

BEFORE THE ENVIRONMENT COURT

IN THE MATTER OF an appeal under the First Schedule to the
Resource Management Act 1991

AND

IN THE MATTER OF the Proposed Te Tai o Poutini Plan

BETWEEN **Chorus New Zealand Limited and
Spark New Zealand Trading Limited,**

Appellant

AND **Te Tai o Poutini Plan Committee**

Respondent

**Notice of Appeal against Decisions on
the Proposed Te Tai o Poutini Plan**

November 2025

Form 7

Notice of appeal to Environment Court against decision on proposed policy statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

To The Registrar
Environment Court
Christchurch

Chorus New Zealand Limited (Chorus) and Spark New Zealand Trading Limited (Spark) appeal against parts of the decisions of the Te Tai o Poutini Plan Committee in relation to the Proposed Te Tai o Poutini Plan (**'Proposed Plan'**).

We are companies who made a joint submission about the subject matter of the proceedings.

Chorus and Spark are not trade competitors for the purposes of section 308D of the Resource Management Act 1991.

Chorus and Spark received notice of the decision on 10 October 2025.

The decision was made by the Te Tai o Poutini Plan Committee.

The parts of the decision appealed by Chorus and Spark, reasons for the appeal and relief sought are set out below. In addition to the relief set out below, Chorus and Spark seek any such further or consequential relief as may be necessary to give effect to the relief sought.

Chapter INF - Infrastructure - Te Tūahanga

Provisions of proposed plan appealed:

1. Chorus and Spark submissions on the Infrastructure Chapter of the Proposed Plan sought amendments to INF-R12 (renumbered to INF-R10 in decisions) and to retain INF-R8 and INF-R9 (renumbered to INF-R7 in decisions).

Proposed Plan Reference (Notified Version)	Submission Point
INF-R8 (deleted)	S663.024
INF-R9 (renumbered R7)	S663.025
INF-R12 (renumbered R10)	S663.029

2. The s42A report recommended removing INF-R8 (as notified) addressing customer connections and inserting it into the Energy Chapter so as to not duplicate INF-R2¹. This is reflected in the decision.
3. The s42A report and the Hearing Panel Recommendations Report recommended INF-R9 as notified is retained with a minor amendment to also include below ground activity². The s42A Addendum report considered underground lines are provided for as a permitted activity under INF-R9³. However, permitted activity status appears to be restricted to only where the activity occurs in the GRUZ - General Rural Zone or INZ – Industrial Zone under INF-R7(2).
4. In the s42A report, the Reporting Officers supported the height limit for poles and antennas in the Commercial and Mixed-Use Zone to be increased to 20m to be consistent with relevant zone chapters in the Proposed Plan⁴. The decision version of INF-R10 includes some contradictory clauses and is inconsistent with the *National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF)*.

Reasons for appeal:

5. INF-R8 provided a framework for network utility customer connections including those for telecommunications as a permitted activity and referred to HH-R5 (now renumbered to HH-R4) for new infrastructure connections to a Historic Heritage Item identified in Schedule One. This did not duplicate INF-R2 which instead provides for water, wastewater, stormwater reticulated systems. Deletion of INF-R8 limits provision for telecommunications customer connections and it is considered inefficient for the Telecommunication companies to be directed to the Energy chapter for infrastructure provisions. ENG-R10 is not an effective framework for considering all types of connections noting this rule has also deleted the advice note referring to HH-R4 (connections to heritage buildings).
6. It is understood that renumbered INF-R7 is intended to recognise underground lines as a permitted activity, but INF-R7(2) limits this to being located in the General Rural or Industrial zone (as this initially was targeted at above ground lines). This is inconsistent with the NESTF which provides for underground telecommunication lines as a permitted activity in all zones and is an unnecessary restriction for underground lines⁵.

¹ Paragraph 447 of the s42A report

² Paragraph 449 of the s42A report and Paragraph 1089 of the Recommendation Report

³ Column 69 of the analysis table of the s42A Addendum report

⁴ Paragraph 459 of the s42A report

⁵ The NESTF is currently under review and is in process of public consultation.

7. Renumbered INF-R10(1)(ii)(b) enables panel antennas within the road to have an envelope measuring 3.5m in length and 0.7m diameter as a permitted activity, which is then contradicted by INF-R10(1)(v) permitting a headframe of 2.5m in roads in residential and settlement zones and 6m in roads in all other zones.
8. The Proposed Plan adopts the adjacent zone for the transport corridor. The permitted height for poles in the transport corridor under INF-R10(1)(a) provides for 15m when adjacent to Commercial and Mixed-Use zones, while the height limits under INF-R10(2)(b) permit a height of 20m for poles in these zones outside of roads. It is unnecessary to restrict a pole in a road to 15m when on the immediately adjacent land 20m is permitted.

Relief sought

9. Reinstate notified rule INF-R8 to ensure a clear pathway for network utilities connections including telecommunications is provided.
10. Amend INF-R7 (decision version) to enable underground lines as a permitted activity in all zones.
11. Delete INF-R10(1)(ii)(b) referencing a 3.5m long and 0.7m wide antenna envelope to avoid conflict with INF-R10(1)(v) allowing a larger envelope.
12. Amend INF-R10(1)(a) to provide for a 20m height limit for poles in roads adjoining for Commercial and Mixed-Use zones to be consistent with the permitted heights in INF-R10(2)(b).

Or

Any such other relief that achieves an equivalent outcome.

Chapter NFL - Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa

Provisions of proposed plan change appealed:

13. Chorus and Spark submitted on the Natural Features and Landscapes Chapter of the Proposed Plan seeking to retain NFL-P2 as notified (renumbered to NFL-P3).

Proposed Plan Reference	Submission Point
NFL-P2 (renumbered P3)	S663.027 (in reliance on submission to NFL-P3 (renumbered NFL-P4))

14. Chorus and Spark did not directly submit on NFL-P2 (now NFL-P3) as the wording was considered to be workable for infrastructure work in an ONFL. The s42A report recommended amended wording to NFL-P3 to be consistent with the *2020 West Coast Regional Policy Statement*⁶ (WCRPS). There is considered to be scope to appeal this decision on the basis that this may now be inconsistent with the outcomes Policy NFL-P4 (notified as NFL-P3) which the telecommunications companies do have submission scope on (sub. Ref. S663.027).

Reasons for appeal:

15. NFL-P4 (decisions version) recognises that activities including infrastructure exist or may need to be established within the ONFLs. Depending on circumstances there may be adverse effects that exceed a no more than minor threshold in any particular location now required by NFL-P3 (decisions version). This is not considered to reflect Regionally Significant Infrastructure Policies 3 and 5 of the WCRPS, which needs to be weighed against Natural Features and Landscapes Policy 4 of the WCRPS.

Relief sought

16. Reinstate policy NFL-P2 as notified (NFL-P3 in decisions) in accordance with the version of this provision included in the s42A report recommendations.

Or

Any such other relief that achieves an equivalent outcome.

Chapter NC - Natural Character and Margins of Waterbodies Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai

Provisions of proposed plan change appealed:

17. Chorus and Spark submitted on the Natural Character and Margins of Waterbodies Chapter of the Proposed Plan seeking to oppose in part NC-O3.

Proposed Plan Reference	Submission Point
NC-O3	S663.050

⁶ See paragraphs 135-141 of the s42A report

18. The s42A report supported the Chorus and Spark submission to amend NC-O3 to include “operational need”⁷. However, this has not been applied in the decision version of NC-O3.

Reasons for appeal:

19. For operational reasons, some infrastructure such as telecommunication infrastructure may need to be located in these environments. The objective should provide for both “functional” and “operational” instances to ensure it is supported in appropriate circumstances where adverse effects are mitigated to the extent practicable.
20. Policy 3 of Chapter 6 of the WCRPS considers the locational, technical and operational requirements and constraints of regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure, and other forms of regionally significant infrastructure.
21. A lack of recognition for “operational” needs in NC-O3 (and consequently NC-P3) is inconsistent with provisions under NC-P2 which provides for earthworks within riparian margins of lakes, rivers and wetlands where adverse effects on natural character are avoided, remedied or mitigated and have a functional or operational need to be in a riparian margin.

Relief sought

22. Amend NC-O3 and NC-P3 (consequential change for consistency) to include “operational need” in accordance with the version of this provision included in the s42A report recommendations;

Or

Any such other relief that achieves an equivalent outcome.

⁷ See paragraph 97 and 103 of the s42A report

The following documents are appended to this notice:

- A. A copy of Chorus and Spark submissions on the matters raised in this notice of appeal (Appendix 1)
- B. A copy of the relevant parts of the decision being the Hearing Panel Recommendations adopted by the Council as its decision (Appendix 2).
- C. A list of names and addresses of persons to be served with a copy of this notice (Appendix 3).

Date: 24 November 2025



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Andrew Kantor
Environmental Planning and Engagement Manager

This document is filed by Chris Horne, Director, Incite (Auckland) Limited, under instruction from Chorus New Zealand Limited.

The address for service for the appellant is at:
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Date: 24 November 2025



.....
Graeme McCarrison
Engagement and Planning Manager

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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

Attached to appeal notice served on all parties.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Appendix 1 – Copy of the submissions in relation to the matters raised in this notice of appeal

**The online submission form output is edited to only show the relevant submission points being appealed, and other submission points which require no further action are deleted for ease of readability.*

Instructions: This spreadsheet template has been made available to assist submitters wishing to make submissions on a significant number of provisions in the Proposed Plan.

If you are using this spreadsheet, please also complete a submission form with the details of the submitter. This can be done by either:

1. downloading and completing a submission form from the Council's website and lodging the form and this spreadsheet via email to info@tpp.nz; or
2. using the online submission tool accessible from the Council's website to upload this document as a supporting document. If you choose this method, please add one submission point to your online submission and select [General] as the Plan Section and [General] as the Provision.

To add your submission points to this spreadsheet, please scroll to the relevant Plan Section and click the '+' symbol to expand the group to show all of the provisions within that section. In the row containing the provision you wish to submit on, select one of the options from the Support/oppose column (click in the relevant cell and an arrow button will appear that presents a dropdown list). Add the reasons and the decision you seek in the next two columns. Please ensure you add both reasons and decision sought as these are an important part of your submission. If you are asking for a new provision to be added to a section, please include that in the row for the first provision in that section (the spreadsheet does not allow new rows to be added). Similarly, if you wish to make a submission that relates to a whole section of the Plan, please include that in row for the first provision in that section.

If you require any assistance with using this spreadsheet, please contact the District Plan team at info@tpp.nz.

Plan section	Provision	Support Oppose	Reasons	Decision sought
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[General]

Whole Plan

Introduction Section

How The Plan Works Section

Interpretation Section

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Interpretation	Definitions
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Interpretation	ACCESSORY BUILDING
Interpretation	ACCESSWAY
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Interpretation	ADDITION
Interpretation	ADDITIONS AND ALTERATIONS
Interpretation	ADJACENT
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Interpretation	APPROVED BUILDING PLATFORM
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Interpretation	ARTIFICIAL LAKE OR POND
Interpretation	BED
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Interpretation	COMMERCIAL ACTIVITY
Interpretation	COMMUNITY CORRECTIONS ACTIVITY
Interpretation	COMMUNITY FACILITIES, EDUCATION FACILITIES and HEALTH FACILITIES
Interpretation	COMMUNITY FACILITY
Interpretation	COMMUNITY SCALE
Interpretation	COMMUNITY SIGN
Interpretation	CONSERVATION ACTIVITIES

Interpretation	CONTAMINATED LAND
Interpretation	COUNCIL ENGINEERING STANDARDS
Interpretation	CRITICAL INFRASTRUCTURE
Interpretation	CRITICAL RESPONSE FACILITIES
Interpretation	CULTURAL LANDSCAPE
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Interpretation	EARTHWORKS
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Interpretation	IWI/PAPATIPU RŪNANGA MANAGEMENT PLAN
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Interpretation	LAF(max)
Interpretation	LAKE
Interpretation	LAND DISTURBANCE
Interpretation	LARGE SCALE
Interpretation	LAWFULLY ESTABLISHED
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Interpretation	MĀORI LAND
Interpretation	MĀORI PURPOSE ACTIVITIES
Interpretation	MINERAL
Interpretation	MINERAL EXPLORATION
Interpretation	MINERAL EXTRACTION
Interpretation	MINERAL EXTRACTION MANAGEMENT PLAN
Interpretation	MINERAL PROSPECTING
Interpretation	MINIMUM LOT SIZE
Interpretation	MINOR RESIDENTIAL UNIT
Interpretation	NATIONAL GRID
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Interpretation	NATURAL HAZARD MITIGATION ACTIVITIES
Interpretation	NATURAL HAZARD MITIGATION STRUCTURE
Interpretation	NET SITE AREA
Interpretation	NETWORK UTILITY OPERATOR
Interpretation	NOISE
Interpretation	NOTIONAL BOUNDARY
Interpretation	OFFICIAL SIGN

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Interpretation	REVERSE SENSITIVITY
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Interpretation	SIGNIFICANT ELECTRICITY DISTRIBUTION LINE
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Interpretation	WATERBODY
Interpretation	WETLAND

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Abbreviations Section

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Tangata Whenua Section

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Strategic Direction	Urban Form and Development Strategic Objective
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Energy Infrastructure and Transport Section

Energy Infrastructure and Transport	Energy Infrastructure and Transport
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Energy Section

Infrastructure Section

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Infrastructure	Infrastructure			
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Infrastructure	INF - R8	Support	The rule appropriately provides for customer connections	Retain provision as notified
Infrastructure	INF - R9	Support	The rule appropriately provides for overhead lines in rural and industrial zones	Retain provision as notified
Infrastructure	INF - R10			
Infrastructure	INF - R11			Amend Rule INF R12 as follows: <i>New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NES - TF , or regulated equipment not meeting the permitted standards of the NES-TF</i> <i>1. This is located within a land transport corridor; and</i> <i>i. The combined height of the pole and antenna does not exceed:</i> <i>a. 15m in a RESZ - Residential Zone, SETZ - Settlement Zone or NCZ Neighbourhood Centre Zone CMUZ—Commercial and Mixed-Use Zone ;</i> <i>b. 20m in a CMUZ - Commercial and Mixed Use Zone other than the NCZ Neighbourhood Centre Zone or an INZ - Industrial Zone; or</i> <i>c. 35m in all other zones.</i> <i>.....</i> <i>2. This is located outside a land transport corridor:</i> <i>i. The combined height (network utility) of a telecommunications pole and antenna does not exceed:</i> <i>a. 15m in a RESZ - Residential Zone, NCZ Neighbourhood Centre Zone CMUZ—Commercial and Mixed-Use Zone or SETZ - Settlement Zone;</i> <i>b. 20m in a CMUZ - Commercial and Mixed</i>
Infrastructure	INF - R12	Oppose in part	This rule covers equipment not regulated by the NESTF. It needs to be extended to also cover equipment that is regulated but does not meet the permitted standards of the NESTF. Otherwise there will be a rule gap for considering this situation as regulated equipment not meeting the NESTF permitted standards then to be assessed under the District Plan. Further to provide more consistency with the standards being sought for similar zones in other district plans to better reflect the ability for these zones to absorb the effects of infrastructure, a 20m height limit is sought for commercial zones other than the Neighbourhood Centre Zone, and 25m for Industrial Zones.	
Infrastructure	Controlled Activities			
Infrastructure	INF - R13			
Infrastructure	INF - R14			
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Infrastructure	INF - R28

Transport Section

HAZ - Hazards and Risks Section

HAZ - Hazards and Risks	HAZ - Hazards and Risks
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Contaminated Land Section

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HCV - Historical and Cultural Values Section

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Historic Heritage	Other Methods

Historic Heritage HH - M1

Notable Trees Section

Notable Trees TREE
Notable Trees Notable Trees
Notable Trees Overview
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Natural Environment Values Section

Ecosystems and Indigenous Biodiversity Section

Ecosystems and Indigenous Biodiversity ECO
Ecosystems and Indigenous Biodiversity Ecosystems and Indigenous Biodiversity
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Ecosystems and Indigenous Biodiversity ECO - P3
Ecosystems and Indigenous Biodiversity ECO - P4
Ecosystems and Indigenous Biodiversity ECO - P5
Ecosystems and Indigenous Biodiversity ECO - P6
Ecosystems and Indigenous Biodiversity ECO - P7
Ecosystems and Indigenous Biodiversity ECO - P8
Ecosystems and Indigenous Biodiversity ECO - P9
Ecosystems and Indigenous Biodiversity ECO - P10
Ecosystems and Indigenous Biodiversity Ecosystems and Indigenous Biodiversity Rules
Ecosystems and Indigenous Biodiversity Note:
Ecosystems and Indigenous Biodiversity Permitted Activities
Ecosystems and Indigenous Biodiversity ECO - R1
Ecosystems and Indigenous Biodiversity ECO - R2
Ecosystems and Indigenous Biodiversity Controlled Activities
Ecosystems and Indigenous Biodiversity ECO - R3

Ecosystems and Indigenous Biodiversity ECO - R4/SUB - R7
 Ecosystems and Indigenous Biodiversity Restricted Discretionary Activities
 Ecosystems and Indigenous Biodiversity ECO - R5
 Ecosystems and Indigenous Biodiversity ECO - R6/SUB - R9
 Ecosystems and Indigenous Biodiversity Discretionary Activities
 Ecosystems and Indigenous Biodiversity ECO - R7
 Ecosystems and Indigenous Biodiversity ECO - R8/SUB - R15
 Ecosystems and Indigenous Biodiversity Non-complying Activities
 Ecosystems and Indigenous Biodiversity ECO - R9/SUB - R27
 Ecosystems and Indigenous Biodiversity ECO - R10
 Ecosystems and Indigenous Biodiversity ECO - R11

Natural Features and Landscapes Section

Natural Features and Landscapes NFL
 Natural Features and Landscapes Natural Features and Landscapes
 Natural Features and Landscapes Overview
 Natural Features and Landscapes Plantation Forestry
 Natural Features and Landscapes Other relevant Te Tai o Poutini Plan provisions
 Natural Features and Landscapes Natural Features and Landscapes Objective
 Natural Features and Landscapes NFL - O1
 Natural Features and Landscapes Natural Features and Landscapes Policies
 Natural Features and Landscapes NFL - P1
 Natural Features and Landscapes NFL - P2

Natural Features and Landscapes NFL - P3
 Natural Features and Landscapes NFL - P4
 Natural Features and Landscapes NFL - P5
 Natural Features and Landscapes NFL - P6
 Natural Features and Landscapes NFL - P7
 Natural Features and Landscapes Permitted Activities
 Natural Features and Landscapes NFL - R1
 Natural Features and Landscapes NFL - R2
 Natural Features and Landscapes NFL - R3
 Natural Features and Landscapes NFL - R4
 Natural Features and Landscapes NFL - R5
 Natural Features and Landscapes NFL - R6
 Natural Features and Landscapes NFL - R7
 Natural Features and Landscapes NFL - R8
 Natural Features and Landscapes Controlled Activities
 Natural Features and Landscapes NFL - R9
 Natural Features and Landscapes NFL - R10
 Natural Features and Landscapes Restricted Discretionary Activities
 Natural Features and Landscapes NFL - R11
 Natural Features and Landscapes NFL - R12
 Natural Features and Landscapes Discretionary Activities
 Natural Features and Landscapes NFL - R13
 Natural Features and Landscapes NFL - R14
 Natural Features and Landscapes NFL - R15

Public Access Section

Natural Character and Margins of Waterbodies Section

Natural Character and Margins of Waterbodies: NC
 Natural Character and Margins of Waterbodies: Natural Character and Margins of Waterbodies
 Natural Character and Margins of Waterbodies: Overview
 Natural Character and Margins of Waterbodies: Natural Character and the Margins of Waterbodies Objectives
 Natural Character and Margins of Waterbodies: NC - O1
 Natural Character and Margins of Waterbodies: NC - O2

Support

It is appropriate to recognise existing development and infrastructure in Outstanding Natural Landscapes and Features when assessing the impacts of existing uses and new activities on the values that contribute to these areas.

Retain provision as notified

Amend NC-03 as follows:

*To provide for activities which have a functional need **or operational need** to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.*

Natural Character and Margins of Waterbodies: NC - O3
Natural Character and Margins of Waterbodies: Natural Character and the Margins of Waterbodies Policies
Natural Character and Margins of Waterbodies: NC - P1
Natural Character and Margins of Waterbodies: NC - P2
Natural Character and Margins of Waterbodies: NC - P3
Natural Character and Margins of Waterbodies: NC - P4
Natural Character and Margins of Waterbodies: NC - P5
Natural Character and Margins of Waterbodies: Natural Character and the Margins of Waterbodies Rules
Natural Character and Margins of Waterbodies: Note:
Natural Character and Margins of Waterbodies: Permitted Activities
Natural Character and Margins of Waterbodies: NC - R1
Natural Character and Margins of Waterbodies: NC - R2
Natural Character and Margins of Waterbodies: NC - R3
Natural Character and Margins of Waterbodies: Discretionary Activities
Natural Character and Margins of Waterbodies: NC - R3
Natural Character and Margins of Waterbodies: NC - R4
Natural Character and Margins of Waterbodies: NC - R5

Oppose in part The objective should refer to operational need as well as functional need.

Financial Contributions Section

Subdivision Section

Subdivision	SUB
Subdivision	Subdivision
Subdivision	Overview
Subdivision	Subdivision Objectives
Subdivision	SUB - O1
Subdivision	SUB - O2
Subdivision	SUB - O3
Subdivision	SUB - O4
Subdivision	SUB - O5
Subdivision	SUB - O6
Subdivision	Subdivision Policies
Subdivision	SUB - P1
Subdivision	SUB - P2
Subdivision	SUB - P3
Subdivision	SUB - P4
Subdivision	SUB - P5
Subdivision	SUB - P6
Subdivision	SUB - P7
Subdivision	SUB - P8
Subdivision	SUB - P9
Subdivision	Subdivision Rules
Subdivision	Note:
Subdivision	Permitted Activities
Subdivision	SUB - R1
Subdivision	SUB - R2
Subdivision	Controlled Activities
Subdivision	SUB - R3
Subdivision	SUB - R4
Subdivision	SUB - R5
Subdivision	SUB - R6
Subdivision	SUB - R7/ECCO - R4
Subdivision	SUB - R8
Subdivision	Restricted Discretionary Activities
Subdivision	SUB - R9/ECCO - R6
Subdivision	SUB - R10
Subdivision	SUB - R11
Subdivision	SUB - R12
Subdivision	SUB - R13
Subdivision	Discretionary Activities

Subdivision	SUB - R14
Subdivision	SUB - R15/ECO - R8
Subdivision	SUB - R16
Subdivision	SUB - R17
Subdivision	SUB - R18
Subdivision	SUB - R19
Subdivision	SUB - R20
Subdivision	SUB - R21
Subdivision	SUB - R22
Subdivision	SUB - R23
Subdivision	Non-complying Activities
Subdivision	SUB - R24
Subdivision	SUB - R25
Subdivision	SUB - R26
Subdivision	SUB - R27/ECO - R9
Subdivision	Prohibited Activities
Subdivision	SUB - R28
Subdivision	Subdivision Standards
Subdivision	SUB - S1
Subdivision	SUB - S2
Subdivision	SUB - S3
Subdivision	SUB - S4
Subdivision	SUB - S5
Subdivision	SUB - S6
Subdivision	SUB - S7
Subdivision	SUB - S8
Subdivision	SUB - S9
Subdivision	SUB - S10
Subdivision	SUB - S11

General District Wide Matters Section

Activities on the surface of water Section

Coastal Environment Section

Earthworks Section

Earthworks	EW
Earthworks	Earthworks
Earthworks	Overview
Earthworks	Earthworks Objectives
Earthworks	EW - O1
Earthworks	Earthworks Policies
Earthworks	EW - P1
Earthworks	EW - P2
Earthworks	EW - P3
Earthworks	EW - P4
Earthworks	Earthworks Rules
Earthworks	Note:
Earthworks	Permitted Activities
Earthworks	EW - R1
Earthworks	EW - R2
Earthworks	EW - R3
Earthworks	EW - R4
Earthworks	EW - R5
Earthworks	EW - R6
Earthworks	Restricted Discretionary Activities
Earthworks	EW - R7
Earthworks	EW - R8

Light Section

Noise Section

Signs Section

Temporary Activities Section

PART 3 - AREA-SPECIFIC MATTERS Section

ZONES Section

Open Space and Recreation Zones Section

Natural Open Space Zone Section

Open Space Zone Section

Sport and Active Recreation Zone Section

Commercial and Mixed Use Zones Section

Commercial Zone Section

Mixed Use Zone Section

Neighbourhood Centre Zone Section

Town Centre Zone Section

Industrial Zones Section

General Industrial Zone Section

Light Industrial Zone Rules Section

Residential Zones Section

General Residential Zone Section

Large Lot Residential Zone Section

Medium Density Residential Zone Section

Rural Zones Section

General Rural Zone Section

Rural Lifestyle Zone Section

Settlement Zone Section

SPZ - Special Purpose Zones Section

Airport Zone Section

Buller Coalfield Zone Section

Future Urban Zone Section

Hospital Zone Section

Mineral Extraction Zone Section

Māori Purpose Zone Section

Port Zone Section

Stadium Zone Section

Scenic Visitor Zone Section

Development Areas Section

Designations Section

PART 4 - APPENDICES Section

Schedules Section

SCHED1A - SCHEDULE OF HISTORIC HERITAGE ITEMS AND AREAS Section

SCHED1B - SCHEDULE OF ARCHEOLOGICAL SITES Section

SCHED2 - SCHEDULE OF NOTABLE TREES Section

SCHED3 - SITES AND AREAS OF SIGNIFICANCE TO MĀORI Section

SCHED4 - SCHEDULE OF SIGNIFICANT NATURAL AREAS Section

SCHED5 - SCHEDULE OF OUTSTANDING NATURAL LANDSCAPES Section

SCHED6 - SCHEDULE OF OUTSTANDING NATURAL FEATURES Section

SCHED7 - SCHEDULE OF HIGH COASTAL NATURAL CHARACTER Section

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF SCHED7 - SCHEDULE OF HIGH COASTAL NATURAL CHARACTER

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA4

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA6

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA11

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA13

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA15

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA18

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA21

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA24

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA29

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA30

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA31

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA32

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA33

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA34

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA35

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA36

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA38

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA41

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA43

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA47

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA48

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA49

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA52

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA53

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA54

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA55

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA57

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA58

SCHED7 - SCHEDULE OF HIGH COASTAL NATUF NCA60

SCHED8 - SCHEDULE OF OUTSTANDING COASTAL NATURAL CHARACTER Section

SCHED9 - LAWFULLY ESTABLISHED MINERAL EXTRACTION AND PROCESSING AREAS Section

SCHED10 - PREVIOUSLY MINED LOCATIONS IN THE RURAL AND OPEN SPACE AND RECREATION ZONES Section

Appendices Section

Appendix One: Transport Performance Standards Section

Appendix Two: Recession Planes Section

Appendix Three: Design Guidelines Section

Appendix Four: Accidental Discovery Protocols Section

Appendix Five: Statutory Acknowledgements Section

Appendix Six: Nohoanga Entitlements Section

Appendix Seven: Mineral Extraction Management Plan Requirements Section

Appendix Eight: Community Living Precinct Concept Plans Section

Appendix Nine: Airport Approach Path Overlay Section

Appendix Ten: New Zealand Archaeological Association Sites of Māori Origin Section

HAZ - Hazards and Risks (*included here as
template above will not expand out
provisions from this chapter*)

Natural Hazards	NH O3
Natural Hazards	NH O6
Natural Hazards	NH P3
Natural Hazards	NH P5
Natural Hazards	NH P12

Appendix 2 – Copy of the relevant parts of the decisions

INF-R8, INF-R9, & INF-R12

634. The Reply noted that due to establishing a clear differentiation between the ENG and INF, the Reporting Officers had identified that the INF had a permitted activity rule (INF-R8) '*new network utility customer connections*'. They highlighted that with the recommended separation of the ENG and INF Chapters, this permitted activity would not be available to Energy Activities and that to address this, they recommended including new ENG-RX3.
-

INF-R8

1089. Subsequent to their s42A Report, which recommended that the INF-R8 be deleted and inserted into the Energy Chapter, the Reporting Officers further considered the differentiation between the Energy and Infrastructure Chapters. They identified that in the Infrastructure Chapter had permitted activity Rule INF-R8 "*new network utility customer connections*" and that with the separation of chapters this permitted activity would not be available to Energy Activities. They noted that Westpower had sought the inclusion of customer connections within their proposed definition of '*minor upgrading*' to clarify that distribution lines included customer connections. Further, they said that evidence at the hearing and further clarification during the EWC led them to reach the conclusion that separate provisions for customer connections were not necessary because a connection was simply part of the distribution network and sufficiently provided for by permitted activity Rule ENG-RX3 (now ENG-R10).

INF-R8

1127. The Panel agrees that Rule INF-R8 addresses connections to electricity networks and therefore its placement in the Infrastructure Chapter is incorrect. We recommend it is deleted, as sought by BDC.
1128. The Panel notes the Reporting Officers revised position with regards the need for the rule to be inserted into the Energy Chapter, where they now consider this unnecessary because a connection is simply part of the distribution network and sufficiently provided for by new permitted activity rule ENG-R10. We have looked at this closely and agree that a connection to electricity network would fall under Rule ENG-R10.
-

INF-R9

1130. The Panel do not agree with BDC that Rule INF-R9 belongs in the Energy Chapter. The rule refers to infrastructure associated primarily with telecommunications and therefore we consider the Infrastructure Chapter is the appropriate location for it.
1131. The Panel accept with the Reporting Officers response to Frida Inta's submission. We agree that cell phone towers located within the GRUZ- General Rural Zone or the INZ- Industrial Zone should be permitted activities because that is consistent with the outcomes for those zones.
1132. The Panel acknowledge Mr Horne's comments that Rule INF-R9 appears to provide for telecommunication lines generally, notwithstanding that the standards are only relevant to above ground lines. He said that if this was the correct interpretation then no further change to the Plan would be necessary. We note that the Reporting Officers in their Addendum appear to agree with Mr Horne's interpretation, nevertheless, in the Reply they recommended adding a new clause "*The activity is located below ground*".
1133. The Panel accept this new clause clarifies the rule provides for underground lines as a permitted activity and recommend it is added.
1134. The Panel recommend amending clause (1) to be consistent with other similar provisions.
-

INF- R12

1140. For the reasons set out in Mr Horne’s evidence, the Panel agree with the Telecommunication Companies’ amendment to the heading of INF-R12 to reflect the permitted standards of the NES-TF. We also agree that the height for the Commercial and Mixed Use Zone should be increased to 20m and the General Industrial Zone increased to 25m. We agree that both zones are the type of zone within which to locate larger telecommunications facilities where practical and that this is consistent with Policy INF-P2 in terms of recognising operational need and functional need, and positive effects for the community, whilst appropriately managing adverse effects.
1141. The Panel recommend amending clauses (1) and (2) and consider it resolves the uncertainty arising from the use of the word ‘This’ as notified and can be seen as partly addressing the concerns of BDC.
1142. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in the footnotes below be accepted and accepted in part, and recommend that **Rule INF-R12** is amended as follows:

INF – R120	New telecommunications poles, new antenna attached to poles and new antenna attached to a building not regulated by the NES-TF or regulated equipment not meeting the permitted standards of the NES-TF³⁰⁰
Activity Status Permitted	
Where:	
1. This The telecommunication pole, or antenna ³⁰¹ is located within a land ³⁰² transport corridor; and	
i. The combined height of the pole and antenna does not exceed:	
a. 15m in a RESZ - Residential Zone, SETZ - Settlement Zone or CMUZ - Commercial and Mixed Use Zone;	
b. 20m in an INZ - Industrial Zone; or	
c. 35m in all other zones.	
ii. A panel antenna:	
a. Does not exceed a width of 0.7m; and	

1067. Mr Horne addressed the Reporting Officers' position on Rule INF-R12 in relation to retaining a 20m height limit for poles and antennas in the Industrial Zone. He noted that their reasoning would be inconsistent with heights in the GIZ as provided by GIZ-R1. He referred to both his

experience with telecommunication projects and the evidence provided by Mr McCarrison, Mr Kantor and Mr Clune that a margin was required above local obstructions, such as buildings, to enable line of sight for effective coverage. He noted a height limit of 20m may result in telecommunication facilities being unable to provide coverage. He considered a height limit of 25m in the Industrial Zone would incentivise the Companies to utilise those zones to secure better height and coverage compared to other urban zones with higher amenities. He therefore considered a height of 25m appropriate, reasonable and standard within district plans; and would be consistent with INF-P2 by recognising operational and functional needs and recognising the benefits of the service provided while appropriately managing adverse effects on the environment using zones enabling larger and utilitarian building forms commonly associated with industrial activities.

NFL-P2 and NFL-P3

156. In relation to **NFL-P2**, the s42A Report supported replacing '*possible*' with '*practicable*', as requested by Manawa; and including '*otherwise minimised*' and '*or compensated in accordance with the effects management hierarchy*' at the end, as sought by the Director General.
157. The s42A Report did not support deleting '*offset*', as sought by the Director General, on the basis that both offset and compensation were appropriate in the context. In response to questions regarding whether it is appropriate to use offsetting and compensation to protect outstanding NFL values and the higher order policy direction, Ms Easton requested time to consider this in her Right of Reply.
158. The s42A Report did not support deletion of '*significant*' in front of adverse effects, as sought by the Director General, given the direction of the RPS that appropriate activities have '*no more than minor adverse effects*'. However, in response to questions, Ms Easton agreed that avoiding significant adverse effects was not the correct threshold to apply to protect outstanding NFL values.
159. The s42A Report did not support including '*Where possible take precautionary approach*', as sought by Te Mana Ora, given the adverse effects of earthworks and structures on landscape values were reasonably certain and understood. It did not support including '*together*', as requested by Westpower to be consistent with the RPS, given the context where significant effects on one value could be considered acceptable.
160. In relation to **NFL-P3**, the s42A Report noted that the purpose was to recognise existing activities and land uses using examples, but that this was not intended to be an exhaustive list. It supported including '*land uses*' and '*other activities*' to capture the matters raised in submissions, including energy activities and critical infrastructure as sought by Westpower.
161. The s42A Report supported replacing '*not adversely affected*' with '*maintain and enhanced*', as requested by Terra Firma Mining Limited, given it better reflected the RPS direction. It also supported replacing '*provide for*' with '*allow*', as sought by the Director General, again because it better reflected the directives in the higher order documents.
162. The s42A Report supported improving the sentence structure of the policy to provide more clarity, as requested by Waka Kotahi.
163. Transpower requested clarification NFL-P3 did not apply to the National Grid.

201. In considering whether the wording recommended in NFL-P2 is consistent with the '*no more than minor*' threshold in RPS Policy 7B4, Ms Easton noted this related to activities that are '*allowed*' in ONFL. She considered NFL-P2 related to activities that may have '*significant adverse effects*' that would be subject to the resource consent process and the policy would be used as part of that assessment.

211. In relation to **NFL-P2**, the Panel disagrees with Ms Easton that use of '*otherwise minimised, remedied, mitigated or where appropriate offset or compensated*' gives effect to the RMA s6 and RPS Chapter 7B Objective 71 direction to '*protect*' outstanding natural features and values from inappropriate use and development. The Panel also disagrees that the '*more than minor*' threshold only relates to allowing activities, as jurisprudence directs that the protection of significant (outstanding) environmental values requires the avoidance of more than minor effects.

179. Mr Pemberton, counsel for the Director General, highlighted RPS Policy 4 which allows activities that have no more than minor adverse effects in ONFL areas. He considered NFL-P3 and NFL-P4 appeared to reflect this but NFL-P2 was inconsistent with the *'no more than minor'* threshold.

215. In relation to **NFL-P3**, the Panel agrees it is unnecessary to include specific reference to *'minerals extraction, exploration and prospecting'* or *'rural production activities'* given the recommended inclusion of *'land uses'* and *'other activities'*. However, the Panel consider the word *'other'* is superfluous. The Panel finds changing the order of *'landscape'* and *'feature'* as recommended is also unnecessary and does not improve clarity. The Panel acknowledges the RPS uses *'together'* in reference to values but accept the opinion of the two experts questioned that effects on individual values are also important to consider as well as effects on the collective values. The Panel consider it is not necessary to add *'together'* as any assessment on the *'values'* would include both individually and collectively.

216. The Panel's consideration of the replacement of *'not adversely affected'* with *'maintained'* in relation to NFL-P1 also applies to NFL-P3. This is addressed above.

217. In relation to Transpower's request for clarification as to whether NFL-P3 applies to the National Grid, the Panel consider it does. However, the Panel considers any concerns regarding providing for the National Grid are addressed by amendments to rule NFL-R5 to clarify that additions and alteration to building and structures and minor upgrades, including Network Utility Infrastructure, are provide for; and any new activities or infrastructure have a discretionary activity pathway. The Panel also note that NFL-P3 would need to be read in conjunction with NFL-P5 which consideration of functional and operational needs amongst other matters.

NC-O3 and NC-P3

202. The Panel has carefully considered the appropriate use of functional need or operational need in light of the higher order statutory direction and our recommendations on the NC Objectives. We consider *'operational needs'* should only be used where this is consistent with the national direction given this is a much lower threshold and reduces the level of protection required. We agree that the NPS-IB provisions are specific to activities within SNA and consider giving effect to this direction must be undertaken in conjunction with the identification of SNA. Furthermore, with the removal of vegetation clearance, the policy is now focused on earthworks within the margins of waterbodies.
203. The Panel considers the inclusion of *'operational need'* should be limited to regionally and nationally significant electricity transmission, distribution and renewable electricity generation infrastructure and RSI, to give effect to the NPSREG, NPSET and RPS. These activities are captured in clause (b). The Panel accepts that other activities should only be located in the margins of waterbodies where the higher threshold of functional need can be met given the importance and sensitivity of these areas to earthworks and disturbance. The Panel also agrees with Ms Styles that the policy should not be broadened by adding *'energy activities'* given the definition in the pTTPP includes non-renewable energy generation. The Panel agrees with Ms Styles and Mr Kennedy that the policy should apply to *'regionally significant infrastructure'* and not *'infrastructure'*; and accept this is consistent with national direction and the RPS.
204. For the same reasons, the Panel recommends deleting *'operational need'* from clause (f) to be consistent with NC-O3 and to give effect to national direction. The Panel considers this is within the scope of the request to delete the policy.
205. The Panel agree with Ms Easton's recommendations to reject the other submissions seeking changes for the reasons outlined in the s42A Report.
206. In relation to **NC-P3**, the Panel disagree with Ms Easton's recommendation to add *'or operational needs'* to clause (a) for the reasons discussed above in relation to NC-O3 and NC-P2.
170. In relation **Policy NC-P3**, the s42A Report did not support deleting the policy (Forest & Bird S560.250 and S560.515). It supported the addition of the *'or operational'* (Tiga Minerals S493.066, WMS Group S599.071, Birchfield Coal Mines S601.052, BRM Developments S603.036, Birchfield Ross Mining Ltd S604.046, Phoenix Minerals Ltd S606.037, Whyte Gold Ltd S607.035, Bathurst Resources and BT Mining Ltd S491.026, NZTA Waka Kotahi S450.105 and Manawa S438.108).
171. The s42A Report, did not support Westpower's (S547.319) request to add *'technical'*, *'locational'* and *'constraints or requirements'* given the definition of *'Functional Need'* and *'Operational Need'*; or the request to replace *'adversely affect'* with *'avoid, remedy or mitigate adverse effects on'* (S547.320).

174. Ms Pull, for Poutini Ngāi Tahu, questioned the need for specific references to other parts of the Plan and considered this implied they required special attention. She also noted a lack of consistency in the cross-referencing wording between chapters. She considered the existing references to the EIT policies should be deleted and added to 'Other relevant Te Tai o Poutini Plan Provisions' section of the overviews. She supported the s42A Report recommendations to retain NC-P3 as notified.

175. Mr Leckie and Ms Hunter, for Bathurst, sought changes to include reference to 'functional need' in Policy NC-P3 and supported the amendments recommended in the s42A Report. Mr Leckie also sought greater recognition of lawfully established activities when undertaking activities that have a functional or operational need to locate in and around margins of waterbodies to be included in Policy NC-P2. He considered it was appropriate to not trigger the need for a district council resource consent if a land use activity had been lawfully

established and was authorised by a Coal Mining License. Ms Hunter supported the proposed amendments set out in paragraphs 103 and 131 of the s42A Report and amendments to NC-P2 to enable removal of indigenous vegetation and earthworks within riparian margins of waterbodies, to enable these activities to occur where they are lawfully established activities.

178. Mr Kennedy supported the s42A Report recommendation to insert 'energy activities' in Policy NC-P2. In relation to Policy NC-P3, Mr Kennedy disagreed with the s42A Report recommendation and considered clause (b) should be amended as follows:

~~They are of a form and scale that will not adversely effect-avoid, remedy, or mitigate~~
adverse effects on the natural character of the riparian **margin**area.

179. Mr Kennedy also sought alterations to Policy NC-P5 (now proposed to be PA-P1) to add 'or for health and safety reasons due to the operational requirements of regionally significant infrastructure' and 'and/or health and safety'; and delete 'natural hazard structures'.

180. Mr Pemberton, for the Director General considered Policy NC-P3 should be retained as notified. He noted the NPS-FM only makes limited allowances for activities which have a functional need, however there are no provisions for activities on the basis of an operational need. He notes the NPS-IB allows some activities within SNA that have an operational need but that this is not directly applicable to Policy NC-P3, which relates to effects on the natural character of riparian areas. He considered providing a pathway for buildings and structures within riparian margins was not consistent with section 6(a) of the RMA in relation to recognising and providing for the preservation of natural character of wetlands, lakes and rivers and their margins.

181. Ms Young, for the Director General, supported the amendments to Policies NC-P1 and NC-P2, as proposed in the Director General's submission. She did not consider that buildings that have an operational need should be afforded the same level of leniency as buildings and structures that have a functional need. She highlighted riparian margins are sensitive areas and provide habitat for spawning threatened indigenous species. She considered avoiding buildings and structures that do not have a functional need in these areas was preferable and Policy NC-P3 should be retained as notified.

186. Ms Styles further reiterated to the Panel the need to be clear on what is being protected in Policy NC-P3. She requested the following amendments:

NC – P3

*Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these: a. Have a functional need or **operational need** for their location; and b. They are of a form and scale that will not adversely ~~effect~~ **affect** the **identified** natural character of the riparian area.*

206. In relation to **NC-P3**, the Panel disagree with Ms Easton's recommendation to add 'or operational needs' to clause (a) for the reasons discussed above in relation to NC-O3 and NC-P2.
207. The Panel agree with Ms Easton's recommended amendments to correct 'effect' by replacing it with 'affect' as sought by the Grey District Council; and to reject Westpower's suggested rewording to address this. The Panel also considers replacing 'area' with 'margin' in clause (b), as a RMA First Schedule clause 16(2) correction is appropriate for clarity. Similarly, the Panel accept Ms Easton's recommended wording additions clarify the intent to apply to both existing and new activities.

Appendix 3 – Names and addresses of persons to be served with a copy of this notice

**No other party further submitted on any relevant appeal points. TPPP as respondent is the only party served.*

TPPP Committee dedicated email address: info@tppp.nz