

PROPOSED GORE DISTRICT PLAN SECTION 32 REPORT

ENERGY AND INFRASTRUCTURE



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List of Abbreviations

Resource Management Act 1991	RMA or 'the Act'
Gore District Council	GDC or 'the Council'
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS
National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Indigenous Biodiversity 2023	NPS-IB
National Policy Statement for Electricity Transmission 2008	NPS-ET
National Policy Statement for Urban Development	NPS-UD
National Policy Statement on Renewable Energy Generation 2011	NPS-REG
National Environmental Standards	NES
National Environmental Standard for Electricity Transmission Activities 2009	NES-ETA
National Environmental Standards for Telecommunications Facilities 2016	NES-TF
Crime Prevention Through Environmental Design	CPTED

1. Executive Summary

Section 32 of the Act requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Resource Management Act 1991 ('the Act' or 'the RMA'), and the policies and methods of those proposals to be examined for their costs, benefits, efficiency, effectiveness and risk in achieving the objectives. The analysis set out in this report is to fulfil the obligations of the Council under Section 32 of the Act.

This Section 32 evaluation report relates to the evaluation of options for the management of energy and infrastructure through the Gore District Plan. Objectives, policies, rules and standards for managing energy and infrastructure are located within Part 2 – District Wide Matters as required by the National Planning Standards. These are located in two chapters: Energy and Infrastructure.

Energy and infrastructure are required to meet the day-to-day needs of people and communities and provide services for the community to function. The location of energy and infrastructure can be driven by their functional and operational need. It is important that these activities can be developed and maintained for their intended purpose, whilst managing the adverse effects of energy and infrastructure.

This report evaluates the resource management issues relating to energy and infrastructure against the Operative District Plan (ODP) and the Proposed District Plan (PDP) provisions to ascertain if they are the most efficient and effective means of achieving the purpose of the Act to manage the effects of energy and infrastructure.

Both the Energy and the Infrastructure Chapters will assist the Council to fulfil its statutory functions and responsibilities required by the Act through the following proposed objectives, policies, and rules:

- Objectives which recognise the need for and benefit of energy and infrastructure, and the need to manage the effects of energy and infrastructure.
- Policies which encourage renewable electricity generation activities and encourage co-location and sharing of infrastructure, manage the adverse effects and manage and consider the effects on Ngāi Tahu cultural values, and sensitive activities.
- Rules and standards that provide a framework for various energy and infrastructure related activities and prescribe limits on buildings and structures associated with those activities. The chapters specify different requirements for different zones.

Key changes from the Operative District Plan include the following:

- Detailed objectives, policies, and rules on managing electricity generation activities.
- Revised provisions to ensure management of energy and infrastructure aligns with national direction.
- Clear and directive matters of discretion.
- Updated definitions to align with national direction and ensure national consistency where appropriate.

2. Overview and Purpose

2.1 Introduction to the resource management issue(s)

The energy and infrastructure chapters provide a regulatory framework for the management of energy and infrastructure. The provisions seek to manage the following issues:

Issue 1 Recognition of the importance of providing for energy (including renewable electricity generation) and infrastructure, while managing adverse effects.

Issue 2 Other activities can constrain or compromise activities providing for energy and infrastructure.

The background to these issues is discussed in more detail in Section 4.1 of this report.

2.2 Purpose of the report

The purpose of this report is to provide an evaluation of the proposed provisions in accordance with the requirements of Section 32 of the RMA 1991.

The Proposed District Plan (PDP) includes chapters relating to energy and infrastructure which are consistent with the requirements of the National Planning Standards. They contain objectives, policies, rules, and standards to manage adverse environmental effects from infrastructure including renewable electricity generation facilities, and ensure infrastructure can be developed for its intended purpose.

This report assesses the appropriateness of the proposed objectives to achieve the purpose of the Act and the effectiveness and efficiency of the policies, rules and standards which give effect to the objectives. This report also provides information on the issues the provisions seek to address, research undertaken and an evaluation of the provisions relating to energy and infrastructure within the Operative District Plan (ODP).

An assessment of the scale and significance of the provisions will inform the level of detail included in this report.

3. Statutory and Policy Context

3.1 Resource Management Act

In carrying out a Section 32 analysis, an evaluation is required of how the proposal achieves the purpose and principles contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources.

Sustainable management means *managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, while –*

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

In achieving this purpose, authorities also need to recognise and provide for the matters of national importance identified in Section 6, have particular regard to other matters referred to in Section 7 and take into account the principles of the Treaty of Waitangi referred to in Section 8.

Section 6

The Section 6 matters relevant to this topic are:

- a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
- f) the protection of historic heritage from inappropriate subdivision, use, and development:
- g) the protection of protected customary rights:

Section 7

The Section 7 matters that are relevant to this topic are:

- (a) the efficient use and development of natural and physical resources:
- (ba) the efficiency of the end use of energy:
- (c) the maintenance and enhancement of amenity values:
- (f) maintenance and enhancement of the quality of the environment:
- (j) the benefits to be derived from the use and development of renewable energy.

The proposed provisions seek to allow for development of energy and infrastructure, whilst managing effects that on the quality of the environment and amenity values.

Section 8

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Tangata whenua, through the Hokonui Runanga, have partnered with the Council in the preparation of the Proposed District Plan.

Section 31

Section 31 is relevant insofar as it requires the Council to establish, implement and review a District Plan which contains objectives, policies, and methods to achieve a range of purposes as listed above. This report considers the appropriateness of the new objectives within the proposed District Plan (PDP) to achieve the purpose of the Act. The review of the Operative District Plan and the establishment of a new District Plan allows Council to give effect to Section 31.

3.2 National Policy Statements

The Section 32 – Overview and Urban Form and Development Evaluation Report includes details and a brief assessment of all National Policy Statements (NPS).

The following NPS are relevant to energy and infrastructure:

NPS for Electricity Transmission 2008

The National Policy Statement on Electricity Transmission 2008 (NPSET) seeks to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance, and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while managing adverse effects on, and of, the network. There are a number of policies that seek recognition of the national benefits of transmission, management of environmental effects of transmission and the adverse effects on third parties, identification of the network on planning maps, and the facilitation of long-term planning for the network.

NPS for Renewable Electricity Generation 2011

The National Policy Statement for Renewable Electricity Generation (NPSREG) recognises:

- the benefits of renewable electricity generation activities;
- the practical implications of achieving targets such as the need to protect assets, capacity and resource limitations;
- the practical constraints associated with new and existing generation activities such as logistical and location matters and provision of offset or environmental compensation measures;
- the need to manage reverse sensitivity effects;
- the need to incorporate provisions for renewable electricity generation activities into resource management plans including solar, biomass, tidal, wave, ocean current, hydroelectrical, wind, and geothermal resources and provision for small and community scale generation; and
- the need to enable future generation opportunities.

NPS on Urban Development 2020

The National Policy Statement for Urban Development (NPSUD) recognises the national significance of:

- Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
- Providing sufficient development capacity to meet the different needs of people and communities.

The NPSUD requires growth to be plan enabled and infrastructure ready. In particular the NPSUD considers development capacity is infrastructure-ready¹ if:

- (d) in relation to the short term, there is adequate existing development infrastructure to support the development of the land
- (e) in relation to the medium term, either paragraph (a) applies, or funding for adequate development infrastructure to support development of the land is identified in a long-term plan
- (f) in relation to the long term, either paragraph (b) applies, or the development infrastructure to support the development capacity is identified in the local authority's infrastructure strategy (as required as part of its long-term plan).

NPS for Highly Productive Land 2022

The National Policy Statement for Highly Productive Land (NPSHPL) provides direction to improve the way highly productive land is managed under the RMA. This is achieved through

¹ Section 3.4 Meaning of plan-enabled and infrastructure-ready (3)(d) to (e)

clear and consistent guidance to councils on how to map and zone highly productive land, and manage the subdivision, use and development of this non-renewable resource.

The NPSHPL contains exceptions for specified infrastructure, which is defined in the NPSHPL as:

- (a) infrastructure that delivers a service operated by a lifeline utility;
- (b) infrastructure that is recognised as regionally or nationally significant in a National Policy Statement, New Zealand Coastal Policy Statement, regional policy statement or regional plan;
- (c) any public flood control, flood protection, or drainage works carried out:
 - i. by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or
 - ii. for the purpose of drainage, by drainage districts under the Land Drainage Act 1908.

NPS for Indigenous Biodiversity 2023 (NPS-IB)

The National Policy Statement for Indigenous Biodiversity seeks to maintain indigenous biodiversity across New Zealand to achieve no overall loss in indigenous biodiversity. The NPS-IB is largely given effect to through the biodiversity chapter. The NPS-IB does not apply to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. The provisions do however extend to general infrastructure and as such the NPS is required to be given effect to.

3.3 National Environmental Standards

The Section 32 - Overview Evaluation Report includes details and a brief assessment of all National Environmental Standards (NES).

The following NES are relevant to energy and infrastructure:

NES for Electricity Transmission Activities 2009

The National Environmental Standards for Electricity Transmission Activities (NESETA) came into effect on 14 January 2010. The NESETA objective is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance, and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while managing adverse effects on, and of, the network.

The NESETA only apply to existing high voltage electricity transmission lines. They do not apply to the construction of new transmission lines or to substations. The NES do not apply to electricity distribution lines – these are the lines carrying electricity from regional substations to electricity users.

NES for Telecommunication Facilities 2016

The National Environmental Standards for Telecommunication Facilities came into effect on 17 January 2017. The NES ensures national consistency in the rules surrounding the deployment of telecommunications infrastructure across New Zealand, while ensuring the effects on the environment are minimised and managed appropriately.

NES for Sources of Human Drinking Water 2007

National Environmental Standards for Sources of Drinking Water came into effect from 20 June 2008. The NES aims for a national consistent comprehensive approach to managing drinking water from source to tap.

3.4 National Planning Standards

The National Planning Standards 2019 (PS) requires a more bespoke approach to planning zones than the current GDP such as a centre classification, rural settlement zones, and a wider range of residential, industrial, and rural zones. The PS also requires that matters which affect the entire district are provided for in specific chapters.

The National Planning Standards require that Energy and Infrastructure Chapters be included in Part 2 District Wide Matters – Energy, Infrastructure, and Transport.

The mandatory direction for District-wide Matters Standard (Section 7) relating to Energy, infrastructure and transport state:

5. *Provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, infrastructure and transport heading. These provisions may include:*
 - a. *statement about the status of transport corridors e.g., the adjoining zoning applies to the centre line of mapped roads*
 - b. *noise-related metrics and noise measurement methods relating to energy, infrastructure and transport, which must be consistent with the 15. Noise and vibration metrics Standard*
 - c. *the management of reverse sensitivity effects between infrastructure and other activities.*
6. *The chapters under the Energy, infrastructure and transport heading must include cross-references to any energy, infrastructure and transport provisions in a Special purpose zones chapter or sections.*
7. *Zone chapters must include cross-references to relevant provisions under the Energy, infrastructure and transport heading.*
8. *All chapters must be included alphabetically.*

The unique identifier for the chapter is EIT - Energy, infrastructure, and transport.

The Noise and Vibration Standards also require any district plan rule to manage noise emissions consistent with noise measurement methods in the New Zealand Standards, which in this case includes New Zealand Standard 6808:2010 Acoustics - Wind Farm Noise; New Zealand Standard 6803:1999 Acoustics - Construction Noise, New Zealand Standard 6801:2008 Acoustics - Measurement of Environmental Sound; and New Zealand Standard 6802:2008 Acoustics - Environmental Noise.

3.5 Regional Policy Statement

The Southland Regional Policy Statement 2017 sets out the framework and priorities for resource management in the region. The RPS identifies the regionally significant issues around the management of the Region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). The PDP is required to give effect to the regional policy statement as required by section 75(3) of the RMA.

Relevant provisions include Chapter 15 – Infrastructure/Transport. Part A of this chapter contains provisions that apply to all types of infrastructure, including transport infrastructure. Chapter 16 – Energy, contains provisions specific to energy infrastructure that are not covered by the generic provisions in Part A.

Objectives and policies in Chapter 15 recognise the importance of significant infrastructure. They note it is desirable to manage the location and form of the surrounding development to reduce incompatibility and conflicts, and also desirable to control any effects infrastructure may have on the environment.

Method INF.2 states that territorial authorities will include objectives, policies and methods in district plans that will:

- (a) enable the development, use, maintenance and upgrading of infrastructure, whilst ensuring the management of any associated adverse effects;
- (b) help ensure that the nature, timing, and sequencing of new development is coordinated with the development, implementation and operation of infrastructure, as appropriate for the type of development being undertaken;
- (c) ensure that adverse effects, including reverse sensitivity effects, of development and land use on existing and/or planned regionally and nationally significant infrastructure are avoided, remedied, or mitigated by identifying:
 - (i) what activities and development may be incompatible with this infrastructure; and
 - (ii) how this infrastructure should be protected from such activities;
- (d) promote the efficient and effective use of infrastructure;
- (e) take into account the potential adverse effects of natural hazards and climate change on infrastructure;
- (f) facilitate long-term planning for investment in infrastructure and its integration with land uses.

Objectives and policies in Chapter 16 relate to the efficient use of energy resources, managing the effects on the environment, increasing the generation and use of renewable energy resources, and recognising their national significance.

Method ENG.2 states that territorial authorities will:

- (a) Establish and maintain provisions in district plans to encourage:
 - (i) the use of small and community-scale distributed renewable electricity generation for residential, commercial, industrial, and agricultural purposes;
 - (ii) compact urban form;
 - (iii) energy efficient urban design;
 - (iv) the use of more energy efficient products and technologies;
 - (v) passive solar gain, wind energy or other renewable energy sources;
 - (vi) the identification, investigation, assessment, and development of renewable energy resources.
- (b) Establish and maintain provisions in district plans that ensure that the potential adverse effects on communities from the ongoing operation and subsequent closure of energy facilities are:
 - (i) appropriately addressed as part of associated resource consent processes; and
 - (ii) avoided, remedied, mitigated or, where in the opinion of the territorial authority it is appropriate, and such measures are volunteered by the resource user, offset, or compensated for.

- (c) Establish and maintain provisions in district plans that recognise and provide for the local, regional, and national benefits of a secure supply of electricity and electricity generated from renewable energy resources, including Monowai and the nationally significant Manapōuri hydroelectric generation scheme activities.

3.6 Regional Plans

Environment Southland has prepared a number of regional plans, these include:

- Regional Air Plan 2016
- Effluent Land Application Plan 1998
- Regional Water Plan 2010

Southland Regional Air Plan 2016 is a strategy from Environmental Southland to reflect the community's health values, air quality issues and the National Environmental Standards for Air Quality. The plan includes rules for home heating in addition to outdoor burning and agrichemicals.

Environment Southland's proposed Southland Water and Land Plan was made partially operative following a council meeting in January 2021.

To date most district plans have relied solely on the Regional Policy Statements (RPS) to provide strategic direction as district plans must give effect to RPS's in accordance with RMA requirements. The provisions of the Southland RPS are summarised within the Section 32 – Overview Evaluation Report.

3.7 Iwi Environmental Management Plan(s)

'Te Tangi a Tauira – The Cry of the People' the Ngai Tahu Ki Murihiku Natural Resource and Environmental Management Plan identifies a broad range of relevant matters when considering where and how Gore grows and develops. In particular, the IMP considers that energy requires consideration from two perspectives: the effects of using energy and the effects of developing energy resources. The IMP notes that using and developing energy resources can have negative impacts in respect to the environment, and development of energy resources can also have implications on and may lead to loss of indigenous vegetation, ecosystems, landscapes, and culturally significant sites. The IMP contains policies to manage this such as the location of any new energy development and supporting alternatives to energy production that have less environmental impacts than traditional energy production methods.

3.8 Other Legislation and Policy Documents

The following national guidance documents are considered relevant to this topic:

[New Zealand Energy Efficiency and Conservation Strategy 2017-2022](#)

This Strategy sets the overarching policy direction for government support and intervention for the promotion of energy efficiency, energy conservation and the use of renewable sources of energy and guides the work programme of the Energy Efficiency and Conservation Authority (EECA) over the five years.

Rautaki Hanganga o Aotearoa – New Zealand Infrastructure Strategy 2022-2052

This strategy sets out the actions New Zealand needs to take over the next 30 years to make sure our infrastructure system meets the challenges and opportunities that lie ahead.

The following Acts and documents also have relevance to the topic:

- Utilities Access Act 2010: requires utility operators and corridor managers to comply with a national code of practice that regulates access to transport corridors and provides for the making and administration of that code.
- Telecommunications Act 2001: regulates the supply of telecommunication services.
- Electricity Act 1992: provides for the regulation, supply, and use of electricity in New Zealand; protects the health and safety of members of the public in connection with the supply and use of electricity in New Zealand; promotes the prevention of damage to property in connection with the supply and use of electricity in New Zealand; provides for the regulation of fittings and electrical appliances that are, or may be, exported pursuant to an international trade instrument; provides for the regulation of electrical workers.
- Gas Act 1992: provides for the regulation, supply, and use of gas in New Zealand; provides for the regulation of the gas industry in New Zealand; protects the health and safety of members of the public in connection with the supply and use of gas in New Zealand; promotes the prevention of damage to property in connection with the supply and use of gas in New Zealand.
- New Zealand Electrical Code of Practice for Electrical Safe Distances: NZECP 34:2001
 - Sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from 9 generating stations to end users. The minimum safe distances have been set primarily to protect persons, property, vehicles, and mobile plant from harm or damage from electrical hazards.
- National Code of Practice on Utilities' Access to the Transport Corridors 2011: sets out the processes and procedures for:
 - Utility operators to exercise right of access to the road corridor for the placement, maintenance, improvement, and removal of utility structures.
 - Corridor Managers to exercise their right to apply reasonable conditions on working in the corridor.
 - Managers of railway and motorway corridors to exercise their discretion to grant rights of access to utility operators.
- Electricity (Hazards from Trees) Regulations 2003: define a safe separation distance for trees growing under overhead lines. They also specify who is responsible for ensuring separation distances are maintained; place potential liability on tree owners if the Regulations are breached; and provide an arbitration system to resolve disputes relating to tree trimming.

3.9 Other Local Policies, Strategies, Guidelines and Plans

A range of other local policies, guidance and plans were reviewed to inform the PDP energy and infrastructure objectives, policies, rules, and standards. These are summarised below:

Spatial Plan, Ready for Tomorrow

In January 2020, the Council released a strategic planning document *Ready for Tomorrow – A Spatial Plan for the Gore District* seeking public feedback on potential growth options for

the main urban areas in the district. The document outlines the issues the Council considers important, possible future outcomes and opportunities and was the culmination of various Council initiatives in recent years, in particular the 2018 program Ready for Growth which provided impetus locally as a community lead development strategy applying the direction given by the Southland Regional Development Strategy at a District level. Its overall objective is to grow the District population by 1,500 people by 2030. Through extensive community consultation, Ready for Growth has identified a comprehensive overview of the socio-economic conditions required to generate sustainable growth and opportunity across the District and provides an important strategic framework for the future.

In terms of energy and infrastructure, the Spatial Plan seeks that:

- Infrastructure networks serve land use activities and development in an efficient and effective manner to meet future growth needs.
- Water supply infrastructure and treatment is improved to meet drinking water standards.
- Stormwater can be adequately managed on-site through appropriately located retention and treatment facilities.
- Sensitive activities are adequately separated from nationally significant infrastructure including the National Grid, and strategic road and rail networks to minimise adverse effects.

Southland Energy Strategy 2011

The Southland Energy Strategy identifies strategic actions with regards to electricity generation, storage, and use. Of particular relevance, these include:

- Promote and support the use of renewable energy sources for dairy farms (wind, small hydro, or biogas) to enable farms to have greater self-sufficiency in energy and to encourage the better management of waste.
- Investigate, promote, and support technologies that convert dairy effluent into biogas and less environmentally harmful fertiliser.
- Investigate the potential of co-ordinating farm energy production (electricity, biogas), on a provincial basis, to create and support the commercial viability of any surplus energy.
- Facilitate co-operation between lines and generation for the development of distributed electricity generation, including identifying and addressing any planning constraints.
- Advocate policies that recognise and protect transmission corridors and networks.
- Encourage review of current legislation which places unnecessary restrictions on electricity distribution, generation, and retailing.
- Encourage effective allocation to avoid over allocation of water supplies.
- Investigate the establishment of legislation which would see locally sourced energy resources retained for local use as an import substitution.
- Advocate for central and local government to ensure the establishment and maintenance costs of any infrastructure, monitoring costs and Emissions Trading Scheme costs for lignite mining are not subsidised by ratepayers or taxpayers. Encourage these to be met by industry.

- Encourage energy efficiency and renewable energy projects as part of the council 's building infrastructure and operations.
- Investigate opportunities to require energy plans for new builds.
- Incorporate the National Policy Statement on Renewable Electricity Generation and give effect to it in regional policy statements, regional and district plans.
- Advocate that establishment and maintenance costs of infrastructure, monitoring and Emissions Trading Scheme costs should be fully paid by the industry, and not subsidised by tax or ratepayers.
- Enable flexibility and discretionary authority with regards to new and emerging technology.
- Consider how to balance the positive effects of sustainable electricity generation against adverse environmental effects in a plan.
- Place the onus on developers to describe clearly how environmental effects will be mitigated.
- Planning and policy should preserve the land corridors for energy transmission that exist and recognise that there may be requirements for new corridors arising from the need to connect renewable generation to load centres. Plans should consider facilitating renewable electricity generation for remote sites, such as mini-hydro, biogas, or wind turbines, where the upgrade of the transmission lines is uneconomic.
- Promote planning for appropriate allocation of natural resources for the development of renewable generation to assist security of supply (to cope with peak load times and future overall demand).
- Provide for technologies in this strategy, and certain levels of micro-generation activities as permitted, controlled, or discretionary (restricted) activities.
- Allow for the establishment of alternative fuel distribution infrastructures, particularly in urban areas.
- Develop a set of criteria to identify where wind generation would not be suitable and make specific provision for wind generation and its connection to the grid or local reticulation in remaining areas by making it a permitted or controlled activity.
- Regional and district plans need to give consideration to the prospect of pipelines and fuel storage requirements for gas distribution.
- Ensure that if lignite reserves are extracted, local social and economic benefits are maximised, and any associated adverse environmental impacts are adequately avoided, remedied, or mitigated.

Gore District Council 30 Year Infrastructure Strategy 2021-2051 (Infrastructure Strategy 2018)

- The purpose of the Infrastructure Strategy is to identify the significant infrastructure issues for the Gore District Council over the next thirty years, the principal options for managing these issues and the implications of the options.
- The strategy covers infrastructure assets and services provided by GDC specifically roading, water, wastewater and stormwater.

Gore Subdivision and Land Development Bylaw 2019

The bylaw is based on NZS 4404:2010 incorporating local amendments. Infrastructure is assessed in Section 8 (Network Utility Services) of the bylaw.

Section 8 sets out the requirements for the provision of stormwater, wastewater, and water supply systems, power, telecommunications and gas, and their locations in the road.

There are specific requirements, applying to the following utilities:

- Stormwater, wastewater, and waters supply
- Electricity
- Telecommunications
- Gas

3.10 Climate Change

The effects of climate change have been added to other matters decision makers should have particular regard to (RMAs7(i)).

In accordance with 2020 RMA amendments, by 2022 District Plans will not only need to have regard to the effects of climate change (adaptation) but also climate change mitigation and national adaptation and emission reduction plans prepared under the Climate Change Response Act 2002. A compact urban form with most activities located around good transport connections and that takes account of the changing nature of natural hazards will help achieve these requirements. Further guidance will be provided in relation to climate change and emission targets as the RMA reform progresses.

The effects of climate change have been given regard to in respect of energy and infrastructure by providing for renewable electricity generating activities.

4. Resource Management Issue Analysis

4.1 Background

Section 2.1 of this report identifies two resource management issues which the PDP energy and infrastructure chapters provisions address:

Issue 1 - Recognition of the importance of providing for energy (including renewable electricity generation) and infrastructure, while managing adverse effects.

Energy and infrastructure provide services for the community to function. The development and use of renewable energy resources is becoming increasingly important as a way of meeting future energy demand in an environmentally sustainable manner. The location of these activities can be driven by their functional and operational need, however adverse effects of these activities also need to be managed.

The PDP chapters provide for energy and infrastructure, with a framework to manage the adverse effects.

Issue 2 - Other activities can constrain or compromise activities providing for energy and infrastructure.

Activities adjoining energy and infrastructure can also have adverse effects, including reverse sensitivity effects on these activities. The PDP manages the location of incompatible land uses through relevant objectives, policies, and rules.

4.2 Operative Plan Approach

Infrastructure is currently managed in the Utilities Chapter in the Operative District Plan (ODP). Network utilities include street lighting, electricity, water supply, stormwater drainage, sewerage and roading. The ODP recognises resource management issues that arise in relation to utilities including:

- Ensuring provision is made for the development and use of utilities to meet the needs of the community.
- Avoiding, remedying, or mitigating the adverse effects of utilities on the environment.
- Avoiding, remedying, or mitigating the adverse effects of land use activities on utilities.

Objectives 7.3[1] – [8] and Policies 7.4[1] to [17] relate to the issues noted above. There are rules in 7.9 which:

- Note compliance with other plan rules
- Provide general standards for all utilities
- Provide standards for electricity lines
- Provide for electricity substations
- Provide for general communications
- Include provisions for telecommunication facilities generating radio frequency fields and telecommunication facilities in road reserves
- Provide standards for 'other utilities'

The rules provide for some activities as permitted activities and the activity status elevates where standards are not met. This is generally as a Restricted Discretionary Activity, however, elevates to a Non-Complying Activity in relation to standards not met for telecommunication facilities generating radio frequency fields.

There are no specific objectives or policies in the ODP that relate to the management of energy.

4.3 Effectiveness of Operative Plan

Issue	Comment	Response
The plan does not adequately provide a framework for managing the effects on and the effects of renewable energy	Development and use of renewable energy is becoming increasingly important as a way of meeting future energy demand in an environmentally sustainable manner.	Provide a clear framework for renewable energy.
The plan is out of date	The plan has not given effect to higher order	Give consideration of national and regional policy

	documents, particularly in relation to renewable energy, or consistent with current best practice.	requirements in provisions through review process.
Lack of clear matters of discretion	In many cases, non-compliance with relevant standards means the application is assessed as a Restricted Discretionary activity. The matters of discretion are not clear.	Where an activity is a Restricted Discretionary, provide clear matters of discretion.

There is a lack of objectives, policies and rules for the provision of renewable energy. This is not consistent with national and regional direction regarding both renewable energy and infrastructure and needs to be updated.

The ODP approach is not effective or efficient as there is a lack of direction in terms of the relevant matters of discretion where an activity becomes a Restricted Discretionary Activity.

4.4 Technical Reports and Research

No technical reports have been prepared for the energy and infrastructure topics; however, a general best practice review and analysis have been undertaken of comparable districts.

4.5 Analysis of Best Practice

To understand whether the PDP provisions in relation to energy and infrastructure are appropriate and consistent with how other Councils are addressing the same issue, the following District Plans were reviewed:

- Southland District Plan (Southland District Council borders Gore District Council to the north, south and east)
- Clutha District Plan (Clutha District Council borders Gore District Council to the west)
- Proposed New Plymouth District Plan
- Proposed Selwyn District Plan

Southland District Plan (SDP)

The SDP contains objectives and policies relating to energy in Chapter 2.9 Energy, Minerals and Infrastructure. This covers both the management of renewable and non-renewable energy. Rules relating to energy are contained within the relevant zone and noise sections of the District Plan.

Objectives, policies, and rules relating to infrastructure are also included in Chapter 2.9.

Clutha District Plan (CDP)

Chapter 3.4 contains objectives, policies and rules relating to both renewable and non-renewable energy. Policy ELG.3 provides detailed points on assessing the effect of a proposed electricity generation, including social, economic, cultural, hazard constraints,

landscape and ecological. There are detailed matters of discretion for Restricted Discretionary activities.

Chapter 3.14 covers objectives, policies and rules relating to infrastructure. This covers existing network utilities, and facilities for various types of infrastructure.

New Plymouth Proposed District Plan (NPPDP)

Energy and Infrastructure are provided for in two separate chapters in Part 2: District-wide matters. The Energy chapter contains District-wide provisions relating to energy activities, specifically oil and gas activities, renewable energy activities and electricity generation activities.

Infrastructure is managed in the Network Utilities chapter. The chapter includes provisions specific to network utilities (except for the transport network which is provided in the Transport chapter), and provisions to manage the effects of other activities on network utilities (including the National Grid and Gas Transmission Pipelines). Rules in this chapter provide a framework for activities and subdivision within the National Grid Corridor and Yard.

Proposed Selwyn District Plan (PSDP)

Energy and Infrastructure are provided for in one chapter in Part 2: District-wide matters. The chapter covers renewable electricity, important infrastructure, and network utilities. The chapter provides general objectives and policies and then specific policies on reverse sensitivity, energy generation and the West Melton Aerodrome.

Summary and conclusions

Both the SDP and CDP are somewhat outdated and do not align with current national direction. The NPPDP and PSDP have been drafted to comply with the National Planning Standards and incorporate relevant national direction. The Gore PDP is set out in a similar manner to NPPDP, with two separate chapters for energy and infrastructure.

Depending on the resources in the area, the examples assessed cover renewable electricity only, or also include non-renewable electricity. The Gore PDP provides for renewable and non-renewable energy, to enable a transition into renewable energy whilst managing effects and providing direction of non-renewable.

4.6 Other Relevant Documents and feedback

Since 2013, there have been 13 resource consents relating to infrastructure. Most of these have been consents required under the NES-ET, and some are in relation to buildings or structures required under the Utilities Chapter of the Operative District Plan. While this may be due to a lack of demand it is also possible that a lack of directive provision within the Operative Plan has resulted in unmonitored and unconsented activities.

5. Scale and Significance

5.1 Scale and Significance Evaluation

Section 32(1)(c) of the RMA requires that this report contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

	Comments	Assessment		
		Low	Medium	High
Degree of change from the Operative Plan	The ODP does not provide a framework for energy, and the infrastructure chapter is not consistent with more recent national direction. However, there is no large policy shift.		X	
Scale of effects – geographically (local, district wide, regional, national).	The energy and infrastructure provisions affect the whole region and are relevant on a national scale.			X
Effects on matters of national importance (s6 RMA)	Energy and infrastructure activities are proposed to manage the effects on other activities, including matters of national importance		X	
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).	It is predominantly energy and infrastructure providers that will utilise these provisions, however landowners will also be affected in relation to activities that impact energy and infrastructure.		X	
Scale of effects on those with specific interests, e.g., Tangata Whenua	The energy and infrastructure provisions include policies which seek to minimise adverse effects on cultural values.	X		
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	The energy and infrastructure chapters are largely driven by higher order policy documents and accepted best practice.	X		
Likelihood of increased costs or restrictions on individuals, communities, or businesses.	Low likelihood of increased costs, provisions are largely to update the plan in line with higher order policy documents. Proposed changes do not result in a large policy shift and as such consenting costs are likely to remain similar to the status quo	X		

5.2 Evaluation Summary

The management of energy and infrastructure is somewhat directed through national policy statements, national environmental standards, and regional documents. The PDP provisions largely update the current management of infrastructure and includes new provisions to manage energy. Where activities become Restricted Discretionary, clearer matters of discretion are provided.

Overall, the scale and significance are considered to be low due to alignment with higher order documents, and therefore the level of detail provided in this evaluation is commensurate with the scale and significance of the environmental, economic, and cultural effects that are anticipated from the implementation of the provisions.

6. Consultation

6.1 Overview

The Section 32 – Overview Evaluation Report provides an overview of the consultation undertaken to date in respect of the PDP. The PDP has been prepared in partnership with Hokonui Runanga who have reviewed and provided feedback on the energy and infrastructure chapters to ensure consistency with the Mana Whenua Chapter and that cultural values are appropriately integrated throughout the proposed provisions.

6.2 Community engagement and feedback

Engagement with the community on the draft District Plan was undertaken from 10th August 2022 to 30th September 2022. The feedback received and the response is summarised below, and in more detail in Appendix 1.

Feedback in relation to the management of energy and infrastructure was received from key stakeholders including government organisations such as Waka Kotahi and the Department of Conservation, service providers such as Transpower, Mercury and Yrless+ and interest groups such as Royal Forest and Bird Protection Society of New Zealand.

Some key stakeholders raised issues concerning their ability to continue their functions and meet their operational objectives, a number of submissions sought more permissive standards around renewable electricity generation:

- The National Public Health Service Southland requests a more holistic view connecting public health, energy and infrastructure provision.
- Yrless+ requested more permissive rules around the provision of infrastructure and discouraged council from imposing further constraints on infrastructure provision than already implemented through national legislation. Yrless+ objected to other national legislation taking precedence over infrastructure provision.
- KiwiRail are generally supportive but requested that adverse effects (including reverse sensitivity) are avoided, remedied, or mitigated where activities are adjacent to critical infrastructure.
- Waka Kotahi requests greater clarification and definitions be included.
- Transpower suggested alternative wording for a number of objectives, policies, rules and standards to help them achieve their objectives.
- Mercury Energy requested more permissive rules for renewable electricity generation.
- Department of Conservation are supportive of provisions restricting infrastructure and energy provision outside of ONFLS and SNAs unless adverse effects can be mitigated.
- New Zealand Defence Force requested inclusion into definition of ‘critical infrastructure’.
- Federated Farmers seeking a reduced setback to Electricity Transmission lines.

Amendments have been recommended in response to feedback, where appropriate. These are largely to align with national direction and provide national consistency.

7. Proposed Plan Provisions

7.1 Strategic Direction

The PDP includes a number of strategic objectives which have been tested in terms of s32(1)(a) in their relevant s32 reports. However, the other chapters of the plan should align with these strategic objectives to ensure vertical integration within the PDP. The strategic objectives in the PDP that relate to energy and infrastructure are laid out below.

UFD-O1, which relates to the development of the district in a cohesive, compact, and structured way that utilises existing infrastructure and/or can be efficiently serviced with new infrastructure. UFD-O7 relates to urban environments which are adequately serviced by utilising and/or upgrading existing infrastructure or with new infrastructure or additional infrastructure.

The mana whenua chapter articulates mana whenua and Te Taiao values. The values of particular relevance to energy and infrastructure include the provision of Kaitikitunga, whakapapa, mauri, manaakitanga, wairua, whanaungatanga, utu, mātauranga, te reo māori, ki uta ki tai, and consideration of wai, whenua and mahinga kai.

Energy and Infrastructure are physically located within the natural environment and mana whenua have a kaitiaki role in protecting the whenua and a right to access resources for harvesting in accordance with tikanga.

7.2 Objectives and Policies

The proposed objectives, policies, rules, standards, and definitions have been drafted to address the resource management issues relating to energy and infrastructure as identified in Section 2.1 of this report. The background of other Council's Plans and the ODP along with the scale and significance of the issues and topic have also informed the PDP provisions.

Objectives

The objectives address the identified issues in that they seek to provide for energy (particularly renewable electricity generation) and infrastructure, but also recognise that these need to be undertaken in a manner that limits the adverse effects on the surrounding environment. The objectives across the two chapters also seek to protect electricity generation activities and critical infrastructure from other uses.

Policies

The policies address how electricity generation activities and infrastructure should be facilitated and undertaken to ensure the efficiency and appropriate provision, but also minimises the effects on the surrounding environment. Across the two chapters the policies set out the benefits of renewable electricity generation, recognise the need for investigation and upgrades, set out the requirement for managing the effects of those activities on the surrounding environment, and set out the requirement for managing the effects of other uses on electricity generation activities and infrastructure.

7.3 Rules

Energy

The rules:

- Permit, in some zones, subject to standards and conditions:
 - Small-Scale Renewable Electricity Generation construction operation, maintenance, repairs, upgrading (where standards are complied with, there is no structure or building located in a sensitive environment and no structure is attached to a heritage building).
 - Renewable Electricity Generation Investigations, including associated structures and buildings (where standards are complied with, and associated structures and buildings are temporary and removable).
 - Non-renewable Electricity Generation (where generators operate as a stand-alone power system on a site that does not have connection to the local electricity network, and the generator only supplies activities on the site on which it is located).

Where standards and conditions are not met, or the activity within the zone is not permitted, the activity is either Restricted Discretionary, Discretionary, or Non-complying.

Standards relate to:

- The height, number, rotor diameter and setback of small scale wind turbines.
- The floor area of an associated building or structure for small scale hydro turbines.
- The height of solar panels.
- The setback, duration, and the removal of exploratory wind generation masts.

Large-Scale Renewable Electricity Generation construction, operation, maintenance, repairs, and upgrading is a Discretionary Activity in the Rural Zone and a Non-complying Activity in other zones.

Infrastructure

The rules:

- Permit, in some zones, subject to standards and conditions:
 - Establishment, operation, maintenance, replacement, upgrade, repair, or removal of infrastructure (including Green Infrastructure) below ground level.
 - Establishment, operation, maintenance, replacement, upgrade, repair, or removal of infrastructure within a building.
 - Operation, maintenance, replacement, upgrade, repair or removal of existing above ground level infrastructure and access tracks (where standards are complied with, or structure or line does not exceed specified dimensions, all structures and lines no longer required for infrastructure purposes are removed within six months, and specifications regarding location of pole mounter).
 - Establishment of above ground infrastructure including Green Infrastructure (where other than where existing support structures are used, lines are to be located underground, compliance with standards).

- Network utilities generating radiofrequency fields (where relevant standard is complied with).
- Network utilities emitting electric and magnetic fields (where relevant standard is complied with).
- Activities and development (other than earthworks) within the National Grid Yard (where the activity is not a sensitive activity, specifications on the building or structure are complied with).

Where standards and conditions are not met, or the activity within the zone is not permitted, the activity is either Restricted Discretionary, or Non-complying.

Standards relate to:

- Lines over waterbodies
- Height of infrastructure
- Height of poles and masts
- Setbacks from boundaries
- Minimum setbacks from rivers and stream
- Footprint of buildings and structures
- Antennas, small cells and ancillary equipment

Telecommunications lines, cabinets, poles, and new antennas regulated by NESTF that do not meet Permitted Activity standards in specified regulations of the NESTF, and are not expressly provided for as a Controlled Activity, are a Restricted Discretionary Activity.

Establishment of new infrastructure within an Outstanding Natural Feature or Landscape, a Significant Natural Area or a site containing an item on the Heritage Schedule, a Notable Tree, a Site of Significance to Māori or an Archaeological Site is a Discretionary Activity.

Infrastructure, including all buildings and structures, not otherwise provided for in the above rules is a Discretionary Activity.

7.4 Definitions

Key definitions which are particularly relevant to the energy and infrastructure chapter:

critical infrastructure: means those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Southland, or Gore. This may include but is not limited to:

- strategic land transport network and arterial roads;
- rail corridor;
- telecommunication facilities;
- national, regional, and local renewable electricity generation activities of any scale;
- the electricity transmission network (the National Grid);
- sewage collection, treatment and disposal networks;
- community land drainage infrastructure;
- community potable water systems;
- established community-scale irrigation and stock water infrastructure;
- transport hubs and bulk fuel supply infrastructure including terminals and pipelines.

infrastructure: Has the same meaning as per the Resource Management Act – means

- (a) pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:
- (b) a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:
- (c) a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:
- (d) facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—
 - (i) uses them in connection with the generation of electricity for the person's use; and
 - (ii) does not use them to generate any electricity for supply to any other person:
- (e) a water supply distribution system, including a system for irrigation:
- (f) a drainage or sewerage system:
- (g) structures for transport on land by cycleways, rail, roads, walkways, or any other means:
- (h) facilities for the loading or unloading of cargo or passengers transported on land by any means:
- (i) an airport as defined in section 2 of the Airport Authorities Act 1966:
- (j) a navigation installation as defined in section 2 of the Civil Aviation Act 1990:
- (k) facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:
- (l) anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166

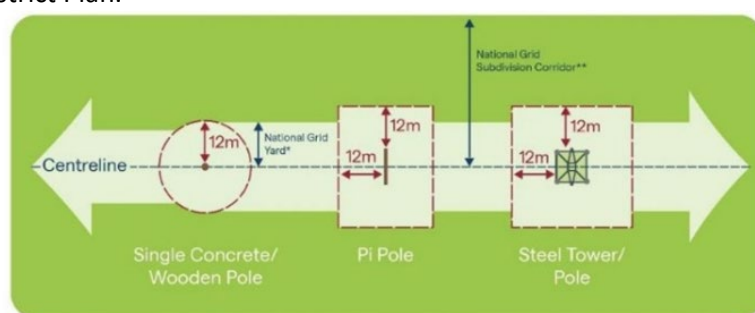
National Grid: means the network that transmits high-voltage electricity in New Zealand and that, at the commencement of these regulations, is owned, used or operated by Transpower New Zealand Limited, including—

- (a) transmission lines; and
- (b) electricity substations

National Grid Subdivision Corridor: The area measured either side of the centreline of above ground National Grid transmission lines as follows (and illustrated in green below):

- a. 16 metres from the centreline of a 110kV National Grid transmission line on pi poles;
- b. 32 metres from the centreline of a 110kV National Grid transmission line on towers or mono-poles;
- c. 37 metres from the centreline of a 220kV National Grid transmission line on towers.

The National Grid Subdivision Corridor excludes transmission lines that are designated in the District Plan.



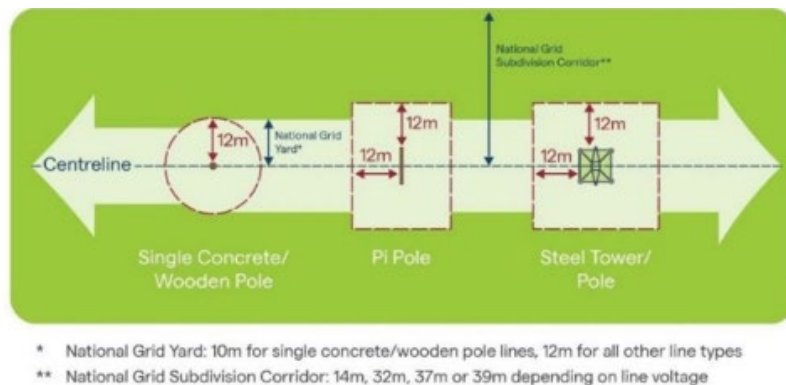
* National Grid Yard: 10m for single concrete/wooden pole lines, 12m for all other line types

** National Grid Subdivision Corridor: 14m, 32m, 37m or 39m depending on line voltage

National Grid Yard: The area located (as illustrated below):

- 12 metres in any direction from the outside edge of a National Grid support structure foundation;
- 12 metres from the boundary of a National Grid substation;
- 10 metres either side of the centreline of an overhead 100kV National Grid transmission line on poles
- 12 metres either side off the centreline of any other overhead National Grid transmission line.

The National Grid Yard excludes transmission lines that are designated in the District Plan.



network utilities: means any activity relating to any or all of the following:

- distribution or transmission of natural or manufactured gas petroleum or geothermal energy by pipeline
- telecommunications or radio communications
- transformation, transmission, or distribution of electricity
- transmission and distribution of water, (whether treated or untreated), for supply including irrigation
- stormwater drainage or sewerage reticulation systems
- rail corridor, tramways and roads
- airports as defined by the Airport Authorities Act 1966, including the provision of any approach control service within the meaning of the Civil Aviation Act 1990
- lighthouse, navigation aids and beacons
- meteorological services
- a project or work described as a network utility operation by regulations made under the Resource Management Act 1991.

Includes:

- all structures necessary for operation and
- the operation and maintenance of the network.

network utility operator: Has the same meaning as per the Resource Management Act – means a person who—

- undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or
- operates or proposes to operate a network for the purpose of—
 - telecommunication as defined in section 5 of the Telecommunications Act 2001; or
 - radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989; or

(c) is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
 (d) undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
 (e) undertakes or proposes to undertake a drainage or sewerage system; or
 (f) constructs, operates, or proposes to construct or operate, a road or railway line; or
 (g) is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
 (h) is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
 (ha) is a responsible SPV that is constructing or proposing to construct eligible infrastructure; or
 (i) undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,—
 and the words network utility operation have a corresponding meaning

non-renewable electricity generation: means the construction, operation and maintenance of structures associated with electricity generation from non-renewable energy sources such as coal, oil and gas

renewable electricity generating activities: has the same meaning as defined in the National Policy Statement for Renewable Electricity Generation (2011): means the construction, operation and maintenance of structures associated with renewable electricity generation. This includes small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.

renewable electricity generation activities - small scale: means small scale and community scale renewable electricity generation at a capacity of no greater than 20 kW for the purpose of using or generating electricity on a particular site, or supplying an immediate community, or connecting into the distribution network, and includes generation using solar, wind, hydro and biomass energy resource.

renewable electricity generation activities - large scale: means electricity generation activities utilising renewable energy sources with a capacity of 20kW or greater for the purpose of exporting electricity directly into the distribution network or National Grid. It includes all ancillary components and activities such as substations, climate/environmental monitoring equipment, earthworks, roading, maintenance buildings, temporary concrete batching plants, internal transmission and fibre networks, vegetation clearance, and site rehabilitation works.

sensitive activity: means any:

- a. health care centre or hospital
- b. educational facility, including school, early childhood facility, play centre
- c. residential activity, including retirement village and supported residential accommodation
- d. visitor accommodation
- e. places of worship
- f. marae or Papatipu Rūnanga complex
- g. Graveyard or urupā

sensitive environments (energy generation): means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area or Areas of Indigenous Biodiversity

small scale wind turbine: means a wind turbine or other device used to derive energy from the wind with a blade length of no greater than 9m and a nacelle height of no greater than 20 metres from the ground. For other wind generating devices where a swept blade area is not applicable, then the output from the device shall be rated at no greater than 15kW. It does not include wind generating turbines/devices, where there are more than one installed on any one site.

transmission line: has the same meaning as defined in the National Environmental Standards for Electricity Transmission Activities (2009): means:

- (a) the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid; and
- (b) includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but
- (c) does not include an electricity substation

8. Evaluation of Objectives

This section of the report evaluates the proposed objectives as to whether they are the most appropriate to achieve the purpose of the Act.

Energy - Existing Objectives	Appropriateness to achieve the purpose of the Act
As identified above, there are no specific objectives relating to energy in the ODP, however, the following objectives would broadly direct the decision maker in respect of character and amenity values and the quality of the environment. 3.3(1) Maintain and enhance the amenity values of the various localities within the District whilst respecting the different values and characteristics that exist within each area. 3.3(2) Ensure that the effects of land use activities do not adversely affect the quality of the environment and are compatible with the characteristics and amenity values of each locality.	The Chapter 3 objectives provide high level guidance to decision makers around the expectations for maintaining, enhancing and managing adverse effects on amenity values within the District and in this respect are broadly consistent with RMA Section 5(2)(c) but are not considered to fully achieve the purpose of the Act due to the lack of specific clarity and direction. Relevance and Usefulness: Due to the broad nature of these objectives, they are of limited relevance and provide little guidance and direction therefore they are of limited usefulness to decision makers or applicants. Reasonableness Provisions in relation to energy will not result in unjustifiably high costs on the community, although the lack of clarity and direction in the Objectives may increase costs in a situation where there is dispute over the outcome of a non-compliance. Achievability The provisions seek outcomes within the scope of Council's responsibilities and can be realistically achieved through regulations at a district level.

Infrastructure – Existing Objectives	Appropriateness to achieve the purpose of the Act
The following objectives from the ODP Utilities chapter are relevant to infrastructure: 7.3 (1) To ensure that utilities are provided for so as to meet the economic, social, health and safety needs of individuals and the community. 7.3 (2) To ensure that the location and design of utilities avoids significant adverse effects on: (a) the natural character of wetlands, and lakes and rivers and their margins; (b) outstanding natural features and landscapes; (c) areas of significant indigenous vegetation and significant habitats of indigenous fauna; (d) the maintenance and enhancement of public access to and along lakes and rivers; (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, waahi tapu, and other taonga; (f) historic heritage. 7.3 (3) Subject to Objective (2), to avoid where practical, remedy or mitigate the adverse effects of the provision of utilities. 7.3 (4) To avoid adverse effects of land use activities on the operation of the utilities of the District. 7.3 (5) To protect the existing infrastructure of the District. 7.3 (6) To ensure development is not inappropriately located near infrastructure, such as high voltage electricity lines. 7.3 (7) To provide for the sustainable, secure and efficient use, operation, maintenance, upgrading and development of the electricity transmission network within the Gore District while seeking to avoid, remedy or mitigate adverse effects on the environment to the extent practicable, and while recognising the technical and operational requirements and constraints of the network.	These objectives provide guidance for managing the District's utilities and adverse effects. The objectives recognise the importance of infrastructure and also seek to ensure development is not inappropriately located near infrastructure. Relevance and Usefulness The objectives ensure that utilities are provided for and ensures utilities avoid certain areas. The objectives also cover reverse sensitivity issues. The objectives do not address recent national direction which has come into force since the ODP. The objectives cover the issues identified in the ODP and guide decision making, with the end state clear. Reasonableness: The objectives are not considered to result in unjustifiably high costs on the community as the objectives provide a clear direction through to the policies and rules. Achievability: The provisions seek outcomes within the scope of Council's responsibilities and can be realistically achieved through regulations at a district level.

7.3 (8) To recognise the importance of the electricity transmission network to the social and economic well-being of the Gore District, the Southland Region and the nation.	
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Energy - Proposed Objectives		Appropriateness to achieve the purpose of the Act
ENRG-01.	The significant local, regional and national benefits derived from the use and development of renewable energy resources are recognised and provided for and the transitional need for non-renewable energies are managed.	The objectives are considered the most appropriate way to achieve the purpose of the Act because they: - Are consistent with Section 5(2) which enables people and communities to provide for their social, economic, and cultural well-being in a sustainable manner by safeguarding the energy production and managing adverse effects on the environment. - Align with relevant national direction Relevance The objectives address the resource management issues identified and seek to make provisions for electricity generation activities and manage their effects. The objectives also assist the Council to undertake its functions under s31 by the control of any actual effects of activities in relation to electricity generation activities and give effect to national planning standards, and national and regional policy documents. Usefulness: The objectives guide decision making by providing clear direction on what the intended outcome is and describe the end state. This is that non-renewable and renewable electricity generation activities should be provided for and effects on communities, the environment and the underlying relationship Ngāi Tahu hold with the natural environment are managed. Reasonableness: The objectives are unlikely to result in an unjustifiable cost on the community as they provide for social, cultural and economic opportunities. Although there may be some costs associated with managing the effects from electricity generation, this is not considered unreasonable. Achievability: The objectives are consistent with identified tangata whenua and community outcomes and can realistically be achieved within the Council's powers, skills and resources.
ENRG-02.	The investigation, development, operation, maintenance and upgrading of renewable electricity generation activities is enabled.	
ENRG-03.	Effects from electricity generation activities on communities, the environment and the underlying relationship Ngāi Tahu hold with the natural environment are managed, while recognising practical constraints (eg, technical, locational, operational) from the use and development of renewable energy.	
ENRG-04.	The efficient operation, maintenance and upgrading of existing electricity generation activities is not constrained or compromised by reverse sensitivity effects.	

Infrastructure - Proposed Objectives		Appropriateness to achieve the purpose of the Act
INFR-01.	The operation, maintenance, upgrading and development of infrastructure is provided for to meet the needs of the community and businesses.	The objectives are considered the most appropriate way to achieve the purpose of the Act because they: - Are consistent with Section 5(2) which enables people and communities to provide for their social, economic, and cultural well-being in a sustainable manner by safeguarding the provision of infrastructure and managing adverse effects on the environment. - Align with relevant national direction. Relevance The objectives address the resource management issues identified and seek to make provisions for infrastructure activities and manage their effects. The objectives also assist the Council to undertake its functions under s31 by the control of any actual effects of activities in relation to infrastructure activities and give effect to national planning standards, and national and regional policy documents. Usefulness: The objectives guide decision making by providing clear direction on what the intended outcome is and describe the end state. This is that infrastructure is provided for, while managing the adverse effects of land uses that may compromise infrastructure. Reasonableness: The objectives are unlikely to result in an unjustifiable cost on the community as they provide for social, cultural and economic opportunities. Although there may be some costs associated with managing the effects from infrastructure, this is not considered unreasonable. Achievability: The objectives are consistent with identified tangata whenua and community outcomes and can realistically be achieved within the Council's powers, skills and resources.
INFR-02.	Infrastructure within new subdivisions and developments integrates with existing infrastructure and provides for opportunities to link with future infrastructure in accordance with the Gore District Subdivision and Land Development Bylaw 2019 or any subsequent replacement document.	
INFR-03.	Infrastructure or land reserved for future infrastructure, is protected from adverse effects of subdivision, use and development that is incompatible or may compromise the construction, maintenance, upgrade and use of infrastructure.	
INFR-04.	Adverse effects from the construction, maintenance, upgrade and use of critical infrastructure are managed.	

Summary

Overall, the proposed Objectives provide greater clarity and certainty for Plan users and decision makers whilst also achieving the purpose of the Act in a reasonable, useful, relevant and achievable manner. The objectives will allow Council to fulfil their obligations under s31 of the Act, are consistent with identified tangata whenua outcomes and align with relevant strategic direction.

9. Evaluation of Options to Achieve the Objectives

9.1 Evaluation

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

For each potential approach an evaluation has been undertaken relating to the costs, benefits and the certainty and sufficiency of information (as informed by Section 4 of this report) in order to determine the effectiveness and efficiency of the approach, and whether it is the most appropriate way to achieve the relevant objective(s). For the purpose of this evaluation, the Council has considered the following potential options:

- Option A - The proposed provisions
- Option B - The 'status quo' provisions.

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. Based on the scale and significance of the proposed changes, specifically the degree of change from the ODP, level of policy risk and scale of effects, it is considered that quantifying costs and benefits is unnecessary. Therefore, exact quantification of the benefits and costs identified in this report was not considered necessary, beneficial or practicable. Rather, the table below generally identifies where there may be additional cost(s) and benefit(s).

Energy Option A – Proposed Provisions	
Objective –ENRG-O1 The significant local, regional and national benefits derived from the use and development of renewable energy resources are recognised and provided for and the transitional need for non-renewable energy is appropriately managed.	
Policies, rules and standards which give effect to ENRG-O1:	
ENRG-P1.	Recognise the local, regional and national benefits of renewable electricity generation activities including, but not limited to: (a) maintaining or increasing electricity generation capacity while avoiding, reducing or offsetting greenhouse gas emissions; (b) maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation; (c) using renewable natural resources rather than finite resources; (d) the reversibility of the adverse effects on the environment of some renewable electricity generation technologies; and (e) avoiding reliance on imported fuels for the purposes of generating electricity.
ENRG-P2.	Encourage and facilitate the increased use of renewable energy resources including the use of: (a) wind, solar and hydro; and (b) waste products; and (c) gas discharges as a source of energy production.
ENRG-R1	Small-Scale Renewable Electricity Generation construction, operation, maintenance, repairs and upgrading (including associated structures)
ENRG-R4	Non-renewable Electricity Generation
ENRG-S1.	Small scale wind turbines
ENRG-S2.	Small scale hydro turbines

ENRG-S3	Solar panels
Objective – ENRG-O2 The investigation, development, operation, maintenance and upgrading of renewable electricity generation activities is enabled.	
Policies, rules and standards which give effect to ENRG-O2:	
ENRG-P3.	Adopt land use patterns, site layout and building design that achieve energy efficiency and conservation.
ENRG-P4.	Support activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.
ENRG-P5.	Provide for the investigation, development, and operation, maintenance, and upgrading of new and existing renewable electricity generation activities and green infrastructure where adverse environmental or cultural effects are appropriately managed.
ENRG-P12	Encourage flexibility for new and existing renewable electricity generation activities to adopt new technologies and sources of renewable energy where this: 1. Increases the efficient use of renewable energy resources; or 2. Encourages the re-use of structures and associated infrastructure where appropriate; or 3. Increases the resilience, safety or reliability of renewable electricity generation activities; or 4. Results in environmental benefits and enhancements.
ENRG-R3	Renewable Electricity Generation Investigations, including associated structures and buildings
ENRG-S1.	Small scale wind turbines
ENRG-S2.	Small scale hydro turbines
ENRG-S3	Solar panels
ENRG-S4	Exploratory wind generation masts
Objective – ENRG-O3 Effects from electricity generation activities on communities, the environment and the underlying relationship Ngāi Tahu hold with the natural environment are managed, while recognising practical constraints (e.g., technical, locational, operational) from the use and development of renewable energy.	
Policies, rules, and standards which give effect to ENRG-O3:	
ENRG-P6.	Provide for the development, operation, maintenance and upgrading of small and community-scale renewable electricity generation where adverse environmental or cultural effects are appropriately managed.
ENRG-P7.	Avoid the location of renewable and non-renewable electricity generation activities within the following areas unless adverse effects can be mitigated: 1. outstanding natural features and landscapes 2. significant natural areas 3. areas of indigenous biodiversity
ENRG-P9.	When considering any residual environmental effects arising from the use and development of energy resources that cannot be avoided, remedied, or mitigated, regard may be had to offsetting measures or compensation, including: 1. measures which benefit the local environment; and 2. measures which benefit the local community affected; and 3. measures which benefit mana whenua aspirations or projects.
ENRG-P10.	Recognise the need for resilient energy supply, including standby power generation in emergency situations, and stand-alone power systems where other sources are not available.
ENRG-P11.	Require large scale renewable electricity generation activities to demonstrate they are located appropriately having regard to relevant land use zone, also considering the following: 1. Any practical constraints, including functional, logistical, or technical constraints to developing, upgrading, operating or maintaining the activity;

	2. The location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, and connections to distribution networks, and the efficient use of land; 3. The scale, intensity, duration, or frequency of the activity's effects; 4. The design and site layout of the activity and its ability to internalise effects; 5. Earthworks and construction effects; 6. Adverse amenity effects, including but not limited to visual, traffic generation, safety, light overspill, shadow, and noise effects; 7. Adequate separation distances from sensitive activities and environments to ensure conflict and reverse sensitivity effects are minimised; 8. Use of adaptive management measures through monitoring of adverse effects; and 9. Ngāi Tahu cultural values, including those listed in MW2.3
ENRG-R1	Small-Scale Renewable Electricity Generation construction, operation, maintenance, repairs and upgrading (including associated structures)
ENRG-R2	Large-Scale Renewable Electricity Generation construction, operation, maintenance, repairs and upgrading (including any structures and associated buildings)
ENRG-S1.	Small scale wind turbines
ENRG-S2.	Small scale hydro turbines
ENRG-S3	Solar panels
Objective – ENRG-O4 The efficient operation, maintenance and upgrading of existing electricity generation activities is not constrained or compromised by reverse sensitivity effects.	
Policies, rules, and standards which give effect to ENRG-O4:	
ENRG-P8.	Protect electricity generation activities, transmission and associated infrastructure and undeveloped energy resources from reverse sensitivity effects from incompatible subdivision, land use and development.
ENRG-R1	Small-Scale Renewable Electricity Generation construction, operation, maintenance, repairs and upgrading (including associated structures)
Benefits	
Environmental	
- The provisions have environmental benefits as they encourage the use of renewable electricity generation and electricity efficiency and conservation. This has environmental benefits associated with reducing greenhouse gas emissions by reducing the amount of non-renewable energy. - The provisions give effect to higher order documents relating to renewable electricity generation by providing for the national significance of renewable electricity generation activities. - The provisions manage adverse effects on the environment of electricity generation activities. The provisions incorporate reference to sensitive environments and provide appropriate management of adverse effects on the environment within these areas.	
Economic	
- The availability of energy is critical for the economic functioning of the District, including economic and employment growth. - Electricity generation activities are likely to have a positive impact on the economy. - Enabling rules for small scale renewables have an economic benefit when these are established as there is no associated resource consent cost.	
Social	
Providing for electricity generation provides social benefits by enabling people and communities to undertake a range of activities that support social wellbeing.	
Costs	
Environmental	
- Providing for non-renewable electricity generation creates a risk to environmental values. However, the permitted activity rule is relatively restricted, and it then becomes a non-complying activity. Aside from the limited activity which can be undertaken as a permitted activity, the need to obtain consents for other activities seeks to manage such effects. - While there are effects relating to the establishment of electricity generating activities, these are managed through rules specifying areas where this is permitted and including standards relating to the activity.	
Economic	
- There are costs relating to obtaining resource consent when required. - There will be some short-term costs to plan users as they become familiar with new provisions.	
Social	
Potential for adverse amenity effects, however these are managed through the proposed provisions.	

The provisions for managing the effects on electricity generation activities and the effects of electricity generation activities have social benefits as they will assist in ensuring these activities continue to be provided in the future.	
Cultural - Managing electricity generation activities enable people to undertake a range of activities that support their cultural wellbeing which rely on energy. - An objective manages the effects from electricity generation on the underlying relationship Ngāi Tahu hold with the natural environment.	Cultural Provisions seek to provide protection for cultural values and as such it is unlikely there will be cultural costs as a result of these provisions.
Efficiency	
There are a number of improved efficiency outcomes associated with the PDP provisions. These included improved clarity through more directive objectives and policies which provides greater certainty for plan users and decision makers and will improve efficiency compared to the status quo option.	
Effectiveness	
The proposed provisions are considered to be the most effective means of achieving the objective(s) as together they will: - enable the Council to fulfil its statutory obligations, including duties imposed on the Council by s31 of the RMA. - ensure that adverse effects from energy are managed appropriately by rules which control the use of both renewable and non-renewable electricity generation and therefore reduce the potential for adverse effects associated with the activity. - encourage the use of renewable electricity and investigation of new technology. - enable the Council to effectively administer its District Plan in a clear and consistent manner.	
Alternative options which are more or less appropriate to achieve the objective	
Option B – Status Quo The current provisions are not considered appropriate as they do not contain appropriate policies relating specifically to the effects of electricity generation activities. There is a lack of existing provisions on energy, and they do not clearly address the issues which have been identified and which the proposed objectives address. Therefore maintaining the status quo is not an appropriate way to achieve the objectives.	
Risk of acting or not acting	
The risk of not acting is that there is a lack of guidance on managing the effects relating to energy. The proposed provisions align with national direction and encourage the use of renewable electricity generation. It is considered that there is sufficient information on which to base the proposed provisions.	

Infrastructure Option A – Proposed Provisions	
Objective – INFR-O1 The operation, maintenance, upgrading and development of infrastructure is provided for to meet the needs of the community and businesses. Policies, rules and standards which give effect to INFR-O1: INFR-P1. Enable the construction, maintenance, upgrade and use of infrastructure. INFR-R1 Establishment, operation, maintenance, replacement, upgrade, repair or removal of infrastructure (including Green Infrastructure) below ground level. INFR-R2 Establishment, operation, maintenance, replacement, upgrade, repair or removal of infrastructure within a building. INFR-R3 Operation, maintenance, replacement, upgrade, repair or removal of existing above ground level infrastructure and access tracks. INFR-R4 Establishment of above ground infrastructure (including Green Infrastructure).	

INFR-R5	Network utilities generating radiofrequency fields.
INFR-R6	Network utilities emitting electric and magnetic fields.
Objective - INFR-O2. Infrastructure within new subdivisions and developments integrates with existing infrastructure and provides for opportunities to link with future infrastructure in accordance with the Gore District Subdivision and Land Development Bylaw 2019 or any subsequent replacement document.	
Policies, rules and standards which give effect to INFR-O2:	
INFR-P3.	Encourage green infrastructure and renewable energy generation.
INFR-P4.	Encourage co-location of infrastructure.
INFR-P5.	Encourage co-location and sharing of infrastructure.
INFR-R7	Activities and development (other than earthworks) within the National Grid Yard.
Objective - INFR-O3. Infrastructure or land reserved for future infrastructure, is protected from adverse effects of subdivision, use and development that is incompatible or may compromise the construction, maintenance, upgrade and use of infrastructure.	
Policies, rules and standards which give effect to INFR-O3:	
INFR-P6.	Adverse effects (including reverse sensitivity effects) are avoided, remedied or mitigated where activities are adjacent to critical infrastructure, including the avoidance of sensitive activities and the effects of subdivision, use and development that may compromise the operation, maintenance, upgrade and development of the National Grid.
INFR-R7	Activities and development (other than earthworks) within the National Grid Yard.
Objective - INFR-O4. Adverse effects from the construction, maintenance, upgrade and use of critical infrastructure are managed.	
Policies, rules and standards which give effect to INFR-O4:	
INFR-P2.	Require the underground placement of network utilities where practical and appropriate for the functional needs and operational needs of the network utility.
INFR-P7.	Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated.
INFR-R8	Telecommunications lines, cabinets, poles and new antennas regulated by the NESTF that do not meet the permitted activity standards in Regulations 20, 21, 22, 27, 29, 31, 33, 35 or 37 of the NESTF and are not expressly provided for as a controlled activity in Part 3 of the NESTF.
INFR-R9.	Establishment of new infrastructure within: a. An Outstanding Natural Landscape or Feature b. A Significant Natural Area c. A site containing an item on the Heritage Schedule, a Notable Tree, a Site of Significance to Māori or an Archaeological Site
INFR-R10.	Infrastructure, including all buildings and structures, not otherwise provided for in the above rules
INFR-S1.	Lines over waterbodies
INFR-S2.	Height of Infrastructure
INFR-S3.	Height of Poles and Masts
INFR-S4.	Setbacks from boundaries
INFR-S5.	Minimum Setbacks from Rivers and Stream
INFR-S6.	Footprint of buildings and structures

INFR-S7.	Antennas, Small Cells and ancillary equipment
INFR-S8.	Radiofrequency fields
INFR-S9	Electric and magnetic fields
Benefits	
Environmental - Contains provisions which are current and align with more recent national direction. - Encouraging the co-location of infrastructure, the sharing of infrastructure and green infrastructure will minimise the spread of infrastructure and promote sustainable practices. - Ecological areas are managed through a Discretionary Activity resource consent required for the establishment of new infrastructure within an Outstanding Natural Landscape or Feature or a Significant Natural Area. - The provisions manage adverse effects on the environment of infrastructure. The provisions incorporate reference to sensitive environments and provides appropriate management of adverse effects on the environment within these areas.	Environmental - Infrastructure has the potential for adverse visual effects from its establishment, both within rural and urban environments. - There is potential for some environmental impact where there is an operational or functional need for the critical infrastructure to be located there.
Economic Provisions for the establishment, operation and maintenance of infrastructure will assist in services required to undertake economic activity.	Economic - Consenting costs for certain activities not permitted through the provisions. - There will be some short-term costs to plan users as they become familiar with new provisions.
Social - Enables infrastructure providers to provide services which meet the community's expectation. - Providing for infrastructure provides social benefits by enabling people and communities to undertake a range of activities that support social wellbeing. - The provisions for managing the effects on infrastructure and the effects of infrastructure have social benefits as they will assist in assuring these activities continue to be provided in the future.	Social Potential for adverse amenity effects, however these are managed through the proposed provisions.
Cultural Policy proposed to manage the development of infrastructure so that adverse effects on Ngāi Tahu cultural values are avoided, remedied or mitigated.	Cultural There is a consenting pathway for new infrastructure to be located within a Site of Significance to Māori, this has a Discretionary Activity status, whereby there is no restriction to the matters that can be considered.
Efficiency	
There are a number of improved efficiency outcomes associated with the PDP provisions. These included improved clarity through more directive objectives and policies which provides greater certainty for plan users and decision makers and will improve efficiency compared to the status quo option.	
Effectiveness	
The proposed provisions are considered to be the most effective means of achieving the objective(s) as together they will: - Enable the Council to fulfil its statutory obligations, including duties imposed on the Council by s31 of the RMA. - Ensure that adverse effects from infrastructure and effects on infrastructure are managed appropriately by rules. - Enable the Council to effectively administer its District Plan in a clear and consistent manner.	
Alternative options which are more or less appropriate to achieve the objective	
Option B – Status Quo The current provisions do not fully align with national direction, and need updating to reflect national consistency. The existing provisions do not clearly address the issues which have been identified and which the proposed objectives address, therefore maintaining the status quo is not an appropriate way to achieve the objectives.	

Risk of acting or not acting
The risk of adopting the provisions is considered low, and the approach is also broadly consistent with national and regional direction and current best practice. Not acting on this approach may mean that the current efficiency and effectiveness issues with the Operative Plan approach are not addressed. Overall, it is considered that there is sufficient information to act, and that risks of not acting are outweighed by the benefits of acting.

9.2 Summary of Preferred Options

Summary The preferred option for both Energy and Infrastructure is the Proposed District Plan provisions which will achieve the purpose of the Act and provide greater clarity and direction to applicants and decision makers thereby being consistent with Section 5 of the RMA 1991. The provisions provide an appropriate balance between managing the effects of energy and infrastructure and also managing the effects other activities can have on energy and infrastructure.
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Appendix 1

Person / Organisation	Feedback summary	Response
National Public Health Service – Southern	INFR P3-P5 - Requests consideration for spatial equity in infrastructure provisions. INFR P6-P7 – Concerns about water use and the impacts on the environment and public health, requests a range of management methods to consider stressors on water quality with the goal of improving ecosystem health. Requests a renewable energy definition and include the objectives of the NBA (decrease greenhouse gas, promote mitigation of emissions, increase renewable energy). Requests a strengthened link between energy and health within the overview. Requests the encouragement of sustainable energy provision and a healthy homes focus. ENRG-R1: Potential error: Refers to activity status where compliance not achieved with PER-1: Restricted Discretionary. Have been unable to determine what this refers to. ENRG-R4: Typo: All Other Zones 3.(b)recommend <i>duration during</i>	The District Plan provisions have been designed to enable the development of infrastructure and maintained for the intended purpose. The chapter itself does not relate to spatial distribution of infrastructure provision – therefore the zoning and subdivision chapters are best placed to manage this along with the allocation of funding through the Long Term Plan. Amend INFR-P7 to include ecosystem health. No changes are recommended to the definition of renewable electricity generating activities definition as it is the same as the NPS REG. ENRG-R4: Recommend change to ‘duration’
Yrless+	INFR 02 - Requests this objective is strengthened to recognise the advances and unknowns of internet based communication infrastructure. Request’s objective and policies to recognise the critical role of lifeline infrastructure cross referenced to hazard management to allow for temporary infrastructure during the aftermath of hazard events. Discourages council from imposing further constraints on infrastructure provision than already implemented through national legislation. Objects to the ONFL and biodiversity national legislation taking precedence over national telecommunications legislation. Telecommunications is not unlike electricity infrastructure from an effects perspective. INFR R8 – requests a permitted activity for NESTF activities, with controlled or restricted discretionary activity where standards cannot be met. Raised particular concern regarding the non-complying activity status where standards cannot be met. INFR S3 - requests for the provision of taller structures than provided by the proposed height allowance INFR S7 – considers standard to be arbitrary and not effects based INF S5 – requests small structures operating within waterways or setback areas by permitted activities or to clarify the effects the standard is attempting to manage	No changes are recommended as this is covered by ‘infrastructure’ which as per the RMA definition extends to this. Section 330 of the RMA allows for emergency works, at this stage duplication under the District Plan is considered unnecessary A consenting pathway has been provided which allows for a case by case assessment of the appropriateness of an activity. INFR8- Wording clarified. No other changes recommended; the activity status is restricted discretionary, not non-complying as stated. INFR S3 – Current height limits appear appropriate and consistent with best practice. Noting if exceeding the height limit an RD consent will be required with consideration given to the benefits of a higher structure. INFRS7 - Current limits are considered appropriate and consistent with best practice. INFR S5 – Current limits appear appropriate and consistent with setbacks required for other activities. Noting matters of discretion lay out assessment pathway for any non-compliance.
KiwiRail	INFR 03 - Supports protecting infrastructure from reverse sensitivity INFR P6 - Supports protecting infrastructure from reverse sensitivity INFR R3 - Supports permitted activity status INFRP6 - Requests that adverse effects (including reverse sensitivity) are avoided, remedied, or mitigated where activities are adjacent to critical infrastructure Definitions: • Include reference to rail network/corridor in critical infrastructure and network utilities • Delete heavy rail from the definition of Transit Corridor	INFR-P6 – Amended so adverse effects (including reverse sensitivity) are avoided, remedied, or mitigated where activities are adjacent to critical infrastructure. It is recommended that reference to rail network/ corridor is specifically included within the definitions of critical infrastructure and network utilities. The deletion of ‘heavy rail’ from Transit Corridor would make the definition inconsistent with the One Network Framework street category definition supported by Waka Kotahi.

Waka Kotahi	Requests the term “utilities” be defined within Chapter 1. The ‘Overview’ details what ‘infrastructure’ involves and excludes roads from the list. However, the definition of ‘infrastructure’ as defined within Chapter 1, includes structures for transport (as per the RMA definition). Additionally, the overview of infrastructure only includes water and wastewater, however the definition of infrastructure includes drainage systems. INFR R3 - The title of the rule uses the term ‘infrastructure’, but the matters of discretion in (1) and (2) use the term ‘network utility’ - Requests clarification.	Reference to ‘utilities’ has been changed to ‘network utilities’, as defined in Chapter 1. ‘Drainage’ and ‘transport’ is recommended to be included in the overview section. Terms in Rule 3 have been clarified.
Royal Forest and Bird Protection Society of New Zealand	INFR P3 – Supportive of green infrastructure, renewable electricity generation and nature based solutions provided any adverse environmental impacts are appropriately avoided, remedied, or mitigated. Requests resources on these measures to be made available by the council. Requests nature based infrastructure solutions to be worked into code of subdivision and development. Requests that all permitted rules for infrastructure including new Regionally Significant Infrastructure, include conditions which exclude and set back activities from SNAs, Outstanding Natural Character, Outstanding Natural Feature and Outstanding Natural Landscape areas. A possible exception being maintenance and minor upgrading within SNAs as a permitted activity when related to existing lawfully established infrastructure. Requests that more stringent rules apply to infrastructure within SNAs and any indigenous vegetation clearance. Requests a link to the future biodiversity chapter within matters of control and discretion. INFR-R9/R10 requests this is changed to a non-complying status to recognise the importance of SNAs. Supports provisions for renewable electricity generation and the avoidance of ONFLs and SNAs. Seeks this chapter to promote efficient energy use. ENRG S1, ENRG S2 & ENRG S4 - seeks additional matter of discretion related to the environment and standard requiring a set-back of 100 metres of any areas of outstanding natural features and landscapes and significant natural areas.	Notes the requests around green infrastructure-however not a district plan function. Landscape and biodiversity chapters are in the process of being developed, the comments from Forest and Bird will be incorporated into this policy development.
Transpower	Overview - Generally supports but seeks amendments to better reflect the statutory context, role and importance of the National Grid. INFR O1 - Generally supports but seeks limited amendments to more closely align to the Objective of the NPSET. INFR O3 – Supports but seeks that wording of this Objective could be amended to better align with the direction given by INF P3. INFR O4 - Supports but seeks clarification of the term ‘essential’ and impact the application of this Policy. An alternate approach may be to consider using terms from the RPS such as regionally significant, nationally significant, or critical infrastructure. INFR P1 – Supports INFR P2 – Opposes as could require the national grid to be located underground. While technically feasible could be prohibitive due to cost, security of supply, issues with repair and maintenance.	Changes recommended to better align with NPSET and RPS. INFR O4 - Recommended to utilise the term ‘critical infrastructure’. INFR P2 – Changes recommended to this policy to reference the functional and operational needs of the network utility. INF P6 - Changes recommended to policy on reverse sensitivity effects. INFR P7 and 8 – Changes supported. Further amendment to combine P7 and P8. INFR R4 – Recommend deletion of requirement for lines to not be greater than 110kV, effects managed through standards. INFR R5-6 – Recommend incorporating into a standard. INFR R7 – Recommend changing rule to Transpower’s nationally consistent approach.

INFR-P6 - Generally supports but suggests that ‘controlling activities’ is inconsistent and less stringent than the policy direction in the NPSET and SRPS. Transpower proposes the addition of further text in the Policy in order to give effect to the NPSET (Policies 10 and 11). INFR P7 and INF P8 - Generally supports but is concerned that requiring effects to be ‘avoided or minimised’ is more stringent and not required by the NPSET and the SRPS. Transpower is not opposed to policy aiming to <u>reduce</u> adverse effects. Transpower would support managing effects within certain areas through overlays as opposed to catchall policy. Requests a new policy to reflect this and deletion of reference in Policies INFR-P7 and INFR-P8 Requests alternative reference to the national policy statements and national environmental standards to reflect the relationship between a district plan and higher order documents. INFR R1, INFR R2 INFR R3 – Supports INFR R4 – Generally supports, however does not consider the distinction for lines that are greater than 110kV as the voltage does not have an adverse effect. INFR R5 and INFR R6 - Supports on the basis that they reference relevant standards for radiofrequency fields and electric and magnetic fields that are consistent with Policy 9 of the NPSET. Suggests that the Rules would be better suited to being standards that relate to the relevant infrastructure. INFR R7 - Opposes as the rule is does not give effect to Policy 10 and Policy 11 of the NPSET and does not reflect Transpower’s nationally consistent, engineering-based approach to the management of activities within the National Grid Yard. Requests clarity on whether the Rule is intended to apply just to network utilities or land use, activities and development more generally. Supports the ‘default’ to non-complying activity status. It is suggested that the rule be replaced in its entirety to reflect Transpower’s nationally consistent approach. INFR R9 - Supports INFR R10 - Generally supports, requests clarification whether the reference to a relevant NES is necessary or appropriate. INFR S1 - does not support or oppose but suggests this is duplicated by NZECP34:2001 and therefore unnecessary. INFR S5 - does not support or oppose but seeks clarification to confirm how this Standard applies to transmission lines (that must traverse waterbodies); what effects are being managed; the interaction with regional council regulatory matters; and whether structures such as transmission line support structures ought to be addressed through a setback provision. Definition amendment requests: • Amend critical infrastructure to include the national grid • Amend the definition of “National Grid” to be consistent with the NPSET • National Grid Subdivision Corridor to include a diagram and exclusion for designated transmission lines • National Grid yard to include a diagram and clarify 10m yard for 110KV lines • Amend sensitive activity to exclude graveyards and urupā in respect of the National Grid	INFR -10 Recommend removal of mention to NES – As a higher order document this will apply anyway. INFR S1 – Recommend retaining as provides clarity for lines over waterbodies. INFR S5 - Current limits appear appropriate and consistent with setbacks required for other activities. Noting matters of discretion lay out assessment pathway for any non-compliance. Inclusion in the infrastructure chapter makes it clear that buildings associated with infrastructure are covered. Critical infrastructure – support the inclusion of ‘the national grid’. National Grid – support amendment to also be consistent with the NPSET Support changes to National Grid Subdivision Corridor definition. Support changes to National Grid Yard. No changes recommended to the definition of ‘sensitive activity’ as graveyard and urupā are considered to be sensitive activities. No changes to transmission line definition as it is consistent with the NESETA and other plans. The definitions of ‘regional significant infrastructure, essential infrastructure and critical infrastructure have been reviewed for alignment with the Regional Policy Statement.
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	- Amend the definition of “transmission line” to be consistent with the NESETA - Rationalise ‘regionally significant infrastructure’, ‘essential infrastructure’, and critical infrastructure’ to align with the Regional Policy Statement.	
Mercury	Seeks a framework which enables the use and development of Renewable Electricity Generation Activities by providing for the following: - An enabling framework for repowering/upgrading wind farms with a minor increase in scale and character, to provide; - increased electricity output, and - increased efficiency both onsite and via the use of connected infrastructure. - Provision of wind monitoring masts for wind resource investigation as a permitted activity within the Rural Zone, relatively free of encumbrances. - Protection of renewable energy resources and consented sites from reverse sensitivity conflicts, including anticipated use of land where wind resources exist from lifestyle subdivision. - Acknowledgement of the benefits of Renewable Energy, and practical constraints that relate to use and development. - Management of effects from Renewable Electricity Generation Activities on other activities and values, ensuring policy considers the full suite of tools, including avoid, remedy, mitigate as well as offsetting or compensation where appropriate as mechanisms to assess effects. - Provision of Electric Vehicle (EV) charging infrastructure throughout all land use zones as a permitted activity". Mercury energy seeks a number of amendments to the various energy objectives and policies to encourage renewable energy production and achieve the above points. In particular a permissive framework is sought to enable the repowering of the Kaiwera Downs project and to enable wind powered electricity generation in general. ENRG-01. The significant local, regional and national benefits derived from the use and development of <u>renewable</u> energy resources are recognised and provided for. ENRG-02. The investigation, development, operation, maintenance and upgrading of ~~new and existing energy producing~~ <u>renewable electricity generation activities utilising renewable energy resources</u> is <u>enabled</u> ~~facilitated and encouraged~~. ENRG-03. <u>Effects from Renewable Electricity Generation</u> ~~Energy activities are designed to minimise adverse effects on communities, the environment and the underlying relationship Ngāi Tahu hold with the natural environment~~ <u>are managed</u>, while recognising <u>practical constraints (e.g. technical, locational, operational) from the use and development of renewable energy. are appropriate technical locational and operational constraint</u>. New Objective needed to ensure reverse sensitivity effects are managed. <u>REG-O4 Adverse effects on existing renewable electricity generation activities</u> <u>The efficient operation, maintenance and upgrading of existing renewable electricity generation activities is not constrained or compromised by reverse sensitivity effects.</u>	ENGR 01 – Amendment recommended to separate the provision for renewable and non-renewable electricity generation. ENGR 02 - Recommend changing objective as per suggestion to encourage the use of renewable energy. ENGR 03 – Some changes recommended to manage effects from electricity generation. The request for an additional objective to manage reverse sensitivity is supported but recommended to include all electricity generation. ENRG P5 - This change is supported. ENRG P7 – Retain as drafted. ENRG P8 – This change is supported, however applying to renewable and non-renewable electricity generation. ENRG P9 – Some changes recommended; however, compensation is already covered in the policy. ENRG P10 – Recommend deletion as reverse sensitivity now covered by P8. ENRG P11 – This change is supported. ENRG P12 – This change is supported. Support the inclusion of new policy on flexibility to adopt to new technology and sources of renewable energy. Do not support new policy regarding repowering, considered to sufficiently covered under ENRG-P5. Proposed new rule allowing for upgrading or repowering as a permitted activity within rural areas not supported - R1 Provides for upgrading as a permitted activity with limitations. Proposed wording through the submission has a very large scope with the risk effects would not be managed. ENRG S4 – Proposed mast setback is consistent with other plans and best practice, limited evidential basis for reducing. ENRG – S4 - Addition of matter of discretion supported. Renewable electricity generating activities- proposed wording is supported in part. Amended to be consistent with NPS REG and other plans. The definition of ‘sensitive environment’ is to remain as it is important in the context of other areas of the PDP, this is however no longer referenced within this chapter in order to give effect to the updated NPS-IB.

Note: this policy needs to be also located within Rural Zone Chapter, which is not available online. ENRG-P5. Provide for the <u>investigation</u>, development, and operation, maintenance, and upgrading of new and existing renewable <u>electricity generation</u> ~~energy producing~~ activities and green infrastructure, where adverse environmental or cultural effects are appropriately managed. Delete existing ENRG-P7 and replace with ~~ENRG-P7. Avoid the location of renewable and electricity generation activities within the following areas unless adverse effects can be mitigated,~~ ~~(a) outstanding natural features and landscapes~~ ~~(b) significant natural areas~~ ~~(c) areas of indigenous biodiversity~~ <u>ENRG-P7 Adverse effects from renewable electricity generation activities on the environment and cultural values are managed by:</u> <u>1. Avoiding, remedying, mitigating significant adverse effects or where appropriate offsetting or compensating significant residual adverse effects.</u> <u>2. Recognising the operational, technical and functional needs and constraints of renewable electricity generation activities; and</u> <u>3. Ensuring the scale and nature of renewable electricity generation activities are appropriate for their location and receiving environment.</u> Amend ENRG-P8 and RNRG-P9 as follows: ENRG-P8. Protect ~~existing~~ renewable electricity generation activities, transmission and ~~energy facilities~~, associated infrastructure and undeveloped energy resources <u>from reverse sensitivity effects from</u> incompatible subdivision, land use and development. ENRG-P9. When considering any residual environmental effects arising from the use and development of ~~new~~ energy resources that cannot be avoided, remedied or mitigated, regard may be had to offsetting measures or environmental compensation, including: (a) measures which benefit the local environment; and (b) measures which benefit the local community affected; and (c) measures which benefit mana whenua aspirations or projects; <u>and</u> (d) <u>where offsetting is not appropriate compensation measures are to be appropriately implemented</u> Delete ENRG as reverser sensitive policy ENRG P8 sets policy direction. ~~ENRG-P10. Avoid, where practicable, reverse sensitivity effects on consented and existing renewable electricity generation activities.~~ ENRG-P11. Recognise the need for <u>resilient non-renewable</u> ~~energy supply resources~~, including standby power generation in emergency situations, and stand-alone power systems where other sources are not available. ENRG-P12. Require large scale renewable electricity generation activities to demonstrate they are located appropriately having regard to <u>relevant land use zone, also considering the following:</u>	
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(a) Any <u>practical constraints, including functional, locational, logistical or technical constraints to developing, upgrading, operating or maintaining the activity;</u> (b) The location of existing structures and infrastructure including, but not limited to, roads, navigation and telecommunication structures and facilities, and connections to distribution networks, and the efficient use of land; (c) The scale, intensity, duration or frequency of the activity's effects; (d) The design and site layout of the activity and its ability to internalise effects; (e) Earthworks and construction effects; (f) Adverse amenity effects, including but not limited to visual, traffic generation, safety, light overspill, shadow and noise effects; (g) Adequate separation distances from sensitive activities and environments to ensure conflict And reverse sensitivity effects are minimised; and (h) Use of adaptive management measures through monitoring of adverse effects. (i) Ngāi Tahu cultural values, including those listed in MW2.3 New policy to provide for - Innovation and Technological Advances <u>Provide flexibility for new and existing renewable electricity generation activities to adopt new technologies and sources of renewable energy where this:</u> <u>1. Increases the efficient use of renewable energy resources;</u> <u>2. Allows for the re-use of structures and associated infrastructure where appropriate;</u> <u>3. Increases the resilience, safety or reliability of renewable electricity generation activities; or</u> <u>4. Results in environmental benefits and enhancements.</u> New policy to provide for Repowering <u>Recognise the benefits of well-designed repowering of existing Renewable Electricity Generation Activities, including:</u> <u>1. Efficient use of existing infrastructure; and</u> <u>2. Potential for increased renewable electricity generation output with minor increase to footprint or envelope, with comparatively lower environmental impacts than generation elsewhere</u> New rule providing for - Upgrading and repowering as a permitted activity <u>Upgrading or repowering existing renewable electricity generation activities</u> <u>General Rural Zone - Activity status: Permitted</u> <u>The upgrade or repowering of any existing renewable electricity generation activity, including where:</u> <u>a. the upgrade results in increased electricity generation capacity; or</u> <u>b. the upgrade or repowering results in a minor increase to the footprint or envelope of the existing renewable electricity generation activity; and for wind farms, compliance is achieved with NZS 6808:2010</u> <u>Acoustics – Wind farm noise.</u> ENRG-S4. Exploratory wind generation masts in General Rural Zone 1. Minimum mast setbacks: from the site boundary: 1 times the mast's height 2. Maximum duration of activity: five years; 3. Removal of mast and all associated structures and equipment: no later than two months after the cessation of wind monitoring activities. Activity status where compliance not achieved: Restricted Discretionary Matters of discretion: 1. The type, scale, form and location of the turbine and any adverse effects on the character and amenity values of the locality. 2. The ability to mitigate any adverse visual amenity effects through use of	
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	screening, planting and alternative design. 3. Adverse noise and vibration effects. 4. Adverse effects on Ngāi Tahu cultural values, including those listed in the MW2.3 5. <u>Operational need, functional need or other technical considerations.</u> <u>Definitions</u> renewable electricity generating activities Construction, operation and maintenance of structures associated with the generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, including means small and community-scale distributed renewable generation activities and the system of electricity conveyance required to convey electricity to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity. Delete definition of ~~Sensitive Environments (energy generation) means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area or Areas of Indigenous Biodiversity~~	
Robina Johnston	Seeks permissive planning rules to encourage renewable electricity generation	No specific changes requested; draft rules provide for small scale renewable energy as a permitted activity.
Department of Conservation	ENRG P7 - Supports avoiding the location of renewable and non-renewable electricity generation activities within ONFLs and areas of indigenous biodiversity unless adverse effects can be mitigated.	No changes requested.
New Zealand Defence Force	Adding defence facilities to “critical infrastructure”	Inclusion of defence force utilities as critical infrastructure - this is best suited within the “Emergency Service Facility” and as such is recommended to be included within that definition.
Southland Federated Farmers of New Zealand	Amend National Grid Yards to align with NZECP34 Code of Practice for Electrical safety distances which requires an 8m distance for 110kV lines rather than 12m	No change recommended – the current definition maintains national consistency for the definition of National Grid Yard.
Feedback summary		
Some key stakeholders raised issues concerning their ability to continue their functions and meet their operational objectives, a number of submissions sought more permissive standards around renewable electricity generation: • The National Public Health Service Southland requests a more holistic view connecting public health, energy and infrastructure provision. • Yrless+ requested more permissive rules around the provision of infrastructure and discouraged council from imposing further constraints on infrastructure provision than already implemented through national legislation. Yrless+ objected to other national legislation taking precedence over infrastructure provision. • KiwiRail are generally supportive but requested that adverse effects (including reverse sensitivity) are avoided, remedied, or mitigated where activities are adjacent to critical infrastructure. • Waka Kotahi requests greater clarification and definitions be included. • Transpower suggested alternative wording for a number of objectives, policies, rules and standards to help them achieve their objectives. • Mercury Energy requested more permissive rules for renewable electricity generation. • Department of Conservation are supportive of provisions restricting infrastructure and energy provision outside of ONFLS and SNAs unless adverse effects can be mitigated. • New Zealand Defence Force requested inclusion into definition of ‘critical infrastructure’. • Federated Farmers seeking a reduced setback to Electricity Transmission lines.		
Key changes in response to feedback		
Amendments have been recommended in response to feedback, where appropriate. These are largely to align with national direction and provide national consistency.		

