 1.

[373] Mr Willis recommended the inclusion of a new rule to address this rather than incorporate these matters within TRAN-S20.[190] The rule TRAN-RX would provide a restricted discretionary activity status for activities.

[374] In terms of a s32 evaluation Mr Willis provided the following:

> Regarding a s32AA assessment, I consider that this change is appropriate as it clarifies the link between transport effects from heavy vehicle movements and the financial contributions chapter. APP7 - Financial Contributions already enables financial contributions to be taken for transport matters and so this amendment is not technically a change in approach. As such, I consider that the original s32 continues to apply.

[188] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.95.3
[189] Andrew Willis, s42A Report Energy, Infrastructure and Transport paras 6.95.8 to 6.95.11
[190] This rule is TRAN-R.11 in Appendix 3

[375] It is recognised that the matter of discretion in relation to financial contributions is the same standard as in TRAN-R10 and addressed by Mr Hole as described in our analysis to that rule.

[376] This recommended new rule was the focus of the legal submissions provided at the hearing by Mr Williams[191] for Fonterra [165.44], a further submitter opposing the submission of TDC. In his submissions Mr Williams identified that:

> 10. In summary, the New Heavy Traffic Rule sought via Council submission on the Proposed Plan. It was not:
>
> 10.1 a part of the notified version of the Proposed Plan;
>
> 10.2 subject to a section 32 or section 32AA analysis; or
>
> 10.3 subject to any form of public consultation or scrutiny prior to its late inclusion in the process as a part of this hearing process.
>
> 11 On the basis that the Hearing Panel will be familiar with the general statutory requirements for proposed amendments, these submissions are brief.

[377] Mr Williams then addressed the lack of s32 analysis or public consultation including the requirement to undertake a further evaluation under s32AA and that the- evaluation must be in accordance with s32(1) to (4) and must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

[378] Mr Williams stated that:

> It is respectfully submitted that this assessment is not adequate and it certainly does not correspond with the scale and significance of the effects of the proposed New Heavy Traffic Rule. Council's submission on the Proposed Plan is vague and does not give sufficient detail for submitters to properly consider the issues or potential implications of the proposal. This is highlighted by Fonterra's further submission which opposed the Council's submission on the basis that it was "unclear what is proposed by the submitter and what the changes to the table will look like."

[379] Mr Williams then addressed the legislative context relating to financial contributions. This included s77E of the RMA that provides that a local authority may make a rule requiring a financial contribution for any class of activity other than a prohibited activity. He described what a rule must specify and that a consent authority may only include a condition in a resource consent requiring a financial contribution if it meets the criteria set out in s108(10) of the RMA.

[380] Mr Williams then addressed us on the four broad principles for considering the validity of a financial contribution condition which he described as:

[191] Ben Williams, Legal Submissions for Fonterra, 30 January 2025, Paras 7-25

20.1 the condition must be imposed in accordance with the purposes specified in the district plan (section 108(10));

20.2 the level of contribution is determined in the manner described in the district plan (section 108(1))(b));

20.3 it must satisfy the Newbury tests; and

20.4 The condition must be fair and reasonable on the merits. Mr Williams' submissions were that:

Without an appropriate analysis it is difficult to draw a concluded view on the appropriateness of the proposed New Heavy Traffic Rule but suffice to say Fonterra remains concerned at the appropriateness of the proposed rule and the extent to which it (for example) fairly and reasonably relates to the specific use or developments, or is fair and reasonable on the merits.

[381] Mr Williams then addressed us on the key issues, in his submissions with the proposed financial contribution regime for Heavy Vehicle Traffic. His submissions[192] were:

It is accepted that financial contribution conditions are generally intended to compensate for remoter effects where the exact degree of causation and effect is not known. However, in the absence of a robust section 32 analysis or public consultation it is again very difficult to assess whether the proposed New Heavy Vehicle Traffic Rule is reasonable.

It appears that the New Heavy Vehicle Traffic Rule essentially seeks to impose an additional 'tax' on developments via a condition of consent, to pay for road upgrades due to pavement effects from heavy vehicles in relation to the Council's roading network. However, road users are already subject to Road User Charge (RUC) rates which are used to fund the maintenance and development of New Zealand's land transport system. RUCs prescribed by the Road Use Charges Regulations 2012 (the Regulations) and RUCs differ based on the type and weight of the vehicle to account for the vehicle's average impact on the road surface. Fonterra, for example, own New Zealand's largest fleet of heavy diesel-powered vehicles and already pays millions in road user chargers each year. The interface between the Regulations and the New Heavy Vehicle Road Rule has not been properly assessed and the new rule creates a risk of people undertaking such activities effectively being charged or 'taxed' twice (i.e. as a part of the rule and via RUC's). This outcome appears contrary objective of financial contribution chapter in the Proposed Plan which is to ensure that: 9 "development contributes fairly and equitably towards the costs of offsetting or compensating adverse effects on the environment that are not practicable to avoid, remedy or mitigate."

[382] Mr Williams concluded:

Overall, the implications of the proposed New Heavy Vehicle Rule are potentially significant from an economic perspective and must be adequately justified by the Council. As it stands, Fonterra do not consider the Council has

[192] Ben Williams, Legal Submissions for Fonterra, 30 January 2025, Paras 22-24

done this and therefore the New Heavy Vehicle Traffic Rule should be deleted in its entirety.

[383] Ms Tait[193], giving planning evidence for Fonterra in relation to TRAN-RX, stated:

> Firstly, given the substantial implications on growth in the District, I question the Council's approach of incorporating this rule into the PDP through the submission process with little consultation with the community. Secondly, given the rule is reliant on APP7 – Financial Contribution there is little certainty of costs for developers/road users (compared to contributions levied through a sophisticated Development Contribution Policy, like those used in other parts of the country).

[384] Ms Tait said that she understood that the intention is for the rule to apply to all local/collector/collector/principal roads in rural areas and local/collector roads in urban areas. She considered the Clandeboye site to be an anomaly, in that it is an urban zone in a rural location with an adjoining principal road. She considered that the site should be exempt from the rule as principal roads serving urban zones are not intended to be caught by this rule. Ms Tait recommended that the Clandeboye site be excluded from this standard and provided drafting to achieve this.

[385] In his Interim Reply[194] Mr Willis supported excluding the Clandeboye site from both TRAN-RX and TRAN-S20. We accept that this does provide the relief sought by Fonterra and is appropriate in the context of the Clandeboye Dairy Manufacturing Precinct.

[386] While the Interim Reply recommendation of Mr Willis may resolve the immediate issues for Fonterra, the matters of principle and appropriateness of the rule raised by Mr Williams and Ms Tait remain live for our consideration.

[387] The relief did seek changes to TRAN-S20 specific to heavy vehicles and sought either a threshold or a number be included in TRAN-S20 that would trigger an Integrated Traffic Assessment. We have considered the submission lodged in relation to the inclusion of a new rule addressing heavy vehicle movements within the context of TRAN-S20. We are not persuaded that the relief sought is sufficiently related to the matters addressed by TRAN-S20 to justify its incorporation within that rule. The standard is primarily concerned with high trip generating activities, whereas the specific effects of heavy vehicle movements on pavement and road surfacing constitute a distinct issue not directly contemplated by the current provisions.

[388] We acknowledge that alternative means of providing for the relief sought could be considered, including the introduction of an additional rule as recommended by Mr Willis. From a technical perspective, advice from Abley has been provided regarding appropriate thresholds for such a rule. However, we do not accept that a sufficient s32 evaluation has been presented to satisfy us that the inclusion of the rule is appropriate at this time. We have not identified any specific objectives or policies within the chapter that the proposed rule would implement. The objectives and policies are focussed on connection, safety, and the use of the

[193] Susannah Tait, Statement of Evidence, 23 January 2025, Para 5.3.12
[194] Andrew Willis, Interim Reply Hearing E, 17 April 2025.

infrastructure. Policy TRAN-P6 which most directly addresses effects on land transport infrastructure, focusses on activities occurring on the most appropriate road classification, rather than the specific relief contemplated by the recommended rule.

[389] Concerns have been raised, notably by Fonterra, regarding the adequacy of the s32 evaluation, especially given the potential implications of applying such a rule. We have considered the risks associated with both acting and not acting in this context. The absence of direct guidance in any of the relevant objectives and policies leads us to conclude that, based on the information before us, we are not satisfied that the inclusion of a new rule establishing a threshold for heavy vehicle movements is the most appropriate way to achieve the objectives of the Plan. We have therefore not included the new rule recommended by Mr Willis.

4.27.2 Decision

[390] We adopt Mr Willis' analysis and recommendations on TRAN-S20, other than in relation to the recommended new rule TRAN-RX, which we do not accept. The amendments to the standard are set out in **Appendix 3**.

[391] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

4.28 SCHED1 SCHEDULE OF ROADING HIERARCHY AND PLANNING MAPS

4.28.1 Assessment

[392] We accept Mr Willis' analysis and recommendations in response to the submissions to SCHED1.[195] Other than as assessed below, we received no evidence to the contrary from submitters on this matter.

[393] At the hearing Mr Hole, for Rooney Group[196] addressed us on Road 5. He stated that he does not oppose the recommendation of Road 5 being classified as a Principal Road but remained concerned regarding the provisions in DEV3 – Washdyke Development Area provisions relating to Rule 5. The provisions for the development area are addressed in our decision on these areas in Section 7 below.

[394] Ms Tait, for Fonterra [165.6] supported the recommendation of Mr Willis amending the roading hierarchy assigned to Kotuku Place and the adjoining section of Canal Road (where the Regional Arterial Road status would continue for Canal Road, rather than Kotuku Place). We agree this is appropriate.

[195] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.96.1-16
[196] [174.95], [191.95], [249.95], [250.95], [251.95], and [252.95]

4.28.2 Decision

[395] We adopt Mr Willis' analysis and recommendations on SCHED1 and to remove Kotuku Place from the Road Hierarchy on the Planning Maps. The amendments to the schedule are set out in **Appendix 3**. The amendments to the Planning Maps are illustrated in **Appendix 2**.

[396] In terms of s32AA, we adopt Mr Willis' evaluation in support of the changes made.

4.29 TRANSPORT DEFINITIONS

4.29.1 Assessment

[397] Mr Speirs [66.5] at the hearing addressed us on the definition related to 'personal services'. He identified that by only specifying some and not all personal services that this created uncertainty in the definition. Mr Speirs advised us that he had not read the s42A Report addressing the submission due to time constraints.

[398] The s42A Report recommendation is that the submission be rejected. This is because Mr Willis considers that the list provides examples but is not limited to those examples.[197] We accept the recommendation of Mr Willis that the way the definition is provided the listed personal services are examples only. This is a standard technique used within definitions where examples are used to illustrate the type of activities included.

[399] Mr Speirs [66.11] also sought amendments to the definition of 'vehicle parking area'. Mr Willis recommended that the submission of Mr Speirs [66.11] be accepted in part.[198] Mr Speirs did not address us on this matter at the hearing. We accept the assessment and recommendations of Mr Willis on this matter.

4.29.2 Decision

[400] We adopt Mr Willis' analysis and recommendations. No changes are made to the definition of 'personal services'. The amendments to the definition of 'vehicle parking area' is set out in **Appendix 3**.

[401] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

5 FINANCIAL CONTRIBUTIONS

5.1 GENERAL

[402] Financial contributions are contributions of money and/or land that councils can require from developers as a resource consent condition or through a rule in a plan.[199] Financial contributions can only be taken when the purpose of the contribution is specified in a District Plan and the level of the contribution is determined in accordance with the plan.

[197] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.97.3
[198] Andrew Willis, s42A Report: EI, SW and TRAN, 11 December 2024, Para 6.97.4
[199] RMA ss 77E and 108(9) and (10)

[403] Appendix 7 (APP7) to the Proposed Plan contains further information on when, why and how the Council will take financial contributions in relation to water, stormwater, wastewater, roading, open space, and recreation.

[404] Mr Willis summarised the submissions and further submissions on the Financial Contribution provisions in his s42A Report.[200] He relied on the evidence of Mr Dixon, to support the provisions.[201] In a general sense submitters sought greater clarity as to how financial contributions were to be calculated and applied.

[405] We note here that submissions on the Transport Chapter also addressed financial contributions with respect to high traffic generating activities which we have addressed above and do not discuss further in this section.

5.1.1 Assessment

[406] Kāinga Ora [229.55] generally supported the provisions but raised concerns about the lack of clarity, certainty, and evidence as to the cost of financial contributions, and said the Proposed Plan needs a clear nexus between any contribution and the environmental effect it is intended to mitigate. The submitter considers there needs to be clarity around costs and how these will be calculated and proportioned, and greater clarity in how financial contributions will be implemented. Kāinga Ora sought deletion of the provisions and amendments to the FC provisions, including APP7 to ensure the purpose for which financial contributions are required is more clearly and comprehensively set out, in accordance with S77E of the Act.

[407] Venture Timaru [121.6] made general comments in support of the provisions and potentially broadening their application, however they sought no specific relief.

[408] RMA s77E(2) states that:

> (2) A rule requiring a financial contribution must specify in the relevant plan or proposed plan—
>
> (a) the purpose for which the financial contribution is required (which may include the purpose of ensuring positive effects on the environment to offset any adverse effect); and
>
> (b) how the level of the financial contribution will be determined; and
>
> (c) when the financial contribution will be required.

[409] Mr Willis was of the view, and we agree, that the FC provisions and APP7 adequately address the matters in s77E(2)(a) and (b), however there is a lack of clarity and certainty as to how the financial contributions will be calculated and apportioned to developers for the services identified.

[410] Mr Dixon's evidence explained the relationship with the plan provisions and the Council's Financial Contribution Policy, which sets out in greater detail the Council Capital

[200] Mr Andrew Willis, s42A Report, Financial Contributions and Appendix 7, 6 June 2025
[201] Andrew Dixon, Appendix 3, s42A Report, Financial Contributions and Appendix 7, 3 June 2025

Expenditure, which is updated on a three yearly cycle under the Local Government Act. Mr Dixon recommended the addition of the following text to make this clear:[202]

> The Financial Contribution rules apply in conjunction with the Council's Financial Contributions Policy, which is in the Revenue and Finance Policy and part of the Council's Long-Term Plan. The Financial Contributions Policy provides regular (triennial) updates on the Council's growth capex intentions, detail, and justification on the proportional allocation of this funding stream, as well as separately identifying the activities and funding allocations – as required by s 106 of the Local Government Act 2002.

[411] Mr Willis also recommended an amendment to FC-P1.4 to improve clarity. He recommended amendments to APP7 1.0 and 2.0 to include additional detail from the ODP on how financial contributions are calculated and spent. He recommended that FC-P2 is amended, and a new policy (FC-P4) is added to implement the objectives more clearly, stating why a financial contribution is required (for infrastructure and environmental reasons). As a consequential change, he also recommended amendments to the matters of discretion for FC-R1, FC-R2 and FC-R3 to refer to infrastructure and environmental effects for when a financial contribution is not paid.

[412] We agree with those changes, subject to further discussion below on specific provisions.

5.1.2 Decision

[413] We adopt the analysis and recommendations of Mr Willis on the FC Chapter Introduction, FC-P1.4, FC-P2, new policy FC-P4 and APP7. The amended provisions are included in **Appendix 3.**

[414] In terms of s32AA, we adopt Mr Willis' evaluation in support of those changes.

5.2 OBJECTIVE O1 - FUNDING

5.2.1 Assessment

[415] TDC [42.43] identified some amendments to address drafting gaps in the objective, which were accepted by Mr Willis. We agree those changes are appropriate.

5.2.2 Decision

[416] We adopt the analysis and recommendations of Mr Willis on FC-O1. The amended provisions are included in **Appendix 3.**

[417] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

[202] Ibid, Appendix 3, page 2

5.3 FINANCIAL CONTRIBUTIONS – FC-P2

5.3.1 Assessment

[418] A number of submissions[203] requested further detail in this policy, however Mr Willis noted that the policy is not intended to provide the specific detail of how and when financial contributions are to apply as this extra detail is provided in APP7. He considered that the relief requested by submitters would in part be addressed by the additions to the Introduction to the chapter.

[419] Mr Willis recommended adding a clause in FC-P2 in response to Kāinga Ora [229.55] to "mitigate the adverse effects of new and intensified development on infrastructure". Mr Willis also attributed the change as a response in part to the Rooney Group[204] as it provides greater clarity on what is required in relation to additional infrastructure

5.3.2 Decision

[420] We adopt Mr Willis' analysis and recommendations on FC-P2 and the FC Chapter Introduction for the reasons outlined above. The amended provisions are included in **Appendix 3.**

[421] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply.

5.4 FINANCIAL CONTRIBUTIONS – FC-R3

5.4.1 Assessment

[422] Bruce Speirs [66.61] submitted that FC-R3 should be moved to the Subdivision Chapter. Mr Boyes addressed this in his s42A Report on the Subdivision Chapter and recommended the submission is rejected notwithstanding there is no guidance in the NPS regarding the provisions relating to financial contributions. He considered that for the purposes of this plan they are better located in the Financial Contribution Chapter and Mr Willis agreed with him, as do we.

5.4.2 Decision

[423] We adopt the recommendation of Mr Boyes and Mr Willis as being consistent with the structure of the Proposed Plan. No changes are required to the provisions.

5.5 FINANCIAL CONTRIBUTIONS – OTHER MATTERS

5.5.1 Assessment

[424] Mr Willis made a number of recommendations for additional changes to the chapter to improve its workability. He relied on the submission from Kāinga Ora [229.55] and RMA, Schedule 1, cl 10(2)(b) and 16(2) where applicable.

[203] Rooney Holdings Limited [174.62] GJH Rooney [191.62] Rooney Group Limited [249.62] Rooney Farms Limited [250.62] Rooney Earthmoving Limited [251.62] TDL [252.62]
[204] ibid

[425] He recommended that reference to “visitor accommodation” is included in FC-R2 for clarity, and consistency with FC-R1. Visitor accommodation occurs in a “residential unit”, however it is not always clear if “residential unit” includes “visitor accommodation” as they are separately defined activities. In his opinion, this amendment can be made under cl 16(2).

[426] Mr Willis recommended that FC-R1 to FC-R3 are amended to be permitted activities where a financial contribution has been paid as set out in a certificate provided by the Council, calculated in accordance with APP7 - Financial Contribution. His view was that the certificate approach will provide the necessary certainty for a permitted activity standard and if the financial contribution is not provided the activity defaults to a restricted discretionary activity which can be declined. Mr Willis noted that the permitted activity status approach in FC-R1 was ‘slightly troublesome’ as compliance with the activity standard (a financial contribution has been paid for open space and recreation purposes calculated in accordance with APP7 - Financial Contribution) was not sufficiently certain given land can be provided in lieu of money at the Council’s discretion. As such, an applicant may not be able to ascertain if they meet the permitted activity standard without the Council’s confirmation.

[427] His view was that a controlled activity status approach in FC-R2 and FC-R3 without any change to a higher status for non-compliance with the controlled standard is problematic as it is not clear what happens if a financial contribution is not provided by a developer as the Council cannot decline a controlled activity. He understood that the conditions of consent requiring a financial contribution can be enforced, however it is clearer and more certain to not rely on the enforcement of conditions.

[428] We note here, as discussed further below in response to submissions from Rooney Group, that we were also concerned about the level of contribution for open space, being specified as a permitted activity standard, when it is set at a level where it may not be fair and reasonable in every case. The consequence being that the onus is on the consent holder to challenge the level of contribution through a consent process.

[429] Mr Willis recommended the term “commercial” is replaced with the term “non-residential” which captures the full range of activities. He considered this is more aligned with FC-O1 and FC-O2. FC-R2 refers to “commercial buildings” whereas FC-O1 and FC-O2 refer to subdivision, land use and development, and development respectively, rather than just commercial development (and residential and subdivision). Additionally, while “commercial” is defined, he was concerned about arguments over whether an activity is commercial or industrial or a mixture of various non-residential activities, or indeed changes over time is unhelpful when the rule is intended to capture new development that creates adverse effects on infrastructure and the environment.

[430] Mr Willis recommended all the rules should exclude situations where a suitable financial contribution has already been paid as part of the development (the same development should not be considered twice). Accordingly, he recommends FC-R1, FC-R2 and FC-R3 are amended to enable a financial contribution requirement to be excluded if appropriate.

[431] Mr Willis also considered there is value in including additional matters of discretion to enable the consideration of the possibility of a financial contribution being provided at a later date in a further stage of a project (where this will be secured by way of consent notice or legal agreement), contrary to the payment timing requirements in APP7, and considering whether there is the provision for ongoing and secured public access that is considered to be part of a strategic network over private land where it otherwise would not occur.

[432] Mr Willis considered these changes better give effect to FC-O1 and FC-O2 as they broaden the application of the rules consistent with the objectives and make the rules more workable. His view was that the additional matters of discretion are pragmatic additions to provide greater flexibility when financial contributions are not paid. Overall, he considered that the amendments are the most appropriate to achieve the purpose of the Act.

[433] We requested that Mr Willis and Ms Vella revisit the proposed permitted activity structure as we were concerned about the evidential basis for some of the contribution thresholds, in particular the 4% contribution for open space. We asked Ms Vella to consider the application of the Newbury[205] tests to rules under s77E of the Act.

[434] Ms Vella responded in supplementary legal submissions[206] noting that if the financial contribution requested by the Council is paid, the activity is permitted, there will be no resource consent issued and therefore no condition to which the Newbury tests apply. The financial contribution will be calculated in accordance with APP7, and set out in a certificate issued by the Council.

[435] If the financial contribution is not paid, a resource consent is required as a restricted discretionary activity. A condition requiring a financial contribution would need to comply with the Newbury tests, including that it must be fair and reasonable on the merits in the sense that it is the result of reason, fair to both parties, and proportional.

[436] In practical terms we understand the Council position to be that if an applicant disagrees with the financial contribution calculated by the Council (and agreement cannot be reached through consultation and dialogue), an applicant would need to apply for a resource consent – at which point the Newbury tests would apply to a condition requiring a financial contribution. In that situation Ms Vella argued that while the Newbury tests would not directly apply in the context of a permitted activity, the Council would need to consider the fairness and reasonableness of the financial contribution being requested in the certificate given that the Newbury tests would apply in the event an application was made for a restricted discretionary activity.

[437] We accept that is the intended operation of the rule, however, we remained concerned that the Council evidence may not be sufficiently robust to set the threshold for a permitted activity in the first place. In that situation an applicant is forced to apply for a resource consent, to challenge the fairness of the required contribution. As Mr Willis described in his Interim Reply while this may not be described as a Newbury matter, the same issues need to be

[205] *Newbury DC v Secretary of State for the Environment* [1981] AC 578.
[206] Memorandum of Counsel for Timaru District Council – Hearing G, 11 August 2025, paragraph 8 – 16.

considered in terms of the required s32 evaluation supporting the rule and its associated threshold in the first place.[207]

[438] Mr Willis was satisfied based on Mr Dixon's evidence that the required 4% contribution for open space is fair and reasonable. He noted that the Council could reconsider the contribution if a resource consent pathway were pursued (i.e. the applicant did not accept the scheduled contribution). Mr Willis referenced FC-O2 which requires development to contribute "fairly and equitably towards the costs of offsetting or compensating adverse effects on the environment that are not practicable to avoid, remedy or mitigate." Applying this objective will enable a fairness and reasonableness assessment through a consent process. He also noted that a condition on a subsequent resource consent decision needs to be fair and reasonable, in the same way that a condition on a controlled activity consent is.[208]

[439] Mr Willis also suggested that if the Panel wished an additional matter of discretion could be added to FC–R1, FC-R2 and FC-R3. In addition, or in the alternative, he suggested that clause 2.5 in APP7 could be modified to include a fair and reasonableness assessment requirement.[209]

[440] Mr Willis explained that he anticipates that a developer would request the Council provide a statement setting out the required financial contributions (via the proposed Financial Contributions Certificate) for their development, and if this amount was paid, then the activity would not trigger a consent under this rule. This would be similar to the proposed Flood Assessment Certificate approach for natural hazards.

[441] Mr Dixon also provided some additional clarity to the basis for the 4% calculation for the open space rule in response to the issues raised by Rooney Group. We consider this further below.

[442] In principle we accept Mr Willis' explanation as to the intended operation of the rules, and provided there is a robust evidential basis to set the trigger threshold for permitted activity status we are satisfied that the planning mechanism of a permitted activity rule is appropriate in this case and is provided for in s77E of the Act.

5.5.2 Decision

[443] Subject to our findings below we accept Mr Willis' drafting amendments, with the addition of new matters of discretion in FC-R1, FC-R2 and FC-R3 to include consideration of whether the contribution is fair and reasonable. The amended provisions are included in **Appendix 3**.

[444] In terms of s32AA, we adopt Mr Willis' s32 evaluation in support of the changes made.

[207] Andrew Willis, Interim Reply, 11 August 2025, paragraph 13
[208] Ibid, paragraph 14
[209] Ibid, paragraph 15

5.6 APP 7 – FINANCIAL CONTRIBUTION – 1.0 WATER, STORMWATER, WASTEWATER AND ROADING

5.6.1 Assessment

[445] TDC [42.68] considers it is important for APP7 to be clear about the purpose for which the Council will seek financial contributions. TDC requested that clause 4(d) in 1.0 Water, Stormwater, Wastewater and Roading be amended to ensure this outcome is achieved. TDC also notes the need to future proof the Proposed Plan and seeks to change references in the Plan to the "Council's" three waters infrastructure. Mr Willis agreed with the drafting changes proposed by the submitter. We have accepted these changes.

[446] The Rooney Group[210] opposed the drafting of APP7 1.0 in its current form and requested a range of changes as set out in the s42A Report, at paragraph 7.7.3-7.7.5.

[447] Mr Dixon clarified in his evidence[211] TDC's intention, as reflected in APP7, is that financial contributions will only be required where additional capacity has been created in anticipation of future development. It is not intended that financial contributions will be required for routine upgrade or replacement that is not related to the growth arising from the development. The Long Term Plan will identify capex for routine upgrade and replacement, and capex for growth.

[448] Mr Dixon responded to the submissions regarding the application of the PPI and considered that the submission appears to be based on a misunderstanding that the Council intends to apply PPI to in effect charge for an asset's present value, rather than its actual cost. He confirmed that this is not intended. In response to concerns that contributions should be levied against all beneficiaries of roads, not just those with frontages he confirmed that the intention, reflected in APP7, is that financial contributions reflect an equitable contribution of parties toward costs, so that if a new road benefits others (not just those with road frontages), that should be reflected in the contribution.

[449] In response to concerns about APP7 1.4.a specifying the "full actual cost" Mr Dixon clarified that TDC's intention is that an equitable share of costs is imposed. It is intended that this be addressed through APP7 1.4(a), which provides for "full cost" minus the benefit accruing to others.

[450] Nathan Hole appeared on behalf of Rooney Group at the hearing.[212] On the issue of the application of the PPI he maintained that this was irrelevant and he agreed with Mr Willis' assessment of the matter and in particular his comments at paragraph 7.7.9 on page 17 of his report where he states:

> This is not intended, or available under the proposed rules. Rather, the provision enables the Council to cover the increase in costs which have taken

[210] Rooney Holdings Limited [174.63], GJH Rooney [191.63], Rooney Group Limited [249.63], Rooney Farms Limited [250.63], Rooney Earthmoving Limited [251.63], and TDL [252.63]
[211] Andrew Dixon, Evidence, Appendix 3 to Andrew Willis s42A Report, 6 June 2025.
[212] Nathan Hole, Statement of Evidence, 19 June 2025.

place between the time the financial contribution has been calculated and the time the contribution is payable in order to pay for the works to be undertaken.

[451] It appeared the main issue was how the Council applied the ODP currently. He acknowledged the concerns were about practice, not the drafting. In terms of Mr Willis' recommendations in relation to the infrastructure financial contributions, he confirmed that Rooney Group does not oppose these.

[452] In response to submissions Mr Willis recommended drafting changes to APP7.

5.6.2 Decision

[453] We adopt the analysis and recommendations of Mr Willis on APP7. The amendments to the provisions are set out in **Appendix 3**.

[454] In terms of s32AA, we are satisfied that the original evaluation continues to apply.

5.7 APP 7 - FINANCIAL CONTRIBUTION – 2.0 OPEN SPACE RECREATION

5.7.1 Assessment

[455] Rooney Group[213] opposed a 4% contribution for open space due to it being a significant increase from $500 which is payable under the ODP. They submit this will significantly increase the cost of development impacting on affordability and economics of development. The submitters sought to amend APP7 2.0 to retain the ODP approach of a flat fee contribution that is affordable and facilitates subdivision and development.

[456] MFL [60.57] and Steve Dale and Anthony Dale [54.12] consider an allowance needs to be made for approved subdivision consents issued by the TDC before the Proposed Plan is fully operative. We agree with Mr Willis' recommendation that this is not necessary.

[457] Mr Dixon's evidence noted that compared to other similar Councils the amount is moderate, and the proposed increase is fair and reasonable, noting the amounts specified below as examples:

- Mackenzie District Council - 5%
- Ashburton - 5%
- Waitaki - 7.5%
- Waimate - 5%

[458] Mr Hole for Rooney Group gave evidence about the inquiries he had made to try and ascertain the rationale for the increase. Mr Hole submitted that rather than simply increasing the contribution to be comparable to neighbouring councils, the Council needs to determine whether the increase is required, and what the contribution will fund. Without this analysis, it

[213] Rooney Holdings Limited [174.65], GJH Rooney [191.65], Rooney Group Limited [249.65], Rooney Farms Limited [250.65], Rooney Earthmoving Limited [251.65], and TDL [252.65]

is likely that substantial reserve funds will be acquired over time without the benefit of the contribution being realised by the developer.

[459] His investigations showed that the Council's Long Term Plan 2024-34 (LTP) does not identify any expenditure from open space and recreation financial contributions over the term of the plan despite the subdivision reserves being identified as $294,000.[214]

[460] The Councils Revenue and Financing Policy[215] in the LTP for Parks and Recreation identifies that in some circumstances revenue received from open space and recreation financial contributions may be used to fund qualifying expenditure. The policy shows that no operational funding is sourced from financial contributions. In addition, the relevant Funding Impact Statement[216] (FIS) in the LTP (Recreation and Leisure) does not identify any capital funding from financial contributions over the term of the LTP. From the information available he said there does not appear to be any need for the Council to increase its open space and recreation financial contributions as none of the current contributions held are budgeted and forecast to be used.

[461] Mr Willis relied on the evidence of Mr Dixon. As the Panel pointed out at the hearing, Mr Dixon's evidence appears to rely solely on the approach of other Councils and our review of the Council's s32 Report indicate the evaluations undertaken by the Council did likewise.

[462] We asked Mr Willis to further review the justification with Mr Dixon to ascertain the evidential basis for the 4% requirement in Minute 42.

[463] Mr Dixon provided a supplementary statement[217] in response to our questions. Mr Dixon provided the following justification for the increase to 4%:[218]

> 8. TDC has green space targets in its LTP (see p 61 of the LTP24/34) of 13ha per 1000 residents. This target requires every additional person in the district to be provided with 130m2 green space. Council is currently just meeting this target and to continue to do so with growth additional land for green space is required. Adopting an average occupancy per dwelling of approximately 2.5 persons, this equates to 325m2 additional green space per new dwelling.
>
> 9. Based on a land price of $70.28 per sqm (using the accepted stormwater swale land cost valuation used for the Gleniti development area), this equates to an additional land cost of $22,841 per new dwelling, which far exceeds the Operative District Plan's $500 per new allotment. I understand that 4% of the registered valuation of the land value of each new allotment / for each dwelling based on $220,000 ex GST per lot equates to an average of $8,800. As such, the additional land cost for the required greenspace per dwelling is greater than the proposed 4% contribution.

[214] Reserve Fund Summary: Restricted Reserves – Page 135 Timaru District Council Long Term Plan 2024-2034
[215] Revenue and Financing Policy, Parks and Recreation – Page 180 Timaru District Council Long Term Plan 2024-2034
[216] Funding Impact Statement, Recreation and Leisure – Pages 62-63 Timaru District Council Long Term Plan 2024-2034
[217] Andrew Dixon, Supplementary Evidence, Appendix B to Interim s42A Report, 11 August 2025.
[218] Ibid, paragraph 8-10

10. This land cost excludes the development of the park area into a community facility such as installation of playground equipment, seats, tables, fencing, safety matting footpaths and hard stands.

[464] Mr Dixon used an example of the Gleniti Development Area and explained the identified future need for a neighbourhood park and the cost to do so and identified a shortfall.[219] He was unable to provide any detail regarding the justification for adjoining council contributions however, he noted that Timaru District was less than the immediately adjoining councils.

[465] We accept that there is a financial justification for an increase in contribution from that provided in the Operative Plan.

[466] We accept Mr Dixon's judgment on this matter and accept the basis for the rule is efficient and effective in ensuring funding for additional open space associated with land development. If a developer disagrees there is a pathway that can be pursued to reduce the contribution.

5.7.2 Decision

[467] We adopt Mr Willis' recommendations in part, and make no changes to the 4% requirement for Open Space and Recreation in APP7 2.0. As noted above, we have included additional matters of discretion in FC-R1 to FC-R3 to include consideration of the fairness and reasonableness of financial contributions. The amendments are included in **Appendix 3**.

[468] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

6 SUBDIVISION

6.1.1 Subdivision and Development Areas

Subdivision

[469] The Subdivision Chapter contains provisions which seek to ensure that the subdivision process and design results in appropriate outcomes in terms of intensification and density of land use, associated effects and demand on infrastructure services, and provision for the creation of esplanade reserves or strips adjacent to the coast and rivers to enable public access, recreation or the management of conservation values.

Development Areas

[470] The Development Area Chapters (DEV) and associated Development Area Plans (DAP) identify locations for future growth and ensure development is undertaken in an

[219] Ibid, paragraph 12

integrated manner. There is a total of four Development Areas identified in the Plan, which are effectively being carried over from the Operative Plan.

6.2 BROAD SUBMISSIONS ON SUBDIVISION AND DEVELOPMENT AREAS

6.2.1 Assessment

[471] We accept Mr Boyes' assessment and recommendations in response to the general submissions on both the Subdivision and Development Area Chapters, noting that ECan [183.1, 183.4] accept Mr Boyes' s42A recommendation[220], and we received no further evidence from other submitters.

[472] In respect of the submission by Waipopo Huts [189.3], we agree with Mr Boyes that the matter raised is beyond the scope of the District Plan and therefore we do not consider this submission point further. We further note that we have considered other submission points in the context of the Māori Purpose Zone (MPZ) in Part 3 of the Decision.

6.2.2 Decision

[473] We adopt the assessment and recommendation of Mr Boyes; no changes to provisions are required.

6.3 GENERAL SUBMISSIONS – SUBDIVISION

6.3.1 Assessment

[474] We accept Mr Boyes' assessment in response to submissions from Mr Speirs[221] and Te Rūnanga o Ngāi Tahu [185.57] and find his recommendation to move the various subdivision rules[222] within other chapters of the Plan to the Subdivision Chapter appropriate, noting the exceptions relating to PA-R1 (Public Access) and FC-R3 (Financial Contributions). We further accept Mr Boyes' assessment and recommendations relating to other subdivision rules elsewhere within the Plan.

[475] Submissions from Harper *et al* [108.3] and D&S Payne [160.3] sought to remove the 2ha minimum allotment size within the RLZ when not connected to a reticulated wastewater system. Ms Wharfe[223], for D&S Payne, explained to us that in her opinion the 2ha minimum lot size requirement in SUB-S1.4 is not supported by the CPRS, the Timaru Growth Management Strategy 2045 (GMS) or the s32 Report for Subdivision. Having considered the submissions and evidence on this matter, we prefer the opinion of Mr Boyes and agree that a blanket reduction in the minimum allotment size down to 5,000m^2 is not an appropriate outcome for the RLZ zoning.

[476] However, we address the submitter's related submission in Part 10 of the Decision where we have found it appropriate to include a new clause in SUB-S1 to enable a 1.5ha

[220] Deidre Francis, Statement of Evidence, 23 January 2025, Appendix 2.
[221] Submissions 66.45 to 66.54 and 66.61.
[222] Including NH-R8, HH-R10, HH-R16, SASM-R7, ECO-R6, NATC-R6, NFL-R9, CE-R11 and DWP-R2.
[223] Lynette Wharfe, Statement of Evidence, 23 January 2025, paras 1.1-1.9.

allotment size in the Raukapuka North Specific Control Area where the access is not onto State Highway 79;[224] and a new clause in SUB-P15 for the Rural Lifestyle Zone to provide opportunities for smaller allotment sizes within the Raukapuka North Specific Control Area to reflect the existing character and amenity of that area.[225] The amended provisions are based on a JWS and agreed to by the s42A authors for the Subdivision Chapter, the Future Development Areas Chapter, and Ms Payne (planner for D&S Payne).[226] A more detailed assessment and decision is provided in Part 10 of our Decision.

6.3.2 Decision

[477] We adopt Mr Boyes' assessment and recommendations to relocate subdivision rules contained in various chapters into the Subdivision Chapter and to add an additional clause to SUB-P15, and SUB-S1. The amendments are set out in **Appendix 3.**

[478] In terms of s32AA, we are satisfied that the amendment is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

6.4 SUBDIVISION – OBJECTIVES

6.4.1 Assessment

[479] Several submissions were received on the Subdivision objectives, as set out in the s42 Report.[227] KiwiRail [187.61, 187.64] sought changes to SUB-O1.8 (and SUB-P9.7) to provide greater recognition for the potential reverse sensitivity effects resulting from subdivision.[228] Having considered the submissions and evidence on this matter, we agree with Mr Boyes that the amendments sought are not required for the reasons set out in his s42A Summary.

[480] We heard from Ms Pull for Te Rūnanga o Ngāi Tahu [185.58] who considered that inclusion of the term 'associational' be used in SUB-P4 and SUB-O1, a position Mr Boyes agreed with at the hearing. In response to a Panel question in Minute 24, Mr Boyes revised his view and recommended the term 'associative' rather than 'associational' on the basis that the former is more commonly understood in an RMA context.[229] We agree and consider that Mr Boyes' recommendation addresses the intent of the relief sought by Ms Pull.

[481] Te Rūnanga o Ngāi Tahu requested to remove the term 'significant' from cultural values in SUB-O1.5. Mr Boyes' presented alternative relief which included the replacement of the term 'significant' with 'identified' natural and cultural values. We consider this amendment to be a sensible change which appropriately addresses the submitter's concern.

[482] In respect of the submissions from Road Metals [169.30] and FH [170.30], in addition to the recommended change to amend SUB-O3.4, we find it similarly appropriate that SUB-

[224] See Part 10, Section 7.3.2.
[225] See Part 10, Section 7.3.2.
[226] https://www.timaru.govt.nz/__data/assets/pdf_file/0017/1047320/Timaru-District-Council-Response-to-Minute-42-Matt-Bonis-JWS-D-and-S-Payne-Planning-signed.pdf
[227] Nick Boyes, s42A Report: Subdivision and Development Areas, 11 December 2024, section 7.2.
[228] Michelle Grinlinton-Hancock, Tabled Letter, 23 January 2025
[229] Nick Boyes, s42 Interim Reply, 17 April 2025, para 23.

O1.8 is also amended to achieve consistency with changes made to the SD Objectives and SUB-O3 and SUB-P5 to ensure that provisions consistently refer to all forms of primary production, not only intensive. In reaching this view we note that Mr Boyes reached a revised opinion that SUB-O1.8 be amended to better give effect to the CPRS and remove any inconsistency with other changes recommended to SUB-O3 and SUB-P5[230], and we note Ms Vella in her legal submissions established that changes to SUB-O1.8 to achieve consistency with SUB-O3 and SUB-P5 is a logical outcome and confirmed scope to achieve this amendment under Sch 1, cl10 (2)(b).[231]

[483] Overall, we accept Mr Boyes' assessment and recommendations in response to submissions on the objectives in the Subdivision Chapter, noting we received no other evidence to the contrary, with several submitters signalling acceptance of the s42A recommendations.[232]

6.4.2 Decision

[484] We adopt Mr Boyes' assessment and recommendations on the Subdivision Chapter objectives. The amendments to the objectives are set out in **Appendix 3.**

[485] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

6.5 SUBDIVISION – POLICIES

6.5.1 Assessment

[486] We have earlier addressed the submissions from D&S Payne [160.3]. A more detailed assessment and decision is provided in Part 10 of our Decision. [233]

[487] We have previously addressed the relief sought by KiwiRail to SUB-P9 where we found that the changes sought are not justified.

[488] Mr Hole, for the Rooney Group[234], asserted that an amendment was required to SUB-P7 to ensure that where adverse effects may result from the creation of the esplanade provision or threats to stock or an inability to farm or utilise private land, that provision for consideration of a waiver is provided. He also pursued an exemption for all boundary adjustment subdivisions and provided an example from the Waitaki District Plan and Draft Waitaki District Plan to support his position.[235]

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[230] Nick Boyes, s42 Reply Report, 17 April 2025, para 27.
[231] Jen Vella, Memorandum of Counsel, 17 April 2025, paras 45-50.
[232] Including Fonterra [165.82, 165.83], Silver Fern Farms [172.73], Alliance Group [173.73], Telcos [176.77, 176.78; 208.77, 208.78; 209.77, 209.78; 210.77, 210.78] NZ Pork [247.15], DOC [166.80, 166.81], ECan [183.98]; Hort NZ [245.64, 245.65] and FENZ [131.8].
[233] See Part 10, Section 7.3.2.
[234] Rooney Holdings Limited [174.47-174.51], GJH Rooney [191.47-191.51], Rooney Group Limited [249.47-249.51], Rooney Farms Limited [250.47-250.51], Rooney Earthmoving Limited [251.47-251.51], and TDL [252.47-252.51]
[235] Nathan Hole, Statement of Evidence, 23 January 2025, paras 23-24.

[489] Having considered the submissions and evidence, we consider that the incompatibility scenario presented by Mr Hole i.e. an inability to farm or utilise private land due to the requirement for an esplanade reserve or strip, would simply indicate a level of impracticability in achieving the requirement. For this reason, we find that SUB-P7.3(a)-(e) together with SUB-S8 provide sufficient provision for the reduction or waiver of an esplanade reserve or strip in such a circumstance. In respect of boundary adjustments, we accept Mr Boyes' assessment and agree that any exclusion of boundary adjustments from the esplanade provisions is not appropriate and would not align with the overall intent of the Proposed Plan to treat all forms of subdivision in the same manner in relation to esplanade provisions.

[490] Having considered all the submissions and evidence, we are satisfied that Mr Boyes has appropriately addressed all submitter concerns, and on that basis, we adopt his assessment and recommendations on the policies in the Subdivision Chapter as set out in his s42A Report[236], noting we received no further evidence to the contrary, with several submitters signalling acceptance of the s42A recommendations.[237]

[491] We have previously addressed the amendment to SUB-P15 in Section 6.3 of this Decision and find it to be appropriate. A more detailed assessment and decision is provided in Part 10 of our Decision.

6.5.2 Decision

[492] We adopt Mr Boyes' assessment and recommendations on the policies in the Subdivision Chapter. The amendments to the policies are set out in **Appendix 3.**

[493] We are further satisfied that the amendments are minor in scale and will provide clarity for plan users. On this basis, the original s32 evaluation continues to apply.

6.6 SUBDIVISION – RULES

6.6.1 Assessment

[494] Mr Hole, for the Rooney Group[238], spoke to us about the rule framework for boundary adjustments and supported the Rooney Group's pursuit of a permitted activity status for this form of subdivision.[239] In his evidence, Mr Hole acknowledged that while such a rule is uncommon, the Westland District Plan and the Proposed West Coast Combined Te Tai o Poutini Plan include such a rule which in his view provides an efficient, timely and less expensive process for landowners. Having considered the submissions and evidence, it is clear to us that SUB-R1 provides for boundary adjustments as a controlled activity in all zones, which based on Mr Boyes advice is a common and accepted approach in District Plans. The permitted activity example from the proposed Te Tai o Poutini Plan applies to the General

[236] Nick Boyes, s42A Report: Subdivision and Development Areas, 11 December 2024, section 7.3
[237] Including Fonterra [165.84, 165.85, 165.86, 165.145], Silver Fern Farms [172.74-76], Alliance Group [173.74-76], Telcos [176.79, 176.80; 208.79, 208.80; 209.79, 209.80; 210.79, 210.80] NZ Pork [247.16], DOC [166.82, 166.83], ECan [183.99-103], Hort NZ [245.66-69], FENZ [131.9], PrimePort [175.41] and Te Rūnanga o Ngāi Tahu [185.58].
[238] [174.52], [191.52], [249.52], [250.52] and [252.52].
[239] Nathan Hole, Statement of Evidence, 23 January 2025, paras 25-29.

Residential Zone and General Rural Zone only and it is unclear to us how the amendment proposed by Mr Hole would provide for boundary adjustments in other zones. On this basis, we are not persuaded that a permitted activity rule is appropriate, and we accept Mr Boyes' recommendation that the submissions from the Rooney Group are rejected.

[495] We have addressed submissions that requested changes to the subdivision rules in natural hazard affected areas in Part 8 of the Report where we accepted the recommendations of Mr Willis regarding specific drafting changes to subdivision rules to address natural hazards which are now included SUB-R5 in the Decision Version of the provisions.

[496] In his Final Reply[240], Mr Boyes highlighted that SUB-R1 (boundary adjustments) and SUB-R3 (general subdivision) do not make reference to SUB-S8 (Esplanade reserves and esplanade strips). He stated that there appears to be no obvious submission that provides scope to correct this matter. This then raises the legal question as to whether this situation constitutes a "minor error"; and that any alteration to rectify it "is of minor effect" pursuant to cl 16, Schedule 1 of the RMA. He commented that adding an additional standard to a rule may go beyond what can normally be done as a cl 16 change. In considering this matter we noted that while SUB-R1 and SUB-R3 do not make reference to SUB-S8, they do include as a matter of control and/or discretion "*8. the requirement for any consent notices, covenants, easements, esplanades or public access; and….".* Having considered this matter, we find that SUB-R1 and SUB-R3 should make reference to SUB-S8 and we are satisfied there is scope to do so as part of this process, rather than by way of a subsequent plan variation or change. Overall, we accept Mr Boyes' assessment and recommendations on the rules in the Subdivision Chapter, noting that many submitters expressed support for the s42A recommendations[241] and we received no further evidence to the contrary.

6.6.2 Decision

[497] We adopt Mr Boyes' assessment and recommendations on the Subdivision Chapter Rules. The amendments to the rules are set out in **Appendix 3.**

[498] In terms of s32AA, we are satisfied that the amendments are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

6.7 SUBDIVISION – STANDARDS

6.7.1 Assessment

[499] We have earlier addressed the submissions from D&S Payne [160.3]. A more detailed assessment and decision is provided in Part 10 of our Decision.[242]

[500] Similarly, the Rooney Group's submissions on SUB-S8 were addressed alongside SUB-P7.

[240] Nick Boyes, s42A Final Reply, 4 August 2025.
[241] MFL [60.26], Transpower [159.83], KiwiRail [187.65, 187.66], Telcos [176.81, 208.81, 209.81, 210.81], FENZ [131.10], ECan [183.104], Hort NZ [245.70] and Te Rūnanga o Ngāi Tahu [185.62].
[242] See Part 10, Section 7.3.2.

[501] We note that in Hearing G, a new rule was proposed in the Joint Witness Statement[243] relating to the submissions made by C and S McKnight [30], which requested the rezoning of their land at 60 Landsborough Road, Timaru to enable rural lifestyle development. Mr Boyes confirmed in his s42 Final Reply that the new standard SUB-S9 (Tree planting in the Brookfield Road Specific Control Area) makes any subdivision proposal that does not comply with the screen planting requirements or otherwise secure the required planting through a legal instrument registered on the subject Record of Title, a restricted discretionary activity. We find this new standard to be appropriate. We note that this standard had not been included in the Final Reply provisions recommended by Mr Boyes, which was an error. We have included it in the Decision Version of the provisions.

[502] Overall, we are satisfied that all other submissions have been appropriately addressed and, on this basis, accept Mr Boyes' assessments and recommendations on the standards in the Subdivision Chapter, noting that many submitters supported the s42A recommendations in their evidence[244], and we received no further evidence to the contrary.

6.7.2 Decision

[503] We adopt Mr Boyes' assessment and recommendations on the Subdivision Chapter Standards. The amendments to the standards are set out in **Appendix 3**, including the new Standard SUB-S9 which was omitted in error**.**

[504] We are satisfied that most of the amendments are minor and will provide clarity for plan users. On this basis, no s32AA is required for these matters.

[505] In terms of s32AA we are satisfied that the amendment is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

6.8 SUBDIVISION – SCHEDULES AND DEFINITIONS

6.8.1 Assessment

[506] We accept Mr Boyes' assessments and recommendations in response to submissions on the Subdivision Chapter schedules and definitions, noting that we received no evidence to the contrary.

6.8.2 Decision

[507] We adopt Mr Boyes' assessment and recommendations and make no changes to SCHED12 or the definitions. We adopt Mr Boyes' assessment and recommendation in relation to the minor amendment to the Planning Maps to remove the Esplanade Provision from Lot 2 DP 326718. The changes to the Planning Maps are set out in **Appendix 2.**

[243] JWS – Planning and Landscape, dated 23 July 2025 relating to C and S McKnight [30]

[244] Hort NZ [245.71, 245.72], MFL [60.27], Silver Fern Farms [172.77], Alliance Group [173.77], Te Rūnanga o Ngāi Tahu [185.63, 185.64], Telcos [176.82, 208.82, 209.82, 210.82], KiwiRail [187.67], PrimePort [175.42], FENZ [131.11, 131.12] and Fonterra [165.87].

[508] In terms of s32AA, we are satisfied that the original s32 evaluation continues to apply, as the amendments are minor and will provide clarity for plan users.

7 DEVELOPMENT AREAS

7.1 SUMMARY OF DEVELOPMENTS AREAS

[509] There are four Development Area Chapters (and associated Development Area Plans) which identify locations for future growth and are effectively being carried over from the Operative Timaru District Plan (ODP), including:

(a) DEV1-Broughs Gully Residential Development Area

(b) DEV2-Gleniti Residential Development Area

(c) DEV3-Washdyke Industrial Development Area

(d) DEV4-Temuka North-West Residential Development Area

[510] We note that the Future Development Chapter is addressed in Part 9 of the Decision.

7.2 DEV - DEVELOPMENT AREAS (GENERAL SUBMISSIONS)

7.2.1 Assessment

[511] We accept Mr Boyes' assessments and recommendations in response to general submissions on the Development Area Chapters, noting that we received no evidence to the contrary. We agree that no changes are required and the chapters are retained as notified except where specifically addressed in the sections below.

7.2.2 Decision

[512] We adopt Mr Boyes' assessments and recommendations. No amendments are required in response to general submissions. Changes recommended in response to more specific submission points are discussed below.

7.3 DEV1 – BROUGHS GULLY DEVELOPMENT AREA

7.3.1 Assessment

[513] We accept Mr Boyes' assessments and recommendations in response to submissions on DEV1, noting that we received no evidence to the contrary.

7.3.2 Decision

[514] We adopt Mr Boyes' assessment and recommendations, and the minor amendments to the DEV1 Chapter and DEV1 DAP are set out in **Appendix 2 and Appendix 3**.

[515] We are satisfied that most of the amendments are minor and will provide consistency within the Proposed Plan and no s32AA is required. In terms of the more substantive changes to the Introduction, we are satisfied that the amendment is the most appropriate option for

achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

7.4 DEV2 – GLENITI RESIDENTIAL DEVELOPMENT AREA

7.4.1 Assessment

[516] We accept Mr Boyes' assessments and recommendations in response to submissions on DEV2, noting that we received no evidence to the contrary.

7.4.2 Decision

[517] We adopt Mr Boyes' assessment and recommendations, and the minor amendments to the DEV2 Chapter are set out in **Appendix 3**.

[518] In terms of s32AA we are satisfied that the amendments to provisions are the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

7.5 DEV3-WASHDYKE INDUSTRIAL DEVELOPMENT AREA

7.5.1 Assessment

[519] The Rooney Group opposed DEV3-R1 and DEV3 S1-S3 due to concerns about who bears the cost of delivering proposed Road 5 within the Development Area (shown on DEV3 DAP) on land owned by RHL.

[520] Mr Hole in his evidence stated that:

> Note 1 to DEV3-S5 largely alleviates Rooney Group's concerns, although DEV3-S1 states that it is the developer's responsibility to design and construct the portion of road contained within their land, and to design and construct these roads in general accordance with the Transport Chapter. It is not clear whether the cost sharing apportionment of the vested infrastructure applies to design as well. Rooney Group considers that the proposed apportionment of constructure costs should be clarified by amending Note 1 to state "…design and construction…". Such an amendment to DEV3-S5 would also address the same issue in relation to other types of vested infrastructure.[245]

[521] In Mr Boyes' initial view, a road cannot be constructed without first being designed, and on this basis the design costs are implicit in the consideration of the overall construction cost of the road.[246] In Minute 38 we asked Mr Boyes to consider whether including the word 'design' as sought by the submitter alongside construction in Note 1 to DEV3-S5 would create any issue in terms of plan implementation. In his s42A Reply Report[247], Mr Boyes put forward a revised recommendation to provide the relief sought, noting that there are other references to "design and construction" within the SUB Chapter. We agree that the inclusion of reference to design in DEV3-S5 would not create an issue in terms of plan implementation and accept

[245] Nathan Hole, Statement of Evidence, 23 January 2025, Para 39.
[246] Nick Boyes, s42A Summary, 4 February 2025, Para 33.
[247] Nick Boyes, s42A Final Reply Report, 4 August 2025, paras 13-17.

the proposed amendment and consequential amendments to DEV1-S5, DEV2-S5 and DEV4-S5 pursuant to cl 10(2)(b) of the RMA.

[522] A further matter explained to us by Mr Hole is that the Rooney Group consider an appropriate threshold for the design and construction of Road 5 by the developer would be at the time development occurs on Lot 1 DP 911 that required frontage or would adjoin Road 5. He suggested DEV3-S1 to be amended to include such wording.[248] We have considered the evidence, and prefer the wording as set out in the Plan as notified. We agree with Mr Boyes' conclusion that it is preferable to consider the requirement to construct Road 5 at the time of any future development of the land when the specific detail of the development is known; and consequently, that the requirement for Road 5 to service such development can be considered on an evidential basis.[249]

7.5.2 Decision

[523] We adopt Mr Boyes' assessment and recommendations, and the minor amendments to the DEV3 Chapter are set out in **Appendix 3**.

[524] We are satisfied that the majority of amendments are minor to provide consistency across the Plan and, on this basis, no s32AA is required.

[525] In terms of s32AA, we are satisfied that the change to DEV3-R1 PER-3 is the most appropriate option for achieving the purpose of the RMA, the relevant provisions of the Plan and for giving effect to other relevant statutory instruments.

7.6 DEV4 – TEMUKA NORTH-WEST RESIDENTIAL DEVELOPMENT AREA

7.6.1 Assessment

[526] We accept Mr Boyes' assessments and recommendations in response to submissions on DEV4, noting that we received no evidence to the contrary.

7.6.2 Decision

[527] We adopt Mr Boyes' assessment and recommendations, and the minor amendments to the DEV4 Chapter are set out in **Appendix 3**.

[528] We are satisfied that the original s32 assessment continues to apply.

[248] Nathan Hole, Statement of Evidence, 23 January 2025, Para 44.
[249] Nick Boyes, s42A Summary, 4 February 2025, Para 36.