

Gore Proposed District Plan

Hearing Stream 7 – Energy & Infrastructure

Section 42A of the Resource Management Act 1991

Section 42A Report – Energy & Infrastructure

Table of Contents

1 Executive Summary.....	6
2. Introduction	7
2.1 Author and qualifications	7
2.2 Code of Conduct	7
3. Scope of report and topic overview	8
4. Statutory considerations and planning framework.....	8
4.1 Resource Management Act 1991	8
4.2 National Planning Instruments and other Relevant Plans and Policies	9
4.3 Section 32AA evaluation	12
4.4 Procedural matters.....	12
5. Background	13
6. Consideration of submissions	13
6.1 Structure of the report	13
6.2 Overview of submissions.....	14
6.3 Format for consideration of submissions.....	15
6.4 Infrastructure & Energy Definitions	15
6.5 Submissions in other chapters that relate to Energy & Infrastructure	27
6.6 INFRASTRUCTURE- General and mapping submissions	28
6.8 INFRASTRUCTURE- Submissions by Submitters	35
6.9 INFRASTRUCTURE Specific Provisions	40
6.10 ENERGY– Overview.....	86
6.11 ENERGY– General & Mapping	88
6.12 ENERGY– Additional Provisions Sought.....	90

6.13	ENERGY Specific Provisions	93
7.	Consequential and Minor Amendments.....	120
8.	Conclusions	121

Tables

Table 1: Abbreviations

Table 2: Submitters and Further Submitters Names Abbreviations

Table 3: List of Submitters and Further Submitter Numbers

Appendices

Appendix A – Track change amendments to chapters

Appendix B – Recommended response to submissions and further submissions

Appendix C – Mapping Changes

Interpretation

Table 1: 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 Freshwater Management	NPS-FM
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA

Table 2: Submitters and Further Submitters Names Abbreviations

Chorus New Zealand Limited	Chorus
Contact Energy Limited	Contact Energy
Department of Conservation	DOC
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Groundswell New Zealand	Groundswell
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Kāinga Ora – Homes and Communities	Kāinga Ora
KiwiRail Holdings Limited	KiwiRail
Mercury New Zealand Limited	Mercury
Ministry of Education	MOE
New Zealand Agricultural Aviation Association	NZAAA
New Zealand Defence Force	NZDF
New Zealand Heavy Haulage Association	NZ Heavy Haulage
New Zealand Helicopter Association	NZHA
New Zealand Transport Agency Waka Kotahi	NZTA
Royal Forest and Bird Protection Society of New Zealand Inc	Forest & Bird
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers
Spark New Zealand Trading Limited	Spark
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower
Woolworths New Zealand Limited	Woolworths

Table 3: List of Submitters and Further Submitters Numbers

s32	One New Zealand Group Limited
S33	FortySouth
S35	Chorus New Zealand Limited
S37	Connexa Limited
S60	Ronald Crispin
S68	John Baynes
S85	Environment Southland
S95	PowerNet Limited
S101	Transpower New Zealand Limited
S109	Department of Conservation
S110	Royal Forest and Bird Society of NZ Inc
S112	Waka Kotahi NZ Transport Agency
S115	Kevin Robertson
S121	Alliance Group Limited
S124	Fire and Emergency NZ
S125	Ministry of Education
S126	Southland Federated Farmers of New Zealand
S128	Greenbriar
S130	Mercury NZ Limited
S132	KiwiRail Holdings Ltd
S133	David Pullar

S134	Andrea McMillan & Tony Harpur
S136	Jenny Campbell
S139	Hokonui Rūnanga Inc
S140	Robina Johnston
S143	Rural Ratepayers Group
S144	Contact Energy Limited
S146	Southland District Council
S147	New Zealand Defence Force
S148	Alistair & Bernadette Hunt
S149	Yrless
S154	Spark New Zealand Trading Limited
FS11	Heritage New Zealand Pouhere Taonga
FS14	NZ Transport Agency Waka Kotahi
FS17	Federated Farmers
FS21	Yrless Limited
FS23	PowerNet Limited
FS24	Contact Energy Limited
FS26	Mercury Limited
FS27	Alliance Group Limited
FS28	Kainga Ora
FS30	Transpower New Zealand Limited
FS31	Department of conservation

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes an Energy (ENRG) and Infrastructure (INFR) chapter, which contains objectives, policies, rules and standards to manage the effects of energy and infrastructure on the District
2. The Energy Chapter manages different energy resources to meet the day-to-day needs of people and communities. Renewable energy resources are becoming increasingly important and the potential for wind utilisation in the District is noted. The District also has lignite reserves, but its development is ruled out due to adverse environmental effects. Good urban and building design can aid in the efficient use of energy resources.
3. The Infrastructure chapter provides for and manages the adverse effects of infrastructure whilst enabling existing infrastructure and land reserved for infrastructure to be developed and maintained for their intended purpose. Infrastructure is also managed through the Gore District Council Subdivision and Land Development Bylaw 2019 and the Gore District Council 30 Year Infrastructure Strategy 2018-2048.
4. A total of 393 original submissions and 133 further submissions were received for the Infrastructure Chapter
5. Key issues identified through submissions on the Infrastructure Chapter include:
 - Changes to notified definitions and new definitions requested
 - A variety of amendments are sought on the Infrastructure Overview
 - Clarity was sought within the Chapter and throughout others to ensure that users understand what area specific zone rules do and do not apply to Infrastructure
 - Provision for temporary infrastructure
 - Setbacks and protection for SNA’s and indigenous biodiversity
 - Amendments to mapping, specifically to add Transpower substations to the mapping of the National Grid.
 - Recognition of the importance of Infrastructure throughout the overview, objectives, policies and rules
 - Reverse sensitivity effects
 - Amendments to activity status on INFRA-R7 to INFRA-R9 and ENRG-R2
 - Amendments to other chapters to provide for infrastructure
6. A total of 76 original submissions and 41 further submissions were received on the Energy Chapter.

7. Key issues identified through submissions on the Energy Chapter include:
 - Greater provision for renewable energy throughout the overview, objectives, policies and rule framework to give better effect to the NPS-REG
 - Submissions requesting further protection of Section 6 matters, such as effects on biodiversity, landscapes and natural landscapes.
 - Recognition of the importance of energy infrastructure and the need for the PDP to provide for REG as a matter of national importance.
8. This report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
9. As a result of submissions, a range of recommended changes have been made to both chapters which are broadly summarised as follows:
 - Greater alignment with National Direction
 - More targeted matters of discretion including cultural value considerations.
 - Clarification of how the chapters interact with the wider District Plan

2. Introduction

2.1 Author and qualifications

10. My name is Mishka Banhidi, I am the author of this report. I am employed by The Property Group Limited as a Senior Planner.
11. I hold a Bachelor of Applied Science in Environmental Management from the University of Otago. I have over 7 years' experience in planning and resource management, including policy development and associated report and evidence preparation.
12. I have been engaged as a contractor by Gore District Council to assist in the District Plan review and prepare the draft and proposed District Plans. Detail any other relevant roles.

2.2 Code of Conduct

13. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The

opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.

14. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearing commissioners ("Hearings Panel").

3. Scope of report and topic overview

15. This report considers the submissions and further submissions that were received by the Council in relation to the Infrastructure and Energy chapter of the PDP. In addition, the mapping of the National Grid is also addressed:
16. The assessment of submissions will generally follow this format:
 - Submission information
 - Analysis of submissions
 - Recommendation and any amendments
 - Where an amendment is recommended a section 32AA assessment is provided.
17. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions are shown by way of ~~strikeout~~ and underlining. **Appendix A** of this report contains a copy of the Infrastructure and Energy chapters with all recommended amendments are shown by way of ~~strikeout~~ and underlining.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

18. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
 - Section 74 – Matters to be considered by territorial authorities; and
 - Section 75 – Content of District Plans.
19. As set out in the Section 32 Evaluation Report for Energy and Infrastructure, there are a number of higher order planning documents and other relevant plans which have provided direction and guidance for the preparation of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report. The Section 42A Introduction, General Provisions and Strategic Direction Report also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
20. It is not considered necessary to repeat the detail of the relevant RMA sections and higher order documents in this report as these are covered within the relevant Section 32 Evaluation Report. However, where a higher order document is considered particularly relevant to the assessment

of submissions or where there have been amendments to higher documents relevant to this topic these are discussed below.

4.2 National Planning Instruments and other Relevant Plans and Policies

National Policy Statement for Electricity Transmission 2008 (NPS-ET)

21. The National Policy Statement on Electricity Transmission 2008 prioritises the importance of the national grid which plays an essential role in the wellbeing of communities and people whilst managing the potential adverse effects associated with this large-scale infrastructure. The NPS-ET objectives set direction to facilitate 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.
22. The NPS-ET includes policies that seek recognition of the national benefits of transmission (Policy 1), management of environmental effects of transmission (Policies 2- 9) and the adverse effects on third parties (Policies 10-11), identification of the network on planning maps (Policy 12), and the facilitation of long-term planning for the network (Policies 13-14).
23. The NPS-ET is recognised in:
 - Objective UFD-O1 which seeks to ensure that the district develops in a cohesive, compact and structure way, that (amongst other things) utilises existing infrastructure or can be served by new infrastructure.
 - Objective UFD-O7 which seeks to ensure urban environments are liveable, connected, accessible, safe and well-designed spaces which are adequately serviced by existing or upgraded infrastructure.
 - Objective UFD-O8 which seeks to ensure major facilities (which would include the national grid) are able to operate efficiently and effectively to recognise the contribution they make to the economic wellbeing and prosperity of the district.

National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG)

24. The NPS for Renewable Electricity Generation 2011 recognises:
 - the benefits of renewable electricity generation (REG) 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.

National Policy Statement for Highly Productive Land 2022 (NPS-HPL)

27. The National Policy Statement for Highly Productive Land provides direction to improve the way highly productive land is managed under the RMA. This is achieved through clear and consistent guidance to councils on how to map and zone highly productive land (HPL), and manage the subdivision, use and development of this non-renewable resource.
28. Changes to the NPS-HPL came into effect from 14 September 2024, these include amendments to the list of circumstances where the use or development of HPL is appropriate and now include indoor primary production and green houses. More specifically to the infrastructure chapter changes to the wording regarding specified infrastructure have been made and now includes the development, construction, decommissioning, replacement and removal or specified infrastructure. This provides for a pathway through the NPS-HPL that was previously not provided for, for new specified infrastructure projects.
29. 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.
30. This change should not result in any consequential changes to the district plan, unless the panel were of a mind to restrict specified infrastructure activities within HPL land, as the NPS-HPL is now more permissive in relation to those activities, noting this does not waive any district plan requirements.

National Environmental Standards Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA)

31. The NESTA only applies to existing high voltage electricity transmission lines (not new transmission lines, distribution lines or sub-stations). The standards prescribe a national framework for the operation, maintenance, up-grading and replacement of structures, along with specifications for signs attached to transmission line support structures. They cover use of existing access tracks, earthworks, vegetation clearance, noise and vibration.

32. The PDP should not duplicate these provisions, nor include provisions which are more lenient or more stringent (unless the NESETA allows for this).

Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016 (NESTF)

33. The NESTF provides nationally consistent technical standards or requirements for 'facility operators' with respect to telecommunication facilities, structures, activities and the decision-making processes. The NESTF regulates the following activities as permitted activities provided the prescribed standards are met: cabinets (within and outside of the road reserve); antennas on existing and new poles in the road reserve; replacement, upgrading and co-location of existing poles and antennas outside of the road reserve; new poles and antennas in rural areas; antennas on buildings; small cell units on existing structures; and telecommunication lines.
34. However, the NESTF does not regulate all types of telecommunication facilities. Examples of telecommunications facilities and activities that are not regulated under the NESTF include: new poles and antennas that are not located in the road reserve or rural zones; self-contained power units; establishment, operation and maintenance of an access track to a telecommunication facility and associated earthworks; new telecommunication lines and associated support structures; telecommunication exchanges. Furthermore, the NESTF does not override regional plan rules.
35. The provisions are intended to be enabling whilst ensuring effects on the environment are managed appropriately. The PDP should not duplicate the NESTF provisions, nor include provisions which are more lenient or more stringent (unless the NESTF allows for this).

National Policy Statement for Indigenous Biodiversity 2023 (NPSIB)

36. The NPSIB applies to indigenous biodiversity in the terrestrial environment throughout Aotearoa New Zealand and provides direction to achieve no overall loss of indigenous biodiversity after its commencement date.
37. The NPSIB identifies in Part 1: Preliminary provisions 1.3(3) that
- Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not "specified infrastructure" for the purposes of this National Policy Statement.*
38. Given this overarching statement, the NPSREG has guided policy decision making of renewable electricity generation assets and activities and the NPSET has guided electricity transmission network assets and activities in their relationship with indigenous biodiversity.
39. Effects on indigenous biodiversity and SNA's from other specified infrastructure is to be avoided (clause 3.10(2)) unless exceptions apply (clause 3.11). In the case of exemptions, any adverse effects to SNA's or indigenous biodiversity from other specified infrastructure, is directed to be managed using the effects management hierarchy.

4.3 Section 32AA evaluation

40. Any recommended amendments to provisions since the initial section 32 evaluation was undertaken are evaluated in accordance with section 32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) further evaluation required under this Act-

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
 - (i) published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - (ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

(2) To avoid doubt an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

41. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions in section 3, as required by s32AA(1)(d)(ii).
42. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.4 Procedural matters

43. There are a number of submission points that have been deferred from other hearings such as noise exemptions, and clarification over which provisions within the plan apply to the management of energy and infrastructure. These are assessed within the section of these chapters most relevant to the submission.

5. Background

44. The Section 42A Introduction, General Provisions and Strategic Direction Report, prepared for Hearing Stream 1, includes details of the PDP notification, submission statistics and a general overview of the background to the PDP. In addition, the report provides an overview of National Planning Instruments and other Policies and Plans relevant to the PDP as a whole.
45. There is one relevant Section 32 Evaluation report¹ relating to Energy and Infrastructure.
46. The Section 32 Evaluation Report assesses and considers the relevant higher order planning documents and any strategic plans which provide direction and guidance for the preparation and content of these chapters. Where relevant these documents are considered in more detail in the assessment of submission points.
47. As detailed in the Section 32 report, the Energy and Infrastructure Chapters give effect to effect to the National Planning Standards and relevant higher order documents such as the NPS-REG and NPS-ET.

6. Consideration of submissions

6.1 Structure of the report

48. Submissions on Infrastructure and Energy have raised a number of issues which have been grouped as follows:
 - Infrastructure and Energy Definitions
 - Submissions in other PDP Chapters
 - Submissions specific to Infrastructure
 - General and Overview
 - Additional provisions sought

¹ Gore District Council Section 32 Report – Energy and Infrastructure [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](#)

- Submissions by Submitter
 - Provisions
 - Submissions specific to Energy
 - General and Mapping
 - Additional provisions sought
 - Provisions
49. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
50. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in **Appendix B**.
51. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapters with recommended amendments in response to submissions as **Appendix A**.
52. This report only addresses definitions and submissions on mapping specifically relevant to this topic. Definitions that relate to more than one topic and general mapping submissions have been addressed in the Section 42A Report: Introduction, General Provisions and Strategic Direction.

6.2 Overview of submissions

53. The submission period ran from 31 August to 26 October and then was extended to 27 November by Council resolution. Council received 130 submissions containing 5542 submission points.
54. Some submissions were received after the 27 November 5:00pm deadline, however these submissions were accepted and are not considered late as they were received up until midnight 27 November 2023.
55. A total of 643 submissions were received for Energy and Infrastructure Chapters; 526 on the Infrastructure Chapter and 117 for the Energy Chapter.

56. Definitions are addressed at section 6.4, submissions on other chapters are at section 6.5, Infrastructure submissions are in sections 6.6, 6.7, 6.8 and 6.9 and Energy submissions are discussed in sections 6.10, 6.11 and 6.12.

6.3 Format for consideration of submissions

57. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and
 - Section 32AA assessment.
58. The recommended amendments to the relevant chapters are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

6.4 Infrastructure & Energy Definitions

6.4.1 Matters raised by submitters - Definitions

Critical Infrastructure

59. Transpower (S101.005) supports the definition as notified.

60. NZTA (S112.003) support in part but seek the following inclusion for clarity:

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 including the State highway network and arterial roads.

61. KiwiRail (S132.005) seek the following inclusion for clarity:

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, including the rail network and arterial roads; ~~rail corridor~~

62. NZ Defence Force (S147.001) seeks consistency throughout district plans and seeks defence facilities be provided for as follows:

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; transport hubs and bulk fuel supply infrastructure including terminals and pipelines.; defence facilities

63. Mercury (S130.001) suggests changing the definition to refer to the Civil Defence Emergency Management (CDEM) Act 2002 as follows:

Infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)

64. Spark (S154.001), One NZ (S32.001), Connexa (S37.001), FortySouth (S33.001), Chorus (S35.001) request that the Telecommunications Act 2001 definition of telecommunication be added to the definition of critical infrastructure.
65. Andrea McMillan & Tony Harpur (S134.005) seek amendments of the definition to exclude the East Gore Water Treatment Plant.
66. PowerNet (S95.001) seek that electricity distribution network is included in the definition of Critical Infrastructure. Mercury (FS26.005) supports this submission. Recommended changes as follows:

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) and distribution networks;

Assessment

67. Transpower's support for the critical infrastructure definition is acknowledged.
68. NZTAs submission that the state highway network be expressly included within the definition is acknowledged and supported. The term "transport network" is intended to include State highways, the contiguous italicising of "land" and "*transport network*" suggests a definition of "land transport network" rather than separate definitions for "land" and "transport network" which could create some confusion, additionally the term "*arterial roads*" is no longer in use. It is therefore recommended that "land" and "*arterial roads*" be removed for this definition as unnecessary and "including the State Highway Network" be included as this will likely clarify the definition for plan users.
69. Regarding Kiwi rails submission that the term 'rail network' shall be utilised rather than 'rail corridor' due to the term 'rail corridor' not capturing all of kiwi rails critical infrastructure. As it is unclear what is not provided for, I am reluctant to include a broader definition to avoid unintended consequences. KiwiRail are welcome to provide further information clarifying what infrastructure would not be included that should be, through the hearings process. In the interim my recommendation is the term 'rail corridor' remains.
70. The New Zealand Defence force have requested that "defence facilities" are included within the critical infrastructure definition. This activity is best defined within "emergency services facility" to ensure suitable policy settings are provided for. As such this relief is not supported.
71. Mercury Energy have submitted that the definition refer to the lifeline utility definition as defined within the Civil Defence Emergency Management Act 2002. While the intent of this

submission is acknowledged, the logistics of including such an extensive definition within an already fairly broad definition is unwieldy from a plan user perspective. Mercury Energy are welcome to demonstrate what activities are not already provided for within the proposed definition that would be included with their requested relief, however, in the interim, it is recommended that this relief is rejected to avoid over complicating the definition and any unintended consequences.

72. The telecommunication submissions from Spark (s154.001), One (s32.001), Connexa (s37.001), FortySouth (s33.001), Chorus (s35.001) is supported in that the addition would provide clarity to plan users, however the inclusion of the entire definition could be undue complicated . As such it is recommended that the definition refer to the Telecommunications Act, rather than spelling out the entire definition.
73. Andrea McMillan and Tony Harpur have requested that the East Gore Water Treatment Plant is excluded from the definition. It is not appropriate to exclude a specific infrastructure plant from the definition, as the East Gore Water Treatment Plant is considered to be critical infrastructure. It supplies drinking water to east Gore.
74. Power Net Limited (with further submission support from Mercury Energy) have requested that the definition include “distribution networks” in relation to electricity distribution. It is unclear what is provided for through this requested relief that is not covered by “ electricity transmission network”. Power Net Limited is welcome to demonstrate what activities are not already provided for within the proposed definition that would be included with their requested relief, however in the interim it is recommended that this relief is rejected to avoid any unintended consequences.

Grey Infrastructure

75. Forest and Bird (S110.005) seek the addition of the following definition:

Grey Infrastructure: Human-engineered traditional approaches to water management such as pipes and hard surfaces.

Assessment

76. The intent of the Forest and Bird submission is supported, however as outlined elsewhere in this assessment it is not considered appropriate to provide for specific provision for grey infrastructure, primarily as this is a function of the Gore District Subdivision and Land Development Bylaw or alternative standards document, rather than a requirement of the District Plan. Based on this no definition for grey infrastructure is recommended.

Mast

77. Chorus (S35.008), Spark (S154.009), One NZ (S32.008) FortySouth (S33.008), and Connexa (S37.008) seek the addition of a definition for ‘Mast’ to understand how it is different from a pole.

Assessment

78. While "mast" is not specifically defined in any legislation that I am aware of, it is a term commonly used in district plans, often referring to wind monitoring masts. A pole is generally understood as a freestanding, long, narrow, and cylindrical structure. A mast is similar, typically including stay supports for stability. The terms "pole" and "mast" are often used interchangeably, as both serve comparable functions. Given the similarities between the structures, the PDP utilises both terms to reflect common usage and acknowledges that the environmental impacts of poles and masts are alike. Consequently, the same resource management and policy approach applies to both types of structures. It is recommended not to set strict definitions for "pole" or "mast" to avoid limiting the scope of commonly understood structures.

Support Poles and Support Structures

79. Chorus (S35.009), Spark (S154.009), One NZ (S32.009) FortySouth (S33.009), and Connexa (S37.009) seek a definition for support poles and support structures. Rule INFR-R3 refers to support poles and Rule INFR-R4 refers to support structures. A definition of each, or a rationalisation between the two terms is necessary to understand what they mean.

Ancillary Equipment, Antenna, Cabinet, Pole and Small Cell Unit

80. Chorus (S35.010), Spark (S154.010), One NZ (S32.010) FortySouth (S33.010), and Connexa (S37.010) seek that cross reference to the NESTF be made for telecommunications terms or definitions for Ancillary Equipment, Antenna, Cabinet, Pole and Small Cell Unit be provided.

Assessment

81. The use of Ancillary Equipment, Antenna, Cabinet, Pole and Small Cell Unit were written with the NESTF definitions in mind. The replication of these definitions within the PDP is considered unnecessary, however an updated note within the overview to clarify the intentions of these phrases could achieve the intension within these submissions.
82. The reference to support structures within INF-R4 is intended to mean the same as support poles, given the above NESTF alignment, it is recommended that INF-R4 be amended to refer to support poles to align better with the terminology.

Electricity Distribution Network

83. PowerNet (S95.010) seek a definition for Electricity Distribution Network be included as it is referred to in the rules PowerNet proposes and therefore a definition required. They seek the following:

Electricity Distribution Network: Means the conveyance of electricity via electricity subtransmission and distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets, and ancillary buildings and structures, including communication equipment, by a network utility operator. This includes the assets shown on the planning maps.

Assessment

84. Powernet's submission references the electricity distribution network on planning maps. It is unclear what this is in reference to. Powernet are invited to provide further information justifying the need for this definition, associated provisions and mapping information. In the interim this submission is rejected.

Electricity Distribution Yard

85. PowerNet (S95.011) seek a definition for Electricity Distribution Yard as follows:

Electricity Distribution Yard: Means

a) the area located within 10m of the centreline of a 110kV, 66kV or 33 kV electricity distribution line on single poles / towers or within 10m of a foundation of an associated support structure. As depicted in Diagram 1 - Electricity Distribution Yard Diagram 1 - Electricity Distribution Yard

Note: The Electricity Distribution Yard does not apply to underground cables or any distribution lines (or sections of line) that are designated.

Assessment

86. It is unclear from Powernets submission if they intend to provide mapping for Electricity Distribution lines and associated yards. In lieu of this no definition is recommended unless consequential plan provisions relate to an electricity distribution yard and the area it relates it is able to be spatially defined. In the interim this submission is rejected.

Nature Based Solutions

87. Forest and Bird (S110.006) seek a definition for Nature Based Solutions as follows:

Nature Based Solutions: Solutions that are inspired and supported by nature, and provide environmental, social and economic benefits and help build resilience. Examples include restoration or constructing wetlands, forest restoration, riparian planting, allowing rivers to reclaim parts of their natural flood plains in strategic places, rain gardens, green roofs and so on.

88. SFF (FS17.104) oppose this term as it does not appear in the PDP and doesn't add any value to the plan given its aspirational nature.

Assessment

89. The intent of the Forest and Bird submission is supported, however as outlined elsewhere in this assessment it is not considered appropriate to provide for specific provision for nature-based solutions, primarily as this is a function of the Gore District Subdivision and Land Development Bylaw or similar standards that sit outside the PDP, rather than a requirement of the PDP. Based on this no definition is recommended.

Functional Need

90. Alliance Group (S121.006), Chorus (S35.002) Spark (S154.002), One NZ (S32.002) FortySouth (S33.002), Connexa (S37.002), SFF (S126.023), Kevin Robertson (S115.024), Ronald Crispin (S60.062), Rural Ratepayers Group (S143.035), Alistair & Bernadette Hunt (S148.036) and John Baynes (S68.144) and PowerNet (S95.002) all support the definition of functional need and seek it is retained as drafted.

Assessment

91. Support for the definition is acknowledged and no changes are recommended.

Green Infrastructure

92. Forest and Bird (S110.004) seek that the green infrastructure is amended to include blue infrastructure in the definition. The National Planning Framework includes examples of local urban design initiatives such as nature-based solutions (such as urban forestry and vertical greening) and blue and green infrastructure (such as water sensitive urban design).

Assessment

93. The intent of the Forest and Bird submission is supported, however the current definition for green infrastructure is considered broad enough to include both blue and green infrastructure. It is noted that this definition is sourced from the National Planning Standards.

Infrastructure

94. Chorus (S35.003) Spark (S154.003), One NZ (S32.003) FortySouth (S33.003), Connexa (S37.003), Mercury (S130.003), and PowerNet (S95.003) support the definition of infrastructure as notified.

Assessment

95. Support for the definition is acknowledged and no changes are recommended.

Maintenance or Repair

96. KiwiRail (S132.007) seek amendments to this definition as it only relates to historic heritage and does not include maintenance and repair in relation to existing infrastructure. They seek the following:

Maintenance or Repair means: (a) In relation to infrastructure, any work or activity necessary to continue the operation and / or functioning of existing infrastructure. (b) In relation to historic heritage (...)

Assessment

97. The use of maintenance and repair within the Infrastructure chapter is not italicised and not intended to be read with the above definition as this relates to heritage buildings only, instead it is intended that common understanding of the word is utilised. Maintenance and repair are utilised throughout the plan and it is considered unnecessary to differentiate the definition for each district wide chapter. No recommendations are recommended.

National Grid Yard

98. Transpower (S101.008) seeks minor changes to the definition as follows:

~~N~~national ~~G~~grid yard- The area located (as illustrated below): (a) 12 metres in any direction from the outside edge of a National Grid support structure foundation; ~~(b) 12 metres from the boundary of a National Grid substation;~~ (b) 10 metres either side of the centreline of an overhead 110kV National Grid transmission line on poles ~~(c) 12 metres either side of the centerline of any other overhead National Grid transmission line. ...~~

99. SFF (S126.033), Kevin Robertson (S115.034), Ronald Crispin (S60.036), Rural Ratepayers Group (S143.045), Alistair & Bernadette Hunt (S148.046) and John Baynes (S68.154) seek amendments to the definition of National Grid Yard so it is consistent with NZECP34 Code of Practice for Electrical Safe Distances. This definition and the yard widths are not consistent and unnecessarily onerous compared to the Code.
100. Transpower (FS30.004) (FS30.041) (FS30.042) (FS30.046) (FS30.066) (FS30.071) (FS30.077) oppose this submission as the purpose of the National Grid Yard is to give effect to the NPSET, as opposed to implementing NZECP34:2001.

Assessment

101. Transpower's requested amendments to the definition of National Grid Yard are accepted as providing greater alignment with national direction.
102. Regarding the submissions requesting the definition is amended to align with the NZECP34 Code of Practice for Electrical Safe Distances, as outlined within Transpower's further submission and within the s32A assessment, the current definition maintains national consistency and is aimed to align with the NPSET. Based on this it is recommended that these submissions be rejected.

Network Utilities

103. Transpower (S101.009) Chorus (S35.004) Spark (S154.004), One NZ (S32.004) FortySouth (S33.004), Connexa (S37.004), and PowerNet (S95.004) support network utilities as notified and seek it is retained.
104. KiwiRail (S132.008) seek amendments to ensure the definition applies to all activities necessary for the safe and efficient operation of the rail network. Amend as follows:

Network Utilities means: (...) Includes:

(a) All structures necessary for operation; and

(b) the development, upgrading, operation and maintenance of the network

105. SDC (S146.012) sought consistency between the definition of network utilities and network utilities operator, and seeks these definitions are amended to align with Section 14 of the National Planning Standards.

Assessment

106. Support for the definition as notified is acknowledged.
107. KiwiRail's requested relief seeks 'network utilities' to include the development and upgrade of the network. The intent of this relief is already covered by the first portion of this definition, specifically 'a) all structures necessary for operation'. If a development or upgrade is necessary for operation, then the definition of network utility will apply. Based on this no changes are recommended.
108. SDC's submission outlines a conflict between the 'network utility' definition and 'network utility operator'. This has been accepted because it is in accordance with section 166 of the RMA and the National Planning standards. The definition of 'network utility operator' in the RMA includes the phrase "the words network utility operation have a corresponding meaning" therefore it is considered that the definition for Network Utility Operator includes undertaking the works and activities, which includes the land use and all structures necessary for operation and maintenance of the network. It is therefore recommended that the definition of network utility shall be amended as per the below:

Network Utilities: shall mean any activities undertaken by a "network utility operator" as set out in section 166 of the Resource Management Act 1991, and this plan.

Network Utility Operator

109. Chorus (S35.005) Spark (S154.005), One NZ (S32.005) FortySouth (S33.005), Connexa (S37.005), and PowerNet (S95.005) support Network Utility Operator as notified.

Assessment

110. Support for the definition is acknowledged and no changes are recommended.

Operational Need

111. Alliance Group (S121.012), MOE (S125.004), Chorus (S35.006) Spark (S154.006), One NZ (S32.006) FortySouth (S33.006), Connexa (S37.006), PowerNet (S95.006), and FENZ (S124.007) support operational need as notified.

Assessment

112. Support for the definition is acknowledged and no changes are recommended.

Renewable Electricity Generating Activities

113. Mercury (S130.004) supports in part the above definition but seeks that the definition from the NPS-REG 2011 is inserted.

Assessment

114. The Renewable Electricity Generating Activities definition does utilise the NPS-REG definition, based on this it is unclear what changes Mercury are requested. No changes are recommended.

Renewable Electricity Generation Activities- Large Scale

115. Mercury (S130.006) support in part the above definition but seek the following addition

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, structures and activities such as (...)

Assessment

116. Mercury Energy submission is acknowledged and supported; the addition of “structures” provides clarity that the definition represents the activity holistically.

Renewable Electricity Generation Activities- Small Scale

117. DOC (S109.011) seek the definition title be amended to include ‘small and community scale’ to clarify that community scale REG projects are covered.
118. Mercury (S130.005) supports Renewable Electricity Generation Activities- Small Scale definition as notified.

Assessment

119. Mercury Energy’s support for the definition as notified is acknowledged.
120. Regarding DOC's submission, while the intent is acknowledged, the definition aims to address the scale of the activity. Community-led renewable energy projects are commendable, however their provision settings within the plan must be proportional to the scale of the activity. A large-scale community-led project could have similar adverse effects as a commercially led project of the same size. Therefore, no changes are recommended based on this rationale.

Specified Infrastructure

116. NZDF (S147.002), PowerNet (S95.009) and Mercury (s130.008) support the definition as notified.

Assessment

117. Support for the definition is acknowledged and no changes are recommended.

Transmission Line

118. Transpower (S101.012) supports in part the transmission line definition but seek the following amendments:

Transmission Line: ~~Has the same meaning as per 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~~ **on** the ~~N~~**national** Grid; and (...)

Assessment

119. Transpower's submission that changes should be made to the definition of 'Transmission line' is not supported. While the changes are minor the notified definition aligns with NESET and should not be varied from this to avoid national inconsistency.

Conductor

120. Transpower (S101.004) seek the definition of 'conductor' be retained or amended as follows:

(a) means wire or cable used for carrying electric current along an electricity transmission line or electricity distribution line; and (b) includes any hardware and insulation associated with the wire or cable

Assessment

121. Transpower's submission that changes should be made to the definition of conductor is not supported. While the changes are minor the notified definition aligns with NESET and should not be varied from this to avoid national inconsistency.

National Grid

122. Transpower (S101.006) seeks amendments to the definition as follows:

~~N~~**national** ~~G~~**grid** means the network that transmits high-voltage electricity in New Zealand ~~and that, at the commencement of these regulations,~~ is owned, used or and operated by Transpower New Zealand Limited, including-- (a) transmission lines; and (b) electricity substations

Assessment

123. Transpower's submission that changes should be made to the definition of National Grid is supported. While as outlined above it is important to align with the NESET, the proposed changes better define the national grid for the purpose of the District Plan.

National Grid Subdivision Corridor

124. Transpower (S101.007) seek that National Grid be capitalized in the definition to ensure consistency throughout the Plan.

Assessment

125. Transpower's submission that National Grid be capitalised is accepted, the submission will provide consistency and not result in any unintended consequences.

Non-renewable electricity generation

126. Greenbriar (\$128.005) seeks amendments to Energy Provisions to address the issue that the definition recognises the generation from non-renewable energy sources, but not the source materials. This may mean that the Energy policy framework is not applicable to applications for non-renewable energy sources, even those that are required to support the transition from non-renewable to renewables.

Assessment

127. The submitter has not proposed an alternative definition, however, seeks to achieve their relief through changes to the individual provisions which are detailed in the sections below. I will address the submission point here noting it is relevant to the approach to the requested changes to the provisions.

128. The definition of 'non-renewable electricity generation' is:

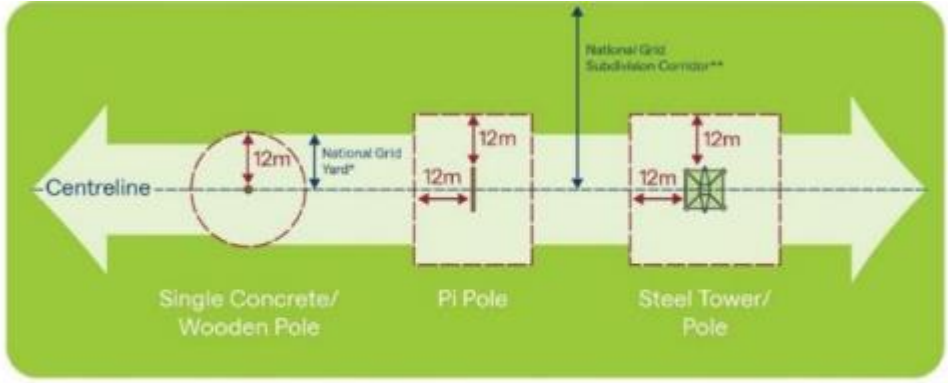
Means the construction, operation and maintenance of structures associated with electricity generation from non-renewable energy sources such as coal, oil and gas.

129. The land use activity of 'non-renewable electricity generation' is the infrastructure required to generate electricity from non-renewable energy sources. It is not the land use activity required to source those non-renewable energy sources, such as coal mining. Land use activities required to source materials, such as mining, are managed through the applicable zones. Policies are also provided within the zones. I do not consider the submitter has provided adequate reasoning that the Energy Chapter should manage the sourcing of materials to produce non-renewable sources of energy. I therefore reject the submission point.

Recommendations for all submissions

130. I recommend the following definitions are updated as follows and shown in **Appendix A**:

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 <u>including the State Highway network and arterial roads;</u> • rail corridor; • telecommunication <u>(as defined within the Telecommunications Act 2001)</u> facilities; • national, regional and local <i>renewable electricity generation activities</i> of any scale; • the electricity transmission network (the <i>National Grid</i>); • <i>sewage</i> collection, treatment and disposal networks; • community <i>land</i> drainage <i>infrastructure</i>; • community potable water systems; • established community-scale irrigation and stock water <i>infrastructure</i>; • transport hubs and bulk fuel supply <i>infrastructure</i> including terminals and pipelines.
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Nnational 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) <i>transmission lines</i> ; and (b) electricity substations
Nnational Grid yard	The area located (as illustrated below): (a) 12 metres in any direction from the outside edge of a <i>National Grid</i> support structure foundation; ~~(b) 12 metres from the boundary of a National Grid substation;~~ (c) 10 metres either side of the centreline of an overhead ~~110~~100kV <i>National Grid</i> transmission line on poles (d) 12 metres either side of the centreline of any other overhead <i>National Grid</i> transmission line. The <i>National Grid Yard</i> excludes <i>transmission lines</i> 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
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 <i>National Grid</i> . It includes all ancillary components, ~~structures~~ and activities such as substations, climate/environmental monitoring equipment, <i>earthworks</i> , roading, maintenance <i>buildings</i> , temporary concrete batching plants, internal transmission and fibre networks, <i>vegetation clearance</i> , and <i>site</i> rehabilitation works.
network utilities	~~means any activity relating to any or all of the following:~~ ~~(a) — distribution or transmission of natural or manufactured gas petroleum or geothermal energy by pipeline;~~ ~~(b) — telecommunications or radio communications;~~ ~~(c) — transformation, transmission, or distribution of electricity;~~ ~~(d) — transmission and distribution of water, (whether treated or untreated), for supply including irrigation;~~ ~~(e) — stormwater drainage or sewerage reticulation systems;~~ ~~(f) — rail corridor, tramways and roads;~~ ~~(g) — 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;~~ ~~(h) — lighthouse, navigation aids and beacons;~~ ~~(i) — meteorological services;~~

	~~(j) a project or work described as a network utility operation by regulations made under the Resource Management Act 1991.~~ ~~Includes:~~ ~~(a) all structures necessary for operation; and~~ ~~(b) the operation and maintenance of the network.~~ <u>Network Utilities shall mean any activities undertaken by a “network utility operator” as set out in section 166 of the Resource Management Act 1991, and this plan.</u>
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131. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

132. The following evaluates the recommendation to amend a number of definitions under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

There is the potential for inconsistencies with national direction if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve purpose of the Act than the notified version of the PDP.

6.5 Submissions in other chapters that relate to Energy & Infrastructure

6.5.1 Matters raised by submitters- amendments to other Chapters

133. Spark (S154.045) One NZ (S32.045) FortySouth (S33.045) Connexa (S37.045) and Chorus (S35.045) oppose SUB- P9 in the subdivision chapter as the matter is regulated under the infrastructure chapter. Yrless (FS21.082) support this submission.

134. Mercury (S130.029) seek the following be included in Note 2- Noise exemptions in the Noise Chapter:

Add clause 12: Noise effects from operation of wind electricity generation activities. Compliance is achieved through assessment of NZS6808:2010 Acoustics - Wind farm noise ("insert rule reference" Energy Chapter -Rule ## operation of wind electricity generation activities - Noise Assessment).

135. Contact Energy (FS24.052) support this submission.

Assessment

136. In relation to the submissions opposing SUB-P9, I acknowledge the Infrastructure Chapter contains INFRA-P2 which requires the underground placement of network utilities where practical and appropriate for the functional needs and operational needs of the network utility. SUB-P9 is more specific than this policy particularly in relation to alternative unreticulated options. I consider the policies seek to achieve the same outcomes but also give effect to the different objectives of both the Subdivision and Infrastructure chapter. For example, SUB-P9 gives effect to SUB-O4 which requires subdivisions are designed and developed to respond to the physical characteristics and constraints of a site and surrounding environment.
137. Further, subdivision development requires assessment of infrastructure required for the development. This may be small-scale and not trigger the provisions of the Infrastructure Chapter in relation to the installation of services. As such, I consider it is necessary to retain SUB-P9.
138. In relation to the submission from Mercury requesting a note be added to the noise chapter, the intent of this submission is supported, however it is considered more appropriate to provide for greater clarity in specific rules. This is addressed further in relation the ENRG-R2 of the ENRG Chapter.

Recommendation

139. I recommend no changes to SUB-P9 and no changes to the Noise Chapter Overview Notes.
140. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.6 INFRASTRUCTURE- General and mapping submissions

6.6.1 Matters raised by submitters – General & INFR-MAP

141. Contact (S144.001) supports the provisions relating to the development, operation, maintenance and protection of renewable electricity generation activities.
142. FENZ (S124.011) support the objectives and policies within the Infrastructure Chapter insofar that they recognise the importance of providing for effective, resilient, efficient and safe infrastructure which maintains public health and safety.
143. Transpower (S101.023) seeks an amendment to Note 3 to reflect the relationship between the district plan and higher order documents. They seek the following amendment:

Section 55 and Section 75(3) of the RMA directs that the district plan must give effect to any National Policy Statement (NPS) and Section 44A of the RMA, directs local authorities to ensure that there are no duplications or conflicts between the provisions of a National Environmental Standard (NES) and a proposed plan ~~National Environmental Standard (NES)~~. NES's must be observed and enforced by local authorities. Section 43B of the RMA directs that a NES prevails over District Plan rules unless a NES expressly ~~stated~~ states that it does not. The National Policy

Statement on Electricity Transmission 2008 must be given effect to in respect of District Plan provisions that recognise and provide for the National Grid; manage the effects of the National Grid and manage the effects of other activities on the National Grid. The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 include a suite of provisions that provide for the operation, maintenance and upgrading of existing transmission lines. These provisions prevail over any similar provisions in the District Plan.

144. DOC (S109.030) seeks the objectives and policies are amended to reflect National Policy Statements and Southland RPS provisions for nationally significant infrastructure, regionally significant infrastructure and other infrastructure including critical infrastructure. PowerNet (FS23.001) supports this submission.
145. DOC (S109.034) seeks Note 1 is amended to include a specific description of what other provisions apply to the chapter. Transpower (FS30.020) support this submission.
146. Robina Johnston (S140.011) seeks that the visual effects of infrastructure on the natural environment are considered.
147. Transpower (S101.098) support in part INFR-MAP-National Grid. However, Policy 12 of the NPSET require all parts of the transmission network to be mapped, therefore, Transpower suggests that the Planning Map is revised to include all parts of the National Grid (including substations).

Assessment

148. Support for the objectives and policies from FENZ and Contact is acknowledged.
149. Transpower's request Note 3 be amended to reflect the legal position of the NES-ET. While their requested amendments are factually correct and a matter of law, this is also true of every NES. It is considered an unnecessary edition of the note and if implemented should for consistency be added to every chapter and mention every NES. Based on this only partial relief to the Transpower submission is recommended.
150. DOC's submission seeking that the objectives and policies are amended to reflect National Policy Statements, and the Southland Regional Policy Statement is acknowledged, however it is unclear what aspects of the objectives and policy need to be amended to give effect to this relief. Based on this it is my recommendation that this relief be rejected in lieu of a specific request. DOC's request that Note 1 is amended to include a more specific description of what other provisions apply to this chapter is acknowledged and supported. Note 1 has been updated accordingly, to make it clear that other district wide chapters apply to this chapter, however the underlying zone provisions do not, unless expressly stated.
151. Robina Johnstons submission that the visual effects of infrastructure on the natural environment are considered, is acknowledged and concurred with. However, it is considered this relief is provided through the proposed district plan provisions as notified. The NFL chapter and ECO chapters have provisions to ensure specific protection within sensitive environments, in addition the Infrastructure Chapter (INFR-O4, INFRA-P2, INFR-P6, INFR-P7 and provisions

requiring either underground, or bulk and location limits on infrastructure) provides checks and balances to manage visual effects on the natural environment. Based on this it is my recommendation that this relief be rejected in lieu of a more specific request.

152. Transpower's submission that all aspects of the National Grid be mapped is acknowledged and supported as meeting the Council's obligations under the NPSET. The notified planning maps included the National Grid lines but did not show the substations. This has been amended and included as **Appendix C**.

Recommendation

153. The following amendment is recommended to Note 1 and Note 3:

Note 1	Provisions in Other Chapters
	The provisions in this chapter apply in addition to the provisions of the other <u>district wide</u> chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua. <u>This Rules and standards in Part 3 - Area Specific Matters (zones) do not apply to activities managed under this chapter, unless expressly identified within the chapter.</u> <i>Roads</i> are defined as a utility, however the rules in this Chapter do not apply to the construction, management, upgrading or use of <i>Roads</i> of the <i>Transport Network</i>. These activities are managed by Subdivision and Transport Chapters. <i>Airports</i> and approach control services are defined as <i>network utilities</i>. Some <i>Airport Related Activities</i> are also defined as <i>network utilities</i>. However, the rules in this Chapter do not apply to <i>Airport Activities</i> or <i>Airport Related Activities</i> within the Airport Zone (Chapter 3.15) and Transport Chapter.
Note 3	National Policy Statements and National Environmental Standards for Infrastructure.
	<u>Section 55</u> Section 75(3) of the RMA directs that the district plan must give <i>effect</i> to any National Policy Statement (NPS) and <u>Section 44A of the RMA, directs local authorities to ensure that there are no duplications or conflicts between the provisions of a National Environmental Standard (NES) and a proposed plan National Environmental Standard (NES).</u> NES's must be observed and enforced by local authorities. Section 43B of the RMA directs that a NES prevails over District Plan rules unless a NES expressly states~~ed~~ that it does not.

154. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

155. The following evaluates the recommendation to amend Note 1 and 3 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendment will assist in making the plan user friendly, avoiding duplication of regulation s it relates to Infrastructure. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.6.2 Matters raised by submitters – Overview

156. PowerNet (S95.012) support the overview and seeks that it is retained.
157. SFF (S126.059), Kevin Robertson (S115.060), Ronald Crispin (S60.062), Rural Ratepayers Group (S143.071), Alistair & Bernadette Hunt (S148.072) and John Baynes (S68.180) support the overview in part, but seek an amendment to include highly productive land, which would amend the overview as follows:

However, some sites technically (...) and biodiversity values, being highly productive land or the underlying relationships Ngāi Tahu hold with the natural environment.

158. PowerNet (FS23.003) opposes SFF submission regarding highly productive land as the National Policy Statement for Highly Productive Land includes a methodology for assessing the appropriateness of infrastructure in areas identified as highly productive land.
159. Chorus (S35.023), One NZ (S32.023), Spark (S154.023), Forty South (S33.023) and Connexa Limited (S37.023) oppose Note 1 in the overview and seek that it be amended as follows:

~~The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua on a district wide basis. As such the rules in the zone chapters do not apply. The provisions in the subdivision and General District Wide matters chapters in Part 2 of the District Plan are applicable.~~

160. Transpower (FS30.012) (FS30.016) (FS30.028) (FS30.059) (FS30.081) supports the above submissions.
161. Chorus (S35.011), One NZ (S32.011), Forty South (S33.011), Connexa Limited (S37.011) and Spark (S154.011) support the overview in part but seek an amendment to include ‘telecommunications and radio communications’ as follows:

(...) telecommunication and radio communication, water, wastewater, drainage, solid waste, and natural hazard management.

162. Chorus (S35.012), One NZ (S32.012), Forty South (S33.012), Connexa Limited (S37.012) and Spark (S154.012) support the overview in part but seek that a paragraph is included which explains how the infrastructure chapter interacts with the other chapters of the District Plan, identifying that no other chapter rules apply to activities regulated by this chapter. PowerNet (FS23.002) supports Chorus’s submission. Transpower (FS30.011) (FS30.015)(FS30.027) (FS30.058) and (FS30.080) supports the above submissions.
163. Transpower New Zealand Limited (S101.015) generally supports the overview but requests amendments to reflect infrastructure may deliver benefits outside the Gore District, seeks

consistency with the approach used in the ENRG Chapter, with reference to the NPS-REG and requests that there is reference to reverse sensitivity 'effects'. Amendments sought as follows:

It is recognised that infrastructure, and particularly critical infrastructure, is essential to providing for the health, safety and well-being of the people and communities of Gore and beyond. The purpose (...) This chapter must also give effect to the National Policy Statement on Electricity Transmission 2008 (NPSET) where the provisions relate to the National Grid. The NPSET identifies the need to operate, maintain, develop and upgrade the National Grid as a matter of national significance and directs decisionmakers to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. (...) While the use and operation of infrastructure can have adverse effects on adjoining activities and sites, activities adjoining infrastructure can also have adverse effects, including reverse sensitivity effects, on infrastructure.

164. Forest and Bird (S110.015) request reference to Nature Based Solutions, by including the following:

The use of sustainable infrastructure, such as Nature Based Solutions and blue green infrastructure means infrastructure is often able to perform more effectively and efficiently than traditional grey infrastructure solutions. Nature Based Solutions provide opportunities to improve degraded natural environments, improve local amenity and enhance long-term environmental resilience. These options can also be used to purify water, as well as minimise floods and erosion, reduce the urban heat island effect, deliver enhanced air quality and enhance people's mental and physical wellbeing. The overall cost of sustainable infrastructure can also be a fraction of grey infrastructure solutions, due to lower ongoing maintenance costs. These approaches help us to minimise the impacts of climate change by improving our resilience and allowing infrastructure to adapt to change.

Assessment

165. The submissions requesting that highly productive land be included in the infrastructure overview are rejected on the basis that the NPS-HPL accommodates a clear pathway for specified infrastructure. If development does not meet this definition and triggers consideration under the NPS-HPL then assessment will be provided. It is unnecessary to duplicate this requirement within the Infrastructure Chapter as the regulatory management for highly productive land align with the NPS-HPL and will be considered as required.
166. Transpower's submission while supported in intent, is considered more appropriate as a note, which is provided for through Note 3. All National Policy Statements apply, whilst the NPSET does have particular relevance, this has informed the development of the chapter and reiterating this within the overview does not provide any measurable value for plan users.
167. Forest and Birds submission to add reference to nature-based solutions and blue/ green infrastructure is again supported in part and a more succinct addition to the overview is recommended. It is noted that the mechanism to provide for this sits with the Gore District Subdivision and Development bylaw, rather than rules within the PDP, however it is considered appropriate to encourage this through the overview and objectives and policies. Based on this it is recommended this submission be accepted in part.

168. The telecommunications submission to amend the wording of communication to align with the definition of infrastructure is accepted as this creates consistency between the definition of infrastructure and the overview. Their submission requesting that the overview is updated to explain how the chapter interacts with other chapters within the district plan is supported in intent, however this is best implemented through a note, which is proposed to be amended to clarify this relationship.

Recommendation

169. I recommend, for the reasons given above, that the overview is amended as outlined within Attachment A – Infrastructure Chapter
170. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

171. The following evaluates the recommendation to amend the overview of the INFR Chapter under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. There are no apparent costs with the proposal.

There is the potential for inconsistencies if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.7 INFRASTRUCTURE –Additional Provisions Sought

6.7.1 Matters raised by submitters – Additional Provisions Sought

172. Spark (S154.038) One NZ (S32.038) FortySouth (S33.038) Connexa (S37.038) and Chorus (S35.038) seek the inclusion of a new rule permitting temporary network utilities with a standard that the infrastructure be removed in 12 months and the activity status elevation can be discretionary where permitted conditions are not met. Transpower (FS30.082) (FS30.060) (FS30.029) (FS30.017) (FS30.013) supports this submission. NZTA (FS14.008) (14.007) oppose this submission as temporary infrastructure can adversely effect the safe and efficient functioning of the State Highway Network where located near the road corridor.
173. Jenny Campbell (S136.017) seeks that grey water systems be encouraged in both town and country and in new houses and industrial buildings be made mandatory.
174. PowerNet (S95.023) seeks inclusion of the following new rule:

INFR-RX Activities and development (other than earthworks and other than electricity distribution network activities) within the Electricity Distribution Yard

All Zones Activity status: Permitted

Where:

(a) Any building or structure, excluding a fence, is located at least 10m from the centre line of a 66kV electricity distribution line or at least 10m of a foundation of an associated support structure; or

(b) Any building or structure, excluding a fence, is located at least 5m from the centre line of a 33kV electricity distribution line or at least 5m of a foundation of an associated support structure; or

(c) A fence not exceeding 2.5m in height above ground level; or

(d) The building or structure is not used for the handling or storage of hazardous substances with explosive or flammable intrinsic properties (this does not apply to the accessory use and storage of hazardous substances in domestic scale quantities).

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of buildings, structures, and activities in relation to the National Grid and electricity distribution lines. Buildings, structures, and activities in the vicinity of the National Grid or electricity distribution lines must comply with the NZECP 34:2001. Compliance with the rule requirements of the District Plan does not ensure compliance with NZECP 34:2001 or vice versa.

175. Forest and Bird (S110.019) seek the additional standard is included to avoid SNA's:

INFR-S10 - Minimum Setbacks from Significant Natural Areas

All zones 1. Any infrastructure building or structure must be set back 10 metres from the closest boundary of any identified Significant Natural Area.

Activity status where compliance is not achieved: Restricted Discretionary

Matters of discretion:

1. Whether there is a functional need for the building or structure to be located in the Significant Natural Area, and the extent to which alternative practicable options have been considered and their feasibility.

2. The effects on the indigenous biodiversity, habitats and eco-system within the Significant Natural Area.

3. Impacts on Ngāi Tahu cultural values, including those listed in MW.2.3.

4. Landscape effects

5. Social effect

176. Transpower (FS30.069), Yrless (FS21.066) and Contact (FS24.023) oppose this submission.

Assessment

177. The submission from Forest and Bird requesting setbacks from SNA's is rejected on the basis that there is no clear rationale provided detailing what effects would be managed by including a setback requirement, rather than more direct interference with an SNA. Any clearance of vegetation within SNA's is managed within the ECO chapter.

178. Regarding Jenny Campbells submission, it is assumed the reference to grey water systems is intended to mean green infrastructure or low impact designs (LID), if so the intent of this submission is accepted. The mechanism for this sits with the Gore District Council Subdivision and Development Bylaw or comparative detailed design standards, which priorities LID. No specific rule is recommended within the chapter; however it is considered appropriate to encourage this via the overview, objectives and policies. Changes have been recommended and addressed within these relevant sections throughout this report.
179. Regarding the telecommunications submissions requesting a new rule to provide for temporary network utilises, this is now provided for within the Temporary Activities Chapter through the s42a for this chapter. Based on this no new rule is proposed within this chapter as this relief is accepted elsewhere.
180. In regard to Powernet’s submission requesting a new rule to manage activities and development within an Electricity Distribution Yard, Powernet are invited to provide further justification for why this is considered necessary, it would be useful to fully understand what legislation supports the need to manage electricity distribution and any national legislation that may or may not manage this. In lieu of this it is unclear why activities need to be managed, in this area, noting the national direction for the national grid does not appear to extend to electricity distribution networks.

Recommendation

181. I recommend, for the reasons given above, that no new provisions are necessary or recommended.
182. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8 INFRASTRUCTURE- Submissions by Submitters

6.8.1 Matters raised by Transpower

183. Transpower seeks amendments to Note 1 in various specific zone chapters as shown in Table 4 below to clarify what rules might apply to critical infrastructure generally and the National Grid specifically. The following amendment is sought for all the Zone chapters identified in Table 4 below.

The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua. Infrastructure activities are provided for in the Infrastructure Chapter and the rules in this chapter do not apply to infrastructure activities.

Table 4: Requested amendments to Zone Notes

Submission Number	Requested Change to Zone
S101.089	GIZ- General Industrial Zone

S101.084	GRUZ- General Rural Zone
S101.081	GRZ- General Residential Zone
S101.087	RLZ- Rural Lifestyle Zone
S101.078	LLRZ- Large Lot Residential Zone

Assessment

184. Transpower's submission is broadly supported in intent, however their specific relief requesting a note is added to various zone chapters is not supported. The ENRG and INFR Chapters were intended to be utilised as specific activity chapters, zone rules are not intended to apply to these activities in order to avoid double dipping of provisions and unnecessary resource consents. The District Wide Chapters however are intended to apply as these manage important areas and activities within the District. Based on this it is recommended the notes within both the ENRG and INFR Chapters be amended to make it clear to plan users' which aspects of the plan apply, and which do not.

Recommendation

185. I recommend, for the reasons given above, that note 1 of the ENRG Chapter is amended as follows:

Note 1 Provisions in Other Chapters

The provisions in this chapter apply in addition to the provisions of the other district wide chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua. This Rules and standards in Part 3 - Area Specific Matters (zones) do not apply to activities managed under this chapter, unless expressly identified within the chapter.

186. I recommend, for the reasons given above, that note 1 of the INFR Chapter is amended as follows:

Note 1 Provisions in Other Chapters

The provisions in this chapter apply in addition to the provisions of the other district wide chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua. This Rules and standards in Part 3 - Area Specific Matters (zones) do not apply to activities managed under this chapter, unless expressly identified within the chapter.

Roads are defined as a utility, however the rules in this Chapter do not apply to the construction, management, upgrading or use of *Roads* of the *Transport Network*. These activities are managed by Subdivision and Transport Chapters.

Airports and approach control services are defined as *network utilities*. Some *Airport Related Activities* are also defined as *network utilities*. However, the rules in this Chapter do not apply to *Airport Activities* or *Airport Related Activities* within the Airport Zone

187. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

188. The following evaluates the recommendation to amend Note 1 of both the ENRG and INFRA Chapters under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. Specifically, the note clarifies the relationship of these chapters with the plan as a whole and avoids unnecessarily duplication of provisions.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

There is the potential for duplications of provisions and unnecessary consent requirements if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.8.2 Matters raised by Mercury

189. Mercury (s130.037, s130.038, s130.039) seeks clarity on which rules are relevant to REG activities. The submitter seek clarification on the rules shown in Table 5 below:

Table 5: Submission seeking clarity on rules	
Submission Number	Relevant Rule
S130.037	INFR-R1
S130.038	INFR-R2
S130.039	INFR-R3
S130.040	INFR-R4

Assessment

190. It is considered that INFRA-R1 provides for an undergrounding of infrastructure related to EV charging stations, however it is agreed that above ground infrastructure for EV charging stations should be provided for as a permitted activity. Therefore, it is recommended that rule INFR-R4 be amended to specifically provide for electric vehicle charging stations provided adherence to all INFR Standards is met.

Recommendation

191. I recommend, for the reasons given above, that INFR-R4 is amended noting this is addressed in full within the INFRA-R4 section of this report.

192. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

193. The following evaluates the recommendation to amend INFRA-R4 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

There is the potential for discouragement of EV charging stations if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the relevant Objective of the INFRA Chapter than the notified version of the PDP.

6.8.3 Matters raised by Yrless

194. Yrless oppose the following rules in part and seek that they are amended to provide the same status for below ground and above ground activities. The submitter considers the proposed plan lacks technical analysis of the effects of below and above ground activities, and rationale for rule making. The rules are shown in Table 6 below:

Table 6: Submission seeking amendments to rules	
Submission Number	Relevant Rule
S149.013	INFR-R1
S149.014	INFR-R2
S149.015	INFR-R3
S149.016	INFR-R4
S149.017	INFR-R5
S149.018	INFR-R6
S149.019	INFR-R7
S149.020	INFR-R8

Assessment

195. The submission from Yrless is rejected on the basis that effects from above ground infrastructure and below ground level infrastructure vary, with obvious visual and amenity effects associated with above ground infrastructure. The proposed plan provides a permitted pathway for above ground infrastructure where it meets the standards. Where it does not, consideration through a resource consent process is considered appropriate so that potential adverse effects can be assessed. The activity status proposed is discretionary and so the assessment matters for applicant and decision makers are clear. The policy provision is further prescriptive and generally enabling of infrastructure. Overall, the proposed provisions are considered appropriate to manage the potential visual and amenity effects generated by above ground infrastructure.

Recommendation

196. I recommend, for the reasons given above, that the submissions be rejected and no changes made to the rules based on this submission.
197. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.8.4 Matters raised by Environment Southland

198. ES oppose the following rules and seek that there is a greater consideration of the Section 6 Matters of National Importance in the RMA. Heritage NZ (FS11) and DOC (FS31) support these submission's and Mercury (FS26) and Yrless (FS21) oppose the submissions as shown below.

The rules submitted on are shown in Table 7 below:

Table 7: Submission seeking amendments to rules		
ES Submission Number	Further submission's	Relevant Rule
S85.072	FS11.007 - support	INFR-R1
S85.073	FS11.008- support FS26.029 - oppose	INFR-R3
S85.074	FS31.011- support FS11.009- support FS26.031 - oppose FS21.042 - oppose	INFR-R4
S85.075	FS11.0010- support	INFR-R5
S85.076	FS11.011- support	INFR-R6
S85.077	FS11.012- support	INFR-R7
S85.078	FS31.012- support FS11.013- support	INFR-R8

Assessment

199. The submissions from ES and further submissions in support from Heritage NZ and DOC are rejected on the basis the chapter does accommodate Section 6 Matters. Firstly, Section 6 matters are managed (where appropriate) under District Wide Chapters such as the Earthworks, Natural Hazards and Heritage Chapters. Secondly, Rule INFR-R9 requires a discretionary consent for new infrastructure within specified areas, these include an Outstanding Natural Landscape or Feature; a *Significant Natural Area*; 20m of the Mataura River; a site containing an item on the Heritage Schedule, a Notable Tree, an Archaeological Site; land inside of the river side of a Stopbank and land subject to a high or very high risk of liquefaction.
200. Given this, it is considered that the section 6, Matters of National Importance under the RMA are considered within the Infrastructure Chapter.

Recommendation

201. I recommend, for the reasons given above, that the submission's be rejected and no changes made to the rules based on this submission.
202. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9 INFRASTRUCTURE Specific Provisions

6.9.1 Matters raised by submitters- INFR-O1

203. Chorus (S35.013), One NZ (S32.013), FortySouth (S33.013), Connexa Limited (S37.013) and Spark (S154.013) oppose the objective in part and request it is amended to recognise what critical infrastructure needs to achieve.

~~The operation, maintenance, upgrading and development of infrastructure is provided to meet the needs of the community and businesses.~~ Critical infrastructure:

1. is efficient, effective and resilient;

2. provides and distributes essential and secure services as part of local, regional or national networks, including in emergencies;

3. coordinates with urban development and land uses throughout the district; and

4. enables people and communities to provide for their wellbeing.

204. PowerNet (FS23.004) agrees that the scope of INFR-O1 should be widened. NZTA (FS14.003) (FS14.004) opposes One NZ's and FortySouth's submission and considers it would be better as a separate objective and should not replace the notified objective.
205. Yrless (S149.002) and Mercury (S130.032) and PowerNet (S95.013) support the objective and seek it is retained as notified. Yrless (FS21.024) support PowerNet's submission.

206. Transpower New Zealand Limited (S101.016) support the objective in part and request the following amendments be made.

INFR-O1: The benefits derived from infrastructure are realised and the operation, maintenance upgrading and development of infrastructure is provided for to meet the needs of the community and businesses. Recognise the benefits to be derived from, and make provision for, the development, maintenance, upgrade and ongoing operation of regionally significant, nationally significant and critical infrastructure and associated activities.

207. Mercury (FS26.018) supports this submission.

Assessment

208. The proposed amendments requested by the telecommunications companies are accepted in part, to better widen the scope of what infrastructure should be achieving. It is however noted that this chapter is not limited to just the provision of critical infrastructure, therefore the wider term of infrastructure is preferred. It is noted this objective is consistent with Selwyn District Council's recent plan change.
209. Transpower's requested amendment to Objective INFR-O1 is too lengthy and does not substantially improve the objective as notified. The original wording sufficiently addresses the key points without unnecessary complexity. Therefore, the change sought by Transpower is not supported.
210. As a consequential change a fifth portion of the objective is recommended, this is assessed further within the next section of this report.

Recommendation

211. I recommend, for the reasons given above, that INFR-O1 is amended as follows:

INFR-O1 Provide for ~~The operation, maintenance, upgrading and development of~~ infrastructure that is:

1. Efficient, effective and resilient;
2. Provides and distributes essential and secure services as part of local, regional or national networks, including in emergencies;
3. Co-ordinates with urban development and land uses throughout the district; and
4. Enables people and communities to provide for their wellbeing.
5. Integrates with existing and potential future infrastructure in a safe and efficient way.

~~provided for to meet the needs of the community and businesses.~~

212. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

213. The following evaluates the recommendation to amend INFR-O1 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what infrastructure is required to achieve. There are no apparent costs with the proposal. The proposed changes improve the clarity and intent of the objective.

The proposed amendment is considered to be a more appropriate way to give effect to UFD-O1 and UFD-O7 and will achieve the purpose of the Act than the notified version of the PDP.

6.9.2 Matters raised by submitters – INFR-O2

214. NZTA (S112.013) support the objective in part but seek maintain consistency with the terminology used within the land transport management act, requests that it be amended as follows:

Infrastructure within new subdivisions and developments integrates with existing infrastructure in a safe, effective and efficient way 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.

215. Chorus (S35.014), One NZ (S32.014), FortySouth (S33.014), Connexa (S37.014) and Spark (S154.014) supports the objective in part, and seeks it to be deleted, if the proposed amendments to Objective 1 are given effect to as it makes it superfluous. Yrless (FS21.025) (FS21.026) (FS21.027) (FS21.028) (FS21.029) support these submissions.

216. Yrless (S149.005) seeks objective 2 be amended to integrate provisions relating to infrastructure into the plan rather than referencing external documents. The relief sought is to delete the following:

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.~~

Assessment

217. NZTA's proposed amendments to INFR-O2 are supported to maintain consistency with the Land Transport Management Act.
218. The submissions supporting the deletion of INFR-O2 are supported as it is agreed that as a consequence of the changes made to INFR-O1, the majority of INFR-O2 is incorporated into INFR-O1. It is however considered that integration with existing and future infrastructure is an

important consideration and as such it is recommended that this aspect of INFRA-O2 be included in INFR-O1.

Recommendation

219. I recommend, for the reasons given above, that INFR-O2 be deleted noting that the phrase “Integrates with existing and potential future infrastructure in a safe and efficient way” has been added to INFR-O1.
220. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

221. The following evaluates the recommendation to delete INFR-O2 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

There is the potential for unnecessary repetition and reference to unnecessary external documents if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.9.3 Matters raised by submitters – INFR-O3

222. Chorus (S35.015), One NZ (S32.015), FortySouth (S33.015), Connexa (S37.015) and Spark (S154.015) support the objective in part but seeks it is amended to reflect reverse sensitivity effects, as it is clearly directed at this, amend as follows:

The safe and efficient operation and security of critical infrastructure is not compromised by incompatible activities and reverse sensitivity effects.

223. Kianga Ora (FS28.012) (FS28.013) (FS28.014)(FS28.015) oppose this submission. Kianga Ora consider that the provisions relating to reverse sensitivity effects are appropriate and suited to the infrastructure chapter.
224. NZTA (FS14.005)(FS14.006) NZTA oppose this submission as it does not support the amendments sought by the submitter, as the suggested wording does not expressly include land reserved for future infrastructure.
225. Yrless (S149.003), Transpower (S101.017) and KiwiRail (S132.017) supports Objective 3, and seeks it be retained as notified. PowerNet (FS23.005) support Transpower’s submission and Yrless (Fs21.030) supports KiwiRail’s submission.

226. Mercury (S130.033) support objective 3 in part, but seeks objectives relating to reverse sensitivity effects from non-infrastructure activities objectives in relevant chapters, including the GRUZ, are crucial. Kianga Ora (FS28.011) oppose this submission as it considers provision relating to reverse sensitivity are sufficient.

227. Andrea McMillan & Tony Harpur (S134.006) oppose Objective 3 and request it be deleted.

Assessment

228. Support of the objective as notified is acknowledged.

229. The telecommunications submission is acknowledged, as their requested relief does specifically reference reverse sensitivity, which provides for additional clarity, however it is considered unnecessary to rewrite the entire objective to achieve this, it is agreed with the further submission that their requested change would not sufficiently provide for land reserve for future infrastructure.

230. Andrea McMillan and Tony Harpur's submission is acknowledged, however the objective aims to give effect to national direction recognising the importance of infrastructure, specifically Policies 10 and 11 of the NPSET. Based on this it is not recommended that the objective be deleted.

231. Mercury's submission is acknowledged, it is noted that GRUZ-P8 does provide for reverse sensitivity consideration within the General Rural Zone.

Recommendation

232. I recommend, for the reasons given above, that INFR-O3 is amended as follows:

INFRA-O3 *Infrastructure* or land reserved for future *infrastructure*, is protected from adverse effects, including reverse sensitivity, from-of subdivision, use and development that is incompatible or may compromise the construction, maintenance, upgrade and use of *infrastructure*.

233. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

234. The following evaluates the recommendation to amend INFR-O3 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

There is the potential for a lack of clarity if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.9.4 Matters raised by submitters- INFR-O4

235. Yrless (S149.004) and Mercury NZ Limited (S130.034) support the objective and seek to retain it as notified.
236. Transpower (S108.018) supports Objective INFR-O4 on the basis that the Objective reflects the range of responses to adverse effects. Kianga Ora (FS28.016) opposes this submission, as the Objective as drafted is sufficient and in line with higher order policy. The submitter considers reverse sensitivity in itself is not always an effect.
237. DOC (S109.031) oppose the objective and seek amendments which have regard for the management of adverse effects and application of the effects management hierarchy.
238. Forest and Bird (S110.016) wish to amend the objective to reference Nature Based Solutions as follows:

Low-emission and climate-resilient urban environments are encouraged by considering blue and green infrastructure options and nature based solutions as first options before grey engineering.

239. Chorus (S35.016) One NZ (S32.016), FortySouth (S33.016), Connexa (S37.016) and Spark Limited (S154.016) support the objective in part and seek amendments as follows:

~~Amend INF-O4 as follows: Adverse effects from the construction, maintenance, upgrade and use of critical infrastructure are managed.~~ The functional and operational needs of critical infrastructure are taken into account when managing any adverse effects of its location, design and operation on the natural and physical environment.

PowerNet (FS23.006) supports One NZ's submission.

240. Andrea McMillian & Tony Harpur (S134.007) wish to amend the objective as follows:

Adverse effects from the construction, maintenance, upgrade and use of critical infrastructure are managed to ensure that the effects on the receiving environment as commensurate with the effects anticipated in the receiving zone.

241. Kianga Ora (FS28.017) supports this submission
242. Environment Southland (S85.070) oppose the objective in part but seek that it is broadened to incorporate section 6 matters of National importance. Mercury (FS26.019) opposes this submission in part as further consideration is required of this the infrastructure chapter being stand-alone vs consistency with policy in other chapters.
243. KiwiRail (S132.018) seek amendments to ensure that adverse effects from all forms of infrastructure are captured as follows:

Adverse effects from the construction, maintenance, upgrade and use of critical infrastructure including critical infrastructure are managed.

Assessment

244. Support for the objective is acknowledged.
245. DOC's submission is supported in part. It is unclear what aspects of the objective they believe do not provide for the management of effects. It is noted that the effects management hierarchy relates to indigenous biodiversity and the NPS-FM, however, is not applied universally throughout national direction, and therefore I consider it inappropriate to include in a broader Infrastructure objective. Adverse effects associated with Section 6 matters are managed through their respective chapters, such as ECO and NFL. It is considered appropriate to broaden the objective to reference infrastructure, rather than just critical infrastructure, as effects from infrastructure more generally should be considered. Based on this the submission is accepted in part.
246. Forest and Bird's submission is supported in part as I consider green infrastructure is a vital component of sustainable development. Encouraging green infrastructure will encourage the use of natural and semi-natural systems that provide environmental, social, and economic benefits. This can include elements such as green roofs, urban forests, wetlands, rain gardens, and permeable surfaces, that are integrated into urban design. Whilst the detailed design of such systems would sit outside the plan, either in the Gore District Subdivision and Development Bylaw or similar code of practice standards document, an objective signals to developers the expectations of how Gore aspires to develop. By incorporating the objective of encouraging blue and green infrastructure, within a specific objective it will integrate better with INFR-P3. I recommend the submission is accepted but rather than incorporate the Objective with INFR-O4 a new objective is preferable.
247. Kiwirail's requested relief for the addition of critical infrastructure is considered suitable in part, infrastructure is an umbrella term that includes critical infrastructure, therefore an amendment to refer to infrastructure only is suitable, for the same reason the second portion of their requested relief is unnecessary and not supported.
248. The telecommunications submissions are supported in their intent, however the inclusion of functional and operational needs is more appropriate as a policy, noting this is covered by INFR-P2 and INFR-P6. Based on this it is recommended that this submission be rejected.
249. Andrea McMillan and Tony Harpurs submission is acknowledged and supported in intent, however their requested amendment does not result in a meaningful change to the objective. The objective provides of the adverse effects from infrastructure to be managed, which will prompt an assessment as to the effects on the receiving environment.
250. Environment Southlands (s85.070) is addressed elsewhere within this report, however as it specifically relates to INFR-O4 the objective is purposely broad to cover a wide range of scope, as this cascades down the plan, specifically INFR-P6 and INFR-R9, the effects to be considered are narrowed, in order to guide plan users. As addressed elsewhere, the section 6 matters are addressed throughout the plan, specifically within other district wide chapters.

Recommendation

251. I recommend, for the reasons given above, that INFR-O4 is amended as follows:

INFR-O4 Adverse *effects* from the construction, maintenance, upgrade and use of *critical infrastructure* are managed.

252. I recommend, for the reasons given above, that a new objective is included, INFR-O5 as follows:

INFR-O5 Low emission and climate resilient urban environments are encouraged through the prioritisation of green infrastructure.

253. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

254. The following evaluates the recommendations under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act, specifically sustainable development, than the notified version of the PDP.

6.9.5 Matters raised by submitters- INFR-P1

255. Chorus (S35.017), One NZ (S32.017), FortySouth (S33.017), Connexa (S37.017) and Transpower (S101.019) support this policy and seek for it to be retained. Yrless (FS21.031) (FS21.032) (FS21.033) (FS21.034) (FS21.036) support the above submissions.

256. Spark (S154.017) NZTA (S112.024), and Yrless (S149.006) support this policy as notified.

257. KiwiRail (S132.019) seek to amend the policy to align with their previous recommendations to INFR-O4 as follows:

Enable the construction, maintenance, upgrade and use of infrastructure including critical infrastructure.

Assessment

258. Submissions and further submissions in support of INFR-P1 are acknowledged and accepted.

259. The intent of KiwiRail's submission is acknowledged, however infrastructure is an umbrella term that also covers critical infrastructure and therefore the requested relief is unnecessary.

260. Submissions and further submissions in support of INFR-P1 are acknowledged and accepted.

Recommendation

261. I recommend, for the reasons given above, that INFR-P1 is retained as notified.

262. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9.6 Matters raised by submitters – INFR – P2

263. Chorus (S35.018), One NZ (32.018), FortySouth (S33.018), Connexa (S37.018), Spark (S154.018) support the policy and seek it is retained.

264. Transpower New Zealand Limited (S101.020) supports the policy in part and seeks amendments as follows:

Require the underground placement of network utilities where practical and appropriate having regard to ~~for~~ the functional needs and operational needs of the network utility.

265. PowerNet Limited (S95.014) support the policy in part, however, seek amendments which reflects undergrounding may not be feasible in rural areas.

In urban areas, require the underground placement of network utilities where practical and appropriate for the functional needs and operational needs of the network utility.

Assessment

266. Transpower's requested amendment does not provide for improved conciseness or clarity, therefore, the requested relief is unnecessary.

267. The intent of Powernet's submission is supported, however, 'where practical and appropriate for functional needs and operational needs' covers this to ensure that undergrounding of new electricity lines in the rural environment is discretionary and may be deviated where it is not practical or appropriate.

268. Submissions in support of INFR-P2 are acknowledged and accepted.

Recommendation

269. I recommend, for the reasons given above, that INFR-P2 is retained as notified.

270. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9.7 Matters raised by submitters – INFR -P3, INFR-P4

INFR-P3

271. DOC (\$109.032) support the policy and seek it is retained.
272. Yrless (\$149.009) are neutral in regard to the policy and have not provided and requested decisions or reasons.

INFR-P4

273. Chorus (\$35.019), One NZ (\$32.019), FortySouth (\$33.019), Connexa (\$37.019), and Spark (\$154.019) support the policy and seek that it is retained.
274. Royal Forest and Bird Society of NZ Inc (\$110.017) seek to amend INFR-P4 as there is no reference to nature-based solutions and seek that it is amended as follows:

Encourage blue and green infrastructure, nature based solutions and renewable energy generation.

275. Yrless (\$149.010) oppose the policy in part and seek that it is amended to recognise that technical limitations may prevent co-location and/or sharing of infrastructure.
276. KiwiRail (\$132.00) seek that the policy is amended to encourage co-location of infrastructure as follows:

Encourage co-location and sharing of infrastructure including critical infrastructure.

Assessment

277. Support for INFR-P3 as notified is acknowledged.
278. The intent of Yrless's submission is supported, however, the use of 'encourage' within the policy ensures that co-location or sharing of infrastructure is not mandated and limitations can be considered. Given this, changes to the policy are not required.
279. KiwiRail's submission is supported in part as INFR-P4 and INFR-P5 both seek to encourage the co-location of infrastructure and should be combined. The addition of 'including critical infrastructure' is not required as infrastructure is an umbrella term, and this aspect of the requested relief is not necessary.
280. Support for INFR-P4 as notified is acknowledged. Changes made to the policy will continue to encourage co-location and sharing of infrastructure.
281. Regarding Forest and Birds submission to amend INFR-P4 to encourage blue and green infrastructure, and renewable energy generation, I consider this is adequately provided for in INFR-P3. INFR-P3 gives effect to the proposed new objective INFR-O5. Matters of discretion utilised across the plan in the zone specific chapters further incorporate low impact design solutions which will further support INFR-P3 and INFR-O5. I therefore reject the submission noting the outcome sought is achieved by other provisions in the chapter and the plan.

Recommendation

282. I recommend, for the reasons given above, that INFR-P3 is retained as notified and the following changes are made to INFR-P4:

INFR-P4 Encourage co-location and sharing of infrastructure.

283. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

284. The following evaluates the recommendation to amend INFR-P4 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

There is the potential for confusion between INFR-P4 and INFR-P5 if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the INFR-O1 and INFR-O5 than the notified version of the PDP.

6.9.8 Matters raised by submitters- INFR-P5

285. Chorus (\$35.020), One NZ (\$32.020), FortySouth (\$33.020), Connexa (\$37.020) and Spark NZ (\$154.020) oppose the policy as it appears to be a repeat of INFR-P3 and seek that it is deleted.
286. Yrless (\$149.011) oppose INFR-P5 in part and seek it is amended to recognise that technical limitations may prevent co-location and/ or sharing of infrastructure.
287. KiwiRail (\$132.021) oppose the policy as it appears to be too similar to INFR-P4 and seeks that it is deleted and combined into one policy as below:

Encourage co-location and sharing of infrastructure.

Assessment

277. KiwiRail's submission is supported. Amendments to INFR-P4 have been made above and INFR-P5 is recommended to be deleted as it is agreed this is an unnecessary policy when considering INF-P4.
278. The intent of Yrless's submission is supported, however, the use of 'encourage' within the policy ensures that co-location or sharing of infrastructure is not mandated, and limitations can be accounted for.

279. Recommendation to delete the policy by Chorus, One NZ, FortySouth, Connexa, and Spark NZ is supported, noting it is assumed they are referencing INFR-P5 rather than INFR-P3 as stated.

Recommendation

280. I recommend, for the reasons given above, that INFR-P5 be deleted as shown:

~~INFR-P5 Encourage co-location and sharing of infrastructure~~

281. Note this will result in a consequential re-numbering of the remaining policies in the Chapter.
282. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

283. The following evaluates the recommendation to delete INFR-P5 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. There is the potential for confusion between INFR-P4 and INFR-P5 if the proposed amendment is not made as the policy was mistakenly repeated.

6.9.9 Matters raised by submitters – INFR- P6

284. Transpower (S101.021) support INFR-P6 in part and seek that it is amended as follows:

Adverse effects (including reverse sensitivity effects) are avoided, remedied or mitigated where activities are adjacent to critical infrastructure, including the avoidance—~~management~~ of sensitive activities near the National Grid and the avoidance of ~~and the effects (including reverse sensitivity effects)~~ of subdivision, use and development that may compromise the operation, maintenance, upgrade and development of the National Grid.

285. Kainga Ora (FS28.018) oppose this submission as the amendments regarding to 'avoidance' are overlay restrictive and not in line with Policy 10 of the NPS-ET.

286. NZTA (S112.015) support the policy in part and seek that is amended as follows:

Adverse effects (including reverse sensitivity effects) are avoided, remedied or mitigated where activities are adjacent to critical infrastructure, including the management of sensitive activities and the effects of subdivision, use and development that may compromise the operation, maintenance, upgrade and development of the National Grid and the State highway network.

Or replace it with the following:

Manage adverse effects including reverse sensitivity effects from subdivision, use and development on critical infrastructure and network utilities to ensure that they do not compromise their operation, maintenance, upgrade and development.

287. Kainga Ora (FS28.019) opposes in part the submission and considers that reverse sensitivity in itself is not always an adverse effect.

288. Mercury NZ Limited (S130.035) supports the policy in part, but seeks that it is applied in the relevant chapters as follows:

Adverse effects (including reverse sensitivity effects) on critical infrastructure are avoided, remedied or mitigated ~~where activities are adjacent to critical infrastructure~~, including the management of sensitive activities and the effects of subdivision, use and development that may compromise the operation, maintenance, upgrade and development of the National Grid.

289. Kainga Ora (FS28.020) opposes the submission as they do not consider that the proposed amendments by this submitter reduce the targeted and measurable nature of the policy.

290. Contact (FS24.017) supports the submission.

291. Yrless (S149.007), Chorus (S35.021), One NZ (S32.021), FortySouth (006), Connexa (S37.021) and Spark (S154.021) support the policy and seek that it is retained.

292. PowerNet Limited (S95.015) support the policy in part but seek it is amended as follows:

Adverse effects (including reverse sensitivity effects) are avoided, remedied or mitigated where activities are adjacent to critical infrastructure, including the management of sensitive activities and the effects of subdivision, use and development that may compromise the operation, maintenance, upgrade and development of the National Grid and the electricity distribution network.

293. Kainga Ora (FS28.021) oppose as they consider the policy is clearly directed at critical infrastructure. Mercury (FS26.020) support the submission.

294. Andrea McMillan & Tony Harpur (S134.008) oppose the policy and seek that it is deleted. Transpower (FS30.008) oppose this submission.

Assessment

295. Support for INFR-P6 as notified is acknowledged.

296. The submission from Transpower is rejected on the basis that Policy 10 of the NPSET refers to managing activities to avoid reverse sensitivity and this is ensured through national grid yards. Adding in reverse sensitivity twice to the policy is unnecessary.

297. NZTA request the addition of 'and the state highway network' to the end of the policy. This is supported to ensure that reverse sensitivity effects for both the National Grid Network and State Highway Network are considered. The latter half of the NZTA's submission is not supported as the first part of their relief is recommended. Kianga Ora's further submission on this point is rejected as 'unacceptable' is too ambiguous a term, consideration of reverse sensitivity concerns will be assessed at the resource consent stage with discretion enabling a thorough assessment.

298. Mercury's submission suggests that any activity anywhere may need to be assessed for effects on critical infrastructure and the proposed amendments reduce the targeted and measurable nature of the policy. This submission is rejected along with Contact's further submission in support.

299. PowerNet's submission requesting the inclusion of the 'electricity distribution network' is rejected on the basis that the National Grid encompasses the specific infrastructure provided for under the National Grid definition. Widening the scope to include electricity distribution that does not meet this definition is considered too encompassing and as such the addition is unnecessary.
300. The submission by Andrea McMillan & Tony Harpur is rejected on the basis that the policy gives effect to the national direction of the NPSETG (specifically policy 10 and 11) and is required to manage adverse effects on critical infrastructure.

Recommendation

301. I recommend, for the reasons given above, that INFR-P6 is amended as follows:

INFR-P6 Adverse *effects* (including *reverse sensitivity effects*) are avoided, remedied or mitigated where activities are adjacent to *critical infrastructure*, including the management of *sensitive activities* and the *effects of subdivision*, use and development that may compromise the operation, maintenance, upgrade and development of the *National Grid* and the State Highway Network.

302. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

303. The following evaluates the recommendation to amend INFR-P6 under section 32AA of the RMA.

The proposal will ensure clarity within the PDP.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

There is the potential for less emphasis on assessment on the adverse effects to the State Highway Network if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.9.10 Matters raised by submitters INFR-P7

304. Chorus (\$35.022), One NZ (\$32.022), FortySouth (\$33.022), Connexa (\$37.022) and Spark (\$154.022) support the policy in part however seek it is amended to ensure that management of adverse effects are taken into account in the context of the needs for the critical infrastructure as follows:

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, recognising the functional need and operational need of critical infrastructure.

Contact Energy (FS24.018) and Powernet (FS23.007) support this submission.

305. Transpower (S101.022) support the policy and seek that it is retained.

306. DOC (S109.033) support the policy in part and seek that it is amended as follows:

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~~, and, where there are no practicable alternative locations, applying the effects management hierarchy where adverse effects cannot be avoided.

307. Transpower (FS30.019), Mercury (FS26.021) and Contact Energy (FS24.019) oppose this submission.

308. Forest and Bird (S110.018) seek to amend this policy to include indigenous biodiversity as follows:

Manage the development of infrastructure, so that adverse effects on adjoining activities, sites, indigenous biodiversity, ecosystem health, and Ngāi Tahu cultural values are avoided, remedied or mitigated.

309. Mercury (FS26.022) supports in part this submission but considers that if reference to indigenous biodiversity is added, this should be in a separate policy which references the effects management hierarchy and the principles for biodiversity offsetting and compensation should be consistent with the approach in the NPS-IB.

302. Yrless (S149.008) (S149.012) support the policy and seek that it is amended so Council have a role in ensuring that cultural sites are appropriately defined or identified and/or there is a recognised mechanism to work collaboratively with iwi.

303. Hokonui Rūnanga Inc (S139.045) support the policy in part and seek that it is amended as follows:

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~~ to avoid, remedy, or mitigate any adverse effects on: - adjoining activities, sites or ecosystem health, and- any actual or potential effects on mana whenua and the values they associate with the area including whakapapa, the mauri of natural resources, wāhi tapu, mahinga kai, the ability to exercise manaakitanga, mātauranga associated with the current landscape, and the exercise of kaitiakitanga.

Mercury (FS26.023) supports this submission.

304. Mercury NZ Limited (S130.036) have not stated their position, although seek to amend the policy as follows:

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~~, or offset, or compensated for.

305. Transpower (FS30.053) opposes this submission but offers that if the relief allowed the following added to the end, 'or agreed by, an applicant or requiring authority'. Contact (FS24.020) supports Mercury's submission.
306. ES (S85.071) support the policy in part, although seek that the policy is amended to broaden the policy to incorporate section 6 matters of national importance.

Assessment

307. Support for INFR-P7 is acknowledged.
308. The requested relief from One NZ, FortySouth, Connexa, Chorus and Spark is accepted as it is consistent with giving effect to INFR-O4 and ensures recognition of the functional and operational needs of critical infrastructure.
309. Yrless submission (s149.012) is acknowledged, and the submission by Hokonui Rūnanga may partially give relief to this submission with more targeted cultural values identified. Regarding the identification of specific cultural sites, this is being addressed through the SASM Chapter.
310. The submission from ES is acknowledged and accepted in part. As the district wide chapters cover the applicable Section 6 Matters of the RMA, it is not considered necessary to double up on management within this chapter, unless a more specific activity requires management. Based on this and in order to tie in better with INFR-R9, a change to include sensitive environments within policy 7 is supported.
311. The submission from DOC is rejected on the basis that the NPSET is enabling of electricity transmission and does not direct that adverse effects are to be avoided or include a test of 'no practicable alternative locations'. Rather a manage approach is utilised throughout the NPSET. The effects management hierarchy relates to the NPS-IB and is managed through the ECO chapter, specifically ECO-P4 and as such additional inclusion within the INFR Chapter is considered unnecessary.
312. Mercury's submission to include 'offset or compensated for' is rejected on the basis that the NPSET does not require offsetting, while these measures could be offered to satisfy section 104 of the RMA, it is not appropriate to include the requirement within a policy. Further, offsetting and compensation formed part of the trend of the draft suite of national planning directions to replace the RMA, however, with these are now set to be replaced, reliance on that draft policy direction is considered inappropriate.
313. The relief sought from Hokonui Rūnanga Inc potentially narrows the scope decision makers and mana whenua have for considering Ngāi Tahu cultural values in decision-making under this plan and weakens wording around protecting Ngāi Tahu cultural values. However, it is my recommendation that the policy approach mana whenua deem most appropriate for managing impacts on their cultural values and kaitiaki responsibility be adopted and this submission point be accepted.
314. Regarding Forest and Birds submission requesting the addition of indigenous biodiversity to the wording on INFR-P7, this is accepted in part in that as outlined within the assessment above it is considered appropriate to consider sensitive environments in order to tie in better with INFR-

R9, however the ECO chapter does still apply and typically the management of indigenous biodiversity is better dealt with within that chapter.

Recommendation

315. I recommend, for the reasons given above, that INFR-P7 be amended as follows:

INFRA-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 to avoid, remedy, or mitigate any adverse effects on:~~

1. Sensitive environments, adjoining activities, sites and ecosystem health, and

2. any actual or potential effects on mana whenua and the values they associate with the area including whakapapa, the mauri of natural resources, wāhi tapu, mahinga kai, the ability to exercise manaakitanga, mātauranga associated with the current landscape, and the exercise of kaitiakitanga; while

3. recognising the functional need and operational needs of infrastructure

316. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

317. The following evaluates the recommendation to amend INFR-P7 under section 32AA of the RMA.

The proposal will ensure that the development of infrastructure take into account specific cultural effects identified by mana whenua while recognising the importance of infrastructure.

The benefits of the proposal are that it is specific in relation to cultural values to be considered at the request of Hokonui Rūnanga, helping to direct plan users to what is required in terms of PDP administration, aligns with national direction, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act, provided the Hokonui Rūnanga is comfortable with the narrowing of scope, than the notified version of the PDP.

6.9.11 Matters raised by submitters INFR-R1

318. Chorus (S35.024), One NZ (S32.024), FortySouth (S33.024), Connexa (S37.024) and Spark (S154.024) support the rule and seek that it is retained, with a potential amendment to reword 'underground infrastructure' from '~~below ground~~' to align with the terminology used in INFR-P2.

319. Transpower (S101.024), PowerNet Limited (S95.016) and KiwiRail (S132.022) support the rule and seek that it is retained.

320. DOC (S109.035) oppose the rule and seek that it is amended to be restricted discretionary within specified areas. The D-G considers that this activity should still be subject to a restricted

discretionary status where new infrastructure is within a specified area such as an SNA, areas of highly mobile fauna or riparian margin. Mercury (FS26.024) oppose this submission as they consider below ground level infrastructure does not impact highly mobile fauna. Below ground infrastructure should be encouraged through retaining the permitted activity status.

Assessment

321. Support for INFR-R1 as notified is acknowledged.
322. The submissions from Chorus, Spark, One NZ, FortySouth, and Connexa are acknowledged. Referring to 'below ground level' is intentional as 'ground level' is a defined term in the plan. I consider the references to 'underground' and 'below ground level' are synonymous and as such, no changes are recommended.
323. The submission from DOC is rejected as the district wide chapters relating to specified areas apply in addition to the Infrastructure Chapter. For example, ECO-R1 enables indigenous vegetation clearance where it is for the purpose of maintenance, repair or replacement of existing lawfully established critical infrastructure, and network utilities. However, any new critical infrastructure or network utility that required indigenous vegetation clearance would require consent as a discretionary activity if located outside of a Significant Natural Area or as a non-complying activity if within a Significant Natural Area. As such I consider the plan provides protection for these areas and changes to INFR-R1 are not necessary.

Recommendation

324. I recommend, for the reasons given above, that INFR- R1 is retained as notified.
325. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9.12 Matters raised by submitters INFR-R2

326. Chorus (S35.025), Transpower (S101.025), KiwiRail (S132.023), One NZ (S32.025), FortySouth (S33.025), Connexa (S37.025), Spark (S125.025) and PowerNet (S95.017) support this rule and seek that it is retained.
327. Transpower supports Rules INFR-R2 on the basis that a permitted activity status for infrastructure that is located in a building appropriately recognises that the permanent effects of such activities are nil or very minor.
328. KiwiRail supports the Permitted Activity status of the Establishment, operation, maintenance, replacement, upgrade, repair or removal of infrastructure within a building.
329. The remaining submitters consider NFR-R2 provides absolute clarity that infrastructure placed within a building is permitted.

Assessment

330. Support for INFR-R2 as drafted is acknowledged and no changes are recommended.

Recommendation

331. I recommend, for the reasons given above, that INFR-R2 is retained as notified.

332. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9.13 Matters raised by submitters – INFR-R3

333. Chorus (S35.026), One NZ (S32.026), FortySouth (S33.026), Connexa (S37.026), Spark (S154.026) support the rule in part and seek the following amendment provide for greater flexibility when elements such as driveways, potential contamination areas and so forth occur.

(d) maximum change in location of structure - ~~5m~~ 10m

334. Transpower (S101.026) (S101.028) and PowerNet Limited (S95.018) support the rule and seek that it is retained. Mercury (FS26.025) (FS26.026) (FS26.028) support these submissions.

335. DOC (S109.036) support the rule in part and seek that it is amended to include the following matter of discretion as the D-G considers that matters of discretion should include impacts on indigenous biodiversity values:

Impacts on indigenous biodiversity values including at risk and threatened species and their habitat.

336. Mercury (FS26.027) opposes the submission and seeks tailored matters of discretion for upgrading and removal of above ground infrastructure.

337. NZTA (S112.016) support the rule in part and seek that matter of discretion 4 is amended. Waka Kotahi notes that this rule relates to the operation, maintenance, replacement, upgrade, repair or removal of existing above ground infrastructure and access tracks as a permitted activity in all zones. If the above works are required within the State highway corridor, then the Government Roding Powers Act 1989 applies. This Act requires Waka Kotahi to permit utility authorities and Territorial Local Authorities to install services in State highway corridors subject to an application and necessary conditions. NZTA consider that the rule should be retained with the following amendments to the Matters of Discretion to include safety considerations and apply the provision to footpaths and cycleways as follows:

Impact on the safety and function of the road, including any footpath or cycleway.

338. KiwiRail Holdings Ltd (S132.024) seek to amend the matters of discretion to to ensure that impacts on the function of the rail, including vehicle access tracks are considered. The following amendment is proposed:

5. Impacts on the function of the rail, including vehicle access tracks.

Assessment

339. Support for INFR-R3 as drafted is acknowledged.
340. The NZTA submission is supported on the basis that any works required within the state highway on infrastructure and access tracks is managed by the Government Rounding Powers Act 1989 (GRP) and considerations should include safety and impacts on cycleways.
341. KiwiRail's relief for further matters of discretion to ensure function of the rail, including vehicle access tracks is accepted. A slight amendment to the wording is necessary.
342. The submissions requesting a maximum change in location of structures from 5m to 10m is rejected as the submitters have not adequately rationalised the requested increase. The submitters are invited to present further evidence on this through the hearings process for consideration.
343. The submission from DOC is rejected on the basis that the ECO chapter rules will apply and duplicating with a matter of discretion for indigenous biodiversity values is not necessary. As discussed above, ECO-R1 any new critical infrastructure or network utility that requires indigenous vegetation clearance would require consent as a discretionary activity if located outside of a Significant Natural Area or as a non-complying activity if within a Significant Natural Area. As such I consider the plan provides protection of these areas and changes to INFR-R3 are not necessary.

Recommendation

344. I recommend, for the reasons given above, that the Matters of Discretion for INFR-3 be amended as follows:

Matters of discretion:

1. The functional and operational needs of, and benefits derived from, the *infrastructure*, including the potential impact on the levels of service or health and safety if the work is not undertaken.
 2. The bulk, *height*, location and design of the *infrastructure*, including any associated *buildings* or *structures*.
 3. The *amenity values* of the respective zone and the extent to which any adverse visual amenity *effects* can be avoided, remedied or mitigated.
 4. Impacts on the safety and function of the *road*, including any *footpath* or cycleway.
 5. Impacts on the function of the rail network, including vehicle access tracks.
 6. Site reinstatement and replanting.
 7. The duration, timing, and frequency of the activity.
 8. Impacts on Ngāi Tahu cultural values, including those listed in the MW2.3
 9. The matters of discretion for the infringed standard.
345. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

346. The following evaluates the recommendation to amend INFR-R3 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The proposed changes enable consideration of the safety and function of the transport network and the rail network. The benefits of the proposal are that the new critical infrastructure is enabled whilst effects on existing infrastructure are managed. Potential costs may occur in terms of time or delay, if network utility operators are required to consult with NZTA or KiwiRail. However, should infrastructure be locating in proximity to these assets it is considered that consultation would be a necessary component of the development in any case.

The proposed amendment is considered to be a more appropriate way to achieve the objectives of the INFRA Chapter particularly INFR-O4 which seeks to manage adverse effects from the construction, maintenance, upgrade of infrastructure.

6.9.14 Matters raised by submitters - INFR-R4

347. Chorus (S35.027), One NZ (S32.027), FortySouth (S33.027), Connexa (S37.027) and Spark (S154.027) support the rule however and seek that it is amended as follows:

Other than where existing or replacement support structures (including buildings) are used, lines are to be located underground. Replacement support structures must meet the permitted provisions in INFR-R3(1), and compliance with all INFR Standards is achieved.

348. PowerNet (FS23.008) and Yrless (FS21.038)(FS21.037)(FS21.039)(FS21.040)(FS21.041) support these submissions.

349. Transpower (S101.027)(S101.029) support the rule in part but seek that the matters of discretion in INFR-R4(1) and R4(2) are amended to replicate the Matter of Discretion in Rule INFR-R3. The submitters considers these matters do not provide for a consideration of the benefits of infrastructure and therefore do not give effect the Objective and Policy 1 of the NPSET and Policy INF.1 of the SRPS. The following changes is requested:

The functional and operational needs of, and benefits derived from, the infrastructure, including the potential impact on the levels of service or health and safety if the work is not undertaken.

350. Mercury (FS26.030) (FS26.035) support this submission.

Assessment

351. Submissions in support of INFR-R4 as notified are acknowledged.
352. The intent of this rule is to discourage above ground infrastructure unless it can comply with the relevant provisions.

353. The intention for One NZ's submission is accepted as it ensures all new support structures comply with relevant standards. However, the inclusion of 'or replacement' and 'including buildings' is covered by rule INFR-R2 and repetition here is not required. The addition of 'Replacement support structures must meet the permitted provisions in INFR-R3(1), and compliance with all INFR Standards is achieved' is supported.
354. Transpower's submission (s101.027) requesting INFR-R4 to be amended to add in an additional matter of discretion the importance of infrastructure and the risk of it not being constructed, is support in intent, however it is considered that matter of discretion 1 as notified enables a similar assessment to be provided, whilst not creating the impression that the importance of infrastructure outweighs all other considerations. Based on this the submission is rejected.
355. As addressed elsewhere Mercury's requested relief for clarity has warranted an inclusion of specific provision for electric vehicle charging stations. This relief is supported as it provides for a desired activity.
356. Further changes to the rule have been recommended in order to improve clarity, (in line with Mercury's clarification submission).

Recommendation

357. I recommend, for the reasons given above, that INFR-R4(1) is amended as follows:

INFR-R1	Establishment of above ground <i>infrastructure</i> (including <i>Green Infrastructure</i>) <u>not otherwise addressed by another rule in this chapter.</u>	
All Zones exempting the General Rural, Rural Lifestyle, Field Days and Camp Columba,	Activity status: Permitted Where:	Activity status where compliance is not achieved with:
	~~Other than where existing support poles structures are used, lines~~ are ~~to be~~ located underground <u>and replacement support poles meet the permitted provisions in INFR-R3(1); and</u> <u>electric vehicle charging stations that complies with all INFR Standards</u>	INFR-R4(1 and 2): Restricted Discretionary Matters of discretion: - The reason for the lines being above ground. - The <i>amenity values</i> of the respective zone and the extent to which any adverse visual amenity <i>effects</i> can be avoided, remedied or mitigated.

INFR-R1	Establishment of above ground <i>infrastructure</i> (including <i>Green Infrastructure</i>) <u>not otherwise addressed by another rule in this chapter.</u>
General Rural, Rural Lifestyle, Field Days and Camp Columba.	3. Compliance with all INFR Standards is achieved. INFR-R4(23): Restricted Discretionary Matters of discretion: 1. The matters of discretion of any infringed standard

358. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

359. The following evaluates the recommendation to amend INFR-R4 under section 32AA of the RMA.

The proposal ensures all new support structures comply with relevant standards and support plan useability.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the objectives of the Infrastructure Chapter than the notified version of the PDP.

6.9.15 Matters raised by submitters – INFR-R5, INFR-R6, INFR-R7

INFR-R5

360. Chorus (\$35.028), One NZ (\$35.028), FortySouth (\$33.028), Connexa (\$37.028), Spark (\$154.028) support the rule and seek that it is retained.

361. SDC (\$146.107) support the rule as notified, it is however assumed that they have tagged the incorrect rule within their submission as their reasons for their support seem unconnected with INFR-R5.

INFR-R6

362. Transpower (\$101.030) support the INFR-R6 and seek that it is retained.

INFR-R7

363. Transpower (S101.031) support the INFR-R7 in part and seek the activity status when compliance is not achieved is changed to Non-complying.

Assessment

364. Support for INFR-R5 as notified is acknowledged and no changes are recommended.
365. Support for INFR-R6 as notified is acknowledged and no changes are recommended.
366. Transpower's requested change to a non-complying activity status is appropriate. Transpower's opposition to discretionary activity status aligns with the firm statutory direction in Policies 10 and 11 of the NPSET. Specifically, Policy 10 requires that decision-makers must, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the electricity transmission network. A non-complying activity status provides a higher threshold of assessment achieving this policy. Policy 11 requires local authorities to consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for. A non-complying status better aligns with this and promotes a consistent national approach across jurisdictions for managing the National Grid.

Recommendation

367. I recommend, for the reasons given above, that INFR-R5 and INFR-R6 remain as notified
368. I recommend, for the reasons given above, that INFR-R7 be amended to default to a non-complying activity status where compliance is not achieved with the permitted conditions.
369. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

370. The following evaluates the recommendation to amend INFR-R7 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefit of the proposal is that it promotes a consistent national approach across jurisdictions for managing the National Grid. There are potential monetary costs associated with a non-complying activity status however this is proportional to the extent of the non-compliance and the fact activities which do not meet the permitted conditions are not anticipated by the plan.

There is the potential for the plan to be inconsistent with national direction if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the Objectives of the INFR Chapter as well as the policies of the NPSET, than the notified version of the PDP.

6.9.17 Matters raised by submitters – INFR-R8

371. Chorus (S35.029), One NZ (S32.029), FortySouth (S33.029), Connexa (S37.029) and Spark (S154.029) support the rule in part and seek changes to allow specific activities as a controlled activity. Yrless (FS21.043) (FS21.044) (FS21.045) (FS21.046) (FS21.047) supports these submissions.

1. for panel antenna a width of 0.8m is not exceeded;
2. for dish antenna, the antenna does not exceed a diameter of:
 - a. 1.2m in a residential zone; or
 - b. 3m in all other zones.
3. Any activity which does not meet the NESTF permitted regulations but otherwise complies with the INFR standards.

Assessment

372. Submissions seeking the controlled activity status is afforded to the above activities are rejected as the requested changes are inconsistent with the NESTF. If activities are not permitted or controlled under the NESTF then they should be restricted discretionary activities to align with national direction. The submitters have further not provided adequate reasoning as to why activities which do not comply with NESTF permitted regulations will not result in adverse effects on the environment. The submitters have not provided matters of control to accompany the proposed changes.

Recommendation

373. I recommend, for the reasons given above, that INFR-R8 be retained as notified.

374. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.9.18 Matters raised by submitters – INFR-R9, INFR-R10

INFR-R9

375. Chorus (S35.030), One NZ (S32.030), FortySouth (S33.030), Connexa (S37.030) and Spark (S154.030) support the rule in part and seek the activity status in the specified areas is restricted discretionary and the matters of discretion are 'the effect on' the specified areas listed in the rule, as well as the functional needs and operational needs of, and benefits derived from critical infrastructure, including the potential impact on the levels of service or health and safety if the work is not undertaken as matters of discretion. Further, an update is required to INFR-R9.1 to include contaminated land, hazardous substances, natural hazards (excluding telecommunications), ecosystems and indigenous biodiversity and public access chapters.

376. The submitter considers INFR-R9 should include all overlays so that there is no requirement for infrastructure applications to consider other chapters. To provide consistency with NESTF

Regulation 57, telecommunications should not have to meet this rule for natural hazards as they are accounted for in the Civil Defense Emergency Management Act 2001.

377. Yrless (FS21.048) (FS21.049) (FS21.050) (FS21.051) (FS21.052) support these submissions as they recognise the importance of infrastructure to communities. They do however seek clarity and consistency for all height limits for infrastructure in zones and overlays, taking into account the technical constraints that may apply.
378. Transpower (S101.032) support the rule but requests amendments. Subject to relief sought elsewhere, Transpower supports Rule INFR-R9 and considers that discretionary activity status is appropriate for new infrastructure in 'protected' areas and, insofar as the Rule relates to the National Grid, consistent with approaches taken to giving effect to the NPSET across New Zealand.

Activity status: Discretionary

Where:

1. The establishment of new infrastructure that has foundations within:

(a) an Outstanding Natural Landscape or Feature (...)

(c) 20m of the Maitava River or is critical infrastructure in the Maitava River Floodway (...)

(x) land outside of a river and inside of the river side of a Southland Regional Council stopbank"

(x) land subject to a high or very high risk of liquefaction, where the infrastructure is critical infrastructure"

379. DOC (S109.037) oppose the rule and seek that is amended. The D-G considers that the consenting process for new infrastructure within specified areas is assessed as a non complying activity. Further the rule should be amended to identify any unmapped areas of significant indigenous biodiversity, and areas of highly mobile fauna and riparian margins.

Activity status: ~~Discretionary~~ Non complying

Where: (...)

(b) a Significant Natural Area or unmapped SNA that has been assessed as significant against the criteria in Appendix 4, areas of highly mobile fauna

(c) 20m of the Maitava River, or within a riparian margin (...)

380. Transpower (FS30.021), NZTA (FS14.009), and Contact (FS24.021) all oppose this submission. Transpower, insofar as the Rule relates to the National Grid, consider a non-complying activity status fails to give effect to the NPSET and would be inconsistent with district plan provisions throughout New Zealand. The submission does not provide sufficient justification in terms of the appropriateness and necessity of non-complying activity status (as required by section 32 of the RMA. Including unmapped areas is not sufficiently certain in the context of a Rule such that plan users are unable to determine whether an activity is compliant with the rule. NZTA consider the submission does not align with the NPS-IB and Contact considers the non-complying status

sought for these activities is too onerous given the significance of infrastructure and therefore opposes the relief sought.

381. Yrless (S149.021) oppose the rule and seek that the activity status is changed to controlled or restricted discretionary being the most restrictive. Yrless consider where specific consideration has been given to infrastructure development and it deemed inappropriate due to the effects, this should be specified in the plan as non-complying or prohibited, otherwise should be at a lower level of control.
382. ES (S85.079) support the rule in part and seek that the interplay between INF-R1 & INFR-R2 and INFR- R9 is reconciled and that the Section 6 matters are included.

INFR-R10

383. Transpower New Zealand Limited (S101.033) support INFR-R10 and seek that it is retained.

Assessment

384. Transpower's submission regarding INFR-R9, is supported in part with the majority of the requested relief considered to give better effect to the NPSET, however the distinction of new infrastructure "that has foundations, is considered to be overly prescriptive, any infrastructure considered to be within these areas should be captured so that associated effects are appropriately considered, particularly when considering the visual sensitivities of the ONF/Ls.
385. It is noted that this relief ties in with Transpower's submission on the Natural Hazards (NH) Chapter requesting rules relating to infrastructure within natural hazards area to be located within the INFR Chapter. While typically activities within areas of natural hazards are considered within the NH Chapter, in this instance it is considered appropriate to accept Transpower's relief to include hazard areas in INFR-R9. The activities these rules are seeking to manage are specific to infrastructure and therefore it is considered appropriate to manage them within the INFR Chapter.
386. Yrless's submission is rejected. A discretionary activity is considered an appropriate setting in order to fully assess the adverse effects on these areas. As outlined within the Yrless submission adverse effects cannot be fully anticipated, therefore a discretionary activity status enables a full assessment of individual activities. A discretionary activity status sets tone that these areas should only be utilised for infrastructure where there is a functional and operational need to do so, and adverse effects can be avoided, remedied or mitigated.
387. ES Submission seeks clarification of the interplay between INFRA-R1, INFRA-R2 and INFR-R9. In response I have amended the activity rule titles of INFRA-R1, INFRA-R2 and INFR-R4 as these rules permit the establishment of new infrastructure. The activity rule titles now state "not otherwise addressed by another rule in this chapter" as such, an activity that is triggered by INFRA-R9 will require resource consent as a Discretionary Activity and will not fall into INFRA-R1, INFRA-R2 and INFR-R4.
388. DOC's submission is rejected as a non-complying activity status is considered inconsistent with the NPSET and the objectives and policies of this chapter. The requested relief, that specified areas include unmapped areas of significant biodiversity, areas of highly mobile fauna and

riparian margins is also rejected. The definition of significant natural area includes unmapped areas and as such this relief is considered to already be granted. INFRA-S5 addresses riparian margins sufficiently and as such it is not recommended that this is also included within this rule. In regards to areas of highly mobile fauna, these are not mapped and without evidence demonstrating where these are located would require infrastructure providers to provide a site specific ecological assessment to prove compliance. DOC are invited to provide further information demonstrating where these areas are and further consideration can be undertaken through the hearings process.

389. The submission from Chorus, One NZ, FortySouth, Connexa and Spark are rejected. A restricted discretionary activity status is considered inappropriate within specified areas. Given the wide range of specified areas detailed in the rule, it is necessary for the activity status to enable flexibility, and the ability to address a wider scope of matters.
390. The submitters further seek that the following specific area are include in the plan: contaminated land, hazardous substances, natural hazards (excluding telecommunications), ecosystems and indigenous biodiversity and public access.
391. I do not consider it is necessary to include contaminated land as this is managed under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).
392. The Hazardous Substance Chapter in the District plan manages significant hazardous facilities where hazardous substances are used, stored, manufactured or disposed of in larger quantities, only. Other storage of hazardous substance or activities which do not amount to a significant hazardous facility are managed through a variety of other legislative and regulatory means². As a result, I do not consider this needs to be included as a specific area in the rule. The Hazardous Chapter will apply in addition to the Infrastructure chapter as it is a District Wide Chapter.
393. The district is subject to varying inundation risk to varying degrees. I do not consider it would be efficient or effective to include a natural hazard overlay in the rule. Instead, I have included specific high-risk situations, aligning with Transpower's submission into the rule.
394. I consider including 'Ecosystems and indigenous biodiversity' in the rule, to be too broad. The inclusion of 'Significant Natural Area' is sufficient as this is a Section 6 matter.

² In particular the Hazardous Substances and New Organisms Act 1996 (HSNO Act) and the Health and Safety at Work Act 2015 (HSW Act).

395. It is noted that the inclusion of "sites of significance to Māori" is inappropriate in this context as with the current structure of the plan this would relate to the entire district. On this basis it is recommended that "a Site of Significance to Māori" is deleted, noting however that policy provision (ENRG-P6) is still provided to protect cultural values.
396. Finally, I am unsure of how 'public access' would be incorporated as a specific area. I note that the Public Access Chapter will apply in addition to the Infrastructure chapter as it is a District Wide Chapter.
397. Support for INFR-R10 is acknowledged and no further changes are recommended.

Recommendation

398. I recommend, for the reasons given above, that INFR-R9 is amended as follows:

INFR-R9	Establishment of new <i>infrastructure</i> within specified areas	
All Zones	Activity status: Discretionary Where: - The establishment of new <i>infrastructure</i> within: - an Outstanding Natural Landscape or Feature - a <i>Significant Natural Area</i> 20m of the Mataura River - Is critical infrastructure in the Mataura River Floodway - a <i>site</i> containing an item on the Heritage Schedule, a <i>Notable Tree</i>, ~~a Site of Significance to Māori~~ or an <i>Archaeological Site</i> <u>land inside of the river side of a Southland Regional Council Stopbank</u> <u>is critical infrastructure on Land subject to a high or very high risk of liquefaction</u>	Activity status where compliance is not achieved: N/A

399. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

400. The following evaluates the recommendation to amend INFR-R9 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The additional specified areas have consolidated the plan, relocating the rules relating to infrastructure in the Natural Hazards Chapter to this chapter.

The benefits of the proposal are that section 6 matters are addressed clearly and require scrutiny if infrastructure are proposed where it may effect these areas.

There is the potential for inefficiencies in the plan if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the relevant Objectives of the INFRA Chapter than the notified version of the PDP.

6.9.19 Matters raised by submitters – INFR-S1

401. Chorus (S35.031), One NZ (S32.031), FortySouth (S33.031), Connexa (S37.031) and Spark NZ (S154.031) support the standard in part and seek that it is retained, with amendments to detail the navigable waterbodies on the planning maps and provide a clause which provides clarification on how INFR-S1 interacts with INFR-S5.
402. Transpower (S101.034) support the standard in part and seek it is amended as follows:
- Above-ground lines are to be at least 10m above the water level of a navigable waterbody when at its maximum navigable flow or attached to, and no lower than, existing structures over a navigable waterbody or otherwise comply with NZECP34:2001.
403. Transpower notes that NZECP34:2001 includes a suite of regulations to manage conductor clearances, including over navigable waterways. Transpower considers that where compliance with the requirements in NZECP34:2001 is achieved, requiring a resource consent is unnecessary and inappropriate duplication of regulation. In addition, Transpower supports the Matters of Discretion that apply because these matters allow for a consideration of the benefits of infrastructure in a manner that gives effect to the Objective and Policy 1 of the NPSET and Policy INF.1 of the SRPS.
404. Yrless (S149.022) oppose the standard in part and seek that is amended to include height and occupational requirements for categories of infrastructure and the effects of their activities. The submitter considers the restrictions add a layer of unnecessary cost for infrastructure developers.
405. PowerNet (S95.019) support the standard and seek that it is retained.

Assessment

406. Support for INFR-S1 as notified is acknowledged.
407. Transpower's submission requesting an alternative permitted pathway if compliance is achieved with NZECP34:2001 is supported. This is considered an efficient and effective means of managing lines over waterbodies as it will not result in a duplication of regulation or consenting requirements.
408. Yrless's submission is rejected in lieu of more specific relief requested. The addition proposed by Transpower may relieve these concerns as where adherence to NZECP34:2001 is achieved the standard will be met.
409. The telecommunications submissions request that navigable water bodies should be mapped. This aspect of the submission is rejected on the basis that water bodies change in flow and location and the mapping is likely to be out of date quickly. An alternative approach is that the common usage of the term is utilised, and a judgement call made on whether or not a water body is considered navigable.

410. Regarding the query of how INFR-S1 and INFR-S5 interacts, I have recommend changes to INFR-S5 so that it is specifically relating to infrastructure that is attached to land within the stream or river setback. A line over the waterbody would therefore not be caught by this standard. However, if a supporting structure such as a pole was in proximity to the waterbody it would need to comply with INFR-S5.

Recommendation

411. I recommend, for the reasons given above, that INFR-S1 is amended as follows:

INFR-S1	Lines over <i>waterbodies</i>	
All Zones	1. Above-ground lines are to be at least 10m above the <i>water</i> level of a navigable <i>waterbody</i> when at its maximum navigable flow or attached to, and no lower than, existing structures over a navigable <i>waterbody</i> <u>or otherwise comply with NZECP34:2001. "</u>	Activity Status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. The <i>effects</i> on navigation. 2. Alternative locations for the <i>structure</i>. 3. The <i>functional needs</i> and <i>operational needs</i> of, and benefits derived from, the <i>structure</i>, including the potential impact on the levels of service if a <i>structure</i> of the proposed size is not approved. 4. The <i>amenity values</i> of the respective zone and the extent to which any adverse visual amenity <i>effects</i> can be avoided, remedied or mitigated. 5. Potential impacts on mahinga kai activities

412. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

413. The following evaluates the recommendation to amend INFR-S1 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The benefits of the proposal are that it more efficient because it is not doubling up on legislative requirements. There are no apparent costs with the proposal. There is the potential for multiple consents being required under different legislation if the change is not made.

The proposed amendment is considered to be a more appropriate way to achieve the relevant Objectives of the INFR Chapter than the notified version of the PDP.

6.9.20 Matters raised by submitters – INFR – S2

- 414. Chorus (S35.032), Transpower (S101.035), One NZ (S32.032), FortySouth (S33.032), Connexa, (S37.032) Spark (S154.032) and PowerNet (S95.020) support the standard and seek that it is retained.
- 415. Transpower support for this Standard, is based on the assumption that all transmission line support structures would be considered utility poles or masts. Transpower also supports the Matters of Discretion that apply.
- 416. Yrless (S149.023) oppose the standard in part and seek that it is amended to reflect height and occupational requirements for categories of infrastructure and the effects of their activities.
- 417. Hokonui Rūnanga Inc (S139.046) support the standard in part and seek that the amendments are made to align with amendments requested in INFR-P7. Wherever possible the plan provisions should specify the particular effects of concern to mana whenua to ensure the plan provisions are clear and that appropriate effects are identified and assessed, including when Hokonui Rūnanga Inc may be an affected party.

Assessment

- 418. Support for INFR-S2 is acknowledged.
- 419. Yrless is invited to provide further information, technical basis or justification demonstrating what height and occupational requirements are appropriate for which categories of infrastructure. I note that the height limits in the zones vary depending on their location and are generally permissive. In lieu of this their submission is rejected.
- 420. The Hokonui Rūnanga submission is supported, however in lieu of specific suggestions of how they would like the standard to align with the amendments requested in INFR-P7, amendments have been made similar to that of the ENRG Chapter. Hokonui Rūnanga are welcome to provide clarity through the hearings process as to the any specific changes.

Recommendation

- 421. I recommend, for the reasons given above, that INFR-S2 is amended as follows:

INFR-S2	<i>Height of Infrastructure</i>	
All Zones	1. All <i>buildings</i> or <i>structures</i> must comply with the relevant maximum <i>height</i> provisions for <i>buildings</i> of the zone they are located in. Except this rule does not apply to: (a) masts or poles for navigation, meteorology, electricity distribution or telecommunications; (b) antennas for telecommunication and radio communication; (c) lines and support structures.	Activity Status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Alternative locations for the structure. 2. The <i>functional needs</i> and <i>operational needs</i> of, and benefits derived from, the <i>structure</i>, including the potential impact on the levels of service if a <i>structure</i> of the proposed size is not approved. 3. The <i>amenity values</i> of the respective zone and the extent to which any adverse visual amenity <i>effects</i> can be avoided, remedied or mitigated. 4. Impacts on ~~Ngāi Tahu~~ cultural values, including those listed in the MW-2.3

422. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

423. The following evaluates the recommendation to amend INFR-S2 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, with targeted cultural values specified within the Mana Whenua Chapter, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

There is the potential for inconsistency with the rest of the plan if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the relevant Objectives than the notified version of the PDP.

6.9.21 Matters raised by submitters – INFR-S3

424. Transpower (S101.101) supports INFR-S3 as notified and notes there may be merit in defining poles and masts. Mercury (FS26.032) support this submission.

425. Chorus (S35.033), One NZ (S32.033), FortySouth (SS.033), Connexa (S37.033) and Spark NZ (S154.033) support the standard in part and seek that is amended as follows:

The maximum height (excluding any lightning rod or GPS antenna) of any utility pole or mast shall be.

INFR-S3.1 –

25m for one telecommunications provider and 30m for two or more telecommunications providers in the General Industrial Zone and Light Industrial Zone.

35m for one telecommunications provider and 40m for two or more telecommunications providers in the Rural Zone and Rural Lifestyle Zone.

INFR-S3.2 permitted height in all other zones is the underlying building height in the zone, plus 5m (for one telecommunication provider) and plus a further 5m if the facility provides for the co-location of two or more telecommunication providers.

426. Chorus consider by adding the words (excluding any lightning rod or GPS antenna) from the measurement of height provides alignment with the NESTF. The permitted heights should encourage co-location of telecommunication providers onto a single structure and to achieve this separation between the antennas, which is best achieved via height is needed in alignment with INFR-P4. The permitted height for one provider in the industrial zones is supported but due to large trees in the rural area greater height is sought to prevent blocking signal. Under INFR-S3.2, antenna which are attached to poles and masts need to have clearance above built structures to meet radiofrequency standards and provide line of sight connection to end users for functional and operational requirements.
427. Yrless (FS21.053) (FS21.054) (FS21.055) (FS21.056) (FS21.057) further support these submission points as encouraging co-location provides a range of positive effects.
428. Yrless (S149.024) oppose the standard in part and seek that it is amended to reflect the height and occupational requirements for categories of infrastructure and the effects of their activities.
429. Hokonui Rūnanga (S149.047) support the standard in part but seek it is amended to align with the amendments sought in INFR-P7.
430. FENZ (S124.012) support the policy in part and seek that it is amended to include the following:

Excluding poles and masts used for emergency service facilities, are exempt from this rule.

431. Federated Farmers (S126.060) Kevin Robertson (S115.061), Rural Ratepayers (S143.072) Alistair & Bernadette Hunt (S148.073), Ronald Crispin (S60.063), John Baynes (S68.181) support the policy in part and seek the utility pole height be either 13m or 25m across all zones and an additional matter of discretion as follows:

6.Consent with landowner.

432. Mercury (FS26.033) opposes in part Federated Farmers submission but support at least a 25m permitted height for utility poles.
433. Mercury (S130.041) oppose the standard and seek the following amendments:

The maximum height of any utility pole or mast, and associated electricity lines shall be:

Rural Zone, Rural Lifestyle Zone, General Industrial Zone and Light Industrial Zone

1. ~~25~~ 30m

All other zones

2. 13m There is no voltage limit for electricity lines.

434. Transpower (FS30.054) generally supports the submission and agrees that the Proposed District Plan does not set voltage limits or standards for electricity lines. This is appropriate because the voltage of electricity carried on a transmission line does not have adverse effects where standards that manage electric and magnetic fields are complied with.
435. PowerNet (S95.021) oppose the standard in part and seek that clause (1) is amended to apply a 16 metre high limit to all other zones. Yrless (FS21.058) is neutral on this as they recognise the technical constraints of infrastructure in the Plan by providing consistent standards for activities
436. ES (S85.080) support the policy in part and seeks amendments as there is no consideration for poles or masts in outstanding landscapes. They suggest a blanket consent for any building or structure in an ONL. Yrless (FS21.059) support in part this submission and seek amendments to provide clarity and consistency for all height limits for infrastructure in zones and overlays, taking into account the technical constraints that may apply.

Assessment

437. As outlined previously within this report, "mast" is not defined in legislation but is commonly used in district plans, particularly for wind monitoring structures. Under the NESTF the definition of a pole include a mast. The definition is as follows:

Pole: means a pole, mast, lattice tower, or similar structure, of a kind that is able to be used (with or without modification) to support antennas

438. A pole is a freestanding cylindrical structure, while a mast includes stay supports for added stability. Since the terms are often used interchangeably and have similar environmental impacts, the PDP uses both terms and applies the same resource management approach.
439. The Hokonui Rūnanga submission is supported, however in lieu of specific suggestions of how they would like a the standard to align with the amendments requested in INFR-P7, amendments have been made similar to that of the ENRG Chapter. Hokonui Rūnanga are welcome to provide clarity through the hearings process as to the any specific changes.
440. Yrless is invited to provide further information demonstrating what height and occupational requirements are appropriate for which categories of infrastructure. In lieu of this their submission is rejected.
441. Fire and Emergency submission is acknowledged, however as addressed within other S42As, FENZ have not provided sufficient evidence to demonstrate that the structures they wish to exempt are appropriate. The definition of pole within the NESTF includes lattice towers which could result in adverse effects above and beyond what would be considered appropriate as a permitted activity.

442. Regarding submissions requesting a uniform height and requesting landowners' consent, I reject these points. The differing height limits reflect different amenity expectations within each zone. Regarding landowner consent, this is covered by private property rights and is not a council function. A rule requiring an additional approval is potentially ultra-vires.
443. Mercury's submission is supported in part and accepts that the standard should be amended to refer to associated electricity lines. The remainder of their submission requires further information to demonstrate why the requested decision, should be amended to raise the height limit and to further explain the reference to voltage limits.
444. Regarding the telecommunications' submission, their proposed relief, while potentially supported broadly in its intent, creates a complicated standard that significantly raises the permitted height limit for poles and masts. While it is acknowledged a combined telecommunications height limit may encourage co-location of structures, the proposal may significantly raise the height limit. I consider there are other motivations to encourage co-location, for example, operational and construction cost savings. Further information is necessary to demonstrate the potential effects of the relief sought and where or not that is offset by co-location. Chorus are invited to provide additional supporting information or revised standard, with a reduced height. For consideration.
445. Powernet's submission is rejected. While a 16m height limit may be desirable from an operational and functional perspective, consideration does need to be given to the anticipated levels of amenities in the zones this limit applies to. A 16m height limit is already higher than the underlying zone limits for general buildings and structures to enable the operational and functional requirements of utility poles and masts, however further raising of this height limit is likely to result in adverse visual and amenity effects.
446. Environment Southlands submission is accepted in intent, however INFR-R9 requires new *infrastructure* within an Outstanding Natural Landscape or Feature to obtain consent as a discretionary activity. Height of structure would be considered within this. No further changes are recommended as it relates to the INFR Chapter.
447. Yrless's further submissions are acknowledged, though it is unclear from their submission what specific changes they are requesting, noting the height limit within this standard does provide for clearance above standard buildings and structures within these zones.

Recommendation

448. I recommend, for the reasons given above, that INFR-S3 is amended as follows:

INFR-S3		
Height of Poles and Masts		
Rural Zone, Rural Lifestyle Zone, General Industrial Zone and Light Industrial Zone	The maximum <i>height</i> of any utility pole or mast, <u>and associated electricity lines</u> shall be: 1. 25m	Activity Status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Alternative locations for the <i>structure</i> . 2. The <i>functional needs</i> and <i>operational needs</i> of, and benefits derived from, the <i>structure</i> , including the potential impact on the levels of service if a <i>structure</i> of the proposed size is not approved. 3. The <i>amenity values</i> of the respective zone and the extent to which any adverse visual amenity <i>effects</i> can be avoided, remedied or mitigated. 4. Impacts on <u>Ngāi Tahu</u> cultural values, including those listed in the MW-2.3
All Other Zones	2. 13m	

449. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

450. The following evaluates the recommendation to amend INFR-S3 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, with targeted cultural values specified within the Mana Whenua Chapter, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the relevant Objective than the notified version of the PDP.

6.9.22 Matters raised by submitters – INFR – S4

451. Chorus (S35.034), One NZ (S32.034), FortySouth (SS.034), Connexa (S37.034) and Spark NZ (S154.034) support INFR-S4 as notified.

452. NZTA (S112.017) support in part INFR-S4 but seek amendments to the matters of discretion. NZTA notes that the Matters of discretion include the wording 'structure' which appears to be incorrect and should be amended to include the wording 'building' to align with the terminology used in the standard. Amendments are also sought to Point 4 of the Matters of discretion to include safety considerations and apply to both footpaths and cycleways.

1. Alternative locations for the building structure.

2. The functional needs and operational needs of, and benefits derived from, the building structure, including the potential impact on the levels of service if a building structure of the proposed size is not approved. (...)

4. Impacts on the safety and functionality of the road, including any footpath or cycleway.

453. KiwiRail (S132.025) seek the following amendments to INFR-S4 as follows:

Setbacks from boundaries

1. Where the utility is a building, it must be set back in accordance with the side, rear and road boundary setbacks for buildings in the zone in which it is located.

2. All buildings or structures shall be setback a minimum of 5m from any rail corridor boundary.

Matters of discretion: (...)

5. The safe and efficient operation of the rail network

6. Compatibility with the surrounding environment

7. The reason for the reduced setback

454. Hokonui Runanga (S139.048) support in part but seek consequential amendments to align with the amendments sought in INFR-P7.

455. Yrless (S149.025) oppose in part and seek amendments to standard to better reflect the height and occupational requirements for categories of infrastructure and the effects of their activities.

456. PowerNet (S95.022) supports the exemption for utility buildings to comply with the underlying zone setback requirements, however it seeks clarification that the exemption will apply to structures and equipment for electricity distribution purposes. They seek the standard is amended as follows:

Except this rule does not apply to:

(a) poles, antennas, and associated cabinets and equipment (cabinets and equipment up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication and electricity distribution activities; (...)

457. Transpower (S101.036) seek the standard is amended to exclude electricity infrastructure as follows:

Except this rule does not apply to:

(a) poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for electricity transmission, electricity distribution, telecommunication and radio communication;

(b) lines and support structures for telecommunications or electricity transmission and electricity distribution; (...)

458. Contact (FS24.022) supports this submission.

Assessment

459. Support for INFR-S4 as notified is acknowledged.
460. NZTAs submission is accepted. The proposed wording aligns better with the wording within the standard. The amendments to matter of discretion (4) is descriptive and directs plan users and decision makers in their assessments.
461. KiwiRail's submission is acknowledged, and this matter has been discussed throughout the hearings process for other chapters. Based on their submission and the further information provided from KiwiRail in response to Minute 11 from the Hearings Panel, each zone is now recommended to have a standard requiring rail corridor setbacks. I recommend a minor change to INFR-S4 to also include the setback from the rail corridor.
462. The Hokonui Rūnanga submission is acknowledged and accepted in intent, however it is unclear what changes are requested. Hokonui Rūnanga are invited to provide specific feedback detailing their requested changes as the matters of discretion do not include cultural values.
463. Yrless is invited to provide further information demonstrating what height and occupational requirements are appropriate for which categories of infrastructure. Given this standard is managing the setback of buildings from boundaries, the submission point is rejected.
464. Powernets submission is acknowledged and accepted with the additional clarification of amending "equipment, to "ancillary equipment" to better align with the NESTF. The proposed changes improve clarity and alignment with the NESTF.
465. Transpower's submission is accepted as it is agreed both electricity transmission and distribution should have the same exceptions as telecommunications with similar effects anticipated.

Recommendation

466. I recommend, for the reasons given above, that INFR-S4 is amended as follows:

INFR-S4	Setbacks from boundaries
All Zones	1. Where the utility is a <i>building</i>, it must be set back in accordance with the side, rear, ~~and~~ road boundary, ~~and~~ rail corridor setbacks for <i>buildings</i> in the zone in which it is located. Except this ~~standard rule~~ does not apply to: (a) poles, antennas, ~~and~~ associated cabinets ~~and~~ ancillary equipment (cabinets ~~and~~ ancillary equipment up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication, ~~and~~ radio communication ~~and~~ electricity transmission and distribution activities; (b) lines and support structures for telecommunications ~~and~~ electricity transmission and distribution; (c) network utilities within legal road. Activity Status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Alternative locations for the ~~building structure~~. 2. The <i>functional needs</i> and <i>operational needs</i> of, and benefits derived from, the ~~building structure~~, including the potential impact on the levels of service if a ~~building structure~~ of the proposed size is not approved. 3. The <i>amenity values</i> of the respective zone and the extent to which any adverse visual amenity <i>effects</i> can be avoided, remedied or mitigated. 4. Impacts on the ~~safety and~~ functionality of the <i>road</i>, including ~~any~~ <i>footpath or cycleway</i>.

467. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

468. The following evaluates the recommendation to amend INFR-S4 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The changes to the matters of discretion align them with the wording of the standard. As such the risk of ambiguity and inconsistency in assessment is reduced.

The benefits of the proposal are that unnecessary restrictions for electricity transmission and distribution are avoided. There are no apparent costs with the proposal. There is the potential for unnecessary restrictions for electricity transmission and distribution if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the relevant Objectives than the notified version of the PDP.

6.9.23 Matters raised by submitters – INFR – S5

469. Chorus (S35.035), One NZ (S32.035), FortySouth (SS.035), Connexa (S37.035) and Spark NZ (S154.035) supports INFR-S5 but seek a clause in the standard which provides clarification on how INFR-S5 interacts with INFR-S1.

470. DOC (S109.038) supports INFR-S5 as notified.

471. Transpower (S101.037) seeks the standard is clarified to confirm that the Standard is not intended to regulate activities that are managed by the Regional Council or activities that traverse (but do not disturb) the areas subject to the setbacks in the Standard. Transpower does not support the Matters of Discretion as they do not give effect to the Objective and Policy 1 of the NPSET and Policy INF.1 of the SRPS. The following changes are requested:

1. The foundation of ~~a~~Any infrastructure building or structure must not be located within the following be set back from the closest bank of any stream or river as follows: (...)

Matters of Discretion as follows:

- x. The benefits derived from, the infrastructure, including the potential impact on the levels of service or health and safety if the work is not undertaken.

472. Federated Farmers (S126.061). Kevin Robertson (S115.062) Rural Ratepayers Group (S143.073) Alistair & Bernadette Hunt (S148.074) Ronald Crispin (S60.064) and John Baynes (S68.182) oppose in part INFR-S5 and seek to ensure these setbacks do not apply to farm fences with the following amendment:

1. Any infrastructure building or structure (not including a farm fence which is not subject to setbacks) must be set back from the closest bank of any stream or river as follows: (...)

473. David Pullar (S133.003) seeks the exclusion of fences for primary production purposes.

474. Hokonui Rūnanga (S139.049) support in part INFR-S5 but seek consequential amendments to align with the amendments sought in INFR-P7.
475. Yrless (S149.026) oppose in part INFR-S5 and seek amendments to the standard to better reflect the height and occupational requirements for categories of infrastructure and the effects of their activities.
476. ES (S85.081) seek that infrastructure should be managed around existing flood control measures.

Assessment

477. Support for INFR-S5 is acknowledged.
478. Transpower's submission is accepted in part, as it relates to the foundations of buildings and structures. However, their requested relief to the matter of discretion is not supported. An assessment of the positive effects of the infrastructure is able to be assessed through the s104(1)(ab) process of a resource consent, stating this within a matter of discretion is considered to tip the correct balance between providing for infrastructure (INFR-O1), whilst managing the adverse effects (INFR-O4). Based on this I consider it inappropriate to include this as a matter of discretion.
479. In relation to the submission requesting an exemption for farm fences, I have updated the standard to align with the proposed amendments from Hearing Stream 3: Rural Topics for consistency. This amendment enables certain types of fencing within the setback.
480. The Hokonui Runanga submission is accepted and requested changes made. Hokonui Rūnanga are invited to provide more specific feedback should these proposed changes not reflect their requested relief.
481. Yrless is invited to provide further information demonstrating what height and occupational requirements are appropriate for which categories of infrastructure, noting this standard manages setbacks from waterways. In lieu of this their submission is rejected.
482. The telecommunication submissions are acknowledged and I have recommend changes to INFR-S5 so that it is specifically relating to infrastructure that is attached to land within the stream or river setback. A line over the waterbody would therefore not be caught by this standard. However, if a supporting structure such as a pole was in proximity to the waterbody it would need to comply with INFR-S5.
483. It is unclear from ES's submission what specific changes are requested. Whether they consider stopbanks to be infrastructure structures and therefore should be required to meet the setback standards, or whether they are requesting that stopbanks form part of rivers or streams and therefore necessitate the same setbacks. ES are invited to provide further information through the hearings process to clarify their requested relief. In the interim this submission is rejected.

Recommendation

484. I recommend, for the reasons given above, that INFR-S5 is amended as follows:

INFR-R5	Minimum <i>Setbacks</i> from <i>Rivers</i> and <i>Stream</i>	
All Zones	1. <u>The foundation of a</u>Any infrastructure <i>building</i> or <i>structure</i> must be set back from the closest bank of any stream or <i>river</i> as follows: (a) 20m for high order rivers or streams (order 5 and above); (b) 10m for middle order rivers or streams (order 3 and 4); and (c) 5m for low order rivers or streams (order 1 and 2). <u>Except that fences of post and wire construction are permitted within the setback where these are:</u> <u>(i) not constructed with wire mesh if located within an area of Actual or Potential Inundation as identified within the Natural Hazards layer of the Planning Maps;</u> <u>(ii) not located within the stream or riverbed;</u> <u>(iii) not constructed across the stream or river channel; or</u> <u>(iv) not constructed across or along a stopbank.</u> Refer to Appendix 3 for river and stream orders <u>and guidance on riverbed extents and the location of banks for measuring setbacks.</u>	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: - Whether there is a <i>functional need</i> for the <i>building</i> or <i>structure</i> to locate in a riparian margin, and the extent to which alternative practicable options have been considered and their feasibility. - The effects on water quality and the stability and health of the stream bed and banks, including erosion and <i>sedimentation control measures</i>. - The nature of existing riparian vegetation and the effects of proposed planting or modification on indigenous <i>biodiversity</i> and ~~/or habitats~~ <u>proposed mitigation measures, including:</u> <u>(a) opportunities for enhancement and restoration;</u> <u>(b) methods proposed to monitor or inspect the works undertaken;</u> <u>(c) the timing of works to minimise adverse effects on threatened or at risk indigenous species; and</u> <u>(d) management of potential adverse effects through a Biodiversity Management Plan.</u> - The natural character of the riparian margin and the effects of the activity on landscape values and the ability to restore, rehabilitate or enhance riparian areas. Refer to Natural Features and Landscapes – Appendix 5 in regard to the Maitai River. - Impacts on ~~Ngāi Tahu~~ cultural values, including those listed in MW.2.3. - The effects on public and customary access to the stream or <i>river</i>. - The potential for flooding and to create new or exacerbate existing <i>natural hazards</i>, impact natural drainage patterns, redirect overland flow paths or flood flows, including on to other <i>sites</i>.

485. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

486. The following evaluates the recommendation to amend INFR-S5 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The amendment will clarify the relationship between INFR-S1 and INFR-S5. The amendment further ensures consistency with the other district plan chapters.

There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the INFR Objectives than the notified version of the PDP.

6.9.24 Matters raised by submitters – INFR – S6

487. Chorus (S35.036), One NZ (S32.036), FortySouth (SS.036), Connexa (S37.036) and Spark NZ (S154.036) supports INFR-S6 and seeks it is retained as notified.

488. NZTA (S112.018) support in part INFR-S6 but recommends the following additional matter of discretion to address safety considerations of the roads:

5. Impact on safe, efficient and effective function or operation of roads including State highways including any obstruction of views of intersections, accessways or ongoing traffic and any shading over roads.

489. Hokonui Rūnanga (S139.050) support in part INFR-S6 but seek consequential amendments to align with the amendments sought in INFR-P7.

490. ES (S85.082) support in part but submit that the listed criteria may be too permissive in sensitive areas and seek that it is broadened to consider buildings in ONL's and SNA's.

491. Transpower (S101.038) opposes INFR-S6 as it has potential to impose more stringent requirements on buildings for infrastructure than would be required by the zone. The following amendment is requested:

The maximum footprint of any utility building or structure shall comply with the relevant building coverage provisions for the zone they are located in or otherwise be: (...)

492. Yrless (FS21.060) support this submission.

Assessment

493. Support for INFR-S6 is acknowledged.

494. In relation to the submission from NZTA, I consider the reasoning provided to be convincing. I agree there may be some circumstances where large utilities are near the road corridor and may obstruct views of intersections, accessways and oncoming traffic. I recommend the additional matters of discretion be included to address safety considerations of the roads.

495. Transpower submission is accepted. I agree that the standard as notified, has the potential to impose more stringent requirements on buildings for infrastructure, when compared to the same footprint requirements in any given zone. I recommend that standard is amended so that

infrastructure buildings may be developed in a manner that is consistent with the zone in which they are located. Based on this relief is granted in order to align with the zone provisions.

496. The Hokonui Runanga submission is accepted and requested changes made. Hokonui Rūnanga are invited to provide more specific feedback should these proposed changes not reflect their requested relief.
497. The outcome sought by ES's submission is considered to be achieved by INFR-R9 which requires consent for the establishment of new infrastructure within specified areas. I therefore reject the submission point.
498. Yrless is invited to provide further information demonstrating what height and occupational requirements are appropriate for which categories of infrastructure, noting this standard applies to building footprints. In lieu of this their submission is rejected.

Recommendation

499. I recommend, for the reasons given above, that INFR-S6 is amended as follows:

INFR-S6	Footprint of buildings and structures	
All Zones	The maximum footprint of any utility <i>building</i> or <i>structure</i> shall <u>comply with the relevant building coverage provisions for the zone and overlay they are located in.</u> 1. <u>In the General Residential, Large Lot Residential, Medium Density Residential, Settlement, Town Centre, Local Centre, Neighbourhood Centre and Māori Purpose zones: 6m²</u> 2. <u>In all other zones: 10m²</u>	Activity Status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Alternative locations for the <i>structure</i>. 2. The <i>functional needs</i> and <i>operational needs</i> of, and benefits derived from, the <i>structure</i>, including the potential impact on the levels of service if a <i>structure</i> of the proposed size is not approved. 3. The <i>amenity values</i> of the respective zone and the extent to which any adverse visual amenity <i>effects</i> can be avoided, remedied or mitigated. 4. Impacts on Ngāi Tahu cultural values, including those listed in the MW-2.3 5. <u>Impact on safe, efficient and effective function or operation of roads including State highways including any obstruction of views of intersections, accessways or ongoing traffic and any shading over roads.</u>

500. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

501. The following evaluates the recommendation to amend INFR-S6 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

There is the potential for unnecessary consenting requirements when the underlying zone requirements are more permissive. If the proposed amendment is not made, unnecessary consenting costs may occur.

The proposed amendment is considered to be a more appropriate way to achieve the relevant Objectives than the notified version of the PDP.

6.9.25 Matters raised by submitters – INFR – S7

502. Yrless (S149.027) oppose in part INFR-S7 and seek amendments to the standard to better reflect the height and occupational requirements for categories of infrastructure and the effects of their activities.

503. Chorus (S35.037), One NZ (S32.037), FortySouth (SS.037), Connexa (S37.037) and Spark NZ (S154.037) seek the following amendments to better reflect the different types of antennas used in the telecommunications industry:

1. That for panel antennas the maximum width is 0.7m, and for all other dish antenna types the maximum surface area diameter is no greater than 1.5m² 0.6m in the residential zones and 1.2m in all other zones and for whip and dipole antennas, the maximum length is are less than 4m in length. 2. For small cells and ancillary equipment the volume of the unit must not exceed 2.5m³.

504. Yrless (FS21.061) (FS21.062) (FS21.063)(FS21.064) (FS21.065) support this submission from Chorus et al as they provide clarity on what is permitted in the plan and allows planning constraints to be applied on those structures that require specific consideration. The further submission requests an amendment to specify the maximum permitted panel antenna widths and dish types applicable for each zone. It is not clear whether this is in addition to what Chorus et al are seeking.

Assessment

505. The telecommunications submissions requesting specific finessing of the standard to better reflect industry requirements is supported, this allows for more targeted standard whilst still effectively managing possible adverse effects. Yrless' support for these submissions is acknowledged.

Recommendation

506. I recommend, for the reasons given above, that INFR-S7 is amended as follows:

INFR-S3	Antennas, Small Cells and ancillary equipment	
All zones	1. That for panel antennas the maximum width is 0.7m, ~~and~~ for all <u>other dish antenna types</u> the maximum ~~surface area~~ <u>diameter</u> is no greater than <u>0.6m² in the residential zones and 1.2m² in all other zones</u> ~~1.5m²~~ and for whip <u>and dipole</u> antennas, <u>the maximum length is</u> ~~are~~ less than 4m ~~in length~~. 2. For small cells <u>and ancillary equipment</u>, the volume of the unit must not exceed 2.5m³.	Activity Status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. Alternative locations for the <i>structure</i>. 2. The <i>functional needs</i> and <i>operational needs</i> of, and benefits derived from, the <i>structure</i>, including the potential impact on the levels of service if a <i>structure</i> of the proposed size is not approved. 3. The <i>amenity values</i> of the respective zone and the extent to which any adverse visual amenity <i>effects</i> can be avoided, remedied or mitigated. 4. Impacts on Ngāi Tahu cultural values, including those listed in the MW-2.3

507. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

508. The following evaluates the recommendation to amend INFRA-S7 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The benefits of the proposal are that it aligns with the industries practical requirements. There are no apparent costs with the proposal. There is the potential for inconsistencies between industry needs and the standard if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the relevant objectives than the notified version of the PDP.

6.9.26 Matters raised by submitters – INFR – S8, INFR-S9

INFR-S8

509. Yrless (\$149.028) oppose in part INFR-S8 and seek amendments to the standard to better reflect the height and occupational requirements for categories of infrastructure and the effects of their activities.

INFR-S9

510. Transpower (\$101.039) support INFR-S9 and seek it is retained as notified.

Assessment

511. Yrless's submission is acknowledged, however it is unclear what relief they are seeking as this standard relates to radio frequency fields rather than height. The submission is therefore rejected.
512. Support for INFR-S9 as notified is acknowledged and no changes are recommended.

Recommendation

513. I recommend, for the reasons given above, that INFR-S8 and INFR-S9 are retained as notified.
514. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.10 ENERGY– Overview

6.10.1 Matters raised by submitters – Overview

515. Forest and Bird (S110.008) seek additions to the Energy Overview as follows:

The Gore District has the potential to provide for large scale energy production utilising wind. The district also contains substantial lignite reserves. However, the adverse environmental effects arising from its extraction, production and use, particularly its contribution to climate change, rules out the development of lignite under current technology.

516. Forest and Bird (S110.009) seek the need for energy development to be appropriately located taking account of biodiversity, environmental, landscape and social factors. They seek the following:

(...) This limits the geographic areas where renewable electricity generation activities can occur. Logistical or technical practicalities, and the need to integrate with existing supporting infrastructure, may also place constraints on the location of these activities, as does potential effects on natural landscape, amenity, biodiversity and ecosystems.

517. Greenbriar (S128.013) seek the following amendments to the overview.

Energy is required to meet the day-to-day needs of people and communities, and to facilitate social, cultural and economic activities. Agriculture and other primary production which is the dominant land use within the District has high energy demands associated with processing of food and fibre. 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 Gore District has the potential to provide for large scale energy production utilising wind. The District also contains substantial coal and lignite reserves, ~~However, the adverse environmental effects arising from its production and use, particularly its contribution to climate change, rules out the development of lignite under current technology.~~ It is preferable, where

non-renewable energy sources need to be utilised that they are sourced as close to where they are needed as possible, whilst also to recognising that they are locationally constrained.

Small scale electricity generation is utilised in the District using solar, water and wind sources. Coal, including lignite, remains a significant source of home heating and provides energy to large scale production facilities within Gore District and the wider Southland Region. The Southland Regional Air Plan includes provisions providing for a transition away from this energy source to improve air quality. Factors such as emissions reduction targets under the Climate Change Response legislation are also likely to result in reduced reliance on non-renewable energy generation over time. Although, there will still be certain situations where it may need to be retained.

The location of renewable electricity generation facilities is often driven by their functional need and operational need to access renewable energy resources. With wind for example, suitable sites are located on exposed ridge lines where there is a constant wind. This limits the geographic areas where renewable electricity generation activities can occur. Logistical or technical practicalities, and the need to integrate with existing supporting infrastructure, may also place constraints on the location of these activities. Sources of material for non-renewable energy generation are locationally constrained. (...)

518. Forest and Bird (\$110.089) seek the following amendment to ensure the full range of biodiversity and ecological effects need to be adequately considered. They seek the following:

Adverse environmental effects, including discharges to air, visual impacts, ~~and noise,~~ and indigenous biodiversity among others can arise from the investigation, development and utilisation of both renewable and non-renewable energy resources. Equally, the development and use of energy resources, including the generation of electricity, can be compromised by the location of incompatible land uses.

DOC (FS31.009) support this submission.

Assessment

519. Regarding Forest and Bird's submissions, seeking an amendment to add extraction to the overview, and adding the potential effects on natural landscapes, amenity, biodiversity and ecosystems as a potential constraint, is supported as it better articulates the intent of this portion of the overview and recognises the constraints on energy generation. I highlight however that the NPS-IB does not apply to REG activities.
520. Regarding Greenbriar's submission, the submission requesting an amendment to the overview of the district plan chapter to provide for the use of coal is rejected. The Energy Chapter is intended to address the infrastructure required to generate energy from non-renewable sources, not the land use activities involved in sourcing those materials, such as coal mining. Land use activities such as mining are managed through the relevant zones, with policies provided within those zones to guide such activities. The submitter has not provided sufficient justification for including the sourcing of materials for non-renewable energy production within the scope of the Energy Chapter. Therefore, I do not support the requested amendment.

Recommendation

- 521. I recommend, for the reasons given above, that overview is amended as outlined within Attachment A- Energy Chapter
- 522. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

- 523. The following evaluates the recommendation to amend the overview of the ENRG Chapter under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.11 ENERGY– General & Mapping

6.11.1 Matters raised by submitters – General & MAP Electricity Lines

- 524. PowerNet (S95.029) seek amendments to the planning maps to include the Electricity Distribution Lines which include PowerNet's 33kV lines, and 11kv lines that are the only power supply for communities. Kianga Ora (FS28.074) oppose this submission.
- 525. DOC (S109.026) seek amendments to Note 1 to identify which other provisions apply to provide clarity. They also seek the inclusion of the following Note:

Note 2: Activities below mean high water springs (MHWS) or on the beds of water bodies may require resource consent from Southland Regional Council. In relation to hydro renewable energy generation, fish passage must be maintained, or is improved, by instream structures as per the National Policy Statement for Freshwater Management 2020, the National Environmental Standards for Freshwater Regulations 2020 and the Southland Regional Plan.
- 526. Jenny Campbell (S136.020) seek that renewable energy projects need to be in appropriate places with environmental effects emphasised.
- 527. Contact (S144.002) supports provisions relating to the development, operation, maintenance and protection of renewable electricity generation activities. Mercury (FS26.006) supports this submission.
- 528. SDC (S146.010) supports in part but seeks that the Energy unique identifier is aligned with NPS and/ or other Councils. Further, to mitigate the impact on the Southland District, it is essential

to avoid prominent ridgelines, significant natural areas, and zones of indigenous biodiversity shared with Southland District Councils. Contact (FS24.006) opposes this submission.

Assessment

529. Powernet's submission to add Electricity Distribution lines to the planning maps is not supported. The maps currently display the national grid, which has specific rules within the PDP. Unless these distribution lines meet the national grid definition or additional provisions are established for them in the plan, there is no justification for mapping them, and it is not recommended to include them. The Kianga Ora opposition to this submission point is noted.
530. Regarding Doc submission that Note 1 be amended to identify which other provisions apply the chapter, this is acknowledged and accepted, and it is recommended that Note 1 be amended to make clear that district wide chapters apply, however underlying zoning does not, unless expressly identified within the ENRG Chapter Provisions. Regarding DoCs requested relief of a Note 2. It is not considered necessary to identify Mean High-Water Springs, given that the Gore District is landlocked. The referral to Southland Regional Council, NPS-FM and NES-F requirements is also considered an unnecessary addition and for consistency would require that every chapter within the district plan has a similar disclaimer.
531. Regarding Jenny Campbells submission, the existing provisions do have checks and balances to seek that renewable energy projects are within appropriate places and that environmental effects are avoided, mitigated or managed such as ENRG-O3, ENRG-P7 and the suite of rules such as ENRG-R1 and ENRG-R2. The submitter is welcome to provide more specific feedback identifying where they seek changes to be applied or how the proposed plan does not achieve the correct balance between providing for renewable electricity generation activities and protecting environmental values of the district.
532. Support from Contact Energy and Mercury Limited is acknowledged.
533. Regarding Southland District Councils submission, it appears that SDC are seeking that the infrastructure and energy chapters are bundled in together. These chapters have been included within the PDP separately in order to recognise the importance the Gore district has to the energy sector and to avoid unintended gaps within the regulatory provision of the activities. Based on this it is not recommended to combine these two chapters.
534. SDC's submission regarding the avoidance of prominent ridgelines, SNAs, and indigenous biodiversity lacks clarity on the specific changes sought. The NFL, ECO, and ENRG Chapters do address these concerns by balancing energy generation with managing or mitigating adverse environmental effects, including visual impacts on ridgelines, with particular attention to the Hokonui Hills. Wind farms, for instance, often require elevation above ridgelines to function effectively. If all district ridgelines were to be avoided, rather than just those explicitly identified, energy generation could be unnecessarily restricted.
535. Contact Energy further submission to this point opposes the relief sought, as there are instances where locating energy infrastructure in these areas may be appropriate. In such cases, provisions should allow for applying the effects management hierarchy when effects cannot be

fully avoided, particularly given the national and regional importance of energy generation infrastructure. This further submission is supported.

Recommendation

536. I recommend, for the reasons given above, that Note 1 is amended as follows:

Note 1	Provisions in Other Chapters
	The provisions in this chapter apply in addition to the provisions of the other <u>district wide</u> chapters in the District Plan and the plan should be read as a whole. This chapter also implements other chapters in the District Plan that do not have specific rules such as Sites and Areas of Significance to Māori and Mana Whenua. <u>This Rules and standards in Part 3 - Area Specific Matters (zones) do not apply to activities managed under this chapter, unless expressly identified within the chapter..</u>

537. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

538. The following evaluates the recommendation to amend Note 1 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a effective and efficient manner, and to ensure that the PDP is interpreted in a consistent manner. The proposed changes to note 1 will reduce any unintended confusion applying zone rules to energy activities. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the Objectives of the chapter, than the notified version of the PDP.

6.12 ENERGY– Additional Provisions Sought

6.12.1 Matters raised by submitters – Additional provisions sought

539. Greenbriar (S128.016) seeks the following additional provision:

ENRG-03A - Where non-renewable energy is required (including provision of energy sources) on a transitional basis the effects of these activities must be managed while recognising the locational constraints and the functional and operational needs of the activities.

540. Mercury (S130.028) seek the following additional provision to ensure that NZS6808:2010 Acoustics - Wind farm noise is assessed and provided for:

The development of all wind electricity generation activities shall be assessed for compliance is achieved with NZS6808:2010 Acoustics - Wind farm noise relevant to amenity effects on other land uses. Where compliance is unable to be achieved activity status defers to that articulated in relevant rule.

541. Contact (S144.006) seek the inclusion of provisions which relate to the management of indigenous biodiversity so that it is a standalone and comprehensive chapter for renewable energy. DOC (FS31.0010) support in part this submission as it recognises that the NPSIB does not apply to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities. Mercury (FS26.017) supports this submission.
542. Mercury (S130.043) seek the following additional objective in the General Rural Zone to give effect to the NPS-REG.

Renewable Electricity Generation Activities and Transmission Enable the operation, use, development and upgrading of renewable electricity generation activities and transmission within the rural environment.

543. Contact (FS24.059) supports this submission.

Assessment

544. In relation to the submission by Greenbriar, I do not consider an additional objective is necessary. ENRG-O1 recognises non-renewable energy is a necessity during the transitional period to renewable energy. I do however acknowledge that the policies are mostly focused on renewable electricity generating activities and therefore a supporting policy for existing non-renewable electricity generation activities is required to give effect to ENRG-O1. I proposed the following policy, noting I do not consider the focus of the Energy Chapter is to manage the sourcing of non-renewable materials.

ENRG-P13 Only allow the operation, maintenance, and upgrading of non-renewable energy infrastructure and non-renewable electricity generation activities where:

- a. The activity is existing;
- b. It is required to assist the transition to renewable energy, and
- c. the effects of the activity are avoided, remedied or mitigated.

545. Regarding Mercury's relief that an additional provision is provided within the ENRG Chapter, to ensure that wind farm noise is appropriately assessed. This relief is supported, however specifically addressed in relation to ENRG-R2.
546. In relation to Contacts submission requesting that the energy chapter should include provisions relating to the management of indigenous biodiversity is not supported. Creating a standalone, chapter would be inconsistent with the National Planning Standards which emphasizes the need for district-wide chapters, such as Ecosystems, Natural Features and Landscapes, and Historic Heritage, to manage activities in relation to district-wide issues. While a dedicated chapter might provide convenience for some users, it introduces a risk of creating gaps in resource management by fragmenting policies and oversight that are meant to apply across multiple areas. A district-wide approach ensures a more integrated and cohesive management of resources, which is crucial for maintaining consistency and avoiding potential oversight in managing indigenous biodiversity, particularly in relation to other district-wide activities and environmental considerations.

547. DoC and Mercury's support for the above is acknowledged, however the management of indigenous biodiversity is best managed through the ECO Chapter
548. The intent of Mercury's submission (supported by Contact) requesting a new objective is supported. However a new objective is not deemed necessary. The Rural Chapter contains objective GRUZ-P13 (detailed below) which is considered to provide the relief sought by Mercury. This policy would enable REG activities and electricity transmission activities.

GRUZ-P13 Recognise critical infrastructure that has a functional and operational need to locate in the General Rural Zone, by enabling the operation, maintenance and upgrading of critical infrastructure and providing for new critical infrastructure except where:

- i. The activity would be inappropriate in an area of Outstanding Natural Landscape, Outstanding Natural Feature or Significant Natural Area;
- ii. There is an unacceptable natural hazard risk; or
- iii. The activity has significant environmental effects that cannot be avoided or mitigated to an appropriate level; or
- iv. The site is wāhi tapu or the activity has a significant effect on cultural values that cannot be avoided or mitigated to an appropriate level.

Recommendation

549. I recommend, for the reasons given above, that a new policy is included in the Energy Chapter as follows:

ENRG-P13 Only allow the operation, maintenance, and upgrading of non-renewable energy infrastructure and non-renewable electricity generation activities where:

- a. The activity is existing;
- b. It is required to assist the transition to renewable energy, and
- c. the effects of the activity are avoided, remedied or mitigated.

550. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

551. The following evaluates the recommendation to add a new policy to the ENRG Chapter under section 32AA of the RMA.

The new policy is recommended to acknowledge existing non-renewable electricity generating activities are necessary to assist the transition to renewable infrastructure. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner as the policy supports ENRG-O1.

The benefits of the proposal are that existing non-renewable electricity generating activities are recognised, albeit on a limited basis. Costs may include a slower transition to only renewable energy resources, however given the dependence of current industry on non-renewable energy, this must be acknowledged.

There is the potential for a gap in the policy provision if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve Objective ENRG-O1 than the notified version of the PDP.

6.13 ENERGY Specific Provisions

6.13.1 Matters raised by submitters – ENRG-O1

552. Greenbriar (S128.014) support in part ENRG -O1 but seek the following addition.

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, including the resources to provide it are recognised

553. Mercury (S130.010) oppose the objective and seek the following amendments to align with the concept of national significance:

Ensure the national significant local, regional and national benefits derived from the use and development of renewable energy resources, including the benefits of Renewable Electricity Generation are appropriately are recognised and provided for ~~and the transitional need for non-renewable energy is appropriately managed.~~

554. Alliance (S121.021) support ENRG-O1 and seek it is retained as notified. Yrless (FS21.021) support this submission.

555. Forest and Bird (S110.010) seeks the following amendment to ensure that resources are managed sustainably.

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 and sustainably managed.

Contact (FS24.007) oppose in part this submission as the benefits of the use and development of renewable energy resources should be recognised and provided for where the effects can suitably be managed.

Assessment

556. In relation to the submission from Greenbriar, reference to 'non-renewable energy' is recognising the infrastructure required to generate energy from non-renewable energy sources. It is not the land use activity required to source those non-renewable energy sources, such as coal. Land use activities required to source materials, such as mining, are managed through the applicable zones. Policies are also provided within the zones. I do not consider the

submitter has provided adequate reasoning that the Energy Chapter should manage the sourcing of materials to produce non-renewable sources of energy. I therefore reject the submission point.

557. Mercury's submission to amend the wording of ENRG-O1 is supported in part. The inclusion of "National Significance" is seen as an improvement, as it aligns with national policy direction. However, I do not support removing the references to regional and local benefits. While Mercury argues that the reference to National Significance highlights the importance of transitioning away from non-renewable energy, this connection may not seem apparent to every plan user. Therefore, I recommend retaining this aspect of the objective.
558. The support from Alliance and Yrless is acknowledged.
559. Regarding the Forest and Birds submission for the addition of "and sustainably managed" this addition is supported as it aligns well with the purpose of the RMA³. While contact energy have further submitted in opposition to this, their reasons are that renewable energy resources should be recognised and provided for where effects can be suitably managed. It is my opinion that these are not mutually exclusive opinions. The definition of "sustainably managed" within the RMA, specifically aligns with the national significance of providing for renewable energy generation, specifically Part 2, Section 5 (2).

Recommendation

560. I recommend, for the reasons given above, that ENRG-O1 is amended as follows:

ENRG-O1 The national significance, and 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 and sustainably managed.

561. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

562. The following evaluates the recommendation to amend ENRG-O1 under section 32AA of the RMA.

³ RMA, Part 2 Section 5.

The proposed amendments improve consistence with national direction, specifically the RMA and the NPS-REG, and will enable the Council to effectively administer the PDP in a clear and consistent manner, improving efficacy and efficiency.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.13.2 Matters raised by submitters – ENRG -O2, ENRG-O3

ENRG-O2

563. Mercury (S130.011) and Alliance (S121.022) support ENRG-O2 as notified. Yrless (FS21.022) supports Alliance's submission.

ENRG-O3

564. DOC (S109.022) support ENRG-O3 and seek it is retained as notified.
565. Greenbriar (S128.015) supports ENRG-O3 in part but seeks the following addition:

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, including renewable energy and materials to produce non-renewable sources of energy.

566. Hokonui Rūnanga (S139.042) support in part ENRG-O3 but seek the following changes:

Effects from electricity generation activities on people and communities, and 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; and The whakapapa relationship of mana whenua with the whenua (land) and wai (water) is recognised and potential effects on mauri, wāhi tapu, mahinga kai and the ability to offer manaakitanga, mātauranga associated with the current landscape, and the exercise of kaitiakitanga are avoided, remedied or mitigated; including any adverse visual or amenity effects

567. Mercury (FS26.007) has further submitted on the submission from Hokonui Rūnanga above. They support the Hokonui Rūnanga relief which seeks that wherever possible the plan provisions should specify the particular effects of concern to mana whenua to ensure the plan provisions are clear and that appropriate effects are identified and assessed. In terms of the amendments to the policy, Mercury supports the first part of the draft policy but is concerned the reference to "including" drills into an issue better addressed in other policies and seek that part be deleted: including any adverse visual or amenity effects.
568. Alliance (S121.023) supports ENRG-O3 and seeks it is retained as notified. Ylress (FS21.023) supports this submission.

569. Mercury (S130.063) oppose the objective and seek the following changes to give effect to the NPS-REG 2011. The submitter considers the District Plan needs explicit acknowledgment of the need to locate activities where energy resources are located:

Effects from use and development of renewable energy resources ~~electricity generation activities~~ on communities, the environment and the underlying relationship Ngāi Tahu hold with the natural environment are managed, while ~~recognising~~ acknowledging practical constraints, including, technical and functional needs, ~~locational, operational from the use and development of renewable energy~~

570. Contact (FS24.008) supports this submission.

Assessment

571. Support from DOC, Alliance and Yrless for the notified version of ENRG-O3 is acknowledged.
572. In relation to the submission from Greenbriar, given ENRG-O1 recognises non-renewable energy and the new proposed policy ENRG-P13 seeks to manage adverse effects of the activity, I do not consider the proposed changes are necessary. As discussed, I do not consider the submitter has provided adequate reasoning that the Energy Chapter should manage the sourcing of materials to produce non-renewable sources of energy. I therefore reject the submission point.
573. The relief sought by Hokonui Rūnanga potentially narrows the scope decision makers and mana whenua have for considering Ngāi Tahu cultural values in decision-making under this plan. However, it is my recommendation that the policy approach mana whenua deem most appropriate for managing impacts on their cultural values and kaitiaki responsibility be adopted and this submission point be accepted.
574. It is consequentially amended that the revised ENRG-O3 be split into two objectives, as the reiteration could be confusing to plan users.
575. Mercury (FS26.007) have partially supported the above amendment, with the exception of “including any adverse visual or amenity effects” stating that this is best addressed elsewhere within the policies. This point is accepted.

576. Mercury's (S130.063) submission that the objective be amended as per their requested relief is supported as the objective better aligns with Policy C1(a) of the NPS-REG⁴ which acknowledges the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities.

Recommendation

577. I recommend, for the reasons given above, that ENRG-03 is amended as follows:

ENRG-03 *Effects from the use and development of renewable energy resources electricity generation activities on people and communities, and the *environment* ~~and the underlying relationship Ngāi Tahu hold with the natural environment~~ are managed, while ~~recognising~~ acknowledging practical constraints, including technical and functional needs (eg, technical, locational, operational) from the use and development of renewable energy;*

ENRG-05 The whakapapa relationship of mana whenua with the whenua (land) and wai (water) is recognised and potential effects on mauri, wāhi tapu, mahinga kai and the ability to offer manaakitanga, mātauranga associated with the current landscape, and the exercise of kaitiakitanga are avoided, remedied or mitigated.

578. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

579. The following evaluates the recommendation to amend ENRG-03 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it makes the plan more efficient by detailing the scope of cultural values at the request of Hokonui Rūnanga, helping to direct plan users to what is required in terms of PDP administration. The proposal aligns with national direction. There are no apparent costs with the proposal.

⁴ Policy C1(a) of the NPS-REG- Decision-makers shall have particular regard to the following matters:

a) the need to locate the renewable electricity generation activity where the renewable energy resource is available.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act, provided the Hokonui Rūnanga is comfortable with the scope of cultural values, than the notified version of the PDP.

6.13.3 Matters raised by submitters – ENRG-O4

580. Mercury (S130.012) support the objective as notified. Alliance (FS27.002) support this submission.

581. Federated Farmers (S126.058) Kevin Robertson (S115.059), Rural Ratepayers (S143.070) Alistair & Bernadette Hunt (S148.071), Ronald Crispin (S60.061), John Baynes (S68.179) seek the objective is changed as follows:

The safe and efficient operation, maintenance and upgrading of existing electricity generation activities is not constrained or compromised by reverse sensitivity effects

582. Mercury (FS26.008) supports Federated Farmers submission.

Assessment

583. Support for the objective from Mercury and Alliance is acknowledged.

584. The proposed amendment requesting the addition of “safe” into the objective is supported. The proposed wording improves the objective referencing both safety as well as efficiency. This aligns with the purpose of the RMA which provides for peoples and communities health and safety. It is noted that Mercury supports this amendment through their further submission.

Recommendation

585. I recommend, for the reasons given above, that ENRG-O4 is amended as follows:

ENRG-O4	The <u>safe and</u> efficient operation, maintenance and upgrading of existing electricity generation activities is not constrained or compromised by <i>reverse</i> sensitivity effects.
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586. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

587. The following evaluates the recommendation to amend ENRG-O4 under section 32AA of the RMA.

The proposed addition will improve clarity and better encapsulate the intent of the objective, The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.13.4 Matters raised by submitters – ENRG-P1

588. Alliance (S121.024) support ENRG-P1 and seek it is retained as notified. Alliance agrees that renewable electricity generation capacity and local security of supply should be maintained.
589. Mercury (S130.013) supports in part the policy but seeks an amendment. They consider renewable electricity generation benefits are nationally significant as electricity supply must meet national demand to ensure national security of energy is not compromised. The submitter supports the transition from fossil fuels, processing heat and transport need specific acknowledgment in policy settings.

Recognise the ~~local, regional and national~~ benefits of renewable electricity generation activities including, but not limited to:

1. maintaining or increasing electricity generation capacity while avoiding, reducing or offsetting greenhouse gas emissions;
2. maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;
3. using renewable natural resources rather than finite resources, which requires transition away from fossil fuels. (...)

590. Forest and Bird (S110.011) seek the inclusion of the following to the policy as renewable energy has less emissions than fossil fuels, therefore recognising this as a benefit, and its reduced contribution to climate change, should be highlighted.:

6. reducing emissions and contribution to climate change

591. Mercury (FS26.009) support recognising the benefits of renewable energy however misses context before "contribution to climate change" and "reducing emissions" duplicates ENRG-P1 (1). The point needs to be redrafted to address the benefits of reducing GHG in addressing climate change.

Assessment

592. Support for the policy as notified is acknowledged from Alliance.
593. Mercury's submission is supported and adopted. Their requested relief better articulates and streamlines the intent of the policy while giving effect to national direction (NPS-REG), and regional direction (Southland Murihiku Regional Energy Strategy 2022-2050). Their recommended changes are accepted in full.
594. Forest and birds' submission is supported in its intent, however as outlined by Mercury's further submission it is unclear that this relief is not already provided for within ENRG-P1(1). Forest and

bird and invited to provide alternative wording, however in the interim this relief is rejected in order to avoid duplicating text.

Recommendation

595. I recommend, for the reasons given above, that ENRG-P1 is amended as follows:

ENRG-P1 Recognise the ~~local, regional and national~~ benefits of *renewable electricity generation activities* including, but not limited to:

1. maintaining or increasing electricity generation capacity while avoiding, reducing or offsetting greenhouse gas emissions;
2. maintaining or increasing security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;
3. using renewable natural resources rather than finite resources, which requires the transition away from fossil fuels.
4. the reversibility of the adverse *effects* on the environment of some renewable electricity generation technologies; and
5. avoiding reliance on imported fuels for the purposes of generating electricity.

596. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

597. The following evaluates the recommendation to amend ENRG-P1 under section 32AA of the RMA.

The proposed addition will improve clarity and better encapsulate the intent of the policy. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal. The proposed amendment is considered to be a more appropriate way to achieve the relevant objectives of the chapter than the notified version of the PDP.

6.13.5 Matters raised by submitters – ENRG-P2, ENRG-P4

ENRG-P2

598. Alliance (s121.025) support ENRG-P2 as drafted and seek it is retained as notified.

599. Mercury (S130.014) oppose ENRG-P2 and seek the following amendment to align with NPS-REG. "Encourage" and "facilitate" lack the support for decarbonization of NZ's economy:

~~Encourage and facilitate~~ Provide for the increased use and development of renewable energy resources including the use of: (...)

600. Alliance (FS27.003) and Contact (FS24.009) support this submission as it strengthens the policy.

ENRG-P4

601. Mercury (S130.015) support ENRG-P4 but seek the following amendment to give effect to the NPS-REG:

~~Support~~ Recognise and provide for activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.

602. Alliance (FS27.004) support this submission.

Assessment

603. Support for the policy as notified is acknowledged from Alliance.
604. Mercury's submissions on ENRG-P2 and ENRG-P4 is supported and adopted. The requested relief better articulates the intent of the notified policies while giving effect to Policy A of the NPS-REG which directs decision makers to recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities). Their recommended changes are accepted in full.
605. It is acknowledged that Alliance and Contact are both supportive of the relief sought for ENRG-P2, and Alliance is supportive of the relief sought for ENRG-P4

Recommendation

606. I recommend, for the reasons given above, that ENRG-P2 and ENRG-P4 are amended as follows:

~~ENRG-P2-Encourage and facilitate~~ Provide for the increased use and development of renewable energy resources including the use of:

1. wind, solar and hydro; and
 2. waste products; and
 3. gas *discharges*
- as a source of energy production.

~~ENRG-P4 Recognise and provide for~~ Support activities associated with the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.

607. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

608. The following evaluates the recommendation to amend ENRG-P2 and ENRG-P4 under section 32AA of the RMA.

The proposed addition will improve clarity and better articulate the intent of the policy. The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposed policy wording include recognition and provision for renewable energy which will assist in reduction of greenhouse gas emissions caused by the production and use of energy. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the relevant objectives of the chapter than the notified version of the PDP.

6.13.6 Matters raised by submitters – ENRG-P5, ENRG-P6

609. Alliance (S121.026) and Mercury (S130.016) support ENRG-P5 as notified.

610. MOE (S125.010) and Mercury (S130.017) support ENRG-P6 as notified. Alliance (FS27.005) supports Mercury's submission.

Assessment

611. Support for ENRG-P5 and ENRG-P6 is acknowledged.

Recommendation

612. No amendments are recommended.

613. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.13.7 Matters raised by submitters – ENRG-P7

614. Greenbriar (S128.017) support ENRG-P7 in part but seek the following amendment:

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

615. Mercury (S130.018) oppose ENRG-P7 and seek the following:

Provide for ~~Avoid the location of renewable and non-renewable electricity generation activities whilst managing within the following areas unless~~ adverse effects can be remedied, mitigated, or residual effects offset or compensated: 1. outstanding natural features and landscapes 2. significant natural areas 3. ~~areas of indigenous biodiversity~~

616. Alliance (FS27.006) supports this submission.

617. Contact (S144.004) oppose in part the policy and seek consistency with the NPS-REG. Mercury (FS26.011) support this submission.

618. DOC (S109.023) support in part ENRG-P7 but seek the following amendments:

Avoid the location of renewable and non-renewable electricity generation activities within the following areas unless adverse effects can be ~~mitigated~~ managed by applying the effects management hierarchy: 1. outstanding natural features and landscapes 2. significant natural areas 3. areas of indigenous biodiversity 4. areas of highly specified mobile fauna 5. riparian margins

619. Mercury (FS26.0010) and Contact (S144.004) oppose this submission.

Assessment

620. Greenbriar and Mercury Energy submissions to remove reference to “areas of indigenous biodiversity” is supported as clause 1.3(3) of the NPS-IB⁵ excludes the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities.
621. It is acknowledged that the same policy test for renewable and non-renewable is not logical given the policy direction set by the NPS-REG. Additionally, an avoid policy is too strong a requirement given the national direction to encourage renewable energy. However, a “provide” policy is inappropriate as it would appear to encourage locating these activities within sensitive environments. The PDP in general has been drafted so that policies managing district wide matters are dealt with in their respective Chapters, however this policy relates directly to ENRG-R1. ENRG-R1 specifically aims to manage small scale renewable electricity generation within Outstanding Natural Features and Landscapes and Heritage buildings. As such it is considered that ENRG-P7 is appropriate, with the removal of the reference to SNAs and Indigenous Biodiversity as they relate to REG, to reflect the direction of the NPS REG and the cascaded rule ENRG-R1.
622. DOCs submission is acknowledged and the intent behind it supported, however as outlined within Mercury’s and Contacts further submission the effects management hierarchy applies to SNAs as outlined within the NPS-IB, excluding REG activities (Clause 1.3 (3)), and does not extend to ONLS. The NPS-REG through Policy C2 does provide direction for off setting measures, or environmental compensation, a similar tool to that of the effects management hierarchy, however it is considered these tools are sufficiently provided through ENRG-P9.

⁵ 1.1(3) of the NPS-IB- Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not “specified infrastructure” for the purposes of this National Policy Statement.

623. Furthermore, ECO policies ECO-P3, ECO-P4, ECO-P8, and ECO-P9 reflect the need to manage adverse effects of development on SNA's while recognising provision of critical infrastructure, specified infrastructure and renewable electricity generation activities in accordance with the requirements of the NPS-IB. The impacts of non-renewable infrastructure would be addressed in these policies in the absence of reference in the INFRA chapter. This matter can be further considered in Hearing Stream 9 and may result in consequential changes.
624. Additionally, the use of terms such as highly mobile fauna and could be considered too broad with unintended exclusion of large areas.

Recommendation

625. I recommend, for the reasons given above, that ENRG-P7 be amended as follows:

ENRG-P7 Avoid the location of

1. ~~renewable and non-renewable~~ electricity generation activities-large scale within outstanding natural features and landscapes, unless adverse effects can be mitigated, and
2. 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

626. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

627. The following evaluates the recommendation to delete ENRG-P7 under section 32AA of the RMA.

The recommendation to amend ENRG-P7 is considered to improve consistency and enable the council to effectively and efficiently administer the PDP in a clear and consistent manner.

The proposed amendments acknowledge the differing national policy direction (NPS-REG) between renewable and non-renewable energy generation, and clarifies the relevant considerations for each (NPS-IB).

The benefits of the proposal are that it is clear what is required in terms of PDP administration. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the relevant objectives of the chapter than the notified version of the PDP.

6.13.8 Matters raised by submitters – ENRG-P8, ENRG-P9

ENRG-P8

628. Greenbriar (S128.018) seek amendments to ensure non-renewable energy sources are included. The submitter seeks clarity concerning what is captured by 'undeveloped energy resources'. The intent of the provision is supported by the submitter if it includes both the existing generation systems, and the resources that are required to provide energy. The submitter supports the policy subject to clarification that 'energy resources' includes 'non-renewable energy sources'. If that is not the case, then provision is opposed, and amendments are required.
629. Transpower (S101.014) support in part the policy but an amendments. Transpower does not oppose Policy ENRG-P8, but considers that reference to electricity transmission in this Policy is not necessary and may give rise to inconsistent provisions within the Energy, Infrastructure and Transport Chapter. This is because, effects on electricity transmission activities and assets are managed by the provisions in the INFR Chapter.

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

630. Mercury (S130.019) support in part ENRG-P8 but seek it is relocated or duplicated in the General Rural Zone chapter as this chapter manages development and land use activities, which may be sensitive to effects from REG activities and development. Alliance (FS27.007) oppose this submission as it needs to apply to all zones and is best kept in the energy chapter.

ENRG-P9

631. Mercury (S130.020) seek the following amendments to 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: (...)

4. Practical constraints, including functional and technical needs

5. Benefits of Renewable Electricity Generation, including maintaining or increasing generation capacity and security of electricity supply, as well as the reduction in use of finite resources.

632. Contact (FS24.011) supports this submission.

Assessment

633. In relation to the submission from Greenbriar the reference to undeveloped energy sources is not intended to refer to non-renewable energy generation activities, nor is it considered appropriate to do so. As previously discussed, I do not consider the submitter has provided adequate reasoning that the Energy Chapter should manage the sourcing of materials to produce non-renewable sources of energy. I therefore reject the submission point.
634. Transpower's submission is acknowledged, however it is considered that the reference to transmission within this policy is compatible with INFR-P5. Based on this no change is recommended.

635. Mercury's submission that ENRG-P8 be relocated into the rural zone is not supported, as outlined within Alliance's further submission, it is preferable that this policy applies to all zones, not just the General Rural.
636. Mercury's submission on ENRG-P9 is supported in part, the addition of the "practical constraints, including functional and technical needs" is not an offsetting measure, or compensation, and therefore is not supported, noting this is already provided through ENRG-P11. It is acknowledged however that their requested relief to recognise the benefits of renewable electricity generation is supported by Policy A(b) and (c) of the NPS-REG⁶ and gives effect to ENRG-O1 of the PDP.

Recommendation

637. I recommend, for the reasons given above, that ENRG-P9 is amended as follows:

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; and
4. The benefits of Renewable Electricity Generation, including maintaining or increasing generation capacity and security of electricity supply, as well as the reduction in use of finite resources.

638. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

639. The following evaluates the recommendation to amend ENRG-P9 under section 32AA of the RMA.

⁶ Policy A (b) and (c) of the NPS-REG

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;

The recommendation to amend ENRG-P9 is considered to improve consistency and enable the council to effectively and efficiently administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the relevant objectives of the chapter than the notified version of the PDP.

6.13.9 Matters raised by submitters – ENRG-P10, ENRG-P11, ENRG-P12

ENRG-P10

640. Greenbriar (S128.019) support ENRG-P10 as notified.

641. Mercury (S130.021) oppose ENRG-P10 and seek it is amended as follows, as the existing policy is not clear in terms of how off grid energy supply helps resilience from a network perspective:

Recognise the need for resilient -critical infrastructure, which is interdependent on other critical infrastructure, including energy supply which must function during including standby power generation in emergency situations, emergency response may also need, and stand-alone power systems, to mitigate outage risk where other sources are not available.

ENRG-P11

642. Forest and Bird (S110.012) seek amendments to ENRG-P11 as large scale renewable energy activities and the location of structures and the infrastructure supporting them, can potentially cause devastating effects to indigenous biodiversity through loss of habitat, vegetation clearance, bird/bat strike (with turbines and power cables). Therefore, in order to ensure sustainable development, adverse effects on indigenous biodiversity and ecosystems must be considered when locating large scale renewable energy.

10. adverse effects on indigenous biodiversity and the eco-systems that support them

643. Mercury (S130.022) oppose ENRG-P11 and seek the following changes to give effect to NPS-REG 2011

Require large scale renewable electricity generation activities are provide for in the General Rural Zone, or required to demonstrate they are ~~located~~ appropriately having regard to relevant land use zone, also considering the following:

1. any practical constraints, including functional, or technical needs ~~logistical or technical constraints~~ to developing, upgrading, operating or maintaining the activity, including essential activities such as distribution to the national grid;
2. effects on existing infrastructure; 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 spill, shadow and noise effects;
7. ~~effects on adequate separation distances from sensitive activities and Outstanding Natural Features and Landscapes to effects acceptable ensure conflict and reverse sensitivity effects are minimised~~
8. Effects on significant environmental values, such as Outstanding Natural Features and Landscapes (...)

644. Alliance (FS27.008) oppose in part the submission as amendment to direct the REG to the General Rural Zone is not necessary. Contact (FS24.013) (FS24.014) support the submission.

645. Alliance (S121.027) seek amendments to ENRG-P11 as they operate a hydro-electric scheme on the Mataura River and structures associated with this scheme are likely to have been in place since the 1920's or 1930's. The Mataura Falls have been identified in Appendix 5 of the PDP as an ONF. They seek the policy be amended to reflect this as follows:

Require large scale renewable electricity generation (...)

7. adequate separation distances from sensitive activities and, where not already located within an identified Outstanding Natural Feature overlay, Outstanding Natural Features and Landscapes to ensure conflict and reverse sensitivity effects are minimised;

646. DOC (S109.024) support in part ENRG-P11 but recommends the following are considered:

Require large scale renewable electricity generation activities to demonstrate they are located appropriately having regard to relevant land use zone, also considering the following: (...)

x. best practice techniques for managing adverse effects on highly mobile fauna and their habitats;

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 spill, shadow and noise effects;
7. adequate separation distances from sensitive activities, SNAs or unmapped areas identified as SNAs in accordance with the criteria in Appendix 4 specified highly mobile fauna areas, riparian margins and Outstanding Natural Features and Landscapes to ensure conflict and reverse sensitivity effects are minimised; (...)

647. Mercury (FS26.012) and Contact (FS24.012) oppose the submission

ENRG-P12

648. Mercury (S130.023) oppose ENRG-P12 and seek the following changes:

~~Encourage~~ Provide for innovation and flexibility for new and existing renewable electricity generation activities to adopt new technologies and sources of renewable energy where this:
(...)

4. Results in environmental benefits and enhancements. Or 5. Increases electricity generation capacity, or increases security of electricity supply

649. Alliance (FS27.009) support this submission.

Assessment

650. Support for ENRG-P10 is acknowledged from Greenbriar.

651. Regarding Mercury's requested relief for ENRG-P10, this is not supported as the policy was intended to provide support for off grid energy supply, for instance individual dwelling scale solar panels, purposely independent of critical infrastructure. The requested relief changes the intent of the policy and as a result is not supported.

652. Regarding Forest and Bird's submission that ENRG-P11 be amended to incorporate indigenous biodiversity and ecosystem consideration, this is not consistent with the NPS-IB. As such it is recommended that this relief be rejected. It is acknowledged that this policy continues to consider effects on ONF/.

653. Regarding Alliance's submission to provide for activities already located within an ONF/Ls, management of energy generation within an ONFL should be managed within the NFL chapter, specifically NFL-R4 as notified provides for the maintenance of critical infrastructure.

654. Regarding Mercury's submission for ENRG-P11, this is supported in part, the reference to provision within the rural zone is considered appropriate in this instance as that is the most appropriate zone for large scale renewable energy generation and therefore it does not require additional provisions in each zone of the district plan. The ability for REG to internalise effects within a subject site, is still something that should be considered and allows for effects based assessments to be considered. The remainder of the relief is supported as aligning better with national direction than the notified version of the policy.

655. Alliance's further submission pointing out consistent wording regarding logistical or technical practicalities is acknowledged and supported, as does keeping the reference to the location of existing structures and infrastructure. However, I agree with Mercury that the list of inclusions relating to infrastructure is unnecessary and Mercury requested relief provides for a cogent alternative. Overall, a combination of Mercury and Alliances' relief is recommended for a revised ENRG-P11, noting I have recommended some changes to the order of the text for increased clarity.

656. Regarding DoC's submission on ENRG-P11, the NPS-IB does not apply to REG activities.

657. Mercury's submission regarding ENRG-P12 is partially supported. Specifically, the first portion of the relief is supported as more appropriate wording, however the second portion of the relief as it relates to security is met through ENRG-P12 (3), it is considered appropriate to provide

for increase in capacity and as such further amendments are recommended. Alliances support for this amendment is acknowledged.

Recommendation

658. I recommend, for the reasons given above, no changes to ENRG-P10.

659. I recommend, for the reasons given above, ENRG-P11 and ENRG-P12 are amended as follows:

ENRG-P11 ~~Require~~ Large scale renewable electricity generation activities are provided for in the General Rural Zone, or are required 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 practicalities ~~logistical or technical constraints~~ to developing, upgrading, operating or maintaining the activity, including essential activities such as distribution to the national grid;
2. the location of existing structures and infrastructure and the effects on existing infrastructure ~~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 spill*, shadow and *noise effects*;
7. effects on ~~adequate separation distances from sensitive activities and Outstanding Natural Features and Landscapes to ensure conflict and reverse sensitivity effects are minimised;~~ and significant environmental values, such as Outstanding Natural Features and Landscapes
8. use of adaptive management measures through monitoring of adverse *effects*; and
9. Ngāi Tahu cultural values, including those listed in MW2.3.

ENRG-P12 ~~Encourage~~ Provide for innovation and flexibility for new and existing *renewable electricity generation activities* to adopt new technologies and sources of renewable energy where this:

1. Increases the capacity and 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.

660. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

661. The following evaluates the recommendation to amend ENRG-P11 under section 32AA of the RMA.

The recommendation to amend ENRG-P11 is considered to improve consistency with national direction, specifically Policy C1 of the NPS-REG in how it addresses practical constraints and providing direction for where in the district it is considered that these activities are most appropriate when considering these constraints. The proposed changes will enable the council to effectively and efficiently administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the relevant objectives of the chapter than the notified version of the PDP.

6.13.10 Matters raised by submitters – ENRG-R1, ENRG-R2, ENRG-R3

ENRG-R1

662. DOC (S109.025) support in part ENRG-R1 but seek the following amendments to reflect how rules in the other chapters are drafted. The D-G recommends that the rule is amended to include SNAs or unmapped SNA areas as a trigger that requires resource consent and for small scale REG within an SNA, with the activity status as discretionary.

1. All Energy Standards are complied with; and
2. No structure or building is located in an Outstanding Natural Feature or Landscape or SNA or unmapped SNA that has been assessed as significant against the criteria in Appendix 4; and
3. (...)

663. Mercury (FS26.013) opposes this submission.

664. Forest and Bird (S110.013) seek the following amendments to ENRG-R1 to ensure SNA's are protected:

2. No structure or building is located in an Outstanding Natural Feature or Landscape, and/or a Significant Natural Area; and

665. Mercury (FS26.014) supports in part this submission as it would be clearer if the reference to SNA's was added as a separate number in the list rather than and/or.

ENRG-R2

666. Alliance (S121.028) seek clarification on ENRG-R2 and whether a hydro-electric plant would or would not meet the definition of a 'renewable electricity generation activities - large scale'. If it does; either exempt it from the definition or introduce a permitted activity or controlled activity rule for the operation, maintenance, repair and upgrade of the Mataura Hydro-Electric Plant or suitable alternative relief.

667. Mercury (S130.025) seek the activity status for ENRG-R2 be amended to discretionary.

668. Mercury (S130.025) further seeks that ENRG-R2 be split into three rules as follows:

ENRG-R2 - General Rural Zone Activity status: Discretionary

New Large-Scale Renewable Electricity Generation construction, development and operation, maintenance, repairs and upgrading (including any associated structures) and associated Costs and benefits

General Rural Zone Activity status: Permitted

ENRG-R2.2 Maintenance and upgrading of existing Large-Scale Renewable Electricity Generation structures where replacement of like for like and same locations.

General Rural Zone Activity status: Controlled

New Rule ENRG-R2.3 Upgrading of large-Scale Renewable Electricity Generation, including repowering of wind farms, including replacement of any structures with less than 10% increase in envelope.

Matters of control are limited to:

1.construction impacts, and

2.increased operational effects, from greater scale and bulk, including amenity noise effects and compliance with NZS 6808: 2010 (Acoustics - Wind Farm Noise), or any effects on scheduled significant values

669. Alliance (FS27.001) support that specific rule for existing Large Scale Renewable Electricity Generation structures is appropriate, but this should be district-wide and not restricted to just the General Rural Zone. Heritage NZ (FS11.053) oppose this submission.
670. Contact (S144.003) supports the discretionary status of large scale renewable electricity construction operation, maintenance, repairs and upgrading activities in the General Rural Zone and opposes the non-complying status for such activities in all other zones. Mercury (FS26.015) supports this submission.
671. Mercury (s130.029) submitted on the Noise Chapter requesting an exemption for the effects from operation of wind electricity generation activities. Instead, they seek noise from windfarms is assessed under ENRG-R2 and NZS6808:2010 Acoustics. The submitter considers wind electricity generation activities should not be assessed against the objectives and policies of the noise chapter due to a lack of consideration for the functional need for wind farms to be located where wind resources are.

.....Noise effects from operation of wind electricity generation activities. Compliance is achieved through assessment of NZS6808:2010 Acoustics - Wind farm noise ("insert rule reference" Energy Chapter -Rule ## operation of wind electricity generation activities - Noise Assessment).

672. Contact Energy (FS24.052) further submits in support of the submission and seeks that it is allowed as noise generated from wind farms should be assessed in accordance with NZS6808:2010.

ENRG-R3

673. Mercury (S130.026) oppose in part ENRG-R3 and seek the following changes:

Renewable Electricity Generation Investigations, including associated structures and buildings
General Rural Zone Activity status: Permitted

Where:

1. All Energy Standards are complied with. ~~2. Associated structures and buildings are temporary and removable.~~

Assessment

674. Regarding the submissions from DOC and Forest and Bird in relation to ENRG-R1, the requested relief is not supported. REG activities are excluded from the NPS-IB⁷.
675. Regarding Alliance’s submission requesting clarification of whether the Mataura Hydro-electric plant would meet the definition of “Renewable Electricity Generation Activities- large scale”. Alliance is invited to provide further evidence detailing whether or not they believe this activity meets the large- or small-scale definitions, noting the reference to a threshold of 20kW. This submission is rejected in lieu of evidence demonstrating the status of the Mataura Hydro-electric plant.
676. Regarding Mercury’s submission (s130.025), and Contact’s submission (s144.003) that the activity status should be amended, it is unclear what activities Mercury and Contact are concerned would be unnecessarily captured as non-complying. Due to the lack of sufficient evidence showing that these activities qualify as "large-scale renewable electricity generation"—particularly if the electricity generated is solely for the plant’s use—I cannot recommend further amendments. The activity status has been deliberately set to guide these activities to the most appropriate zone. In the absence of supporting evidence, this submission is rejected.
677. Regarding Mercury’s submission that ENRG-R2 is amended this is supported in part. It is agreed that the operation and maintenance of existing Large-Scale Renewable Electricity Generation Activities should be provided for as a permitted activity, however the expansion of existing, or construction and operation of new activities needs to be appropriately managed. The

⁷ NPS-IB: Section 1.3(3): Nothing in this National Policy Statement applies to the development, operation, maintenance or upgrade of renewable electricity generation assets and activities and electricity transmission network assets and activities. For the avoidance of doubt, renewable electricity generation assets and activities, and electricity transmission network assets and activities, are not “specified infrastructure” for the purposes of this National Policy Statement.

requested relief for a controlled activity is considered too permissive, given these are large scale activities, appropriate settings need to be in place to manage adverse effects.

678. Heritage NZs further submission is accepted in part, as per the above it is considered appropriate to provide for the maintenance of existing activities, however expansion and new activities should be appropriately managed.
679. Mercury's submission in relation to ENRG-R3 requesting reference to buildings and structures be removed is not supported. The submitter has not provided evidence demonstrating how this is inconsistent with the NPS-REG. In lieu of this, the submission is not supported as I consider buildings and structures may have adverse effects if not appropriately managed.
680. In response to Mercury (s130.029) and noise generated by windfarms, I do not recommend an exemption be added to the Noise Chapter. However, I accept and acknowledge that noise from wind farms should be assessed and measured in accordance with NZS6808:2010 Acoustics - Wind farm noise. Through the PDP, wind farms currently require a resource consent as a Discretionary or Non-Complying Activity under ENRG-R2.
681. In my opinion it would be appropriate to consider adding a note to ENRG-R2 to require that noise associated with a wind farm is assessed and measured in accordance with NZS6808:2010 Acoustics - Wind farm noise.
682. As a clause 16 minor amendment it is recommended that ENRG-R1 and R2 are amended to reflect the definition of Renewable Electricity Generation activities - small scale and Renewable Electricity Generation Activities -Large Scale.

Recommendation

683. I recommend, for the reasons given above, that ENRG-R1 and ENRG-R2 is amended as follows:

ENRG-R1		
~~Small and community scale~~ Renewable Electricity Generation <u>activities - small scale construction, operation, maintenance, repairs and upgrading (including associated structures)</u>		
All Zones	Activity Status: Permitted	Activity status where compliance is not achieved with:
	Where: 1. All Energy Standards are complied with; and 2. No <i>structure or building</i> is located in a <i>Outstanding Natural Feature or Landscape</i> ; and 3. Any <i>structure or building</i> complies with the underlying zone bulk and location standards; and	ENRG-R1(1): Restricted Discretionary Matters of discretion: 1. The matters of discretion of any infringed standard.

4. No structure is attached to a scheduled heritage building. 📌		ENRG-R1(2) and ENRG-R1(3): Discretionary
		ENRG-R1(4) Restricted Discretionary Matters of discretion: 1. The matters of discretion of HH-R2.
ENRG-R2	~~Large Scale~~ Renewable Electricity Generation – <u>Large Scale</u> construction, operation, maintenance, repairs and upgrading (including any structures and associated buildings)	
<u>All Zones</u>		
<u>All Zones</u>	<u>Activity Status: Permitted</u> 1. <u>Operation and Maintenance of existing Activities</u>	
General Rural Zone	Activity status: Discretionary 2. <u>Upgrading of existing or constructing and operation of new Activities</u>	Activity status where compliance not achieved: N/A
All Other Zones	Activity status: Non-Complying 3. <u>Upgrading of existing or constructing and operation of new Activities</u>	Activity status where compliance not achieved: N/A
<u>Note</u>	<u>Noise associated with a wind farm is assessed and measured in accordance with NZS6808:2010 Acoustics - Wind farm noise.</u>	

684. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

685. The following evaluates the recommendation to amend ENRG-R2 under section 32AA of the RMA.

The amendments will avoid unnecessary regulation of existing REG activities. The revised rule is clear in its application and will enable the Council to effectively administer the PDP in a clear and consistent manner.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

There is the potential for unnecessary consent requirements if the proposed amendment is not made.

The proposed amendment is considered to be a more appropriate way to achieve the relevant Objectives ENRG-01 through to ENRG-05 of the chapter than the notified version of the PDP.

6.13.11 Matters raised by submitters – ENRG-S1, ENRG-S2

ENRG-S1

686. DOC (S109.027) support in part ENRG-S1 but seek the following amendments:

Matters of discretion: 1. The type, scale, form and location of the turbine and any adverse effects on the character, amenity, indigenous biodiversity values or Ngāi Tahu cultural values of the locality

687. Forest and Bird (S110.014) seek the following addition to ENRG-S1:

5. a comprehensive ecological assessment must be completed by a suitably qualified person.

6. No structure is to be located in a Significant Natural Area

688. Hokonui Rūnanga (S139.043) support ENRG-S1 in part subject to the consequential amendments sought for ENRG-O3.

ENRG-S2

689. DOC (S109.028) support in part ENRG-S2 but seek the following changes:

Matters of discretion: (...) 4. Adverse effects on Ngāi Tahu cultural values, including those listed in MW2.3 5. Adverse effects on indigenous biodiversity values and riparian margins

690. Hokonui Rūnanga (S139.044) support ENRG-S2 in part subject to the consequential amendments sought for ENRG-O3.

Assessment

691. DOC's submission (109.027) is rejected on the basis the NPS-IB is not relevant to REG. I therefore do not recommend the inclusion of indigenous biodiversity values in the matter of discretion. I do however consider that stream setbacks are a relevant consideration for matters such as fresh water quality and riparia margins. As such I recommend the stream setback standard is added into the Energy Chapter.

692. I am of a similar view in relation to the Forest and Bird submission (s110.014). The proposed relief sought that a comprehensive ecological assessment is required is considered unnecessarily onerous for the development of small-scale wind turbines.

693. The Hokonui Rūnanga submissions seeking consequential amendments to ENRG-S1 and S2 are supported.

Recommendation

694. I recommend, for the reasons given above, that ENRG-S1 and ENRG-S2 is amended as follows:

ENRG-S1	<i>Small scale wind turbines</i>	
General Rural, Rural Lifestyle, Settlement Zones and General & Light Industrial Zones	1. The maximum <i>height</i> above natural <i>ground level</i> to the tip of the blade is 20 metres above ground level. 2. The maximum number of turbines per site is: (a) one turbine for <i>sites</i> less than 20 hectares. (b) three turbines for <i>sites</i> which are more than 20 hectares. 3. The maximum rotor diameter is 7.2 metres. 4. The minimum <i>setback</i> of the wind turbine and associated mast/pole is the greater of: (a) 60 metres from a habitable <i>building</i>; or (b) 10 times the <i>height</i> of the <i>structure</i> from the <i>site</i> boundaries.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. The type, scale, form and location of the turbine and any adverse <i>effects</i> on the character, amenity, or Ngāi Tahu cultural values (refer MW 2.3) of the locality. 2. The ability to mitigate any adverse visual amenity or <i>effects</i> on Ngāi Tahu cultural values (refer MW 2.3) through use of screening, planting and alternative design. 3. Adverse <i>noise</i> and vibration <i>effects</i>.
ENRG-S2	<i>Small scale hydro turbines</i>	
General Rural, Rural Lifestyle, Settlement Zones and General & Light Industrial Zones	1. The maximum <i>gross floor area</i> of any associated <i>building</i> or <i>structure</i> is no more than 20 square metres.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. The type, scale, form and location of the turbine and any adverse <i>effects</i> on the character and <i>amenity values</i> of the locality. 2. The ability to mitigate any adverse visual amenity <i>effects</i> through use of screening, planting and alternative design. 3. Adverse <i>noise</i> and vibration <i>effects</i>. 4. Adverse <i>effects</i> on Ngāi Tahu cultural values (refer MW 2.3), including those listed in MW2.3.

695. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

696. The following evaluates the recommendation to amend ENRG-S1 and ENRG-S2 under section 32AA of the RMA.

The proposal will enable the Council to effectively administer the PDP in a clear and consistent manner. The proposed amendments will provide targeted management of cultural values.

The benefits of the proposal are that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

The proposed amendment is considered to be a more appropriate way to achieve the relevant Objective ENRG-O5 than the notified version of the PDP.

6.13.12 Matters raised by submitters – ENRG-S4

697. DOC (S109.029) support in part ENRG-S4 but seek amendments to the matters of discretion as follows:

Matters of discretion:

1. The type, scale, form and location of the turbine and any adverse effects on indigenous biodiversity values including threatened and at risk species and their habitats, the character and amenity values of the locality.

698. Mercury (FS26.016) and Contact (FS24.015) oppose the submission.

699. Mercury (S130.027) oppose in part ENRG-S4 and seek the following amendments to give effect to the NPS-REG. The matters of discretion appear to relate to wind turbines rather than wind monitoring masts.

Exploratory wind-generation monitoring masts

1. The minimum setback from the site boundary is at least 10 times the mast's height. a distance equal to the height of the mast from the boundary of any site in different ownership.
2. The Maximum duration of monitoring mast is in place ~~activity~~ is five years
3. Removal of mast and all associated structures and equipment must be undertaken no later than two months after the cessation of wind monitoring activities.
4. Monitoring mast is maximum 100m in height

Activity status where compliance is 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.~~

1. The height and location of the mast(s);
2. The ability to mitigate any adverse visual amenity effects through ~~use of screening, planting and alternative siting~~ and design.
3. ~~Adverse noise and vibration effects.~~

4. Adverse effects on Ngāi Tahu cultural values, including those listed in the MW2.3
 5. Operational need, functional need or other technical considerations.
- Contact (FS24.016) supports this submission.

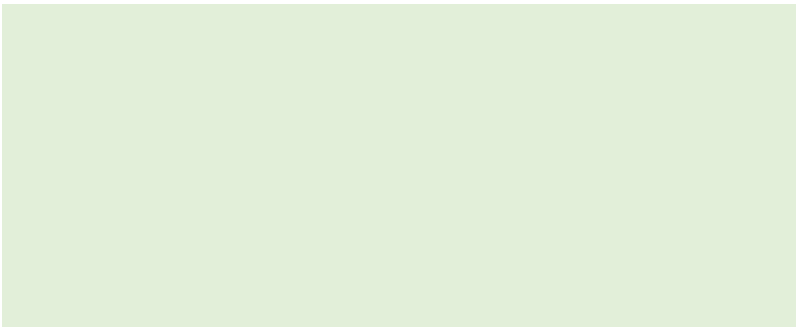
Assessment

700. DOCs requested relief is not supported as the NPS-IB does not apply to REG activities.
701. Mercury's submission regarding ENRG-S4 is accepted in part. While aspects of their submission are supported in intent, it is considered that the proposed amendments go too far and it is not considered appropriate to allow for 100m structures as a permitted activity, unless the structure is setback significantly from boundaries. It is acknowledged that masts of this height could occur, the requirement for this to be set back 1000m from a boundary would sufficiently manage adverse effects. A setback equal to a height of a structure may be appropriate if the heights of the structures were similar in scale to those authorised under ENRG-S1. Mercury are invited to provide further information to demonstrate why their proposed changes in relation to height and setback are considered appropriate through the hearings process.
702. Mercury's proposed changes relating to monitoring, removal of screening and planting, (noting this is unlikely to provide an noticeable mitigation for a mast anyway) is accepted as improving the standard from a implementation perspective.

Recommendation

703. Based on the above it is recommended to amend ENRG-S4 as follows:

ENRG-S4	Exploratory wind ~~generation-monitoring~~ masts		
General Rural Zone	1. The minimum <i>setback</i> from the <i>site boundary</i> is at least 10 times the mast's <i>height</i>. 2. The Maximum duration of activity is five years. Removal of mast and all associated <i>structures</i> and equipment must be undertaken no later than two months after the cessation of wind monitoring activities.	Activity status where compliance is not achieved: Restricted Discretionary Matters of discretion: 1. The type, scale, form and location of the ~~mast turbine~~ and any adverse <i>effects</i> on the character and <i>amenity values</i> of the locality. 2. The ability to mitigate any adverse visual amenity <i>effects</i> through ~~use of screening, planting and alternative siting and~~ design. 3. Adverse <i>noise</i> and vibration <i>effects</i>.	

- 
- 4. Adverse *effects* on Ngāi Tahu cultural values, including those listed in the MW2.3
 - 5. *Operational need, functional need* or other technical considerations.

704. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

7. Consequential and Minor Amendments

705. Clause 10(2)b of the RMA allows decision on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions.

706. In the Rural Zones section 42A, it was recommended that all the 'Setbacks from Stream and River' setback standards in area specific zones are updated for consistency, as the same assessment is applicable to all streams and rivers across the district. It is recommended to make these same amendments to the INFR Chapter. The addition to the Chapter is shown in red underline in Appendix A.

707. Given the changes to Note 1 and the clarification that the zone provisions do not apply to the Energy and Infrastructure Chapter it is considered the 'Setbacks from Stream and River' standard should be included in the Energy Chapter. This is also in response to submission from DOC and Forest and Bird requesting protection for riparian margins. The addition to the Chapter is shown in red underline in Appendix A.

708. Consequential amendments to the Infrastructure and Energy chapters may be required based on future Section 42A report recommendations, these may include but are not limited to:

- Sites of Significant to Māori
- Ecosystems and Indigenous Biodiversity
- Natural Features and Landscapes
- Natural Hazards
- Historic Heritage

96. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. As outlined within this assessment two minor changes were made to ENRG-R1 and ENRG-R2 to provide consistency between the activity described in each of the rules and

the definition. These changes are considered appropriate under clause 16 (2) of the RMA, the change provides clarity without any material change to the rules.

8. Conclusions

709. This report has provided an assessment of submissions received on the Infrastructure and Energy Chapters and associated definitions and mapping of the PDP.
710. In summary, the submissions reflect a balance between industry stakeholders advocating for greater permissibility, alignment with national direction, and technical adjustments to meet industry needs, and opposing submissions concerned that the permissibility may go too far, emphasizing the need for careful consideration of adverse effects, particularly with regard to section 6 matters of the RMA.
711. I consider that the submissions on the Infrastructure and Energy Chapters and associated definitions and mapping assessed in this report be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations in this report including Appendix B's.
712. Overall, I recommend that the provisions are amended as shown in Appendix A for the reasons set out in this report. The main changes recommended include:
- a. Greater alignment with National Direction
 - b. More targeted matters of discretion including cultural values consideration.
 - c. Clarification of how the chapters interact with the wider District Plan
713. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken throughout this report.

Closing Recommendation

714. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in the **Appendix B** of this report.

Signed:

Name and Title	Signature	Date
Mishka Banhidi Consultant Planner		4 October 2024

