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21 February 2025

Attention: Hearings Administrator, Shakaya Perkins
via email: hearings@goredc.govt.nz

Proposed Gore District Plan – Hearing Stream 11: Natural Hazards

Transpower New Zealand Limited (“Transpower”) writes in relation to Hearing Stream 11, being the hearing of submissions on the Proposed Gore District Plan (“Proposed District Plan”) on Natural Hazards and Earthworks further information, commencing on 10 March 2025.

Transpower has reviewed the Natural Hazards report prepared under section 42A of the Resource Management Act 1991 and dated 7 February 2025 (“Officer’s Report”).

Transpower agrees with the recommendations in the Officer’s Report that are relevant to Transpower’s submission. On this basis, Transpower has elected not to be heard or to file evidence in relation the parts of its submission that are being considered in Hearing Stream 11 and instead records its position, including reasons, in respect of the relevant submission points in the table included as **Attachment A** to this letter.

In addition, Transpower is available to respond to any questions the Proposed District Plan Hearings Panel may have in relation to its submission and the position reflected in the attached Table.

Transpower requests that this letter, including Attachment A, be provided to Proposed District Plan Hearings Panel during Hearing Stream 11 in order to confirm its position in relation to the relevant submission points and the Officers’ Report recommendations.

Should the Proposed District Plan Hearings Panel have any questions or require clarification of any matter, please contact Rebecca Eng at environment.policy@transpower.co.nz or 09 590 7072.

Yours faithfully

Rebecca Eng
Technical Lead – Environmental Policy
TRANSPOWER NEW ZEALAND LIMITED

Attachment A: Transpower's position in relation to the recommendations made in the Officers' Reports for Hearing 8

The following table sets out the relief sought in Transpower's submission alongside the recommendations in the Officers' Reports and Transpower's position in relation to the Officers' Report recommendations. The relief sought by Transpower in submissions is shown in red underline and ~~red strikethrough~~. Amendments either sought in the primary submission made by other parties or recommended in the Officers' Reports are shown in black underline and ~~black strikethrough~~.

Submission reference and provision	Relief sought by Transpower	Officers' Report Recommendation	Transpower's Position
S101.41 Natural Hazards – NH Objective NH-O4 Supported by the further submission made by Contact (FS24.026)	Support in part, amend Objective NH-O4 as follows: “NH-O4 ~~Regionally significant Critical~~ infrastructure is located outside hazard risk areas <u>except where there is an operational need or functional need for its location</u> ~~where practicable~~.” Transpower generally supports the intent of Objective NH-O4 and the ‘where practicable’ qualifier included in the Objective. That said, Transpower notes that the term ‘regionally significant infrastructure’ has generally been replaced with ‘critical infrastructure’ in the Proposed District Plan. Transpower therefore considers that this Objective should refer to ‘critical infrastructure’. Further, Transpower notes that it is not always possible for infrastructure to be located outside of hazard risk areas because: (a) Transpower is required to connect to electricity generation that may be located in a hazard risk area; and	The Section 42A Report Natural Hazards recommends that the submission be accepted and comments as follows: <i>“351. The requested amendment by Transpower to delete “where practicable” and instead include “...except where there is an operational need or functional need for its location” would improve clarity and interpretation through use of terms that are defined within the PDP and which in turn are also consistent with the National Planning Standards definitions. Furthermore, the terms ‘functional need’ and ‘operational need’ are also used throughout the Infrastructure chapter, thereby improving plan wide consistency within the PDP.”</i> The Objective is recommended for amendment as sought in Transpower's submission.	Transpower supports the Officer's Report recommendation for the reasons given in the Officer's Report and in Transpower's submission.

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	(b) linear infrastructure, such as the National Grid, necessarily traverses areas susceptible to hazards (such as rivers) in order to convey electricity over long distances between two points. These requirements are generally understood to be operational needs and functional needs. Transpower considers that reference to these needs more clearly sets out the circumstances where avoidance is not practicable and supports an amendment to the Objective accordingly.		
S101.42 Natural Hazards – NH Policy NH-P6 Supported by the further submission made by Contact Energy (FS24.027, FS24.030 and FS24.050)	Support in part, amend Policy NH-P6 as follows: “NH-P6 Avoid the placement of critical infrastructure in <u>identified and mapped areas subject to natural hazards areas at risk from natural hazards</u>, unless: 1. there is ~~no reasonable alternative due to the~~ <u>an</u> operational <u>need</u> or functional need for the location; and 2. it will be designed to ~~maintain its integrity and function to the fullest possible extent, even though this may be at a reduced level~~, during and after a natural hazard event, or can be readily re-instated after a natural hazard event; and	The Section 42A Report Natural Hazards recommends that the submission be accepted in part and comments as follows: <i>“367. The request to delete the wording “at risk from natural hazards” and inserting “identified and mapped areas subject to natural hazards” is a clearer reference to the identified hazard overlays as mapped within the district plan and therefore removes ambiguity for plan users. I recommend this amendment is accepted.</i> <i>368. Regarding the requested amendment to clause 1. I note that both “functional need” and “operational need” are defined terms within the PDP; both of which are the same as defined within the National Planning Standards. The definition for “functional need” means “the</i>	Transpower supports the Officer's Report recommendation for the reasons given in the Officer's Report and in Transpower's submission. That said, Transpower notes a potential typographical error in the drafting of the policy chapeau as set out in the Officer's Report Appendix A, that states:

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	3. any significant adverse effects on people, cultural values, and property will be avoided <u>or mitigated to the extent practicable.</u>" Transpower generally supports Policy NH-P6 but, as set out above, notes that it is not always possible for infrastructure to be located outside of hazard risk areas because: (a) Transpower is required to connect to electricity generation that may be located in a hazard risk area; and (b) linear infrastructure, such as the National Grid, necessarily traverses areas susceptible to hazards (such as rivers) in order to convey electricity over long distances between two points. These requirements are generally understood to be operational needs and functional needs. In terms of the Policy, Transpower considers that imposing a test of "no reasonable alternative" as well as "operational or functional need" is unnecessary and confusing. For this reason, Transpower seeks that reference to there being no reasonable alternative is deleted. In addition, Transpower considers that the initial clause of the Policy should clearly articulate where the Policy is intended to apply. In this regard, Transpower seeks the inclusion of reference to the areas identified under Policy NH-P1.	<i>need for a proposal or activity to traverse, locate or operate in a particular environment because the activity can only occur in that environment". Similarly, the definition for "operational need" also recognises that there are relevant "technical, logistical or operational characteristics or constraints".</i> 369. <i>Together these defined terms address the matter of 'reasonable alternative' so that the removal does not undermine the intent of the clause. Further, the amendment would retain consistency with the policy direction of the NPSET which recognises the technical and operational requirements of the network. Accordingly, I recommend accepting the amendment to delete "no reasonable alternative".</i> 370. <i>The requested amendment to clause 2 relates to the CDEM Act 2002 requirement on utility providers. The amended wording proposed by Transpower aligns with section 60(a) regarding duties of lifeline utilities during emergencies. I recommend accepting the proposed wording to clause 2 to ensure infrastructure resilience is considered given the importance of lifeline utilities to communities following a natural hazard event. Furthermore, if clause 2 is to align with s60(a) of the CDEM Act, then I</i>	"Avoid the placement of critical infrastructure ~~in~~ <u>areas at risk from natural hazards identified and mapped areas...</u>" Transpower assumes that "in" has been shown as strikethrough in error (as highlighted yellow above).

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	Transpower considers that clause (2) of the Policy is unnecessary on the basis that the intent of this clause appears to mirror the obligation on lifeline utilities under section 60 of the Civil Defence Emergency Management Act 2002 ("CDEMA"). For this reason, Transpower seeks amendments to clause (2) to ensure the obligation under the Proposed District Plan is that same as directed by the CDEMA. In terms of the third clause of the Policy, the Natural Hazards Section 32 Report does not clearly articulate the types of effects that are to be avoided and why the option to mitigate any such effects is not available. In this regard, it is considered that 'avoidance' goes beyond the direction to manage significant risks in section 6 of the RMA and, as such, Transpower seeks that mitigation is also available to address the effects of critical infrastructure in hazard risk areas.	<i>recommend the following amendment to ensure the intent of clause 2 and resilience of the lifeline utility is achieved: "... or and can be readily re-instated after a natural hazard event". This also maintains consistency with the RPS policy NH.5 direction which does not include an 'or reinstatement' option.</i> 371. <i>Transpower request an amendment to clause 3 to also include 'mitigation'. The submission states that requiring 'avoidance' of effects goes beyond the s6 direction of the RMA to manage significant risks and is not supported by any justification in the s32 report.</i> 372. <i>Section 6(h) of the RMA requires the management of significant risks from natural hazards as a matter of national importance and therefore does not state simply 'avoid'. While I note Policy 4 of the NPSET 2008 requires any adverse effects to be avoided, remedied or mitigated, that only applies to transmission activities, whereas "critical infrastructure" as defined within the PDP includes a wider group of activities including transport networks, three waters service infrastructure and telecommunications.</i> 373. <i>As such, I consider Policy NH.7 of the RPS particularly relevant as it addresses works that may affect other land. The policy states "avoid,</i>	

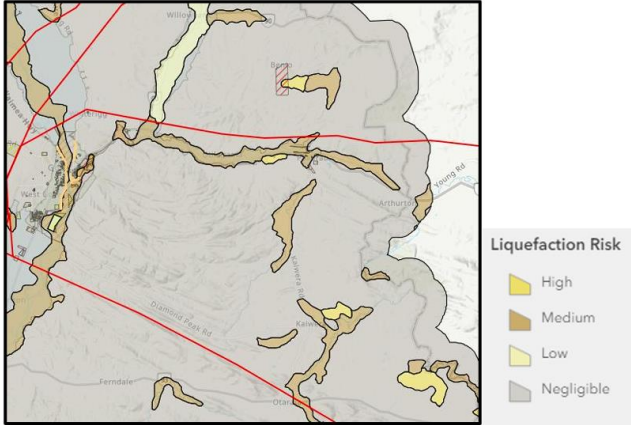
Submission reference and provision	Relief sought by Transpower	Officers' Report Recommendation	Transpower's Position
		<i>where practical, or mitigate the potential for activities to have adverse off-site natural hazard effects on other land". Therefore, I agree that mitigation should also be an available consideration for clause 3 which is consistent with the RPS direction. I therefore accept the amendment as sought by Transpower."</i> The Policy is recommended for amendment as follows: <i>"Avoid the placement of critical infrastructure ~~in areas at risk from natural hazards identified and mapped areas subject to natural hazards~~, unless:</i> <i>1. there is ~~no reasonable alternative due to the an~~ operational <u>need</u> or functional need for the location; and</i> <i>2. it will be designed to ~~maintain its integrity and function to the fullest possible extent, even though this may be at a reduced level, during and after a natural hazard event, or and~~ can be readily re-instated after a natural hazard event; and</i> <i>3. any significant adverse effects on people, ~~cultural values, and property, mauri, any wahi tapu, or the ability to practice mahinga kai activities can be will be avoided, remedied or mitigated.~~"</i>	

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S101.043 Natural Hazards – NH Rule NH-R4 Activities within the Mataura River Floodway	Oppose, amend Rule NH-R4 as follows: “Activity status: Non-Complying Where: - The following activity is undertaken: - new structures or building, <u>that is not critical infrastructure</u>; ~~critical Infrastructure~~ ~~(e)~~ Sensitive Activities.” As a consequence, amend Rule INFR-R4 as follows: “Activity status: Discretionary Where: - The establishment of new infrastructure <u>that has foundations</u> within: - an Outstanding Natural Landscape or Feature - a Significant Natural Area 20m of the Mataura River <u>or is critical infrastructure in the Mataura River Floodway</u> - a site containing an item on the Heritage Schedule, a Notable Tree, a Site of Significance to Māori or an Archaeological Site”	The Section 42A Report Natural Hazards recommends that the submission be accepted in part and comments as follows: <i>“384. The request by Transpower for rules relating to infrastructure within natural hazard areas to be located within the infrastructure chapter was assessed as part of the s42A report for the Energy and Infrastructure Hearing (Hearing Stream 7). I note the report recommended accepting the request to locate these provisions within the infrastructure chapter (see paras 384 – 398, Section 42A report, Hearing Stream 7 – Energy & Infrastructure).</i> <i>385. In particular, the s42A report recommended amending Rule INFR-R9 (which addresses the establishment of new infrastructure within specified areas) to address Transpower’s request to include “critical infrastructure in the Mataura River Floodway” and “land inside of the river side of a Southland Regional Council Stopbank”. These activities are identified as a discretionary activity by rule INFR-R9 within the infrastructure chapter. The activity status is reduced from non-complying to discretionary but is considered appropriate and consistent with policy NH-P6 which</i>	Transpower supports the Officer’s Report recommendation for the reasons given in the Natural Hazards topic Officer’s Report. Specifically, Rule INFR-R9 as amended in the Infrastructure Officers’ Report Appendix A “Infrastructure Chapter” dated 13 January 2025 addresses the recommendations in the Natural Hazards Officer’s Report. That said, as a consequence of the S42A recommendation, Transpower suggests that consideration is given to the addition of exemptions for critical infrastructure within the new Natural Hazards chapter rules

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	Transpower opposes Rules NH-R4 on the basis that the Rule, insofar as it relates to the National Grid, fails to give effect to the NPSET. Non-complying activity status does not give effect to the NPSET; is more stringent than the 'avoid, remedy or mitigate' direction in the SRPS; and is inconsistent with Policy NH-P6 that does not prevent critical infrastructure that has an operational need or functional need for its location. Further, it is not clear why infrastructure that is not 'critical' is not similarly managed (and therefore is subject to a less stringent rule regime). Transpower considers that the development of critical infrastructure in the Mataura River Floodway may be better managed under Rule INFR-R9 and excluded from Rule NH-R4.	<i>recognises functional needs and operational needs of infrastructure, which in turn is consistent with the RPS policy direction. On this basis the deletion of 'critical infrastructure' from NH-R4 and NH-R5 can be accepted.</i> 386. <i>Notwithstanding the above, I note that in accepting the amendment there is a gap in the application of INFR-R9 in that it does not address infrastructure within all three identified hazard overlays. Rule INFR-R9 only addresses infrastructure within the Mataura River Floodway and does not reference the Actual and Potential Inundation area, which represents a 'significant risk' hazard area. It also does not address infrastructure within the Stopbank Protection area. This results in an inconsistency with rule INFR-R9 not fully implementing policy NH-P6. I note Transpower requested NH-P6 be amended to ensure the identified and mapped hazard overlays were clarified which was accepted. As such, I recommend rule INFR-R9 be amended to include reference to the other hazard overlays as follows:</i> <i>“(d) Is critical infrastructure in the Mataura River Floodway, <u>Actual</u></i>	where these matters are otherwise regulated by INFR-R9. For example, NH-R4 “Earthworks and land disturbance within areas subject to Natural Hazards (Flooding)” and NH-R6 “The construction of new buildings, including conversion of existing buildings within areas subject to Actual and Potential Inundation”.
101.044 Natural Hazards – NH Rule NH-R5 Buildings or structures located on the river side of a stopbank	Oppose, amend Rule NH-R5 as follows: “Activity Status: Non-complying Where: The activity <u>is not infrastructure and</u> involves constructing new buildings or structures, or additions to an existing building or structure on the river side of a Southland Regional Council stopbank.” As a consequence, amend Rule INFR-R9 as follows:		

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	“Activity status: Discretionary Where: - The establishment of new infrastructure <u>that has foundations</u> within: - 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, a Site of Significance to Māori or an Archaeological Site <u>(x) land outside of a river and inside of the river side of a Southland Regional Council stopbank”</u> Transpower opposes Rule NH-R5 and considers that it is not clear whether the Rule is intended to regulate infrastructure activities. On the assumption that Rule NH-R5 is intended to apply to the National Grid, Transpower considers that the Rule fails to give effect to the NPSET. The National Grid has an operational need and a functional need to be located on the river side of a stop bank (being linear infrastructure that must cross rivers). The non-complying activity status does not give effect to the NPSET; is more stringent than the	<u>and Potential Inundation area or the Stopbank Protection area”</u> 387. I also note the infrastructure chapter clarifies the scope to which provisions throughout the plan apply in relation to infrastructure activities. Note 1 states the infrastructure provisions apply in addition to the other district wide chapters but that the rules and standards in the zone chapters do not apply to infrastructure (unless expressly identified in the infrastructure chapter). 388. Accordingly, the provisions within the natural hazard chapter apply in addition to the infrastructure provisions. Therefore, to avoid confusion it is necessary to expressly exclude ‘critical infrastructure’ from rules NH-R4 and NH-R5 as a consequence of it being addressed within INFR-R9. The request to specifically exempt the infrastructure references within clause 1(a) of NH-R4 and clause 1 of NH-R5 is accepted to avoid duplication with INFR-R9 and clarify the application of the two rules. However, I recommend this be addressed as an exception under the rule.”	

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	'avoid, remedy or mitigate' direction in the SRPS; and is inconsistent with Policy NH-P6 that does not prevent critical infrastructure that has an operational need or functional need for its location. Transpower considers that the development of critical infrastructure in the on the river side of stopbanks may be better managed under Rule INFR-R9 and excluded from Rule NH-R5.		
101.45 Natural Hazards – NH Rule NH-R6 The establishment of critical infrastructure on land subject to a high or very high risk of liquefaction.	Oppose, delete Rule NH-R6 in its entirety. As a consequence, amend Rule INFR-R4 as follows: "Activity status: Discretionary Where: 1. The establishment of new infrastructure <u>that has foundations</u> within: (a) an Outstanding Natural Landscape or Feature (b) a Significant Natural Area (c) 20m of the Mataura River (d) a site containing an item on the Heritage Schedule, a Notable Tree, a Site of Significance to Māori or an Archaeological Site <u>(x) land subject to a high or very high risk of liquefaction, where the infrastructure is critical infrastructure"</u>	The Section 42A Report recommends that Transpower's submission be accepted and comments as follows: <i>"404. The scope of rule NH-R6 is limited to the establishment of critical infrastructure on land subject to high or very high risk of liquefaction. These areas are identified as a layer on the PDP planning maps. There are four distinct areas of 'High' liquefaction identified in the eastern part of the Gore District, all within the General Rural Zone. There are no identified areas of 'Very High' liquefaction. Figure 1 below shows the location of the four 'High' liquefaction areas with the redlines indicating Transpower transmission lines.</i>	See row above. Transpower supports the Officer's Report recommendation for the reasons given in the Natural Hazards topic Officer's Report.

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	Transpower opposes Rules NH-R6 on the basis that the Rule, insofar as it relates to the National Grid, fails to give effect to the NPSET. The non-complying activity status does not give effect to the NPSET; is more stringent than the 'avoid, remedy or mitigate' direction in the SRPS; and is inconsistent with Policy NH-P6 that does not prevent critical infrastructure that has an operational need or functional need for its location. Further, it is not clear why infrastructure that is not 'critical' is not similarly managed (and therefore is subject to a less stringent rule regime. Further, the Natural Hazards Section 32 Report fails to clearly articulate the risk of liquefaction to the National Grid, such that non-complying activity status is necessary or appropriate. In this regard, it is noted that liquefaction did not significantly compromise the National Grid during the Christchurch earthquakes and that the National Grid is designed to be resilient to the natural hazards in any given receiving environment. Transpower considers that the development of critical infrastructure on land subject to a high or very high risk of liquefaction may be better managed under Rule INFR-R9 and Rule NH-R6 may be deleted.	 <i>Figure 1: Extract from the Proposed District Plan Maps showing location of 'High' liquefaction areas. The red lines are Transpower transmission lines.</i> <i>"405. Transpower advises that liquefaction did not significantly compromise the national grid during the Christchurch earthquake and furthermore the national grid is designed to be resilient to natural hazards in any given receiving environment. I acknowledge this noting the duties on lifeline utility providers under s60(a) of the CDEM Act 2002 to ensure lifeline utilities can function both during and after an emergency. I also note that none of the transmission routes or other 'critical infrastructure' utilities are located within the identified high liquefaction areas. While the likelihood of critical infrastructure occurring in these areas is low given</i>	

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		<i>the limited number, location and area of the identified 'High' liquefaction sites I do still consider the risk should be appropriately managed where new infrastructure is proposed. Therefore, I agree the non-complying activity status does not align with the policy direction of NH-P6 and that it would be more appropriate to manage as a discretionary activity under rule INFR-R9 with the liquefaction maps identifying the scale of risk. The Transpower submission can therefore be accepted."</i>	