
SUBMISSION BY
GENESIS POWER LTD
ON
PROPOSED ONE PLAN

To: Horizons Regional Council
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Palmerston North

Submission on: Proposed One Plan

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1. Attached is Genesis Energy's submission to Horizons Regional Council's proposed One Plan.
 2. The specific provisions of the proposed plan that Genesis Energy's submission relates are shown in bold at the start of each section of this submission.
 3. The nature of Genesis Energy's submission is described under the headings "support/oppose" and "reason" in each section of this submission.
 4. The decisions sought by Genesis Energy are set out under the heading "Decision Sought" in each section of this submission. Wherever wording is proposed by Genesis Energy, it seeks the inclusion of such wording in the plan or words of like effect.
 5. Genesis Energy wishes to be heard in support of this submission.

GENESIS ENERGY'S SUBMISSION

1. Genesis Energy's Interests

Genesis Energy is a State Owned Enterprise, which came into existence when ECNZ was split on 1 April 1999.

Genesis Energy is both a generator and a retailer of electricity. Electricity generation assets include Huntly Power Station, the Tongariro, Waikaremoana and Kourarau Hydro Schemes, Te Awamutu Co-generation Plant, Kinleith Biomass Co-generation Plant and the Hau Nui Wind Farm.

Genesis Energy depends on the utilisation of natural and physical resources (water, land, air and structures) for the generation of hydro, thermal, and wind powered electricity. As such, Genesis Energy depends on and fully supports the sustainable management and efficient use of natural and physical resources as promoted by the Resource Management Act 1991 ("**RMA**").

Genesis Energy congratulates the Horizons Regional Council (the "**Council**") on the proposed One Plan and is generally in support of the policies, objectives, methods and rules contained within the document.

Genesis Energy's interest in the proposed One Plan is from the perspective of assessing the policy implications for existing operations such as the Tongariro Power Scheme ("**TPS**") as well as in relation to future renewable energy proposals.

2. Submission: Infrastructure, Energy and Waste

2.1 Objective 3-1: Infrastructure and energy

Resource use activities associated with the provision, maintenance and upgrading of infrastructure, and/or with the use of renewable energy, will be recognised and enabled.

Support.

Reasons for Submission

Genesis Energy supports this objective.

Decision Sought

Retain Objective 3-1.

2.2 Policy 3-1: Benefits of infrastructure

- (a) *All persons exercising functions and powers under the RMA shall recognise the following infrastructure within the Region as being physical resources of regional and national importance:*
- (i) *facilities for the generation of electricity where the electricity generated is supplied to the electricity grid and facilities and infrastructure to transmit the electricity generated into the electricity grid*
 - (ii) *the electricity grid, as defined by the Electricity Governance Rules 2003*
 - (iii) *the strategic road and rail network as defined in the Regional Land Transport Strategy*
 - (iv) *the Palmerston North Airport*
 - (v) *the RNZAF airfield in Ohakea*
 - (vi) *telecommunications and radiocommunications facilities*
 - (vii) *community wastewater and water treatment plants managed by Territorial Authorities.*
- (b) *In making decisions about the establishment, maintenance, alteration, upgrading, and expansion of infrastructure within the Region, including the infrastructure of regional and national importance listed in subsection (a), the benefits derived from the infrastructure at a local, regional and national level shall be taken into account.*
- (c) *Existing and future infrastructure shall be managed in a manner which achieves as much consistency across local authority boundaries as is reasonably possible.*

Support.

Reasons for Submission

Genesis Energy supports this policy.

Decision Sought

Retain Policy 3-1.

2.3 Policy 3-2: Adverse effects of other activities on infrastructure

Adverse effects from other activities on infrastructure shall be avoided by using the following mechanisms:

- (a) *ensuring that current infrastructure corridors are taken into account in all resource management decision-making, and any development that will adversely affect the efficiency or effectiveness of infrastructure within these corridors is avoided*

- (b) *ensuring that any new activities that will adversely affect the efficiency or effectiveness of infrastructure are not located near existing infrastructure, and that there is no change to existing activities that increases their incompatibility with existing infrastructure*
- (c) *notifying the owners or managers of infrastructure of consent applications that may adversely affect the infrastructure that they own or manage*
- (d) *giving effect to the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001), prepared under the Electricity Act 1992, when establishing rules and considering applications for buildings, structures, and other activities near overhead electric lines and conductors*
- (e) *ensuring that any planting does not interfere with existing infrastructure, including giving effect to the Electricity (Hazards from Trees) Regulations 2003 promulgated under the Electricity Act 1992 Infrastructure, Energy, and Waste 3-4 Proposed One Plan*
- (f) *Ensuring effective integration of transport and land-use planning in growth areas of the Region, including protecting the function of the strategic road and rail network.*

Support in Part.

Reasons for Submission

Genesis Energy submits that the reference to ‘avoiding’ effects is not consistent with Part II of the RMA which provides for remedying, or mitigating any adverse effects. This should be applied in the assessment of effects of other activities on infrastructure

Moreover, this policy could inhibit new renewable energy projects, for example wind farms, given the types of submissions being made about concerns with load variation from these energy sources (eg, as occurred at the Project Hayes hearings).

Decision Sought

Amend Policy 3-2 as follows:

Adverse effects from other activities on infrastructure shall be avoided, remedied or mitigated by using ~~the following~~ appropriate mechanisms, for example:

- (a) *ensuring that current infrastructure corridors are taken into account in all resource management decision-making, and any development that will adversely affect the efficiency or effectiveness of infrastructure within these corridors is avoided*
- (b) *ensuring that any new activities that will adversely affect the efficiency or effectiveness of infrastructure are not located near existing infrastructure, and that there is no change to existing activities that increases their incompatibility with existing infrastructure*
- (c) *notifying the owners or managers of infrastructure of consent applications that may adversely affect the infrastructure that they own or manage*

- (d) *giving effect to the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001), prepared under the Electricity Act 1992, when establishing rules and considering applications for buildings, structures, and other activities near overhead electric lines and conductors*
- (e) *ensuring that any planting does not interfere with existing infrastructure, including giving effect to the Electricity (Hazards from Trees) Regulations 2003 promulgated under the Electricity Act 1992 Infrastructure, Energy, and Waste 3-4 Proposed One Plan*
- (f) *Ensuring effective integration of transport and land-use planning in growth areas of the Region, including protecting the function of the strategic road and rail network.*

Alternatively, add wording which excludes the application of this policy to new electricity generation.

2.4 Policy 3-3: Adverse effects of infrastructure on the environment

When making decisions on consent applications regarding infrastructure, the adverse effects of infrastructure on the environment shall be managed in the following manner:

- (a) *Effects to be avoided – The following adverse effects of infrastructure shall be avoided to the same extent required of other types of activities:*
 - (i) *effects on waahi tapu, waahi tupuna and other sites of significance to Māori*
 - (ii) *effects on specified waterways valued for natural state and sites of significance (aquatic)*
 - (iii) *effects on rare and threatened habitats as defined in Chapter 7*
 - (iv) *effects on the outstanding natural features and landscapes identified in Chapter 7*
 - (v) *effects on protection zones in the coastal marine area as identified in Chapter 9*

unless functional constraints make this impossible, in which case adverse effects should be mitigated. Mitigation may include the use of financial contributions in accordance with the policies in Chapter 18. Note: This was an error in my document, not in the proposed plan.

- (b) *Other effects – All other adverse effects of infrastructure will be managed in a manner that tolerates minor adverse local effects and takes into account:*
 - (i) *the benefits of infrastructure, particularly the benefits of regionally or nationally important infrastructure*
 - (ii) *the integration of the infrastructure with land use (iii) the benefits to be derived from the use and development of renewable energy. A financial contribution may be sought in order to provide the option of*

offsetting or compensating for adverse effects, rather than requiring adverse effects to be avoided, remedied or mitigated, in accordance with the policies for financial contributions in Chapter 18 of this Plan.

Oppose in Part.

Reasons for Submission

There is the potential for existing infrastructure such as the TPS to be affected by this policy, whereby using the criteria listed in Schedule E, man made lakes such as Lake Otamangakau and Te Whaiiau could be categorised as Rare and Threatened Habitats. Lake Moawhango could also fall into this category. Rare and threatened habitats should only be assigned to naturally derived systems.

In addition the reference to 'avoiding' effects, which is not consistent with Part II of the RMA which also provides for remedying, or mitigating any adverse effects of activities on the environment.

Decision Sought

Amend Policy 3-3 as follows:

(a) Effects to be avoided, remedied or mitigated – The following adverse effects of infrastructure shall be avoided, remedied or mitigated to the same extent required of other types of activities:

- (i) *effects on waahi tapu, waahi tupuna and other sites of significance to Māori*
- (ii) *effects on specified waterways valued for natural state and sites of significance (aquatic)*
- (iii) *effects on rare and threatened habitats as defined in Chapter 7*
- (iv) *effects on the outstanding natural features and landscapes identified in Chapter 7*
- (v) *effects on protection zones in the coastal marine area as identified in Chapter 9*

unless functional constraints make this impossible, in which case adverse effects should be mitigated. Mitigation may include the use of financial contributions in accordance with the policies in Chapter 18. Note: This was an error in my document, not in the proposed plan.

(b) *Other effects – All other adverse effects of infrastructure will be managed in a manner that tolerates minor adverse local effects and takes into account:*

- (i) *the benefits of infrastructure, particularly the benefits of regionally or nationally important infrastructure*
- (ii) *the integration of the infrastructure with land use (iii) the benefits to be derived from the use and development of renewable energy. A financial contribution may be sought in order to provide the option of offsetting or compensating for adverse effects, rather than requiring*

adverse effects to be avoided, remedied or mitigated, in accordance with the policies for financial contributions in Chapter 18 of this Plan.

In addition Genesis Energy requests that Lakes Otamangakau, Te Whaiiau and Moawhango are excluded from Policy 3-3 as they are man made and are therefore not naturally occurring habitats.

2.5 Policy 3-4: Renewable Energy

- (a) *The development of renewable energy generation and use of renewable energy resources shall be preferred to the development and use of nonrenewable energy resources in policy development and resource consent decision making.*
- (b) *Local authority decisions and controls on land use should generally not restrict the use of small domestic-scale renewable energy production for individual domestic use.*

Oppose.

Reasons for Submission

Genesis Energy opposes this policy. New Zealand requires both renewable and non-renewable energy sources to ensure security of supply.

Decision Sought

Delete Policy 3-4 (a).

2.6 Policy 3-5: Energy Efficiency

- (a) *The efficient use of energy shall be taken into account in consent decision making processes for large users of energy.*
- (b) *Local authority decisions and controls on subdivision and housing, including layout of the site and layout of the lots in relation to other houses/subdivisions, should encourage energy-efficient house design and access to solar energy.*
- (c) *Local authority decisions and controls on subdivision and land use should ensure that sustainable transport options such as public transport, walking and cycling can be integrated into land use development.*

Support in Part.

Reasons for Submission

Genesis Energy supports this policy, but requests that the policy be amended to clarify that part (a) does not apply to the generation and transmission of electricity.

Decision Sought

Genesis Energy requests that the policy be amended to clarify that part (a) does not apply to the generation and transmission of electricity.

2.7 Methods

Many of the policies in this chapter will be implemented by Territorial Authorities in district plans and in decisions on resource consents and designations. The policies in this chapter will also be implemented by methods in other chapters in this Plan.

Oppose in Part.

Reasons for Submission

With respect to the policies relating to infrastructure and energy, in order to provide more clarity as to the weight of the policies and how the policies are to be implemented, clauses in the Methods section would prove to be valuable and is consistent with the general structure of other chapters in the Plan. This would also provide more continuity with other methods on implementation later in the plan.

Decision Sought

Genesis Energy requests that methods of implementation are added regarding infrastructure to provide more continuity to related methods and policies later in the plan.

3. Submission: Te Ao Maori

3.1 Policy 4-1: Hapū and iwi involvement in resource management

Kaitiakitanga and the relationship between hapū, iwi and ancestral taonga will be enabled and fostered through increased involvement in resource management including:

- (a) memoranda of partnerships to set clear relationship and communication parameters to address resource management objectives*
- (b) development of catchment-based forums for information sharing, planning and research*
- (c) development of hapū and iwi monitoring programmes*
- (d) assistance to facilitate iwi-based research, projects, seminars and training*
- (e) development of joint management agreements where appropriate*
- (f) recognising and taking into account iwi management plans lodged with Council*
- (g) involvement in consent decision-making processes.*

Oppose in Part.

Reasons for Submission

It is appropriate for Council to encourage, as opposed to requiring, these types of outcomes.

Specifying one type of arrangement is inappropriate - agreement would be required as to shape and content of any agreed outcome.

Joint management agreements are typically RMA mechanisms involving local authorities.

With respect to Policy 4-1 (g) it is unclear as to how and to what degree hapu and iwi will be involved in the consent decision making process. Although to some extent this is explained in the Methods section under Resource Consent Processes, this mainly relates to notified resource consent hearings.

Decision Sought

Genesis Energy requests:

Wording changes to address reflecting the above concerns as follows:

Kaitiakitanga and the relationship between hapū, iwi and ancestral taonga will be enabled and fostered through encouraging increased involvement in resource management including:

- (a) protocols or other types of arrangements ~~memoranda of partnerships~~ to set clear relationship and communication parameters to address resource management objectives
- (b) development of catchment-based forums for information sharing, planning and research
- (c) development of hapū and iwi monitoring programmes
- (d) assistance to facilitate iwi-based research, projects, seminars and training
- (e) development of joint management agreements with local authorities where appropriate
- (f) recognising and taking into account iwi management plans lodged with Council
- (g) involvement in consent decision-making processes.

Clarification as to how hapu and iwi will be involved in the consent decision making process, such as for non notified consents, or prior to a hearing taking place.

3.2 Policy 4-2: Waahi tapu, waahi tupuna and other sites of significance

- (a) *Waahi tapu, waahi tupuna and other sites of significance to Māori identified:*

- (i) *in district plans.*
- (ii) *as historic reserves under the Reserves Act 1977.*
- (iii) *as Māori reserves under the Te Ture Whenua Māori Act 1993.*
- (iv) *as sites recorded in the New Zealand Archaeological Association's Site Recording Scheme.*
- (v) *as registered sites under the Historic Places Act 1993.*

shall be protected from subdivision, use and development that would cause adverse effects on the qualities and features which contribute to the values of these sites.

- (b) *Sites not identified (for confidentiality and sensitivity reasons) by hapū and iwi under (a), above, shall be protected from potential damage or disturbance by:*
 - (i) *encouraging resource consent applicants, resource users or contractors to undertake early and meaningful consultation with hapū and iwi to develop damage minimisation protocols where it is likely that such sites might exist.*
 - (ii) *Regional Council facilitating the compilation of a database with hapū and iwi to map the locations of waahi tapu and other historic sites of special significance.*
 - (iii) *developing a code of practice whereby resource users and contractors have clear guidelines in the event rua koiwi or waahi tapu are discovered.*

Oppose in Part.

Reasons for Submission

With respect to Policy 4-2 (a) Genesis Energy considers the effective prohibition on effects is not consistent with the RMA.

With respect to Policy 4-2 (b)(i) Genesis Energy requests that clarification be provided in this clause to better facilitate the reciprocal transfer of information between parties to enable meaningful discussion to take place.

Decision Sought

Amend Policy 4-2 as follows:

- (a) *Waahi tapu, waahi tupuna and other sites of significance to Māori identified:*
 - (i) *in district plans.*
 - (ii) *as historic reserves under the Reserves Act 1977.*
 - (iii) *as Māori reserves under the Te Ture Whenua Māori Act 1993.*

- (iv) as sites recorded in the New Zealand Archaeological Association's Site Recording Scheme.
- (v) as registered sites under the Historic Places Act 1993.

shall be appropriately managed to recognise ~~protected from subdivision, use and development that would cause adverse effects on~~ the qualities and features which contribute to the values of these sites.

- (b) Sites not identified (for confidentiality and sensitivity reasons) by hapū and iwi under (a), above, shall be protected from potential damage or disturbance by:
 - (i) *Encouraging resource consent applicants, resource users or contractors to undertake early and meaningful consultation with hapū and iwi, ~~to develop such that cooperatively,~~ damage minimisation protocols are developed where it is likely that such sites might exist.*
 - (ii) Regional Council facilitating the compilation of a database with hapū and iwi to map the locations of waahi tapu and other historic sites of special significance.
 - (iii) developing a code of practice whereby resource users and contractors have clear guidelines in the event rua koiwi or waahi tapu are discovered.

3.3 Policy 4-3: Protection of mauri of waterbodies

- (a) *The Regional Council will protect the mauri of waterbodies by implementing Policy 4-1 a-g above and by restricting and suspending water takes in times of low flow consistent with Policy 6-21 in Chapter 6.*
- (b) *In exceptional circumstances the Regional Council will initiate a rahui - temporary cessation of resource activities (with the exception of public water supply) - on advice and guidance of hapū and iwi, to allow the necessary protocols to be carried out.*

Oppose.

Reasons for Submission

In terms of activities as identified in Policy 4-3 (a), a consequential change is required given the proposed changes to Policy 4.1 a-g.

Decision Sought

In Policy 4-3 (a) the policy reference should read Policy 6-19 in Chapter 6.

- (a) *The Regional Council will protect the mauri of waterbodies by encouraging the implementation ~~ing of~~ Policy 4-1 a-g above and by restricting and suspending water takes in times of low flow consistent with Policy 6-21 in Chapter 6.*

Delete Policy 4-3 (b) unless the specificity required by the RMA is provided.

3.4 Policy 4-4: Other environmental issues

Table 4.1 Environmental issues raised by hapū and iwi and how these will be addressed in the One Plan

<i>Resource issue of concern to hapū and iwi</i>	<i>Resource issue in the context of tikanga and Māori belief systems</i>	<i>Relevant part of One Plan where issue is addressed</i>
<i>(f) Water diversion from one catchment to another is culturally abhorrent.</i>	<i>On the topic of mixing waters hapū and iwi contention can be vastly complex. To gain deeper appreciation of this issue, refer to evidence presented during the Environment Court hearings on the Tongariro Power Development Scheme presented by Ngati Rangi (paragraph 130).</i>	<i>Water diversions Refer to rules regarding water diversion in Chapter 15 – Takes, Uses and Diversions of Water and Bores.</i>

Oppose.

Reasons for Submission

Diversion of water between different catchments is essential in ensuring the fundamental operation of the TPS. Table 4-1 (f) unnecessarily focuses on TPS when the intention of the table is to identify environmental issues important to hapu and iwi on a region wide basis.

Decision Sought

Remove the reference to the TPS in Table 4-1 (f).

3.5 4.5: Methods of Implementation

Project Name	Memorandum of Partnership (MoP)
Project Description	<i>The primary focus of this project is to improve working relationships with hapū and iwi of the Region to ensure hapū and iwi relationships with ancestral lands and taonga are protected. This would also allow direct hapū and iwi input to develop protocols with Regional Council directly to protect waahi tapu and other sites of significance without the need to disclose the location to the general</i>

	<i>public.</i>
Who	<i>Regional Council and the Region's hapū and iwi.</i>
Links to Policy	<i>This project links to Policies 4-1(a), 4-1(b), 4-1(c) and 4-1(d).</i>
Target	<i>To develop and implement three to four MoPs by 2010.</i>

Oppose in Part.

Reasons for Submission

It is unclear as to what protocols could be established in order to protect sites of significance, especially when this information may not be freely available to the general public.

Decision Sought

Enable more transparency in the identification of sites of significance to hapu and iwi by making this information available in accordance with Policy 4-2 (a).

4. Submission: Living Heritage

4.1 Objective 7-2: Landscapes and natural character

- (a) *The characteristics and values of the outstanding landscapes and natural features identified in Schedule F are protected.*
- (b) *Adverse effects, including cumulative adverse effects, on the natural character of the coastal environment, wetlands, and rivers, lakes and their margins are:*
- (i) *Avoided in areas with a high degree of naturalness, and*
 - (ii) *Avoided, remedied or mitigated in other areas.*

Oppose in Part.

Reasons for Submission

With respect to Objective 7-2 (b) (i), the use of the wording 'high degree of naturalness' is vague and subjective and could create difficulty in applying the objective consistently. In addition the reference to 'avoiding' adverse effects in areas with a high degree of naturalness is not consistent with Part II of the RMA which also provides for remedying, or mitigating any adverse effects of activities on the environment. This would in turn create difficulty in the interpretation of Objective 7-2 (b) (ii) in determining what would constitute an 'other area'.

Decision Sought

Delete Objective 7-2 (b).

4.2 Policy 7-7: Outstanding landscapes and natural features

The landscapes and natural features listed in Schedule F shall be recognised as outstanding. All subdivision, use and development affecting these areas shall be managed in a manner which—

- (a) Protects the characteristics and values specified in Schedule F for each landscape and natural feature, and*
- (b) Avoids any adverse effects, including cumulative adverse effects, on the existing degree of naturalness of each landscape and natural feature.*

Oppose.

Reasons for Submission

It is unclear in what form Policy 7-7 (a) seeks to protect the characteristics and values specified in Schedule F and whether certain types of development and use of outstanding landscapes is precluded by the Policy. As an example, Schedule F lists a number of ranges the Manawatu-Whanganui Region which may suitable sites for wind farms.

In addition the reference to 'avoiding' effects in 4-2 (b) is not consistent with Part II of the RMA, which also provides for remedying, or mitigating any adverse effects of activities on the environment

Decision Sought

Delete Policy 7-7.

4.3 Objective 7-1: Indigenous biological diversity

The existing level of indigenous biological diversity is maintained into the future by ensuring that:

- (a) rare and threatened habitats, as defined in Schedule E, are protected from activities that may cause any loss or modification to the representativeness, distinctiveness or ecological context of these areas.*
- (b) at-risk habitats, as defined in Schedule E, are maintained by ensuring that activities do not cause any significant adverse effects on their representativeness, distinctiveness or ecological context.*
- (c) the best representative examples of rare and threatened habitats and at risk habitats are proactively managed in order to improve their function.*

Oppose in Part.

Reasons for Submission

There is the potential for existing infrastructure such as the TPS to be affected by this policy, whereby using the criteria listed in Schedule E, man made lakes such as Lakes Otamangakau, Te Whaiu and Moawhango could be catagorised as Rare and

Threatened Habitats. Rare and threatened habitats should only be assigned to naturally occurring systems.

Decision Sought

Genesis Energy submits that Lakes Otamangakau, Te Whaiiau and Moawhango are excluded from Objective 7-1 as they are man made and are therefore not naturally occurring habitats.

4.4 Policy 7-2: Activities in Rare and Threatened Habitats

- (a) *Rare and threatened habitats are identified in accordance with Schedule E.*
- (b) *Rare and threatened habitats shall be protected by generally not allowing any of the following activities unless the provisions of subsection (c) or (d) apply:*
 - (i) *vegetation clearance or land disturbance within these areas*
 - (ii) *discharges of contaminants to land or water, or drainage or diversion of water, within or near these areas.*
- (c) *The activities described in subsection (b) will be allowed where they are for the purpose of pest control or habitat enhancement.*
- (d) *The activities described in subsection (b) may be allowed for other purposes where there are no more than minor adverse effects on the representativeness, rarity and distinctiveness or ecological context of the rare and threatened habitat, as assessed in accordance with Schedule E.*

Oppose in Part.

Reason for Submission

There is the potential for existing infrastructure such as the TPS to be affected by this policy, whereby using the criteria listed in Schedule E, man made lakes such as Lakes Otamangakau, Te Whaiiau and Moawhango could be categorised as Rare and Threatened Habitats. Rare and threatened habitats should only be assigned to naturally occurring habitats.

Important to the operation of TPS are the diversions and discharges of water related to Lakes Otamangakau and Te Whaiiau which could be directly affected by Policy 7-2.

Decision Sought

Genesis Energy submits that Lakes Otamangakau, Te Whaiiau and Maowhango are excluded from Policy 7-2 as they are man made and are therefore not naturally occurring habitats.

4.5 Policy 7-4: Proactive management of representative habitats

- (a) *The Regional Council will aim to improve the health and function of the best representative examples of rare and threatened habitats and at-risk habitats by working in partnership with relevant landowners to establish a plan for the proactive management of each of these areas by 2016.*
- (b) *For the purposes of subsection (a), separate programmes will be established for wetlands, bush remnants, native fish communities and coastal ecosystems.*
- (c) *The management plans under subsection (a) will generally address the following matters as a minimum:*
 - (i) *fencing and prevention of stock access*
 - (ii) *pest control*
 - (iii) *planting*
 - (iv) *agreed land uses*
 - (v) *work and materials to be provided by the Regional Council or a third party*
 - (vi) *financial assistance to be provided by the Regional Council or a third party*
 - (vii) *monitoring*
 - (viii) *legal options for ensuring longevity of the measures implemented.*

Support in Part.

Reasons for Submission

With respect to Policy 7-4 (c) (v) and (vi) Genesis Energy requests that these provisions be provided by agreement with the consent holder.

Decision Sought

Amend Policy 7-4 (c) (v) and (vi) as follows:

- (v) work and materials to be provided by the Regional Council or a third party by agreement with the consent holder
- (vi) financial assistance to be provided by the Regional Council or a third party by agreement with the consent holder

5. Submission: Land

5.1 Policy 5-3 Regulation of vegetation clearance and land disturbance on Highly Erodible Land

- (a) *Vegetation clearance and land disturbance, including excavation, filling, tracking and soil cultivation, shall generally not be allowed on Highly Erodible Land unless:*
- (i) *the activity will result in an environmental benefit, including improved land stability, enhanced water quality, or the establishment of indigenous plant species, or*
 - (ii) *the activity is undertaken in accordance with a whole farm business plan, or*
 - (iii) *the activity is for the purpose of establishing or maintaining a fenceline or other infrastructure and there is no reasonable alternative location, or*
 - (iv) *the activity is for the purpose of harvesting trees that were planted for commercial purposes prior to this plan becoming operative and the area will be replanted in production forestry species, or left to revert to indigenous vegetation cover, or*
 - (v) *the activity is for the purpose of establishing a commercial forestry operation that will operate in accordance with accepted industry standards, or*
 - (vi) *other exceptional circumstances apply.*
- (b) *Any vegetation clearance or land disturbance that is allowed on Highly Erodible Land shall not significantly increase the risk of erosion or land instability.*

Support.

Reasons for Submission

Genesis Energy supports Policy 5-3.

Decision Sought

Retain Policy 5-3

5.2 5.5 Methods

Project Name	Infrastructure Protection
Project Description	<i>The aim of this project is to reduce the erosion risk to, and caused by, infrastructure construction and maintenance. Infrastructure, such as roading, is a contributor to erosion, particularly through poor stormwater management, and is</i>

	<p><i>put at risk from erosion.</i></p> <p><i>Advice and information will be provided to infrastructure owners in the planning stages of new works, the carrying out of maintenance, and protection of existing networks from erosion risks. This project applies to all land types – hill country, plains, sand country and the coast.</i></p>
Who	<i>Horizons Regional Council, network owners (e.g. Transit), District Councils, forestry owners, landowners, power generators, and developers.</i>
Links to Policy	<i>This project links to Policies 5-4 and 5-5.</i>
Target	<i>The Regional Council will have formed working partnerships with all major infrastructure owners for the purposes of assessing and identifying options to avoid, reduce or mitigate erosion risks.</i>

Support.

Reasons for Submission

Genesis Energy supports Method 5.5 Infrastructure Protection.

Decision Sought

Retain Method 5-5 Infrastructure Protection.

6. Submission: Water

6.1 Objective 6-3: Water quantity and allocation

Water is managed to enable people, industry and agriculture to take and use water to meet their reasonable needs while ensuring that:

- (a) *For surface water:*
- (i) *minimum flows and allocation regimes are set for the purpose of maintaining the existing life-supporting capacity of rivers and providing for other values of rivers as necessary Water 6-8 Proposed One Plan*
 - (ii) *in times of water shortage, takes are restricted to those that are essential to the health or safety of people, communities or stock, and other takes are ceased*
 - (iii) *the amount of water taken from lakes does not compromise their existing life-supporting capacity (iv) the requirements of Water Conservation Orders and Local Water Conservation Notices are upheld.*

- (b) *For groundwater:*
- (i) *takes do not cause a significant effect on the long-term groundwater yield*
 - (ii) *groundwater takes that are hydrologically connected to rivers, lakes or wetlands are managed within the minimum flow and allocation regimes established for those waterbodies, or to protect their life-supporting capacity*
 - (iii) *the effects of a groundwater take on other groundwater takes are Managed*
 - (iv) *saltwater intrusion into coastal aquifers, induced by groundwater takes, is avoided.*
- (c) *In all cases, water is used efficiently.*

Oppose in Part.

Reasons for Submission

During times of water shortage, Genesis Energy considers hydro electric generation schemes should be included in the list of other essential water uses.

Decision Sought

Genesis Energy requests an amendment to Objective 6-3 (a) (ii): Water quantity and allocation as follows:

In times of water shortage, takes are restricted to those that are essential to the health or safety of people, hydro electric schemes, communities or stock, and other takes are ceased.

6.2 Policy 6-2: Water quality standards

Water quality standards relating to the values described in Policy 6-1 have been developed for each water management zone, as shown in Schedule D. The water quality standards in Schedule D shall be used for the management of surface water quality in the manner set out in Policies 6-3, 6-4 and 6-5.

Oppose in Part.

Reasons for Submission

Genesis Energy is concerned with respect to the imposition of water quality standards and the effect compliance with the standards will have on existing infrastructure such as TPS and future hydro electric schemes. As an example the water temperature standard does not appear to account for seasonal variations. As is implied, non compliance with the water quality standards could require changes to the operation of TPS and future hydro electric schemes which are important assets in supplying electricity to the National Grid.

Decision Sought

Amend Policy 6-2 as follows:

Water quality standards relating to the values described in Policy 6-1 have been developed for each water management zone, as shown in Schedule D. The water quality standards in Schedule D shall be used for the management of surface water quality in the manner set out in Policies 6-3, 6-4 and 6-5. For avoidance of doubt this policy does not apply to the effects on water quality of discharges from the operation and maintenance of hydro electric power generation infrastructure.

6.3 Policy 6-3: Ongoing compliance where water quality standards are met

- (a) *In each case where the existing water quality meets the relevant water quality standard within a water management zone, as shown in Schedule D, activities shall be managed in a manner which ensures that the water quality standard continues to be met.*
- (b) *For the avoidance of doubt, subsection (a) applies:*
 - (i) *in circumstances where the existing water quality of a water management zone meets all of the water quality standards for the zone (in which case subsection (a) applies to every water quality standard for the zone)*
 - (ii) *in circumstances where the existing water quality of a water management zone meets some of the water quality standards for the zone (in which case subsection (a) applies only to those standards met).*

Oppose in Part.

Reasons for Decision

See comment relating to Policy 6-2.

Decision Sought

Add a new clause to Policy 6-3 as follows:

- (c) Policy 6-3 does not apply to the effects on water quality of water discharges from the operation and maintenance of hydro electric power generation infrastructure.

6.4 Policy 6-4 Enhancement where water quality standards are not met

- (a) *In each case where the existing water quality does not meet the relevant water quality standard within a water management zone, as shown in Schedule D, activities shall be managed in a manner which enhances Water Proposed One Plan 6-11 water quality in order to meet the water quality standard for the water management zone shown in Schedule D.*
- (b) *For the avoidance of doubt, subsection (a) applies:*

- (i) *in circumstances where the existing water quality of a water management zone does not meet any of the water quality standards for the zone (in which case subsection (a) applies to every water quality standard for the zone)*
- (ii) *in circumstances where the existing water quality of a water management zone does not meet all of the water quality standards for the zone (in which case subsection (a) applies only to those standards not met).*

Oppose in Part.

Reasons for Decision

See comment relating to Policy 6-2.

Decision Sought

Add a new clause to Policy 6-4 as follows:

- (c) Policy 6-4 does not does not apply to the effects on water quality of water discharges from the operation and maintenance of hydro electric power generation infrastructure

6.5 Policy 6-5: Management of activities in areas where existing water quality is unknown

- (a) *In each case where there is insufficient data to enable a comparison of the existing water quality with the relevant water quality standard as shown in Schedule D, activities shall be managed in a manner which:*
 - (i) *maintains or improves the existing water quality*
 - (ii) *has regard to the likely effect of the activity on the values identified for the relevant water management zone*
 - (iii) *has regard to relevant information about the existing water quality in upstream or downstream water management zones, where such information exists.*
- (b) *For the avoidance of doubt, subsection (a) applies:*
 - (i) *in circumstances where there is insufficient data to enable a comparison of the existing water quality with any of the water quality standards for a water management zone (in which case subsection (a) applies to every water quality standard for the zone)*
 - (ii) *in circumstances where there is insufficient data to enable a comparison of the existing water quality with all of the water quality standards for a water management zone (in which case subsection (a) applies only to those standards with insufficient data).*

Oppose in Part.

Reasons for Submission

See comment relating to Policy 6-2.

Decision Sought

Add a new clause to Policy 6-5 as follows:

- (c) Policy 6-5 does not does not apply to the effects on water quality of water discharges from the operation and maintenance of hydro electric power generation infrastructure.

6.6 Policy 6-8: Point source discharges to water

- (a) *The management of point source discharges into water shall recognise and provide for the strategies for surface water quality management set out in Policies 6-3, 6-4 and 6-5 after reasonable mixing, while having regard to:*
- (i) *the degree to which the activity will adversely affect the values identified for the relevant water management zone(s)*
 - (ii) *whether the discharge in combination with other discharges will cause the water quality standards set in Schedule D to be breached*
 - (iii) *the extent to which the activity is consistent with best management practices*
 - (iv) *the need to allow reasonable time to achieve any required improvements.*
- (b) *The Regional Council may make an exception to subsection (a) where:*
- (i) *in the case of discharges, the discharge is of a temporary nature or is associated with necessary maintenance work and the discharge cannot practicably be avoided*
 - (ii) *adverse effects can be fully offset by way of a financial contribution in accordance with Chapter 18*
 - (iii) *it is appropriate to adopt the best practicable option*
 - (iv) *other exceptional circumstances apply and it is consistent with the purpose of the RMA to do so.*

Oppose in Part.

Reasons for Submission

See comment relating to Policy 6-2.

Decision Sought

Add a new clause to Policy 6-8 as follows:

- (c) Policy 6-8 does not does not apply to the effects on water quality of water discharges from the operation and maintenance of hydro electric power generation infrastructure

6.7 Policy 6-16: Core water allocation and minimum flows

- (a) *The taking of surface water shall be managed in accordance with the minimum flows and core allocations set out for each water management zone in Schedule B.*
- (b) *The minimum flows and core allocations set out in Schedule B shall be assessed after any takes for hydro electricity generation have been taken. The only exception to this will be the hydro electricity takes from Zone Whau_3c.*

Support.

Reasons for Submission

Genesis Energy supports water minimum flows and core allocations being assessed after any takes for hydro electricity schemes have been taken.

Decision Sought

Retain Policy 6-16 Core water allocation and minimum flows.

6.8 Policy 6-19: Apportioning, restricting and suspending takes in times of low flow

During times of low flow, takes from rivers shall be managed in the following manner:

- (a) *Permitted takes – Takes that are permitted by this Plan (surface water and groundwater takes) or are for fire-fighting purposes shall be allowed to continue regardless of river flow.*
- (b) *Essential takes – The following core water allocation takes shall be deemed essential and shall be managed in the manner described.*
- (iv) *takes greater than permitted by this Plan (and therefore subject to resource consent) that are required to meet an individual's reasonable domestic needs or the reasonable needs of an individual's animals for drinking water shall be allowed to continue regardless of river flow*
- (v) *takes required to meet the reasonable needs of hospitals, other facilities providing medical treatment, marae, schools or other education facilities, or correction facilities shall be allowed to continue regardless of river flow*
- (vi) *takes required for the operation of industries which, if their take were to cease, would significantly compromise a community's ability to provide for its social, economic or cultural well-being or for its health or safety shall be allowed to continue regardless of river flow, but shall*

be required to minimise the amount of water taken to the extent reasonable

- (vii) *public water supply takes shall be restricted to a total public water consumption calculated as follows:*
 - (A) *an allocation of 250 litres per person per day for domestic needs, plus*
 - (B) *an allocation for commercial use equal to 20% of the total allocation for domestic needs, plus*
 - (C) *an allocation which meets the reasonable needs of those facilities and industries listed under subsections (b)(ii) and (b)(iii) where such facilities and industries are connected to the public water supply system, plus*
 - (D) *any allocation necessary to cater for the reasonable needs of livestock that are connected to the public water supply system, plus*
 - (E) *an allocation for leakage equal to 15% of the total of subsections (A) to (D) above.*
- (c) *Non-essential takes – Other core water allocation takes, including irrigation takes but excluding the essential takes described under subsection (b), shall be managed in the following manner:*
 - (i) *water takes shall be required to cease when the river drops below its minimum flow, as set out in Policy 6-16*
 - (ii) *water takes shall be allowed to recommence once the river flow has risen above its minimum flow.*
- (d) *Meaning of ‘core water allocation take’ – For the purposes of this policy, a core water allocation take means a take that has been granted consent in accordance with a core water allocation made under Policy 6-16, or in accordance with a previous core water allocation regime.*

Support in Part.

Reasons for Submission

Genesis Energy seeks clarification that hydro electricity takes are exempt from the ‘core water allocation take’ as stated in Policy 6-16 and therefore is not subject to the restriction and suspension of takes during times of low flow.

Decision Sought

Genesis Energy requests that clarification is provided that hydro electricity takes are exempt from Policy 6-19.

6.9 Policy 6-28: Activities in waterbodies with a value of Natural State, Sites of Significance - Cultural, or Sites of Significance – Aquatic

In those water management zones with a value of Natural State, Sites of Significance - Cultural, or Sites of Significance - Aquatic, as shown in Schedule D, activities in, on, under or over the beds of rivers and lakes shall be managed in a manner which:

- (a) avoids adverse effects on these values*
- (b) maintains the habitat and spawning requirements of the species identified in Schedule D as being significant within the subject water management zones.*

Oppose.

Reasons for Submission

There is the potential for existing infrastructure such as TPS and future hydro electricity schemes to be affected by this policy, particularly the reference ‘avoiding’ effects, which is not consistent with Part II of the RMA which also provides remedying, or mitigating any adverse effects of activities on the environment.

Decision Sought

Amend Policy 6-28 (a) as follows:

Avoids, remedies or mitigates adverse effects on these values.

7. Submission: Land Use Activities and Land Based Biodiversity

7.1 Policy 12-4: Large-scale consents

For vegetation clearance and land disturbance activities that are widespread and undertaken by a single consent holder including, but not limited to:

- (a) common activities of network utility operators*
- (b) forestry operations*

the Regional Council will consider granting consents that are region-wide or cover large areas, provided any such consents are subject to conditions and/or review provisions enabling site-specific concerns to be addressed as necessary.

Support.

Reasons for Submission

Genesis Energy supports Policy 12-4.

Decision Sought

Retain Policy 12-4.

7.2 12-8 Activities within rare and threatened habitats including wetlands: Non Complying Activity

Any of the following activities within a rare or threatened habitat:

- (a) vegetation clearance*
- (b) land disturbance*
- (c) discharges of contaminants into water, or into or onto land*
- (d) diversions of water, including for the purpose of wetland drainage.*

This rule does not apply to the activities described in subsections (a) to (d) in circumstances where:

- (e) they are carried out for the purposes of controlling pests pursuant to a pest management strategy prepared under the Biosecurity Act 1993, or*
- (f) they are carried out for the purposes of protecting or enhancing a rare or threatened habitat, or*
- (g) they are classified as a non-complying or prohibited activity under another rule in which case the other rules of this Plan relevant to the activities apply.*

Oppose.

Reasons for Submission

There is the potential for existing infrastructure such as the TPS to be affected by this policy, whereby using the criteria listed in Schedule E, man made lakes such as Lakes Otamangakau, Te Whaiu and Moawhango could be categorised as Rare and Threatened Habitats. Rare and threatened habitats should only be assigned to naturally occurring systems.

As can be seen from the 12-8, this is a particular concern for Genesis Energy as if Lakes Otamangakau Te Whaiu and Moawhango can be identified as being rare and threatened habitats, many activities associated with the operation of TPS would become non-complying.

Decision Sought

Genesis Energy submits that Lakes Otamangakau, Te Whaiu and Moawhango are excluded from Rule 12-8 as they are man made and are therefore not naturally occurring habitats.

8. Submission: Discharges to Land and Water

8.1 13-9: Discharges of water to water. Permitted Activity

The discharge of water into water (excluding drainage water which is regulated by Rules 15-9 and 15-10).

Conditions:

- (a) *The discharge shall not cause or exacerbate the flooding of any neighboring property.*
- (b) *The discharge shall not cause any scouring or erosion of any land or waterbody beyond the point of discharge.*
- (c) *The discharge shall not alter the natural course of any waterbody.*
- (d) *The discharge shall not be to any wetland which is considered a rare habitat* or threatened habitat* as identified in Schedule E (discharges into these areas are controlled as non-complying activities under Rule 12-2).*
- (e) *The discharge shall not, after reasonable mixing*, change the natural temperature of the receiving water by more than the maximum temperature or temperature change specified by the water quality standards for the water management zone listed in Schedule D.*

Oppose.

Reasons for Submission

In Condition (d) attached to Rule 13-9, One Plan states that the discharge shall not be into any wetland that that is considered to be rare and threatened habitat as identified in Schedule E. If this is the case then the discharge consent is assessed as a Non Complying activity in Rule 12-2 (should read 12-8).

Further, if compliance with Condition (d) can be achieved (where the receiving environment is not classified as a rare and threatened habitat) non-compliance with Condition (e) will result in the discharge being assessed as a discretionary activity under Rule 13-27.

Decision Sought

Genesis Energy requests the creation of a Controlled activity Rule for discharges of water to water from hydro electricity scheme infrastructure not able to comply with the conditions specified in Rule 13-9. This would recognise the importance of future hydro electricity schemes and existing TPS infrastructure while giving the Council some control by way of consent conditions.

8.2 13-23: Discharges to Natural State water management zones, Sites of Significance – aquatic and lakes and wetlands. Non Complying Activity.

Any direct discharge of contaminants into:

- (a) *a Natural State water management zone*
- (b) *a waterbody identified as a Site of Significance – Aquatic in Schedule D*
- (c) *a natural lake, except Lake Otamangakau, Lake Te Whaiiau and Lake Moawhango*

- (d) *a wetland classified as a rare or threatened habitat except the discharge of agrichemicals for the purpose of controlling pests (this activity is regulated by Rule 14-2).*

Oppose.

Reasons for Submission

With respect to existing and future discharges of stormwater and discharges of contaminants from authorised operations, it is onerous for discharges into Natural State water management zones, Sites of Significance – aquatic and lakes and wetlands to be assessed as non complying activities. Although this Rule does make exempt Lakes Otamangakau, Te Whaiiau and Moawhango, it does not recognise discharges from other existing infrastructure such as TPS as well as discharges from future hydro electricity schemes and the role they would play in supplying electricity to the National Grid.

Decision Sought

Add a new clause to Rule 13-23 as follows:

- (e) This Rule does not apply to discharges associated with maintenance of authorised structures and for existing stormwater discharges.

9. Submission: Takes, Uses and Diversions of Water and Bores

9.1 15-5 Takes and uses of surface water complying with core allocations. Controlled Activity

The taking and use of surface water from a river pursuant to s 14(1) RMA, except where the water take is controlled under Rule 13-1.

- (a) *The take shall not be from those rivers protected under Rule 15-7.*
- (b) *Water shall only be taken when the river is at or above its minimum flow, as assessed in accordance with Schedule B.*
- (c) *The amount of water taken, when assessed in combination with all other water takes within the same water management zone, shall not exceed the relevant core allocation set out for water management zones in Schedule B.*
- (d) *The amount of water taken, when assessed in combination with all other water takes within the same catchment, shall not exceed the cumulative allocation for each water management zone in the same catchment.*
- (e) *The take shall not lower the water level in any wetland that is a rare or threatened habitat.*

Support.

Reasons for Submission

Genesis Energy supports takes and uses of surface water complying with core allocations being assessed as a Controlled Activity.

Decision Sought

Retain Rule 15-5.

9.2 15-6 Takes of surface water not complying with core allocations. Non Complying Activity

The taking of surface water from a river which, when assessed in combination with all other water takes, exceeds the relevant core allocation set out in Schedule B.

This rule does not include:

- (a) takes permitted under Rule 15-1*
- (b) takes in circumstances where water is only taken when the river flow is greater than the median flow (these are a discretionary activity under Rule 15-8)*
- (c) lawfully established takes for hydroelectricity generation (these are discretionary activities under Rule 15-8).*

Oppose .

Reasons for Submission

Assigning a non complying activity status to all water take applications not complying with core allocations, or for new diversions which are in rare or threatened habitats does not allow the benefits to be derived from new hydro electricity schemes which are non consumptive in nature and as renewable energy sources, are provided for in Chapter 3 of the proposed Plan. In addition, lawfully established takes for hydro electricity generation should be recognised as infrastructure of importance and subsequently assigned a less onerous activity status.

Decision Sought

Genesis Energy requests that a new Rule is created for surface water take applications for new and existing hydro electricity schemes to be assessed as Controlled Activities.

9.3 15-9 Lawfully established diversions, including existing drainage. Permitted Activity

The take, diversion and discharge of surface water and any associated damming of water, or discharge of sediment or other contaminants in the water into water or onto or into land pursuant to s 14(1) and s 15(1) RMA arising from:

- (a) a diversion that was lawfully established prior to this rule becoming operative,
or*

- (b) *a diversion that has been lawfully established by way of resource consent after the operative date of this rule including diversions associated with the operation of existing drainage networks.*

Rule Guide: This rule means that, once diversions have been lawfully established, including diversions for land drainage purposes, their continued operation is permitted under this rule. No ongoing consent is required for the operation of existing diversions provided the conditions of this rule are met.

Conditions:

- (a) *The diversion or discharge shall be to the same water management sub-zone to which the water would naturally flow, except diversions associated with existing land drainage.*
- (b) *Effects on land instability, erosion risk, flooding and soil resources (including drained peat soils) shall remain the same as or similar in character, intensity and scale to those which existed before this rule became operative.*
- (c) *The diversion shall not prevent the passage of fish in waterbodies containing fish.*
- (d) *For diversions lawfully established by way of a resource consent, the diversion shall continue to comply with all conditions of the consent.*

Oppose in Part.

Reasons for Submission

With reference to Rule 15-9 Condition (a) diversion of water between different catchments is essential in ensuring the fundamental operation of the TPS. Condition (a) does not recognise the important role TPS plays in that it is existing infrastructure supplying renewable electricity generation to the National Grid.

Decision Sought

Amend Rule 15-9 Condition (a) as follows:

- (a) *The diversion or discharge shall be to the same water management sub-zone to which the water would naturally flow, except diversions associated with existing land drainage or existing lawfully established diversions that will continue to comply with the associated resource consent conditions.*

9.4 15-11 New diversions. Permitted Activity

The following activities where they are associated with the establishment and operation of a new diversion, except as expressly provided for by other rules within this Plan:

- (a) *the take, diversion and discharge of water and any associated damming of water pursuant to s 14(1) and s 15(1) RMA*
- (b) *any associated discharge of sediment or other contaminants in the water into water or onto or into water pursuant to s 15(1) RMA*

- (c) *any associated excavation or disturbance of a riverbed pursuant to s 13(1) RMA.*

Conditions:

- (a) *The activity shall involve:*
- (i) *a diversion of groundwater*
 - (ii) *a diversion from or within an artificial watercourse*
 - (iii) *a diversion from or within an existing drain that is considered to fall under the RMA definition of “river”, or*
 - (iv) *a diversion wholly contained within the bed of a river provided the diversion is no more than two times the bed width of the river in any 2-km length of river in any 12-month period.*
- (b) *The activity shall not involve the diversion of water associated with new drainage.*
- (c) *The diversion shall not be located within 200 m of any wetland that is a rare or threatened habitat* and shall not lower the water level in any wetland that is a rare or threatened habitat*.*
- (d) *The diversion shall not increase land instability or the risk of erosion.*
- (e) *The diversion shall not cause or contribute to flooding on any other property*.*
- (f) *The diversion shall not adversely affect any lawfully established take which existed at the time that the diversion commenced.*
- (g) *The diversion shall not prevent the passage of fish in waterbodies containing fish.*
- (h) *The diversion shall not be undertaken without the prior written approval of authorities responsible for any infrastructure located in, on, under or over the bed within 1 km upstream or downstream of the diversion.*
- (i) *Any realigned bed shall have at least the same capacity as the original bed to carry the diverted flow.*

Oppose in Part.

Reasons for Submission

With respect to Rule 15-11 Condition (c), new diversions within 200 m of any wetland that is a rare or threatened habitat or which lowers the water level in any wetland that is a rare or threatened habitat, will be assessed as discretionary activities.

There is the potential for existing infrastructure such as the TPS to be affected by this policy, whereby using the criteria listed in Schedule E, man made lakes such as Lakes Otamangakau, Te Whaiiau and Moawhango could be categorised as Rare and Threatened Habitats. Rare and threatened habitats should only be assigned to naturally occurring habitats.

Decision Sought

Genesis Energy requests that the areas excluded from the provisions of Rule 15-11 be limited to naturally occurring habitats, and should not exclude man-made habitats or habitats created by human activity. In particular, Lakes Otamangakau, Te Whaiu and Moawhango should be specifically excluded from Rule 15-11 as they are man made and are therefore not naturally occurring habitats.

10. Submission: Structures and Activities involving the Beds of Rivers, Lakes and Artificial Watercourses and Damming

10.1 16-4 Structures and disturbances involving waterbodies valued as Natural State, Sites of Significance - Aquatic, and Sites of Significance – Cultural. Discretionary

Any of the following activities pursuant to s 13(1) RMA:

- (a) *Natural State waterbodies*
 - (i) *The erection, placement or extension of any structure in, on, under or over the bed of a river or lake valued as Natural State (including lines, cables pipelines and ropeways)*
 - (ii) *Any excavation, drilling, tunnelling or other disturbance of the bed of a river or lake valued as Natural State*
- (b) *Sites of Significance - Aquatic and Sites of Significance - Cultural waterbodies*
 - (i) *The erection, placement or extension of any structure in or on the bed of a river or lake valued as a Site of Significance - Aquatic or Site of Significance - Cultural, except for those activities listed in (c) and (d)*
 - (ii) *Any excavation, drilling, tunnelling or other disturbance of the bed of a river or lake valued as a Site of Significance - Aquatic or Site of Significance - Cultural, except for those activities listed in (c) and (d).*

This rule does not include:

- (c) *lines, cables, pipelines and ropeways within a river or lake valued as a Site of Significance - Aquatic or Site of Significance - Cultural (these are regulated by Rule 16-10), or*
- (d) *activities involving a Site of Significance - Aquatic within a flood control or drainage scheme, provided the activities are undertaken by the Regional Council in accordance with the Environmental Code of Practice for River Works, Horizons Regional Council April 2007 (these activities are regulated by Rule 16-13).*

Oppose.

Reasons for Submission

It is likely a number of watercourses or rivers throughout the Region will exhibit one or more of the values listed under Rule 16-4 meaning any new structures would be assessed as Discretionary Activities. This is quite an onerous test and could discourage new hydro electricity generation where viable sites may exist.

Decision Sought

Delete Rule 16-4.

10.2 16-5 Use of structures. Permitted Activity

The use of a structure located in, on, under or over the bed of a river or lake pursuant to s 13(1) RMA, and any associated:

- (a) *damming or diversion of water pursuant to s 14(1) RMA, excluding the damming of water associated with dam structures (which is regulated by the rules in Section 16.5)*
- (b) *discharge of sediment or water pursuant to s 15(1) RMA. For the avoidance of doubt, this rule includes the “use” of a dam structure, but excludes the damming of water by a dam structure (under s 14(1) RMA).*

Support.

Reasons for Submission

Genesis Energy supports this Rule.

Decision Sought

Retain Rule 16-5.

10.3 Maintenance and repair of structures, and associated removal of bed material and plants. Permitted Activity

- (a) *Structures - The maintenance or repair of a structure located in, on, under or over the bed of a river or lake pursuant to s 13(1) RMA, and any associated:*
 - (i) *disturbance of the river or lake bed pursuant to s 13(1) RMA*
 - (ii) *damming or diversion of water pursuant to s 14(1) RMA*
 - (iii) *discharge of water or sediment pursuant to s 15(1) RMA.*
- (b) *Associated removal of bed material and plants - The removal of bed material or plants pursuant to s 13(1) or s 13(2) RMA for the purpose of maintaining the functional integrity of a structure located in, on, under or over the bed of a river or lake, including flushing accumulated bed material, and any associated:*
 - (i) *damming or diversion of water pursuant to s 14(1) RMA*

- (ii) *discharge of water or sediment pursuant to s 15(1) RMA*
- (iii) *deposition of removed bed material or plants in or on the bed pursuant to s 13(1) RMA*
- (iv) *discharge of removed bed material or plants onto or into land pursuant to s 15(1) RMA.*

Support.

Reasons for Submission

Genesis Energy supports this Rule.

Decision Sought

Retain Rule 16-6.

10.4 16-9 Other existing dams. Controlled Activity

Any lawfully established damming of water within a river, within an artificial watercourse or on land, and any associated taking, diversion or discharge of water that is part of the normal operation of the dam, pursuant to s 14(1) and s 15(1) RMA, except as permitted by Rule 16-8.

Oppose.

Reasons for Submission

Genesis Energy opposes this Rule and requests that lawfully established dams be assessed as a permitted activity.

Decision Sought

Genesis Energy requests that other existing dams be assessed as a permitted activity.

10.5 16-10 Lines, cables, pipelines and ropeways. Permitted Activity

The erection, reconstruction, placement, alteration, or extension of a line, cable, pipeline or ropeway in, on, under or over the bed of a river or lake pursuant to s 13(1) RMA, and any associated:

- (a) *disturbance of the river or lake bed pursuant to s 13(1) RMA,*
- (b) *damming or diversion of water pursuant to s 14(1) RMA*
- (c) *discharge of water or sediment pursuant to s 15(1) RMA.*

Conditions:

- (a) *The line or cable and any associated support structures shall either:*

- (i) *be wholly located over or under the bed of the waterbody, or*
- (ii) *occupy no more than 20 m2 of the bed of the waterbody.*
- (b) *The activity shall not take place in a Natural State* waterbody.*
- (c) *The activity shall comply with the standard conditions listed in Section 16.2.*

Oppose in Part.

Reasons for Submission

Genesis Energy notes that non compliance with any of the conditions in Rule 16-10 results in the proposed activity being assessed as a Discretionary Activity under Rule 16-20. Genesis Energy submits that a Controlled Activity rule be created where the Council can exercise control over matters such as the Conditions listed in Rule 16-10. If further non compliance results then the proposed activity can be assessed as Discretionary.

Decision Sought

Genesis Energy requests a Controlled Activity Rule for lines, cables, pipelines and ropeways where the Council is able to exercise Control over matters listed in Rule 16-10.

10.6 16-11 Culverts. Permitted Activity

The erection, reconstruction, placement, alteration, or extension of a culvert in, on, under or over the bed of a river or lake pursuant to s 13(1) RMA and any associated:

- (a) *disturbance of the river or lake bed pursuant to s 13(1) RMA*
- (b) *damming or diversion of water pursuant to s 14(1) RMA*
- (c) *discharge of water or sediment pursuant to s 15(1) RMA.*

Conditions:

- (a) *No new culvert shall be erected or placed in:*
 - (i) *a river or lake regulated under Rule 16-2*
 - (ii) *a river or lake regulated under Rule 16-4*
 - (iii) *a waterway managed by the Regional Council within a flood control or drainage scheme, unless the work is undertaken by the Regional Council*
 - (iv) *a waterway within an urban area, unless the work is undertaken by a Territorial Authority.*
- (b) *There shall be only one culvert per crossing.*

- (c) *The culvert, associated fill and culvert placement shall comply with the following dimensions:*
 - (i) *a maximum culvert length of 20 metres*
 - (ii) *a culvert diameter between 0.3 m and 1.2 metres*
 - (iii) *a culvert width equal to or greater than the average width of the wetted part of the channel at the location where the culvert intersects the bed*
 - (iv) *a maximum fill height above the culvert of 2 metres*
 - (v) *a minimum culvert installation depth below the bed of 0.3 m or 20% of the width of the culvert, whichever is the lesser.*
- (d) *The culvert shall be positioned so that its alignment and gradient are the same as the subject waterway.*
- (e) *The culvert shall be constructed to allow:*
 - (i) *the flow from a 5% annual exceedence probability (20-year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway*
 - (ii) *the flow from a 2-year return period flood event without any flow impediment.*
- (f) *The culvert inlet and outlet shall be protected against erosion.*
- (g) *All practicable steps shall be used to minimise the release of sediment during construction.*
- (h) *The culvert shall be constructed and maintained to avoid any aggradation or erosion of the bed.*
- (i) *The culvert shall be kept clear of accumulated debris.*
- (j) *The activity shall comply with the standard conditions listed in Section 16.2.*

Oppose in Part.

Reasons for Submission

Genesis Energy notes that non compliance with any of the conditions in Rule 16-11 results in the proposed activity being assessed as a Discretionary Activity under Rule 16-20. Genesis Energy submits that a Controlled Activity rule be created where the Council can exercise control over matters such as the Conditions listed in Rule 16-11. If further non compliance results then the proposed activity can be assessed as Discretionary.

Decision Sought

Write a Controlled Activity Rule for culverts where the Council is able to exercise Control over matters listed in Rule 16-11.

10.7 16-12 Other structures including bridges, fords and other access structures. Permitted Activity

The erection, reconstruction, placement, alteration, or extension of any structure that is not regulated by any other rule in, on, under or over the bed of a river or lake pursuant to s 13(1) RMA and any associated:

- (d) disturbance of the river or lake bed pursuant to s13(1) RMA,*
- (e) damming or diversion of water pursuant to s14(1) RMA, or*
- (f) discharge of water or sediment pursuant to s15(1) RMA.*

Conditions:

- (a) No new structure shall be erected or placed in:
 - (i) a river or lake regulated under Rule 16-2*
 - (ii) a river or lake regulated under Rule 16-4*
 - (iii) a waterway managed by the Regional Council within a flood control or drainage scheme, unless the work is undertaken by the Regional Council*
 - (iv) a waterway within an urban area, unless the work is undertaken by a Territorial Authority.**
- (b) For bridges and other access structures, except fords, located in or on the bed of a river or lake, the catchment area above the structure shall be no greater than 200 hectares.*
- (c) For all structures located in or on the bed of a river or lake, the structure shall occupy a bed area no greater than 20 m² except for whitebait and maimai structures which shall not exceed 5 m².*
- (d) The structure shall be constructed and maintained to avoid any aggradation or scouring of the bed that may inhibit fish passage.*
- (e) The activity shall comply with the standard conditions listed in Section 16.2.*

Oppose in Part.

Reasons for Submission

Genesis Energy notes that non compliance with any of the conditions in Rule 16-12 results in the proposed activity being assessed as a Discretionary Activity under Rule 16-20. Genesis Energy submits that a Controlled Activity rule be created where the Council can exercise control over matters such as the Conditions listed in Rule 16-12. If further non compliance results then the proposed activity can be assessed as Discretionary.

Decision Sought

Write a Controlled Activity Rule for structures where the Council is able to exercise Control over matters listed in Rule 16-12.

10.8 16-15 Small-scale gravel extraction. Permitted Activity

The excavation, tunnelling or other disturbance of the bed of a river (but not lake) for the purpose of removing gravel and other bed material, pursuant to s 13(1) RMA.

Conditions:

- (a) The activity shall not take place in a river or lake regulated under Rule 16-2 or Rule 16-4.*
- (b) The amount of gravel and bed material removed shall not exceed 50 m³ in any 12-month period.*
- (c) No excavation shall take place within 500 m upstream or 1 km downstream of any flow recording site.*
- (d) The gravel or other material shall be removed from an area of riverbed that is not covered by water at the time of extraction.*
- (e) The activity shall comply with the standard conditions listed in Section 16.2.*

Support in Part.

Reasons for Submission

Genesis Energy requests that the wording be amended to more accurately reflect the Rule does not apply to small scale grave extraction within naturally occurring lakes.

Decision Sought

Amend Rule 16-15 as follows:

The excavation, tunnelling or other disturbance of the bed of a river (but not a naturally occurring lake) for the purpose of removing gravel and other bed material, pursuant to s 13(1) RMA.

10.9 16-16 Other minor bed disturbances. Permitted Activity

Except as regulated by other rules, the excavation, drilling, tunnelling or other disturbance of the bed of a river (but not lake) pursuant to s 13(1) RMA and any associated:

- (a) damming or diversion of water pursuant to s 14(1) RMA, or*
- (b) discharge of sediment pursuant to s 15(1) RMA.*

This rule does not include gravel extraction.

Conditions:

- (a) The activity shall not take place in a river regulated under Rule 16-2 or Rule 16-4.*
- (b) The activity shall comply with the standard conditions listed in Section 16.2.*

Support in Part.

Reasons for Submission

Genesis Energy requests that the wording be amended to more accurately reflect the Rule does not apply to bed disturbance within naturally occurring lakes.

Decision Sought

Amend Rule 16-16 as follows:

Except as regulated by other rules, the excavation, drilling, tunnelling or other disturbance of the bed of a river (but not a naturally occurring lake) pursuant to s 13(1) RMA and any associated:

10.10 16-18 Minor activities involving the beds of artificial watercourses. Permitted Activity

Any:

- (a) damming or diversion of water pursuant to s 14(1) RMA*
- (b) discharge of water, sediment, bed material or plants pursuant to s 15(1) RMA associated with any of the following activities:*
- (c) the maintenance, repair, alteration, extension, removal or demolition of a structure or part of a structure in, on, under or over the bed of an artificial watercourse*
- (d) the removal of bed material or plants for the purpose of maintaining the functional integrity of a structure, including flushing accumulated bed material*
- (e) the discharge of removed bed material or plants onto or into land*
- (f) the excavation, drilling, tunnelling, or other disturbance of the bed of an artificial watercourse*
- (g) the introduction, planting, removal or destruction of a plant in or on the bed of an artificial watercourse*
- (h) the deposit of any substance in, on or under the bed of an artificial watercourse. This rule does not include the damming of an artificial watercourse. This activity is addressed by the rules in Section 16.5.*

Conditions:

- (a) For activities located in an artificial watercourse, the activity shall comply with the standard conditions(a) to (m) in Section 16.2 as if these conditions applied to an artificial watercourse.*
- (b) The activity shall not involve an activity restricted by Rule 16-14.*

- (c) *Any discharge of removed bed material or plants onto or into land (being land that is not the bed of an artificial watercourse) shall comply with the conditions of Rule 16-23.*

Support in Part.

Reasons for Submission

Genesis Energy supports Rule 16-18, but seeks clarification with respect to the typographical error in Condition (c) as Rule 16-23 does not exist in the Plan.

Decision Sought

Correct the typographical error in Rule 16-18 Condition (c).

11. Submission: Schedule D

11.1 Table D.2: Values by Zone in the Manawatu-Wanganui Region

Oppose in Part.

Reasons for Submission

Policy 6-1 discusses water management zones and values and correspondingly lists various individual values within the Value Groups of Ecosystem, Recreational and Cultural, Water Use and Social/Economic. Referring to Schedule D and Table D2, the Management Zones where TPS infrastructure is located are not listed as exhibiting 'Existing Infrastructure' where the management objective for such infrastructure is that its integrity should not be compromised.

Decision Sought

Recognise the importance of TPS infrastructure from a social and economic perspective by identifying existing infrastructure in the appropriate management zones in Table D2.

12. General Submission

12.1 General Submission: Rare and Threatened Habitats

Oppose in Part

Reasons for Submission

Genesis Energy requests that a distinction is drawn between natural and man made habitats when referencing rare and threatened habitats. Genesis Energy has made a number of submissions highlighting that the man made Lakes Otamangakau, Te Whaiu and Moawhango could, using the criteria detailed in Schedule E be classed as rare and threatened habitats. Subsequently submissions have been made to make these lakes exempt from Policies and Rules relating to Rare and Threatened

Habitats. To provide further clarity Genesis Energy requests that a distinction be drawn from man made lakes and other man made habitats by referring to all rare and threatened habitats as naturally occurring rare and threatened habitats.

Decision Sought

Amend all references in the proposed plan from “rare and threatened habitats” to naturally occurring rare and threatened habitats.

13. General Submission

13.1 General Submission: Renewable Energy

Reasons for Submission

The Manawatu – Wanganui region is unique in the country in that it contains natural resources of sufficient quality that are able to be harnessed economically for renewable energy generation. There is potential for further hydro and wind power developments. These matters are of such significance that further consideration should be given to identifying the benefits derived from such energy sources in the Plan and would further support current government policy regarding electricity generation.

The role of the Plan is to provide direction on how the benefits that accrue from the development of renewable energy resources are to be balanced with adverse effects. It is Genesis Energy’s submission that if the use of renewable energy resources and the benefits that accrue from that are to be recognised then the policy direction within the Plan needs to reflect that in some instances the development of renewable energy resources of the region may take precedence over the protection and maintenance of other values.

Decision Sought

Genesis Energy requests the inclusion of any consequential changes required to the objectives, policies and rules to give effect to the matters requested below:

- Recognition of the importance of a reliable and secure energy supply system as a pivotal component to the sustainable management of natural and physical resources within the Plan.
- Incorporation of policy directions within the Plan which recognise that in some instances that the use and development of renewable resources will take precedence over other values.
- Recognition of the renewable energy resource base of the region.



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31 August 2007