

Proposed Selwyn District Plan



Section 42A Report

Report on submissions and further submissions

Energy and Infrastructure

Vicki Barker

23 August 2021

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List of submitters and further submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
DPR-0019	Sue Jarvis	
DPR-0032	Christchurch City Council	CCC
DPR-0068	MetroPort Christchurch	MetroPort
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	Chorus
DPR-0126	Foster Commercial	
DPR-0142	New Zealand Pork Industry Board	NZ Pork
DPR-0157	Kevin & Bonnie Williams	
DPR-0183	Adrian McFedries (Rein in the Range Group)	
DPR-0207	Selwyn District Council	SDC
DPR-0209	Manmeet Singh	
DPR-0210	M O Hely	
DPR-0211	William Trolove	
DPR-0212	Ellesemere Sustainable Agriculture Incorporated	
DPR-0252	Lance Roper	
DPR-0260	Canterbury Regional Council	CRC
DPR-0269	Heritage New Zealand Pouhere Taonga	HNZ
DPR-0289	Murray Tyson	
DPR-0298	Trices Road Re-zoning Group	
DPR-0300	Ara Poutama Aotearoa The Department of Corrections	Corrections
DPR-0301	Upper Waimakariri/Rakaia Group	UWRG
DPR-0312	John Graham Miller	
DPR-0353	Horticulture New Zealand	Hort NZ
DPR-0358	Rolleston West Residential Limited	RWRL
DPR-0359	Fire and Emergency New Zealand	FENZ
DPR-0363	Iport Rolleston Holdings Limited	IRHL
DPR-0367	Orion New Zealand Limited	Orion
DPR-0370	Fonterra Limited	Fonterra
DPR-0371	Christchurch International Airport Limited	CIAL
DPR-0372	Dairy Holdings Limited	
DPR-0374	Rolleston Industrial Holdings Limited	RIHL
DPR-0375	Waka Kotahi NZ Transport Agency	Waka Kotahi
DPR-0378	The Ministry of Education	MoE
DPR-0380	Canterbury Aero Club	
DPR-0384	Rolleston Industrial Developments Limited	RIDL
DPR-0388	Craigmore Farming Services Limited	
DPR-0390	Rakaia Irrigation Limited	RIL
DPR-407	Royal Forest & Bird Protection Society of New Zealand Inc.	Forest & Bird
DPR-0414	Kāinga Ora - Homes & Communities	Kāinga Ora
DPR-0415	Fulton Hogan Limited	
DPR-0420	Synlait Milk Limited	Synlait
DPR-0422	Federated Farmers of New Zealand - North Canterbury	Fed Farmers
DPR-0427	Lou Sanson, Director-General of Conservation	DoC
DPR-0441	Trustpower Limited	Trustpower
DPR-0446	Transpower New Zealand Limited	Transpower
DPR-0448	New Zealand Defence Force	NZDF
DPR-0453	Midland Port, Lyttelton Port Company Limited	LPC
DPR-0454	Central Plains Water Limited	CPW
DPR-0456	Four Stars Development & Gould Developments Ltd	

DPR-0458	KiwiRail Holdings Limited	KiwiRail
DPR-0461	Dunweavin 2020 Ltd	
DPR-0492	Kevler Development Ltd	
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	
DPR-0547	Chris Trengrove	
DPR-0565	Shelley Street Holdings Ltd	

Please refer to **Appendix 1** to see where each submission point is addressed within this report.

Abbreviations

Abbreviations used throughout this report are:

Abbreviation	Full text
APP	Appendix
CE	Coastal Environment
CERA	Canterbury Earthquake Recovery Authority
CMUZ	Commercial and Mixed Use Zone
Council	Selwyn District Council
CRPS	Canterbury Regional Policy Statement 2013
DEV	Development Area
DPZ	Dairy Processing Zone
EI	Energy and Infrastructure
EIB	Ecosystems and indigenous biodiversity
EPR	Earth Potential Rise
EW	Earthworks
GIZ	General Industrial Zone
GRUZ	General Rural Zone
GRZ	General Residential Zone
HH	Historic Heritage
IMP	Mahaanui Iwi Management Plan 2013
LCZ	Local Centre Zone
MPZ	Maori Purpose Zone
NATC	Natural Character
NCZ	Neighbourhood Centre Zone
NESTA	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESTF	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016
NFL	Natural Features and Landscapes
NH	Natural Hazard
NPS	National Planning Standards
NPSET	National Policy Statement on Electricity Transmission 2008
NPS-REG	National Policy Statement - Renewable Electricity Generation
NPS-UD	National Policy Statement on Urban Development 2020
NZCEP	New Zealand Electrical Code of Practice for Electrical Safe Distances 2001 (NZCEP 34:2001)
NZCPS	New Zealand Coastal Policy Statement
ODP	Outline Development Plan
PDP	Proposed Selwyn District Plan
Planning Standards	National Planning Standards
PORTZ	Port Zone
RESZ	Residential Zone
RMA	Resource Management Act 1991
SASM	Sites and Areas of Significance to Maori
SD	Strategic Directions
SETZ	Settlement Zone
SIGN	Signs
SKIZ	Porters Ski Zone
SUB	Subdivision
TCZ	Town Centre Zone

TEMP	Temporary Activities
TRAN	Transport
TREE	Notable Trees
WHO	World Health Organisation

1. Purpose of report

- 1.1 This report is prepared under s42A of the RMA in relation to the EI Chapter in the PDP. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on this topic and to make recommendations on either retaining the PDP provisions without amendment or making amendments to the PDP in response to those submissions.
- 1.2 The recommendations are informed by the evaluation undertaken by myself as the planning author. In preparing this report I have had regard to the s42A report on Strategic Directions prepared by Mr Robert Love and the Overview s42A report that addresses the higher order statutory planning and legal context, also prepared by Mr Love.
- 1.3 The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2. Qualifications and experience

- 2.1 My full name is Vicki Ann Barker. I have been engaged by the Council as a consultant planner. My qualifications include a Bachelor of Science and a Masters in Planning Practice (Hons) from the University of Auckland.
- 2.2 I have 24 years' experience as a resource management planner, with this work including central government, local government and private consultancy experience. I am the Managing Director of Barker Planning, a consultancy based in Christchurch. Prior to establishing Barker Planning I was a Senior Policy Advisor in the Resource Management Practice Team at the Ministry for the Environment and was principally involved in earthquake recovery related matters, RMA reform and RMA best practice advice. I have also held planning roles within local government, at multi-disciplinary global firms, and at a Christchurch based planning consultancy.
- 2.3 I was engaged as a consultant to the CERA to assist with the Crown response to the Christchurch Replacement District Plan process. In this role I was involved in co-ordinating government department submissions, further submissions, and producing and presenting evidence on behalf of the Crown at the Christchurch Replacement District Plan Hearings.
- 2.4 I have been engaged by the Council since 2017 to assist with the development of the PDP. I was responsible for the drafting of the Noise and DPZ Chapters, managed the Signs and Light Chapters as Topic Lead, and latterly was involved in the drafting of the Light Chapter. I was also an interim Topic Lead in relation to the Transport Chapter. I have had input into the drafting of the emergency services, airfield and West Melton Aerodrome provisions of the EI Chapter.
- 2.5 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 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.

3. Scope of report and topic overview

- 3.1 This report considers the submissions and further submissions that were received in relation to the EI Chapter. The provisions related to 'important infrastructure' are also addressed in the s42a report for Strategic Directions and the reports should be read together. The Part 1 - Introduction and General Provisions s42a Report addresses definitions and addresses the 'Maintenance or Repair' definition which is also relevant to the EI Chapter, but the remainder of the definitions most relevant to the EI Chapter are addressed in this report. No other relevant s42a reports are available at the time of the completion of this report.
- 3.2 Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 2** to this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where no amendments are recommended to a provision, submissions points that sought the retention of the provision without amendment are not footnoted. Where it is considered that an amendment may be appropriate but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. **Appendix 2** also contains a table setting out recommended amendments to the PDP Planning Maps.
- 3.3 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. A number of alterations have already been made to the PDP using cl.16(2) and these are documented in reports available on the Council's website¹. Where a submitter has requested the same or similar changes to the PDP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments and identified by way of a footnote in this s42A report.
- 3.4 **Appendix 3** contains a range of submissions from Orion that seek to insert EI provisions into other chapters of the PDP due to concerns with the structure of the EI Chapter. These submission points have been collated into a separate Appendix due to the sheer volume and so they can be distinguished from the list of submission points that seek specific changes to the EI Chapter in Appendix 1.

4. Statutory requirements and planning framework

Resource Management Act 1991 (RMA)

- 4.1 The PDP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations². Regard is also to be given to the CRPS, any regional plan, district plans of adjacent territorial authorities, and the IMP.

¹ 3 February Clause 16 Report to Council addressed EIB-R1.24b - incorrect cross reference; EIB-R1.27 - incorrect rule numbering; EWI - Note for plan users

² Section 74 RMA

- 4.2 As set out in the [‘Overview’ Section 32 Report](#), and [‘Overview’ s42a Report](#), there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.
- 4.3 The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:
- [Strategic Directions](#);
 - [Network Utilities and Important Infrastructure](#)
 - [Renewable Electricity Generation](#)
 - [West Melton Aerodrome](#)
 - [Transport](#)
- 4.4 All recommended amendments to provisions since the initial s32 evaluation was undertaken must be documented in a subsequent s32AA evaluation. There has been limited change in approach recommended from that which was otherwise covered by the original s32 report. A s32AA evaluation has been completed in association with EI-R26 only.

National Policy Statements

National Policy Statement for Electricity Transmission 2008 (NPSET)

- 4.5 The NPSET sets out the objective and related policies to enable the management of the effects of the electricity transmission network under the RMA. Within four years of approval of the policy statement (which was Gazetted in March 2008), Councils are required to change their district plan to give effect to its provisions.
- 4.6 The NPSET explains that the transmission of electricity through the National Grid is vital to the well-being of New Zealand, and that as an extensive and linear system, it is important that there is consistency in the policy and regulatory approach adopted by local authorities.
- 4.7 The objective of the national policy statement is: *To recognise the national significance of the electricity network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*
- *Managing the adverse environmental effects of the network; and*
 - *Managing the adverse effects of other activities on the network.*
- 4.8 The policies of the national policy statement most relevant to the District Plan Review require:
- Decision-makers to recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network (Policy 2);

- When considering measures to avoid, remedy or mitigate adverse environmental effects of transmission activities, decision-makers must consider that there are constraints on achieving those measures due to the technical and operational requirements of the network (Policy 3);
- When considering environmental effects associated with transmission assets, decisionmakers must enable the reasonable operational, maintenance and minor up-grades of established transmission assets (Policy 5);
- Decision-makers must, to the extent reasonably possible, manage activities to avoid reverse sensitivity effects on the National Grid and to ensure that operation, maintenance, upgrading and development of the electricity transmission network is not compromised (Policy 10);
- The District Council must consult with Transpower to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for (Policy 11); and
- The National Grid must be shown on planning maps (Policy 12).

4.9 The NPSET recognises that the facilities, structures and activities associated with the transmission of electricity can create environmental effects and that these may potentially be significant. It is noted that whilst these effects may be local, the benefits of the National Grid are regional and national. The policy statement identifies that there are technical, operational and security requirements which can limit the extent to which it is possible to avoid or mitigate adverse environmental effects. In reverse, the activities of third parties may constrain the operation, maintenance and development of the transmission network.

4.10 The NPSET advises that in order to meet electricity demands and to meet objectives for a renewable energy future, on-going investment and significant upgrades to the national grid should be anticipated.

4.11 The NPSET is directly relevant to the PDP as the National Grid traverses Selwyn District and includes approximately 1,596km of overhead transmission lines as well as substations and telecommunication assets. Accordingly, there are National Grid assets and activities that require enabling and management in accordance with the NPSET. In addition, it is possible that in the future there may be new structures or activities associated with the National Grid that are to be enabled and managed. Section 75(3) of the RMA states that a District Plan must give effect to a National Policy Statement. The NPSET also includes definitions for the National Grid and sensitive activities.

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

4.12 The NPS-REG sets out the national objective and policies for renewable electricity generation under the RMA. The NPS-REG requires District Councils to include objectives, policies and methods to provide for renewable electricity generation activities at a local level, including for the development of small and community scale REG projects. The NPS-REG requires local authorities to adopt a positive and proactive policy response to providing for renewable electricity generation activities in policy statements and plans that apply at national, regional and local levels.

New Zealand Coastal Policy Statement (NZCPS)

- 4.13 The NZCPS describes a number of key issues facing the coastal environment of New Zealand. Amongst the list of issues is “demand for coastal sites for infrastructure uses (including energy generation) to meet the social and cultural needs of people and communities” and the threat of coastal erosion and other natural hazards on existing infrastructure. The objectives place an emphasis on protecting coastal processes, ecosystems, natural character and landscape, with Objective 6 identifying that protection of those values does not preclude use and development in appropriate places and forms, and within appropriate limits.
- 4.14 Policy 6 provides specific recognition that the provision of infrastructure is important to the social, economic and cultural wellbeing of people and communities and Policy 25 encourages the location of infrastructure away from areas of hazard risk where practicable. Whilst there are limited network utilities in the Selwyn District coastal environment, these matters will still need to be addressed in the PDP (to an appropriate degree) as Section 75(3) of the RMA states that a District Plan must give effect to a National Policy Statement.

National Environmental Standards

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

- 4.15 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.
- 4.16 The high voltage electricity transmission lines in Selwyn District were all commissioned prior to January 2010 and are therefore deemed to be existing lines under the NESTA. 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)

- 4.17 The NESTF provide nationally consistent technical standards or requirements for ‘facility operators’ such as Chorus 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.
- 4.18 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.

- 4.19 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 Planning Standards

- 4.20 As set out in the [PDP Overview s42A Report](#), the Planning Standards were introduced to improve the consistency of council plans and policy statements. The Planning Standards were gazetted and came into effect on 5 April 2019. The PDP must be prepared in accordance with the Planning Standards.
- 4.21 The Planning Standards require that all provisions relating to energy and infrastructure that are not specific to a Special Purpose Zone, be included in the Energy, Infrastructure and Transport Chapter. Effectively this requires the Energy, Infrastructure and Transport Chapter to be stand-alone. The PDP contains a separate EI and Transport Chapter under the Energy, Infrastructure and Transport Heading. The objectives, policies and rules relating to roads as a utility or asset, and the management of activities on the roads, are addressed in the Transport Chapter.
- 4.22 The Planning Standards advise that the provisions may include noise-related metrics and noise measurement relating to infrastructure. The EI Chapter references the Noise Chapter in this regard. The Noise and Vibration Standards also require any district plan rule to manage noise emissions consistent with noise measurement methods in the New Zealand Standards, which in this case includes New Zealand Standard 6808:2010 Acoustics - Wind farm noise; and New Zealand Standard 6803:1999 Acoustics - Construction noise, New Zealand Standard 6801:2008 Acoustics - Measurement of environmental sound, New Zealand Standard 6802:2008 Acoustics - Environmental noise.
- 4.23 The provisions may also manage reverse sensitivity effects between infrastructure and other activities. The rules relating to noise and reverse sensitivity in respect of important infrastructure are contained in the Noise Chapter. Cross references to provisions in Special Purpose Zones must also be provided and Zone Chapters must cross-reference to the EI Chapter.
- 4.24 The Planning Standards also provide for specific controls which spatially identify where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area. Specific controls are to be located in the relevant chapter or sections. Specific controls are proposed for the West Melton Aerodrome with an underlying zoning of General Rural.
- 4.25 The Planning Standards also contain a number of definitions relevant to the EI Chapter, but do not specifically contain any relevant definitions regarding renewable electricity generation.

Canterbury Regional Policy Statement

- 4.26 The relevant chapters of the CRPS are Chapter 5 Land Use and Infrastructure, Chapter 6 Recovery and Rebuilding of Greater Christchurch, and Chapter 16 Energy. The section 32 reports referred to in paragraph 4.3 above contain an overview of the relevant CRPS definitions, infrastructure issues, objectives and policies, and should be referred to in conjunction with this report.

5 Procedural matters

- 5.1 At the time of writing this s42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
- 5.2 There are not considered to be any other procedural matters to note.

6 Consideration of submissions

Overview of submissions

- 6.1 41 submissions were received in relation to this Topic and approximately 837 submission and further submission points. The majority of the submission points came from 'important infrastructure' operators, with relatively few submissions from the general public, which is expected given the nature of the EI Chapter. Overall, it is considered that no significant issues have been raised with the Chapter and the amendments sought are considered to be relatively minor refinements, with the exception of the new and more comprehensive bird strike provisions sought by CIAL.

Structure of this report

- 6.2 The report has been structured in accordance with the Chapter Structure and follows that sequence. Definitions are addressed firstly given they are relevant to the EI Chapter as a whole. Requested new provisions have been addressed subsequent to related provisions. Other matters including mapping issues, non-notification clauses, bird strike, SUB-R16 and minor/other matters are addressed toward the end of the report.

7 Definitions

Introduction

- 7.1 The Definitions Chapter is subject to its own Hearing (Hearing 2), however there are a number of submissions relating to definitions which are specifically relevant to and integral to the drafting of the EI Chapter that are considered to be more efficiently addressed as part of this report.

Submissions

- 7.2 73 submission points and 64 further submission points were received in relation to 22 definitions considered most relevant to the EI Chapter.
- 7.3 Most of the submissions are seeking amendments to existing definitions, but a number also seek that new definitions be inserted in the PDP. The greatest number of submission points were received in relation to the 'important infrastructure' definition which is particularly integral to understanding the EI Chapter provisions and the management of infrastructure which is considered important in the Selwyn context.

7.4 Submissions relating to the existing 'Bird Strike' definition and the new 'Bird Strike Risk Activity' definition sought by CIAL are addressed in section 62 in relation to the broader bird strike issue and package of provisions sought by CIAL.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0378	The Ministry of Education	008	Additional Infrastructure (NEW)	Oppose	Insert new definition as follows: <u>Additional Infrastructure means:</u> <u>a. public open space</u> <u>b. community infrastructure as defined in section 197 of the Local Government Act 2002</u> <u>c. land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities</u> <u>d. social infrastructure, such as schools and healthcare facilities</u> <u>e. a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)</u> <u>f. a network operated for the purpose of transmitting or distributing electricity or gas.</u>
DPR-0353	Horticulture New Zealand	035	Airfield	Oppose In Part	Amend as follows: Any area of land intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, excluding helicopters. <u>For the purposes of this plan airfields do not include commercial airports.</u>
DPR-0422	Federated Farmers of New Zealand - North Canterbury	020	Airfield	Support In Part	Amend as follows: <u>For the purposes of this plan, airfields do not include commercial airports.</u>
DPR-0212	Ellesmere Sustainable Agriculture Incorporated	001	Artificial Watercourse	Support	Retain as notified.
DPR-0372	Dairy Holdings Limited	002	Artificial Watercourse	Support	Retain as notified
DPR-0390	Rakaia Irrigation Limited (RIL)	002	Artificial Watercourse	Support	Retain as notified.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	026	Artificial Watercourse	Support	Retain as notified
DPR-0441	Trustpower Limited	007	Artificial Watercourse	Support	Retain as notified
DPR-0353	Horticulture New Zealand	062	Artificial Waterway (New)	Support	Define 'artificial waterway'.
<i>DPR-0372</i>	<i>Dairy Holdings Limited</i>	<i>FS034</i>	<i>New</i>	<i>Support</i>	<i>Accept the submission.</i>
<i>DPR-0388</i>	<i>Craigmore Farming Services Limited</i>	<i>FS006</i>	<i>New</i>	<i>Support</i>	<i>Accept the submission.</i>

DPR-0390	Rakaia Irrigation Limited (RIL)	FS006	New	Support	Accept the submission.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	297	Artificial Waterway (New)	Oppose In Part	Define 'artificial waterway'.
DPR-0427	Lou Sanson, Director-General of Conservation	FS005	New	Oppose	Decision not specified
DPR-0441	Trustpower Limited	005	Coleridge Hydro Electric Power Scheme	Support	Retain as notified
DPR-0353	Horticulture New Zealand	041	Electricity Distribution	Oppose In Part	That Council ensure that definitions relating to electricity distribution are used in the Plan and are required.
DPR-0367	Orion New Zealand Limited	FS001	Electricity Distribution	Oppose	Reject the submission point
DPR-0353	Horticulture New Zealand	042	Electricity Distribution	Oppose In Part	That Council revises the PDP so that infrastructure is separated into regionally significant infrastructure as per the CRPS and other infrastructure that is important to Selwyn district.
DPR-0367	Orion New Zealand Limited	FS003	Electricity Distribution	Oppose	Reject the submission point
DPR-0367	Orion New Zealand Limited	010	Electricity Distribution	Support In Part	Amend as follows: The conveyance of electricity utilising electricity distribution lines, cables, support structures, substations, transformers, switching stations, kiosks, cabinets and ancillary buildings and structures, including communication equipment, by a network utility operator. <u>This includes Orion New Zealand Limited assets shown on the planning maps.</u>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS579	Electricity Distribution	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	039	Electricity Distribution	Oppose In Part	Requests Council review and ensure that definitions relating to electricity distribution are used in the Plan and are required.
DPR-0367	Orion New Zealand Limited	FS016	Electricity Distribution	Oppose	Reject the submission point
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS079	Electricity Distribution	Support	Accept the definition
DPR-0353	Horticulture New Zealand	043	Electricity Distribution Line	Oppose In Part	That Council revises the PDP so that infrastructure is separated into regionally significant infrastructure as per the CRPS and other

					infrastructure that is important to Selwyn district.
DPR-0367	Orion New Zealand Limited	FS004	Electricity Distribution Line	Oppose	Reject the submission point
DPR-0353	Horticulture New Zealand	044	Electricity Distribution Line	Oppose In Part	That Council ensure that definitions relating to electricity distribution are used in the Plan and are required.
DPR-0367	Orion New Zealand Limited	FS002	Electricity Distribution Line	Oppose	Reject the submission point
DPR-0367	Orion New Zealand Limited	011	Electricity Distribution Line	Support In Part	Amend as follows: The lines and associated support structures utilised by a network utility operator for electricity distribution. <u>This includes Orion New Zealand Limited assets shown on the planning maps.</u>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS580	Electricity Distribution Line	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	292	Electricity Distribution Line	Oppose In Part	Request Council to review and ensure that definitions relating to electricity distribution are used in the Plan and are required.
DPR-0367	Orion New Zealand Limited	FS017	Electricity Distribution Line	Oppose	Reject the submission point
DPR-0359	Fire and Emergency New Zealand	003	Emergency Services	Support	Retain as notified
DPR-0448	New Zealand Defence Force	001	Emergency Services	Support In Part	Amend to include the New Zealand Defence Force
DPR-0359	Fire and Emergency New Zealand	004	Emergency Services Facility	Support	Retain as notified
DPR-0068	MetroPort Christchurch (MetroPort)	001	Important Infrastructure	Support	Retain the definition of Important infrastructure in particular the reference to Inland Ports.
DPR-0260	Canterbury Regional Council (Environment Canterbury)	179	Important Infrastructure	Support	Retain as notified.
DPR-0375	Waka Kotahi NZ Transport Agency	FS005	Important Infrastructure	Support In Part	Waka Kotahi would want to ensure that if 'Important Infrastructure' was replaced with a new or existing term then the State Highway infrastructure is still recognised, and the opportunity is made for all parties to consider an alternative agreeable term.
DPR-0300	Ara Poutama Aotearoa the Department of Corrections	001	Important Infrastructure	Support In Part	Amend as follows and make any consequential amendments required: t. Rolleston Prison.

DPR-0353	Horticulture New Zealand	046	Important infrastructure	Oppose In Part	Delete the definition and usage of 'important infrastructure' and replace with critical infrastructure and regionally significant infrastructure as in the CRPS.
DPR-0367	Orion New Zealand Limited	FS008	Important infrastructure	Oppose	Reject the submission point
DPR-0375	Waka Kotahi NZ Transport Agency	FS006	Important infrastructure	Support In Part	Waka Kotahi would want to ensure that if 'Important Infrastructure' was replaced with a new or existing term then the State Highway infrastructure is still recognised, and the opportunity is made for all parties to consider an alternative agreeable term.
DPR-0353	Horticulture New Zealand	047	Important infrastructure	Oppose In Part	That Council revises the PDP so that infrastructure is separated into regionally significant infrastructure as per the CRPS and other infrastructure that is important to Selwyn district.
DPR-0367	Orion New Zealand Limited	FS005	Important infrastructure	Oppose	Reject the submission point
DPR-0375	Waka Kotahi NZ Transport Agency	FS007	Important infrastructure	Support In Part	Waka Kotahi would want to ensure that if 'Important Infrastructure' was replaced with a new or existing term then the State Highway infrastructure is still recognised, and the opportunity is made for all parties to consider an alternative agreeable term.
DPR-0359	Fire and Emergency New Zealand	006	Important Infrastructure	Support	Retain as notified
DPR-0367	Orion New Zealand Limited	014	Important Infrastructure	Support	Retain as notified.
DPR-0353	Horticulture New Zealand	FS021	Important Infrastructure	Oppose In Part	Reject
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS583	Important Infrastructure	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0370	Fonterra Limited	007	Important infrastructure	Support	Retain as notified
DPR-0209	Manmeet Singh	FS740	Important infrastructure	Oppose In Part	Reject submission in part
DPR-0371	Christchurch International Airport Limited	006	Important infrastructure	Support	Retain as notified
DPR-0353	Horticulture New Zealand	FS071	Important infrastructure	Oppose	Reject
DPR-0375	Waka Kotahi NZ Transport Agency	002	Important Infrastructure	Support	Retain as notified.
DPR-0420	Synlait Milk Limited	001	Important Infrastructure	Support	Retain as notified

DPR-0422	Federated Farmers of New Zealand - North Canterbury	051	Important Infrastructure	Oppose In Part	Delete definition in its entirety and replace with 'critical infrastructure' and 'regionally significant infrastructure' as defined in the CRPS.
DPR-0367	Orion New Zealand Limited	FS018	Important Infrastructure	Oppose	Reject the submission point
DPR-0370	Fonterra Limited	FS001	Important Infrastructure	Oppose	Reject submission.
DPR-0375	Waka Kotahi NZ Transport Agency	FS008	Important Infrastructure	Support In Part	Waka Kotahi would want to ensure that if 'Important Infrastructure' was replaced with a new or existing term then the State Highway infrastructure is still recognised, and the opportunity is made for all parties to consider an alternative agreeable term.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS084	Important Infrastructure	Support	Accept the submission
DPR-0427	Lou Sanson, Director-General of Conservation	012	Important Infrastructure	Oppose	Delete the definition for important infrastructure and include a reference to the definition of 'critical infrastructure' in the CRPS.
DPR-0301	Upper Waimakariri/Rakaia Group (UWRG)	FS154	Important Infrastructure	Support	Allow in full
DPR-0375	Waka Kotahi NZ Transport Agency	FS009	Important Infrastructure	Support In Part	Waka Kotahi would want to ensure that if 'Important Infrastructure' was replaced with a new or existing term then the State Highway infrastructure is still recognised, and the opportunity is made for all parties to consider an alternative agreeable term.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS179	Important Infrastructure	Support	Accept the submission
DPR-0441	Trustpower Limited	016	Important Infrastructure	Oppose	Amend as follows: Amend as follows: Important Regionally significant infrastructure
DPR-0353	Horticulture New Zealand	FS052	Important Infrastructure	Support In Part	Accept in part to the extent that the framework for infrastructure is amended as sought by HortNZ.
DPR-0367	Orion New Zealand Limited	FS024	Important Infrastructure	Oppose	Reject the submission point
DPR-0375	Waka Kotahi NZ Transport Agency	FS010	Important Infrastructure	Support In Part	Waka Kotahi would want to ensure that if 'Important Infrastructure' was replaced with a new or existing term then the State Highway infrastructure is still recognised, and the opportunity is made for all

					<i>parties to consider an alternative agreeable term.</i>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS046	Important Infrastructure	Support	Accept
DPR-0446	Transpower New Zealand Limited	005	Important infrastructure	Support In Part	Amend as follows: Those necessary facilities, services, and installations which are critical or of significance to either New Zealand, Canterbury, or Selwyn. This may include but are not limited to: (f) <u>the National Grid</u> Electricity transmission networks
DPR-0448	New Zealand Defence Force	005	Important Infrastructure	Support	Retain as notified
DPR-0453	Midland Port, Lyttelton Port Company Limited	006	Important Infrastructure	Support	Retain as notified
DPR-0454	Central Plains Water Limited	001	Important Infrastructure	Support	Retain as notified
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	003	Important Infrastructure	Support	Retain as notified
DPR-0353	Horticulture New Zealand	052	Lifeline Utility	Oppose In Part	That Council revises the PDP so that infrastructure is separated into regionally significant infrastructure as per the CRPS and other infrastructure that is important to Selwyn district.
DPR-0367	Orion New Zealand Limited	016	Lifeline Utility	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS585	Lifeline Utility	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>
DPR-0371	Christchurch International Airport Limited	009	Lifeline Utility	Support	Retain as notified
DPR-0353	Horticulture New Zealand	FS074	Lifeline Utility	Oppose	Reject
DPR-0441	Trustpower Limited	010	Lifeline Utility	Support	Retain as notified
DPR-0367	Orion New Zealand Limited	018	Minor Utility Structure	Support In Part	Amend as follows: Any above ground box-like structure or enclosure associated with a network utility or that receives or transmits to or from any part of a network utility and includes: a. smart meters; b. cabinets; c. kiosks d. electricity junction pillars; e. transformers; f. switchgear;

					g. telecommunications plinths and pillars; h. link pillars; and i. irrigation supply offtake points.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS587	Minor Utility Structure	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower Limited	019	Minor Utility Structure	Support In Part	Amend as follows: Any above ground box-like structure or enclosure associated with a network utility or <u>renewable electricity generation</u> ; or that receives or transmits to or from any part of a network utility or <u>renewable electricity generation asset</u> and includes: ...
DPR-0454	Central Plains Water Limited	002	Minor Utility Structure	Support	Retain as notified
DPR-0353	Horticulture New Zealand	054	National Grid	Oppose In Part	That Council revises the PDP so that infrastructure is separated into regionally significant infrastructure as per the CRPS and other infrastructure that is important to Selwyn district.
DPR-0375	Waka Kotahi NZ Transport Agency	FS014	National Grid	Oppose In Part	Retain and amend the descriptions and definitions where appropriate.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	066	National Grid	Support	Retain as notified
DPR-0446	Transpower New Zealand Limited	007	National Grid	Support	Retain as notified
DPR-0353	Horticulture New Zealand	055	National Grid Subdivision Corridor	Oppose In Part	That Council revises the PDP so that infrastructure is separated into regionally significant infrastructure as per the CRPS and other infrastructure that is important to Selwyn district.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	067	National Grid Subdivision Corridor	Support	Retain as notified
DPR-0446	Transpower New Zealand Limited	008	National Grid Subdivision Corridor	Support In Part	Amend as follows: The area measured a. 14m either side of the centreline of <u>an above ground 66kV and 110kV National Grid-transmission line</u> lines on single poles ; b. 16m either side of the centreline of <u>an above ground 66kV National Grid transmission line on pi poles or triple poles</u> ; c. 32m either side of the centreline of <u>a 66kV National Grid transmission line on towers (and tubular steel monopoles where these replace</u>

					<p>towers);</p> <p>b-d. 37m either side of the centreline of an above ground 220kV National Grid national grid transmission line lines-on towers (and tubular steel monopoles where these replace towers);</p> <p>e.e. 39m either side of the centreline of an above ground 350kV National Grid national grid transmission line lines-on towers (and tubular steel monopoles where these replace towers).</p> <p>If necessary or desirable, the submitter can provide a diagram to accompany this definition.</p>
DPR-0414	Kāinga Ora - Homes & Communities	FS081	National Grid Subdivision Corridor	Oppose	Not specified
DPR-0353	Horticulture New Zealand	056	National Grid Yard	Oppose In Part	That Council revises the PDP so that infrastructure is separated into regionally significant infrastructure as per the CRPS and other infrastructure that is important to Selwyn district.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS468	National Grid Yard	Oppose In Part	Reject or accept with appropriate restrictions in the Coastal environment, Outstanding natural feature and landscape areas.
DPR-0414	Kāinga Ora - Homes & Communities	051	National Grid Yard	Oppose	Delete as notified
DPR-0157	Kevin & Bonnie Williams	FS143	National Grid Yard	Oppose In Part	Reject the submission in part
DPR-0209	Manmeet Singh	FS322	National Grid Yard	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS103	National Grid Yard	Oppose In Part	Reject submission
DPR-0353	Horticulture New Zealand	FS059	National Grid Yard	Support	Accept
DPR-0446	Transpower New Zealand Limited	FS044	National Grid Yard	Oppose	Disallow the submission.
DPR-0461	Dunweavin 2020 Ltd	FS129	National Grid Yard	Oppose In Part	Reject submission
DPR-0492	Kevler Development Ltd	FS728	National Grid Yard	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS123	National Grid Yard	Oppose In Part	Reject the submission points in part.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	068	National Grid Yard	Support	Retain as notified
DPR-0446	Transpower New Zealand Limited	009	National Grid Yard	Support In Part	<p>Amend as follows:</p> <p>The area measured</p> <p>a. 12m in any direction from the outer visible <u>edge of a</u> foundation of a National Grid national grid-support</p>

					<p>structure; and</p> <p>b. 12m either side of the centreline of <u>an above ground 220kV or 350kV National Grid transmission line overhead-national grid line on pi-poles and towers (and steel tubular monopoles where these replace towers);</u> and</p> <p>c. 10m either side of the centreline of <u>an above ground 66kV National Grid transmission line on single poles, pi poles, triple poles or towers an overhead-national grid line on single poles."</u></p> <p>If necessary or desirable, the submitter can provide a diagram to accompany this definition.</p>
DPR-0353	Horticulture New Zealand	FS059	National Grid Yard	Support	Accept
DPR-0367	Orion New Zealand Limited	019	Network Utility	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS588	Network Utility	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0446	Transpower New Zealand Limited	010	Network utility	Support	Retain as notified
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	009	Network Utility	Support	Retain as notified
DPR-0367	Orion New Zealand Limited	021	Pole	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS590	Pole	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower Limited	013	Renewable Electricity Generation	Support	Retain as notified
DPR-0441	Trustpower Limited	020	Renewable Electricity Generation Activities	Support In Part	<p>Amend as follows:</p> <p>The construction, operation, <u>and</u> maintenance, <u>upgrading, and</u> <u>enhancement</u> of structures associated with renewable electricity generation. This includes small and community-scale distributed electricity generation activities and electricity conveyance to the distribution network and/or the national grid and electricity storage technologies associated with renewable electricity.</p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS048	Renewable Electricity Generation Activities	Support In Part	Accept the inclusion of "upgrading".

DPR-0441	Trustpower Limited	021	Renewable Electricity Generation Investigations	Support In Part	Amend as follows: Monitoring and measuring equipment and activities for potential <u>or enhancement of existing</u> renewable electricity generation activities.
<i>DPR-0407</i>	<i>Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)</i>	<i>FS049</i>	<i>Renewable Electricity Generation Investigations</i>	<i>Oppose In Part</i>	<i>Accept but with the term “upgrading” instead of enhancement.</i>
DPR-0353	Horticulture New Zealand	074	Significant Electricity Distribution Line	Oppose In Part	That Council revises the PDP so that infrastructure is separated into regionally significant infrastructure as per the CRPS and other infrastructure that is important to Selwyn district.
<i>DPR-0367</i>	<i>Orion New Zealand Limited</i>	<i>FS006</i>	<i>Significant Electricity Distribution Line</i>	<i>Oppose</i>	<i>Reject the submission point</i>
DPR-0422	Federated Farmers of New Zealand - North Canterbury	083	Significant Electricity Distribution Line	Oppose	Delete as notified.
<i>DPR-0367</i>	<i>Orion New Zealand Limited</i>	<i>FS019</i>	<i>Significant Electricity Distribution Line</i>	<i>Oppose</i>	<i>Reject the submission point</i>
DPR-0353	Horticulture New Zealand	075	Significant Electricity Distribution Line (Islington to Springston)	Oppose In Part	That Council revises the PDP so that infrastructure is separated into regionally significant infrastructure as per the CRPS and other infrastructure that is important to Selwyn district.
<i>DPR-0367</i>	<i>Orion New Zealand Limited</i>	<i>FS007</i>	<i>Significant Electricity Distribution Line (Islington to Springston)</i>	<i>Oppose</i>	<i>Reject the submission point</i>
DPR-0422	Federated Farmers of New Zealand - North Canterbury	084	Significant Electricity Distribution Line (Islington to Springston)	Support	Retain as notified
<i>DPR-0407</i>	<i>Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)</i>	<i>FS095</i>	<i>Significant Electricity Distribution Line (Islington to Springston)</i>	<i>Support In Part</i>	<i>Accept</i>
DPR-0441	Trustpower Limited	023	Small and Community-Scale Distributed Electricity Generation Activities	Oppose	Delete as proposed

DPR-0353	Horticulture New Zealand	076	Small and Community-Scale Electricity Generation	Oppose In Part	That Council revises the PDP so that infrastructure is separated into regionally significant infrastructure as per the CRPS and other infrastructure that is important to Selwyn district.
DPR-0441	Trustpower Limited	024	Small and Community-Scale Electricity Generation	Support	Retain as notified
DPR-0378	The Ministry of Education	007	Social Infrastructure (New)	Oppose	Insert new definition as follows: <u>Social Infrastructure means:</u> <u>a. both privately and publicly owned community facilities (such as medical and health services and community corrections activities), Justice Facilities (such as police stations, courts and prisons), and Educational Facilities;</u> <u>b. public open space;</u> <u>c. community infrastructure as defined in the Local Government Act 2002;</u> <u>and includes any ancillary activities.</u>
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	FS005	Social Infrastructure (New)	Oppose	Disallow
DPR-0353	Horticulture New Zealand	FS045	Social Infrastructure (New)	Oppose	Reject
DPR-0415	Fulton Hogan Limited	FS006	Social Infrastructure (New)	Oppose	Disallow the submission.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS002	Social Infrastructure (New)	Oppose	Disallow the submission point.
DPR-0547	Chris Trengrove	FS001	Social Infrastructure (New)	Oppose In Part	Disallow in part
DPR-0446	Transpower New Zealand Limited	015	Tower	Support	Retain as notified

Analysis

- 7.5 **Additional Infrastructure** - MoE³ are seeking a new definition for 'Additional Infrastructure' to include: public open space; community infrastructure as defined in the Local Government Act; land transport not controlled by local authorities; schools and healthcare facilities; telecommunications networks; and electricity and gas networks. MoE are seeking that the definition be adopted, but note there is overlap with the 'infrastructure' definition.

³ 378-008 MoE

- 7.6 The definition proposed by MoE mirrors that contained in the NPS-UD and relates to national policy which directs local authorities to engage with providers of development infrastructure (network infrastructure and land transport) and additional infrastructure to achieve integrated land use and infrastructure planning, and that local authorities must be satisfied that the additional infrastructure to service development capacity is available.
- 7.7 There are already definitions and enabling provisions in the PDP that cover the matters raised in the relief sought consistent with the policy direction of the NPS-UD. In particular, the PDP includes a definition of 'Public place' and 'Public amenity' which includes buildings such as public toilets, shelters, playgrounds etc., which are enabled across the zones by way of permitted activity rules. 'Community facility' is also defined and enabled across the zones, and the Council also has the ability to designate land for the provision of community infrastructure. 'Land Transport infrastructure' is also separately defined, and the 'Infrastructure' definition covers (among other things) the telecommunication and network utility operation (electricity and gas).
- 7.8 Overall, a new definition of 'Additional infrastructure' is not considered necessary as there are existing proposed definitions which cover all of the matters raised, and introducing a new definition would result in unnecessary duplication and a lack of clarity. Furthermore, the corresponding Plan provisions are considered sufficiently enabling of such infrastructure consistent with the NPS-UD. Therefore, it is recommended to reject this submission point.
- 7.9 **Airfield** - Hort NZ⁴ and Fed Farmers⁵ support the use of the term 'Airfield' to differentiate between airports and airfields, but are seeking amendment to make it clear that an airfield excludes a "commercial airport". There is a separate definition of 'Airport' which has the same meaning as section 2 of the RMA (*airport means any defined area of land or water intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft*). The reason why there is a separate definition for 'airfield' was to create an activity which excluded helicopters, to deal with the two types of aircraft and their base of operations (airfields and helicopter landing areas) differently in the zone rules. Furthermore, all airfields are airports, but not all airports are airfields. Excluding airports from the airfield definition is then contradictory. In addition, the provisions related to the Christchurch International Airport and the West Melton Aerodrome are clearly distinct and there is no overlap with the airfield provisions, so excluding commercial airport is not considered necessary. Therefore, it is recommended that the submission points be rejected.
- 7.10 **Artificial Watercourse/Artificial Waterway** - Ellesmere Sustainable Agriculture Inc,⁶ Dairy Holdings Ltd⁷, RIL⁸, Fed Farmers⁹ and Trustpower¹⁰ support the 'artificial watercourse' definition as notified, which is recommended to be accepted. Hort NZ¹¹ and Fed Farmers¹² are seeking that 'artificial waterway' is defined as it is currently unclear what is intended by 'artificial waterway'. It is of note

⁴ 353-035 Hort NZ

⁵ 422-020 Fed Farmers

⁶ 212-001 Ellesmere Sustainable Agriculture Inc

⁷ 372-002 Dairy Holdings Limited

⁸ 390-002 RIL

⁹ 422-026 Fed Farmers

¹⁰ 441-007 Trustpower

¹¹ 353-062 Hort NZ

¹² 422-297 Fed Farmers

that ‘artificial waterway’ and not the defined term of ‘artificial watercourse’ is used in the associated rule (EI-R26), which is an error. It is recommended that EI-R26 be amended to refer to ‘artificial watercourse’ so that the rule links with the defined term, and as a result there is no need to add a definition of ‘artificial waterway’. EI-R26 is also addressed in section 40 of this report. Therefore, it is recommended that the Hort NZ and Fed Farmers submission points seeking a new ‘artificial waterway’ definition be rejected, and the submission points in support of the ‘artificial watercourse’ definition as notified be accepted.

- 7.11 **Coleridge Hydro Electric Power Scheme** - Trustpower¹³ seek that the definition is retained as notified, which is recommended to be accepted.
- 7.12 **Electricity Distribution/Electricity Distribution Line** - Both Hort NZ¹⁴ and Fed Farmers¹⁵ consider that there are multiple definitions and terms used for electricity distribution which is confusing and seek that definitions relating to electricity distribution used in the PDP are required to link to and provide clarity to necessary and existing provisions in the PDP. The ‘Electricity distribution’ definition describes how electricity is conveyed and the equipment required to distribute electricity, and the ‘Electricity distribution line’ definition specifically references the lines and associated support structures needed. I consider these definitions are clear and do not require amendment. Hort NZ¹⁶ also seeks revision so that ‘infrastructure’ is separated into regionally significant infrastructure as per the CRPS and other infrastructure important to Selwyn. Discussion around regionally significant and important infrastructure is addressed in paragraphs 7.20-7.21 below. It is recommended that the submission points be rejected.
- 7.13 Orion¹⁷ are seeking amendment to the ‘Electricity distribution’ and ‘Electricity distribution line’ definitions to specifically refer to the inclusion of Orion New Zealand Limited assets shown on the planning maps. The electricity distribution lines (National Grid, Islington to Springston Line, and Significant Electricity Distribution Lines) are shown on the maps and each are defined. Specifically referencing Orion assets in the ‘Electricity distribution’ definition is not considered necessary as the electricity distribution lines are shown on the planning maps as ‘Other Significant Electricity Distribution Line’, which in turn links to the rules relevant to electricity distribution lines. Also, the ‘Significant Electricity Distribution Line’ definition includes reference to the Orion lines. This current structure is considered clear and appropriate and it is recommended that these submission points be rejected.
- 7.14 **Emergency Services and Emergency Services Facility** - FENZ¹⁸ are seeking that the definition of ‘Emergency services’ and ‘Emergency services facility’ be retained as notified. NZDF¹⁹ are seeking that the ‘Emergency services’ definition be amended to include the New Zealand Defence Force. Presently this definition includes the New Zealand Police, FENZ, Order of St John, and Civil Defence. NZDF did not submit in relation to the ‘Emergency services facility’ definition, but if NZDF were to be included in the ‘Emergency services’ definition their facilities for “emergency training and co-

¹³ 441-005 Trustpower

¹⁴ 353-041 and 353-044 Hort NZ

¹⁵ 422-039 Fed Farmers

¹⁶ 353-042 Hort NZ

¹⁷ 367-10 and 367-11 Orion

¹⁸ 359-003 and 359-004 FENZ

¹⁹ 448-001 NZDF

ordination” would be included as an ‘Emergency services facility’ and would be permitted across the zones. For example, the NZDF West Melton Rifle Range involves emergency training and coordination and any expansion of that facility for those purposes would then be permitted under EI-R32 with such a change to the definition.

- 7.15 It is not the intention for NZDF facilities to be an emergency service or emergency services facility and widely enabled across the zones as these facilities have the potential to generate significant noise, vibration and reverse sensitivity effects. Furthermore, the existing NZDF sites at Burnham Military Camp, Glentunnel Ammunition Storage Depot, West Melton Rifle Range, and the Weedons Depot are designated and protected by way of these designations and any new or expanded facilities, which are expected to be low in number, could also be designated. The West Melton Rifle Range is also subject to proposed new noise provisions to address reverse sensitivity. Overall, the inclusion of NZDF in the definition is not supported and it is recommended that the submission point be rejected.
- 7.16 **Important Infrastructure** - There is significant support for this definition to be retained as notified, including from CRC²⁰ and many infrastructure operators (Metroport²¹, FENZ²², Orion²³, Fonterra²⁴, CIAL²⁵, Waka Kotahi²⁶, Synlait²⁷, NZDF²⁸, LPC²⁹, CPW³⁰, and Kiwirail³¹). These submission points are accepted in part.
- 7.17 Corrections³² are seeking that Rolleston Prison be included in the definition as the prison is of a considerable scale and provides facilities and services which deliver important social and cultural benefit which are not found elsewhere in the District, and the benefits are significant and comparable to other similar facilities that are referenced in the definition, including NZDF facilities and public healthcare institutions. Corrections are also seeking that a new Corrections Zone be applied to the Rolleston Prison site in place of the designation and underlying General Rural zoning (subject to a separate hearings process). The request to include Rolleston Prison within the important infrastructure definition is accepted as it is agreed that the prison is important social and community infrastructure for the district, region and nation.
- 7.18 Transpower³³ support the definition of ‘Important infrastructure’ on the basis that an amendment is made to clause f. pertaining to electricity transmission networks to add specific reference to the “National Grid”. Transpower notes that the definition is an inclusive definition and expands on the defined terms in the CRPS (‘critical infrastructure’ and ‘regionally significant infrastructure’), the amendment will better align with the CRPS, and confirm that there is only one electricity transmission network. It is recommended that the submission point be accepted for the reasons

²⁰ 260-179 CRC

²¹ 0068-001 Metroport

²² 359-006 FENZ

²³ 367-014 Orion

²⁴ 370-007 Fonterra

²⁵ 371-006 CIAL

²⁶ 375-002 Waka Kotahi

²⁷ 420-001 Synlait

²⁸ 448-005 NZDF

²⁹ 453-006 LPC

³⁰ 454-001 CPW

³¹ 458-003 Kiwirail

³² 300-001 Corrections

³³ 446-005 Transpower

Transpower have provided and it is of note that the CRPS defines 'electricity transmission network' as "...the national grid as defined in the National Policy Statement on Electricity Transmission 2008". As 'electricity transmission network' is not defined in the PDP, the addition of reference to the National Grid to the definition will therefore provide clarity as to what constitutes the electricity transmission network consistent with the CRPS definition.

- 7.19 Hort NZ³⁴ and Fed Farmers³⁵ are seeking that the definition be deleted and replaced with 'critical infrastructure' and 'regionally significant infrastructure' as in the CRPS. DoC³⁶ also seek that the definition be deleted and replaced with the CRPS 'critical infrastructure' definition. Trustpower³⁷ seek that the definition title be changed to 'Regionally significant infrastructure'.
- 7.20 The Strategic Directions s42a report also addresses the 'important infrastructure' definition in the context of the Strategic Directions Chapter objectives and considers that *"the definition encompasses the activities listed within the Act's 'infrastructure' term, as well as all the activities included in the CRPS's 'strategic infrastructure', 'regionally significant infrastructure', and 'critical infrastructure definitions', with the only expansion on these terms being the inclusion of the dairy processing plants, and the West Melton Aerodrome. These two 'other' aspects are infrastructure considered to be significant enough in a Selwyn context to warrant additional protection or enablement, and as such have been included in the 'important infrastructure' term. The creation and use of this term then allows for provisions to be more succinct rather than having to list multiple terms in order to cover all possible pieces of infrastructure."* I concur with this analysis.
- 7.21 Therefore, these submission points are recommended to be rejected as the 'Important infrastructure' definition is a succinct alternative to the CRPS definitions which it encompasses, and it also reflects additional infrastructure of particular importance in the Selwyn context. CRC also support the definition and do not consider it to be inconsistent with the CRPS.
- 7.22 **Lifeline Utility** - Orion³⁸, CIAL³⁹ and Trustpower⁴⁰ support the definition and seek that it be retained as notified. A 'Lifeline utility' is defined in the Civil Defence Emergency Act 2002 and includes vital infrastructure providers such as the Christchurch International Airport and entities that generate or distribute electricity in recognition of their critical role in providing services in an emergency. 'Lifeline utility' is in turn included in the 'Emergency' definition and is critical to enabling any emergency service or lifeline utility to continue to provide critical services in relation to an emergency. The definition is supported as notified and therefore it is recommended that the Orion, CIAL and Trustpower submission points be accepted.
- 7.23 Hort NZ⁴¹ is seeking that the definition be replaced by definitions of 'regionally significant infrastructure' and other infrastructure that is important to Selwyn, which is rejected for the reasons explained in paragraphs 7.20-7.21.

³⁴ 353-046 and 353-047 Hort NZ

³⁵ 422-051 Fed Farmers

³⁶ 427-012 DoC

³⁷ 441-016 Trustpower

³⁸ 367-016 Orion

³⁹ 371-009 CIAL

⁴⁰ 441-010 Trustpower

⁴¹ 353-052 Hort NZ

- 7.24 **Minor Utility Structure** - Orion⁴² and Trustpower⁴³ are seeking amendment to the 'minor utility structure' definition. Orion are seeking amendment to remove reference to kiosks, transformers and switchgear, and in separate relief are seeking that new or the expansion of existing kiosks, transformers and switchgear be permitted by EI-R15 rather than EI-R27, as these structures may not meet all of the rule requirements in EI-R27 such as setbacks, and therefore would possibly require consent under EI-R27.
- 7.25 'Minor utility structure' is referred to in EI-R11 which permits the upgrading of existing above ground network utilities including minor network utilities. The definition is also referenced in EI-R27 which permits new network utilities or minor utility structures not otherwise provided for subject to meeting specific rule requirements, including EI-REQ15 which manages minor utility structure height.
- 7.26 The relief sought by Orion with respect to EI-R15 is accepted in part as discussed at paragraph 34.3 in that kiosks are considered similar to cabinets and can be included in EI-R15, however it is not accepted that transformers and switchgear be included in EI-R15 at this point in time given the nature of these structures and their effects are not currently clear.
- 7.27 Therefore, it is recommended that the definition not be amended to delete kiosks, transformers and switchgear. This will ensure that: EI-R11 still links to the definition and permits upgrades to minor network utilities including kiosks, transformers and switchgear; that new or expanded kiosks are included with cabinets in EI-R15 and permitted; and that new transformers or switchgear still be subject to EI-R27. Therefore, it is recommended that the submission point be rejected.
- 7.28 Trustpower state that while Trustpower is not a network utility, many of its minor structures are the same. Trustpower's assets are excluded from this definition and they request that the definition is modified to include reference to renewable energy generators. These requested amendments are accepted given Trustpower's minor structures are understood to be the same as a network utility provider and should also be provided for to be enabling of renewable electricity generation. Therefore, it is recommended that the Trustpower submission point be accepted.
- 7.29 CPW⁴⁴ are seeking the definition be retained as notified which is recommended to be accepted in part due to the recommended amendments.
- 7.30 **National Grid** - Hort NZ⁴⁵ is seeking that the definition be replaced by definitions of 'regionally significant infrastructure' and other infrastructure that is important to Selwyn, which is rejected for the reasons explained in paragraphs 7.20-7.21. Both Fed Farmers⁴⁶ and Transpower⁴⁷ seek that the definition be retained as notified, which is recommended to be accepted as the definition relies on the definition in section 3 of the NPSET.

⁴² 367-018 Orion

⁴³ 441-019 Trustpower

⁴⁴ 454-002 CPW

⁴⁵ 353-054 Hort NZ

⁴⁶ 422-066 Fed Farmers

⁴⁷ 446-007 Transpower

- 7.31 **National Grid Subdivision Corridor** - Hort NZ⁴⁸ seek that the PDP is separated into 'regionally significant infrastructure' as per the CRPS and other infrastructure that is important to Selwyn. The request by Hort NZ is not considered valid in the context of the specific National Grid Subdivision Corridor definition and is not supported for the reasons outlined in paragraphs 7.20-7.21. It is recommended that the submission point be rejected. Fed Farmers⁴⁹ support the definition as notified, which is recommended to be accepted in part.
- 7.32 Transpower⁵⁰ support the definition as it is necessary for the implementation of the rules but seek amendments to: reflect the assets in Selwyn District; provide the appropriate distances (measured from the centreline of a transmission line) relative to different National Grid support structure types, where the distances are an average calculated measurement of maximum conductor (wire) swing in high wind conditions; and confirm that this definition is in respect of above ground National Grid assets. Reference to 110kv lines in clause a. is also proposed to be deleted. Transpower have offered to provide a diagram to illustrate if required.
- 7.33 The amendments sought by Transpower specifically seek to define the National Grid Subdivision Corridor as: 14m either side of a 66kV line on single poles; 16m either side of a 66kV line on pi or triple poles; 32m either side of a 66kv line on towers. There is a specific subdivision rule which then manages subdivision within the National Grid subdivision corridor (SUB-R16).
- 7.34 The NPSET directs a corridor approach. The Transpower Development Guide⁵¹ notes that the size of the corridor depends on both the voltage and structure type, and that the corridor is the general extent of the area where the wires are physically present as the lines can swing out in high wind conditions. Therefore, the wider the support structure and the higher the voltage, the wider the corridor. It is considered that the revisions sought by Transpower better reflect the different structure types and corresponding distances required to allow for wire swing and different voltages. In addition, it is agreed that wording should be added to clarify that the corridor applies to above ground transmission lines, and not underground. It is not clear why the reference to the 110kV line is sought to be deleted from clause a., but it is assumed it is because there are no 110kV assets in Selwyn. However; as this is not confirmed at this point in time, it is recommended that reference to 110kV not be deleted. All other amendments sought by Transpower are recommended to be accepted. A diagram to illustrate the definition provided by Transpower could also assist with interpretation, but is not considered vital. Therefore, it is recommended that the Transpower submission be accepted in part.
- 7.35 **National Grid Yard** - The National Grid Yard is within the National Grid Subdivision Corridor and is the area beneath and immediately next to the National Grid lines. There are corresponding rules which manage activities and structures in the National Grid Yard (i.e. EI-R1 and EI-R2). Kāinga Ora⁵² seek that the definition be deleted as notified with no reason provided. It is recommended that this submission point be rejected.

⁴⁸ 353-055 Hort NZ

⁴⁹ 422-067 Fed Farmers

⁵⁰ 446-008 Transpower

⁵¹ <https://www.transpower.co.nz/sites/default/files/publications/resources/Development%20GuideWEBFINALChapter3.pdf>

⁵² 414-052 Kāinga Ora

- 7.36 Hort NZ⁵³ once again seek that the PDP is separated into ‘regionally significant infrastructure’ as per the CRPS and other infrastructure that is important to Selwyn. The request by Hort NZ is recommended to be rejected for the reasons outlined in paragraphs 7.20-7.21. Fed Farmers⁵⁴ seek that the definition be retained as notified, which is recommended to be accepted in part.
- 7.37 Transpower⁵⁵ seek amendments to confirm that the definition relates to above ground assets and to make amendment along similar lines to the ‘National Grid Subdivision Corridor’ definition to better reflect the different types of structures and voltages and the distances that apply to each.
- 7.38 A definition of ‘National Grid Yard’ is considered necessary to clarify the extent of the National Grid Yard within the wider ‘National Grid Subdivision Corridor’, and to ensure that incompatible activities are set back so as not to compromise the National Grid or the safety of those people living and working around it. National Grid Yard is also a defined term used in the NPSET (“means the assets used or owned by Transpower NZ Limited) and Transpower’s Development Guide⁵⁶, which also assists with explaining the National Grid and National Grid Yard. The PDP definition is consistent with the NPSET and existing guidance. It is recommended that the Transpower submission be accepted as the proposed amendments provide added clarity regarding the different structures, voltages and corresponding setbacks consistent with the NPSET.
- 7.39 **Network Utility** - Orion⁵⁷, Transpower⁵⁸, and Kiwirail⁵⁹ all seek the definition be retained as notified. It is recommended that these submission points be accepted.
- 7.40 **Pole** - Orion⁶⁰ seek that the definition be retained as notified, which is recommended to be accepted.
- 7.41 **Renewable Electricity Generation** - Trustpower⁶¹ seek that the definition be retained as notified, which is recommended to be accepted.
- 7.42 **Renewable Electricity Generation Activities** - Trustpower⁶² are seeking amendment so that “upgrading, and enhancement” is also included within this definition as it is not expressly provided for elsewhere, and forms an integral part of Trustpower’s operations and activities. The inclusion of a reference to “upgrading” is supported as it covers improvements which are an integral part of infrastructure activities and is consistent with the wording in Policy EI-P2, however reference to “enhancement” as well is considered duplicating and unnecessary and is not reflected in the policy or rules. Therefore, it is recommended that this submission point be accepted in part.
- 7.43 **Renewable Electricity Generation Investigations** - Trustpower⁶³ seek minor amendment to also provide for “enhancements of existing” renewable electricity generation activities. Reference to the “upgrade” of existing activities is preferable over “enhancements” and is considered to better align with the corresponding rule which provides for the expansion of existing renewable electricity

⁵³ 353-056 Hort NZ

⁵⁴ 422-068 Fed Farmers

⁵⁵ 446-009 Transpower

⁵⁶ <https://www.transpower.co.nz/sites/default/files/publications/resources/TPR15917%20Development%20GuideWEBFINALPRINT.pdf>

⁵⁷ 367-019 Orion

⁵⁸ 446-010 Transpower

⁵⁹ 458-009 Kiwirail

⁶⁰ 367-021 Orion

⁶¹ 441-013 Trustpower

⁶² 441-020 Trustpower

⁶³ 441-021 Trustpower

generation (EI-R28). Therefore, it is recommended that the submission point be accepted in principle, but is amended to reference the “upgrade of existing” rather than “enhancement of existing” renewable electricity generation activities, which is considered to be within scope.

- 7.44 **Significant Electricity Distribution Line** - Hort NZ⁶⁴ seek that infrastructure is separated into ‘regionally significant’ and other infrastructure important to Selwyn. Refer to the discussion in 7.20-7.21 as to why a definition of ‘important infrastructure’ is proposed rather than ‘regionally significant infrastructure’ etc. Fed Farmers⁶⁵ are seeking deletion of the definition. I consider that a ‘Significant electricity distribution line’ should be specifically defined distinct from ‘important infrastructure’. ‘Important Infrastructure’ includes the National Grid, and the ‘Significant electricity distribution line’ definition makes it clear that such lines are not part of the National Grid and applies to overhead lines designed and built to operate at a voltage of 33kV as shown on the planning maps, and that Orion assets deemed to be significant lines are shown on the maps. The significant electricity distribution lines have in turn been identified on the planning maps and the definition clearly links with the rules. Therefore, it is recommended that both the Hort NZ and Fed Farmers submission points be rejected.
- 7.45 **Significant Electricity Distribution Line (Islington to Springston)** - Hort NZ⁶⁶ again seek that the definitions are separated into ‘regionally significant infrastructure’ as per the CRPS and other infrastructure that is important to Selwyn. Once again refer to the discussion in paragraphs 7.20-7.21 for the reasons why this is not recommended to be accepted. Fed Farmers⁶⁷ are seeking that the definition be retained as notified. It is recommended that the Fed Farmers submission be accepted as the Islington to Springston line needs to be specifically identified as different setbacks apply to the different lines and the rules make this differentiation clear; i.e. refer to Rule EI-R3.
- 7.46 **Small and Community Scale Distributed Electricity Generation Activities** - Trustpower⁶⁸ are seeking deletion of this definition as they consider small and community scale electricity generation activities do not need to be defined separately as this activity is included in the definition of Renewable Electricity Generation Activities. The policies and rules have been structured to provide for renewable electricity generation and more specifically the Coleridge HEPS, small and community-scale electricity generation, and then ‘other’ generation. This differentiation is considered necessary to tailor rules specific to each scale of activity which are different in terms of their effects and management, and hence the need for a specific definition. It is recommended that the Trustpower submission be rejected.
- 7.47 **Small and Community Scale Distributed Electricity Generation** - Hort NZ⁶⁹ again seek that the Plan is separated into regionally significant infrastructure as per the CRPS and other infrastructure that is important to Selwyn. Refer to the discussion in paragraphs 7.20-7.21 and it is recommended that

⁶⁴ 353-074 Hort NZ

⁶⁵ 422-083 Fed Farmers

⁶⁶ 353-075 Hort NZ

⁶⁷ 422-084 Fed Farmers

⁶⁸ 441-023 Trustpower

⁶⁹ 353-076 Hort NZ

the Hort NZ submission point be rejected. Trustpower⁷⁰ seek that the definition be retained as notified, which is recommended to be accepted.

- 7.48 **Social Infrastructure** - MoE⁷¹ are seeking a new definition of 'social infrastructure'. MoE consider that educational facilities are a critical part of a community's social infrastructure and provide for people's health and well-being, but are not currently provided for in the proposed definition for 'Infrastructure'. MoE seeks the inclusion of a definition that specifically captures and provides for educational facilities as a well as a range of other infrastructure including community facilities, public open space, and community infrastructure as defined in the LGA 2002. The proposed definition has been adopted from a recent submission on the New Plymouth Proposed District Plan.
- 7.49 It is considered that such a definition is not required as there are already definitions in the PDP that provide for the matters MoE are seeking with corresponding enabling rules. For example, 'educational facility' is defined and is permitted across a number of zones. In addition, 'community facility' is defined in the Plan and includes land and buildings for recreation, sporting, cultural, safety, health, welfare or worship purposes with no distinction between private or public provision of such facilities, and such facilities are also enabled across the zones. It is also of note that most schools are designated and are therefore also protected by way of designations.
- 7.50 In the LGA 2002 'community infrastructure' is defined to include land controlled by the territorial authority for the purpose of providing public amenities and land the territorial authority will acquire for that purpose. 'Public amenity' is a defined term already in the PDP and includes buildings such as public toilets, shelters, playgrounds etc. which are widely enabled across the zones by way of permitted activity rules. The Council also has the ability to designate land for the provision of community infrastructure. Overall, the definition sought by MoE is not considered necessary as the existing definitions are considered sufficient to be relied upon and the new definition would result in duplication. Therefore, it is recommended that the MoE submission point be rejected.
- 7.51 **Tower** - Transpower⁷² support this definition and seek that it be retained as notified, which is recommended to be accepted.

Recommendations and amendments

- 7.52 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend the definition of 'Important infrastructure', 'Minor Utility Structure', 'National Grid Subdivision Corridor', 'National Grid Yard', 'Renewable Electricity Generation Activities', and 'Renewable Electricity Generation Investigations' as shown in **Appendix 2** to provide greater clarity.
 - b) Retain the definition of 'Airfield', 'Artificial watercourse', 'Coleridge Hydro Electric Power Scheme', 'Electricity Distribution', 'Electricity Distribution Line', 'Emergency Services', 'Emergency Services Facility', 'Lifeline Utility', 'Minor Network Utility', 'National Grid', 'Network Utility', 'Pole', 'Renewable Electricity Generation', 'Significant Electricity Distribution Line', 'Significant Electricity Distribution Line (Islington to Springston)', 'Small and

⁷⁰ 441-023 Trustpower

⁷¹ 378-007 MoE

⁷² 446-015 Transpower

Community Scale Distributed Electricity Generation Activities’, ‘Small and Community Scale Electricity Generation’, ‘Tower’ as notified.

- c) Reject the request for new ‘Additional infrastructure’ and ‘Social Infrastructure’ definitions.
- d) Reject the request for a new ‘Artificial waterway’ definition but make a consequential amendment to EI-R26 to reflect the ‘Artificial watercourse’ definition as shown in **Appendix 2**.

7.53 The amendments recommended to the definitions listed in 7.52a) and EI-R26 are set out in a consolidated manner in **Appendix 2**.

7.54 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

7.55 The scale of change does not require a s32AA evaluation.

8. Chapter Structure and EI-Overview

Introduction

8.1 The EI Chapter has been structured separate to the Transport Chapter, but is contained within Part 2 - District Wide Matters under the Energy, Infrastructure and Transport Heading. The EI Chapter (and other chapters) includes an ‘Overview’ section which explains the chapter and what it covers.

Submissions

8.2 Five submission points and five further submission points were received seeking amendments to the EI-Overview.

8.3 In addition, there are 63 submission points made by Orion seeking amendment to rules in other chapters. These have been grouped together in a Table in **Appendix 3** for efficiency and so they can be distinguished from the list of submission points that seek specific changes to the EI Chapter in **Appendix 1**.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0427	Lou Sanson, Director-General of Conservation	024	EI	Support In Part	Retain as notified subject to amending the definition of ‘important infrastructure’.
DPR-0301	Upper Waimakariri/Rakaitia Group (UWRG)	FS166	EI	Support	Allow in full
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS190	EI	Support	Accept the submission
DPR-0269	Heritage New Zealand Pouhere Taonga	004	EI-Overview	Support In Part	Amend as follows: <u>Note</u> <u>The Heritage New Zealand Pouhere Taonga Act 2014 applies, which makes it unlawful for any</u>

					<p><u>person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. If you wish to do any work that may affect an archaeological site you must obtain an authority from Heritage New Zealand before you begin. This is the case regardless of whether the land on which the site is located is designated, or the activity is permitted under the District or Regional Plan or a resource or building consent has been granted. The Act provides for substantial penalties for unauthorised destruction or modification. An archaeological site is defined in the Heritage New Zealand Pouhere Taonga Act 2014 as any place in New Zealand (including buildings, structures, or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.</u></p> <p><u>As mentioned above, before undertaking any work that may affect an archaeological site you must obtain an authority from Heritage New Zealand.</u></p>
DPR-0422	Federated Farmers of New Zealand - North Canterbury	106	New	Oppose	Amend so that infrastructure is separated into regionally significant infrastructure as per the Canterbury Regional Policy Statement and other infrastructure that is important to Selwyn district.
DPR-0375	Waka Kotahi NZ Transport Agency	FS015	New	Oppose In Part	<i>Retain and amend the descriptions and definitions where appropriate.</i>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS109	New	Support	<i>Accept with amendments to address additional consideration set out in our reasons.</i>
DPR-0371	Christchurch International Airport Limited	021	EI-Overview	Support In Part	<p>Amend as follows:</p> <p>This chapter concerns energy and infrastructure, or more specifically renewable electricity, important infrastructure, and network utilities. These activities are recognised by national planning instruments as well as the Canterbury Regional Policy Statement in respect of Critical Infrastructure and Regionally Significant Infrastructure as well as Strategic Infrastructure (in respect of Greater Christchurch). Accordingly, <u>this important infrastructure is</u> these activities are recognised through these specific provisions which provide for their important function and service to the community. <u>There are also provisions which apply to important infrastructure, or relate to activities which have the potential to adversely affect the safe and efficient operation,</u></p>

					<u>maintenance, use and development of important infrastructure and network utilities, contained in other chapters of the plan.</u>
DPR-0353	Horticulture New Zealand	FS085	EI-Overview	Oppose	Reject
DPR-0446	Transpower New Zealand Limited	022	EI-Overview	Support In Part	Amend as follows: Accordingly, these activities are recognised through these specific provisions which <u>that</u> provide for their important function and service to the <u>nation, region and</u> community. Certain <u>A</u> activities must also comply with the rules managing <u>effects, including</u> reverse sensitivity effects in relation to <u>on</u> the National Grid and Significant Electricity Distribution Lines. ... The Selwyn District contains the Coleridge Hydro Electric Power Scheme (Coleridge HEPS) which generates hydro-electricity for <u>transmission via the National Grid</u> use on the national electricity grid.

Analysis

- 8.4 I recommend that the submission points from DoC⁷³ and Fed Farmers⁷⁴ seeking amendment of the ‘important infrastructure’ definition and that the PDP use CRPS definitions instead (i.e. critical infrastructure, regionally significant infrastructure) be rejected for the reasons provided in paragraphs 7.20-7.21, and that the references to ‘important infrastructure’ remain throughout the EI-Overview and Chapter.
- 8.5 Heritage NZ⁷⁵ are seeking that a note be added to the EI-Overview as per the Earthworks Chapter Overview to explain that the authority of Heritage NZ is required in relation to modification or destruction of archaeological sites. As the EI Chapter has been created to be self-contained whereby earthworks in relation to infrastructure is regulated by the EI Chapter and not the Earthworks Chapter (with the exception of earthworks in the DPZ), it is recommended that the note sought by Heritage NZ be included in the EI-Overview for added clarity.
- 8.6 CIAL⁷⁶ are seeking amendments to refer to “important infrastructure” rather than “activities” and are seeking a new sentence to advise that there are also provisions in other chapters of the Plan that apply. It is considered that limiting reference to “important infrastructure” only is inappropriate as the EI Chapter and Overview concerns energy, important infrastructure and network utilities, which are not necessarily all defined as ‘important infrastructure’. Furthermore, the ‘Note for Plan Users’ under the Rules Heading explains the interrelationship between the Chapters. Therefore, the proposed amendments are not considered to add clarity and it is recommended that they be rejected.

⁷³ 427-024 DoC

⁷⁴ 422-106 Fed Farmers

⁷⁵ 269-004 Heritage NZ

⁷⁶ 371-021 CIAL

- 8.7 The amendments proposed by Transpower⁷⁷ seek to include reference to the nation and region as well as the community which is supported given the wider ranging importance and function that the renewable electricity, important infrastructure and network utilities activities have. The other changes are considered to be grammatical enhancements. Overall, it is recommended that all of the amendments sought by Transpower be accepted as they provide added clarity and accuracy.
- 8.8 Orion⁷⁸ have issue with the way in which the provisions relevant to significant electricity distribution lines corridor protection have been included in the PDP. Orion's "strongly held view" is that rules relating to activities, buildings and structures located within the EI Chapter should instead be located within the relevant zone chapters, as this will ensure they are accessible, recognisable and will reduce the likelihood of the provisions being missed when development proposals are considered. A number of zone rule amendments are proposed in Orion's submission.
- 8.9 Orion also submit that the PDP lacks clarity as to the rule relationships between the EI Chapter and other Chapters. To resolve this concern, Orion's submission proposes additional introductory text for the EI Chapter. Orion also seeks that the Council insert cross-referencing and notes into all relevant rules in the various district-wide chapters to confirm that, with regard to network utilities, the rules in the EI Chapter apply. Alternatively, to directly cross-reference to any rule requirements or rules which are outside of the EI Chapter, but which apply to network utilities.
- 8.10 The structure of the EI Chapter has been dictated by the Planning Standards which require that provisions relating to energy, infrastructure and transport that are not specific to the Special Purpose Zone chapters or sections "must be located in one or more chapters under the Energy, infrastructure and transport heading". The Planning Standards also stipulate that the chapters under the Energy, Infrastructure and Transport heading must include cross-references to any energy, infrastructure and transport provisions in a Special Purpose Zones chapter or sections. Zone chapters must include cross-references to relevant provisions under the Energy, Infrastructure and Transport heading. The submission points made by Orion contained in **Appendix 3** seeking that the provisions be inserted in other chapters are therefore not supported as they are not in accordance with the Planning Standards and there is considered to be sufficient cross-referencing already in place. Therefore, it is recommended that the Orion submission points relating to the Chapter structure contained in **Appendix 3** be rejected.

Recommendations and Amendments

- 8.11 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend the EI-Overview as shown in **Appendix 2** to provide better clarity and consistency.
- 8.12 The amendments recommended to the EI-Overview are set out in a consolidated manner in **Appendix 2**.

⁷⁷ 446-022 Transpower

⁷⁸ Refer to all those submission points contained in Appendix 3.

8.13 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1** and **Appendix 3**.

8.14 The scale of change does not require a s32AA evaluation.

9. EI-O1

Introduction

9.1 Objective EI-O1 is specific to important infrastructure and provides direction as to what important infrastructure is and its role and the benefits.

Submissions

9.2 Fourteen submission points and twelve further submission points were received in relation to EI-O1.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	003	EI-O1	Support	Retain as notified.
DPR-0260	Canterbury Regional Council (Environment Canterbury)	010	EI-O1	Support	Retain as notified.
DPR-0353	Horticulture New Zealand	089	EI-O1	Oppose In Part	Delete as notified.
DPR-0367	Orion New Zealand Limited	FS009	EI-O1	Oppose	Reject the submission point
DPR-0441	Trustpower Limited	FS001	EI-O1	Oppose	Reject
DPR-0446	Transpower New Zealand Limited	FS023	EI-O1	Oppose	Disallow the submission.
DPR-0359	Fire and Emergency New Zealand	016	EI-O1	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	186	EI-O1	Support In Part	Amend as follows: Important infrastructure is: 1. <u>is</u> efficient, effective, and resilient, and 2. provides and distributes essential and secure services as part of local, regional, or national networks, including in emergencies; and 3. integrates with urban development and land uses throughout the district; and 4. enables people and communities to provide for their wellbeing; <u>and</u> 5. <u>protected from reverse sensitivity effects where appropriate.</u>
DPR-0375	Waka Kotahi NZ Transport Agency	FS053	EI-O1	Support	Adopt recommended amendment

DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS755	EI-O1	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower Limited	FS002	EI-O1	Support	Accept
DPR-0370	Fonterra Limited	022	EI-O1	Support	Retain as notified
DPR-0209	Manmeet Singh	FS754	EI-O1	Oppose In Part	Reject submission in part
DPR-0371	Christchurch International Airport Limited	022	EI-O1	Support	Amend as follows: Important infrastructure is: 1. <u>is</u> efficient, effective, and resilient; and ...
DPR-0353	Horticulture New Zealand	FS086	EI-O1	Oppose	Reject
DPR-0375	Waka Kotahi NZ Transport Agency	018	EI-O1	Support	Retain as notified.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	107	EI-O1	Oppose In Part	Delete as notified.
DPR-0367	Orion New Zealand Limited	FS020	EI-O1	Oppose	Reject the submission point
DPR-0441	Trustpower Limited	FS003	EI-O1	Oppose	Reject
DPR-0446	Transpower New Zealand Limited	FS049	EI-O1	Oppose	Disallow the submission.
DPR-0441	Trustpower Limited	028	EI-O1	Support In Part	Amend as follows: Important Recognise the benefits of regionally <u>significant</u> infrastructure <u>by ensuring it</u> is: 1. efficient, effective, and resilient, and 2. provides and distributes essential and secure services as part of local, regional, or national networks, including in emergencies; and 3. integrates with urban development and land uses throughout the district; and 4. enables people and communities to provide for their wellbeing.
DPR-0353	Horticulture New Zealand	FS054	EI-O1	Support In Part	Accept in part to the extent that the framework for infrastructure is amended as sought by HortNZ.
DPR-0446	Transpower New Zealand Limited	023	EI-O1	Support	Retain as notified.
DPR-0448	New Zealand Defence Force	014	EI-O1	Support	Retain as notified
DPR-0453	Midland Port, Lyttelton Port Company Limited	088	EI-O1	Support In Part	Amend as follows: Important infrastructure is: ... 3. integrates <u>coordinated</u> with urban development and land uses throughout the district; and ...
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	017	EI-O1	Support	Retain as notified

Analysis

- 9.3 It is of note that the majority of submitters are in support of EI-O1 being retained as notified (Chorus⁷⁹, CRC⁸⁰, FENZ⁸¹, Fonterra⁸², Waka Kotahi⁸³, Transpower⁸⁴, NZDF⁸⁵, Kiwirail⁸⁶), and these submissions are recommended to be accepted in part.
- 9.4 Orion⁸⁷ are seeking amendment to EI-O1 to add a clause to protect important infrastructure from reverse sensitivity effects and make a minor grammatical change. EI-O3 is considered to address reverse sensitivity effects in relation to important infrastructure and therefore this additional clause is not considered necessary in EI-O1. EI-O3 is also considered consistent with the Strategic Directions Objectives which address incompatible activities and reverse sensitivity, including SD-DI-O2 and particularly SD-IR-O1, which the s42a Strategic Directions Report recommends be retained as notified. Therefore, it is recommended that this submission point be accepted in part.
- 9.5 Trustpower Ltd⁸⁸ are seeking minor amendments to delete the reference to ‘important infrastructure’ and instead refer to recognising the benefits of ‘regionally significant’ infrastructure, which is not supported as per the analysis related to the ‘important infrastructure’ definition in paragraphs 7.20-7.21. The proposed addition of the wording seeking to “Recognise the benefits of...” at the start of the objective is also not considered necessary as EI-P1 utilises this wording and provides direction as to how this is to be achieved. It is recommended that the Trustpower submission point be rejected.
- 9.6 CIAL⁸⁹ are seeking very minor amendments to structure and punctuation, which are recommended to be accepted. LPC⁹⁰ are seeking that EI-O1.3 refers to important infrastructure that “coordinates with” rather than “integrates with” urban development and land uses. “Integration” is considered by the submitter to be incorrect when considering the need to avoid reverse sensitivity effects or separate incompatible land use and infrastructure. It is of note that “coordination” is also used in CRPS 6.3.5(2) and therefore it is agreed that “coordinates” is a better word than “integrates” in the context of this objective and is consistent with the CRPS. It is recommended that the LPC submission point be accepted.
- 9.7 Hort NZ⁹¹ and Fed Farmers⁹², are seeking that EI-O1 be deleted as notified. They consider it is outside of the role of the District Plan to ensure that important infrastructure is efficient, effective and resilient and should not authorise how it operates. It is not agreed that the management of important infrastructure is outside the role of the District Plan. It is a directive of national policy

⁷⁹ 101-003 Chorus

⁸⁰ 260-010 CRC

⁸¹ 359-016 FENZ

⁸² 370-022 Fonterra

⁸³ 375-018 Waka Kotahi

⁸⁴ 446-023 Transpower

⁸⁵ 448-014 NZDF

⁸⁶ 458-017 Kiwirail

⁸⁷ 367-186 Orion

⁸⁸ 441-028 Trustpower

⁸⁹ 371-022 CIAL

⁹⁰ 453-088 LPC

⁹¹ 353-089 Hort NZ

⁹² 422-107 Fed Farmers

direction (NPSET, NPS-REG, NESETA, NESTF) and the CRPS, and important to the District to recognise and manage such infrastructure and seek that it be efficient, effective and resilient given the importance and benefits of such infrastructure to the district and wider region. It is recommended that these submissions points be rejected.

Recommendations and amendments

9.8 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EI-O1 as shown in **Appendix 2** to achieve greater clarity and consistency with the CRPS.

9.9 The amendments recommended to EI-O1 are set out in a consolidated manner in **Appendix 2**.

9.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

9.11 The scale of change does not require a s32AA evaluation.

10 EI-O2

Introduction

10.1 Objective EI-O2 is specific to important infrastructure and directs that important infrastructure is to be located, designed and operated to manage adverse effects on the physical and natural environment.

Submissions

10.2 Twelve submission points and thirteen further submission points were received in relation to EI-O2.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	004	EI-O2	Oppose In Part	Amend as follows: Important infrastructure is located, designed, and operated to manage adverse effects on the physical and natural environment <u>while recognising:</u> <u>1. The functional and operation needs of important infrastructure; and</u> <u>2. That positive effects of important infrastructure may be realised locally, regionally and nationally.</u>
DPR-0441	Trustpower Limited	FS004	EI-O2	Support	Accept
DPR-0260	Canterbury Regional Council (Environment Canterbury)	011	EI-O2	Support	Retain as notified.
DPR-0359	Fire and Emergency New Zealand	017	EI-O2	Support	Retain as notified.

DPR-0367	Orion New Zealand Limited	188	EI-O2	Support In Part	Amend as follows: Important infrastructure is located, designed, and operated to manage adverse effects on the physical and natural environment, <u>while having regard to the operational and technical requirements of important infrastructure.</u>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS757	EI-O2	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower Limited	FS005	EI-O2	Support	Accept
DPR-0370	Fonterra Limited	023	EI-O2	Support In Part	Amend as follows: Important infrastructure is located, designed, and operated to manage adverse effects on the physical and natural environment, <u>while having regard to the practical, technical and operational requirements of important infrastructure.</u>
DPR-0209	Manmeet Singh	FS755	EI-O2	Oppose In Part	Reject submission in part
DPR-0367	Orion New Zealand Limited	FS014	EI-O2	Support	Accept the submission point
DPR-0375	Waka Kotahi NZ Transport Agency	FS054	EI-O2	Support	Adopt recommended amendment
DPR-0441	Trustpower Limited	FS006	EI-O2	Support	Accept
DPR-0371	Christchurch International Airport Limited	023	EI-O2	Support In Part	Amend as follows: Important infrastructure is located, designed, and operated to manage adverse effects on the physical and natural environment, <u>while having regard to the practical, technical and operational requirements of important infrastructure.</u>
DPR-0353	Horticulture New Zealand	FS087	EI-O2	Oppose	Reject
DPR-0441	Trustpower Limited	FS007	EI-O2	Support	Accept
DPR-0375	Waka Kotahi NZ Transport Agency	019	EI-O2	Support In Part	Amend as follows: Important infrastructure is located, designed, and operated to manage adverse effects on the physical and natural environment <u>while acknowledging the physical requirements and needs of infrastructure.</u>
DPR-0414	Kāinga Ora - Homes & Communities	FS097	EI-O2	Support In Part	Not specified
DPR-0441	Trustpower Limited	FS008	EI-O2	Support	Accept
DPR-0441	Trustpower Limited	029	EI-O2	Support In Part	Amend the provision as follows: Important <u>Regionally significant</u> infrastructure is located, designed, and operated to manage adverse effects on the physical and natural environment <u>while recognising it may have functional and operational constraints.</u>

DPR-0353	Horticulture New Zealand	FS055	EI-O2	Support In Part	Accept in part to the extent that the framework for infrastructure is amended as sought by HortNZ.
DPR-0446	Transpower New Zealand Limited	024	EI-O2	Support	Retain as notified
DPR-0448	New Zealand Defence Force	015	EI-O2	Support	Retain as notified
DPR-0453	Midland Port, Lyttelton Port Company Limited	089	EI-O2	Support In Part	Amend as follows: Important infrastructure is located, designed, and operated to manage adverse effects on the physical and natural environment, <u>while having regard to the practical, technical and operational requirements of important infrastructure.</u>
DPR-0441	Trustpower Limited	FS009	EI-O2	Support	Accept
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	018	EI-O2	Support	Retain as notified

Analysis

- 10.3 Chorus⁹³ are seeking amendments to include recognition of the functional and operational needs of important infrastructure and its positive effect. Likewise, Orion⁹⁴, Fonterra⁹⁵, CIAL⁹⁶, Waka Kotahi⁹⁷, Trustpower⁹⁸, and LPC⁹⁹ are seeking similar recognition of the “practical, technical and operational requirements of important infrastructure”, and in the case of Waka Kotahi, the “physical requirements and needs of infrastructure.” Trustpower are also seeking reference to “regionally significant” rather than important infrastructure.
- 10.4 It is of note that Strategic Objective SD-IR-O2 seeks to enable important infrastructure in a way that minimises adverse effects while also having regard to the practical constraints and the logistical and technical practicalities associated with important infrastructure. In addition, EI-P1.4 includes reference to acknowledging that important infrastructure can have a functional or operational need to locate in a particular area. Given both SD-IR-O2 and EI-P1 address the functional, technical or operational needs of infrastructure, it is not considered necessary to amend EI-O2 as sought by the submitters and it is recommended that the submission points be rejected. It is considered appropriate that the consideration as to how this objective is going to be achieved is at a policy level in the EI Chapter. The aspect of the Chorus submission seeking mention of the positive effects of important infrastructure is not considered necessary as the benefits are inherent in the existing wording, and EI-P1 provides specific reference to the benefits. It is therefore recommended that the submissions seeking amendment to EI-O2 be rejected.

⁹³ 101-004 Chorus

⁹⁴ 367-188 Orion

⁹⁵ 370-023 Fonterra

⁹⁶ 371-023 CIAL

⁹⁷ 375-019 Waka Kotahi

⁹⁸ 441-029 Trustpower

⁹⁹ 453-089 LPC

10.5 CRC¹⁰⁰, FENZ¹⁰¹, Transpower¹⁰², NZDF¹⁰³ and Kiwirail¹⁰⁴ seek that EI-O2 be retained as notified. It is recommended that these submission points be accepted.

Recommendation

10.6 I recommend, for the reasons given above, that the Hearings Panel retain EI-O2 as notified.

10.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

11 EI-O3

Introduction

11.1 EI-O3 directs that the operation and security of important infrastructure is not compromised by other activities. This is in essence a 'reverse sensitivity' provision and seeks to ensure that other activities do not undermine important infrastructure in recognition of its need to be secure and to operate without undue constraint.

Submissions

11.2 Fourteen submission points and thirteen further submission points were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0068	MetroPort Christchurch (MetroPort)	007	EI-O3	Oppose	Amend to clarify what "other activities" should not compromise important infrastructure.
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	036	EI-O3	Support	Retain as notified.
DPR-0260	Canterbury Regional Council (Environment Canterbury)	012	EI-O3	Support	Retain as notified.
DPR-0353	Horticulture New Zealand	090	EI-O3	Oppose In Part	Amend as follows: The operation and security of important infrastructure is to the extent reasonably possible not compromised by other activities and reflecting the degree of importance of the infrastructure to the district.
DPR-0367	Orion New Zealand Limited	FS010	EI-O3	Oppose	Reject the submission point
DPR-0375	Waka Kotahi NZ Transport Agency	FS051	EI-O3	Oppose	Reject recommended amendment

¹⁰⁰ 260-011 CRC

¹⁰¹ 359-017 FENZ

¹⁰² 446-024 Transpower

¹⁰³ 448-015 NZDF

¹⁰⁴ 458-018 Kiwirail

DPR-0441	Trustpower Limited	FS010	EI-O3	Oppose	Reject
DPR-0446	Transpower New Zealand Limited	FS024	EI-O3	Oppose	Disallow the submission.
DPR-0359	Fire and Emergency New Zealand	018	EI-O3	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	190	EI-O3	Support In Part	Amend as follows: The <u>safe and efficient</u> operation, <u>maintenance</u> , <u>development and upgrade</u> , and security, of important infrastructure is not compromised by other activities.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS759	EI-O3	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower Limited	FS011	EI-O3	Support	Accept
DPR-0370	Fonterra Limited	024	EI-O3	Support In Part	Amend as follows: The operation and security of important infrastructure is not compromised by other <u>incompatible</u> activities.
DPR-0209	Manmeet Singh	FS756	EI-O3	Oppose In Part	Reject submission in part
DPR-0371	Christchurch International Airport Limited	024	EI-O3	Support In Part	Amend as follows: The <u>safe and efficient</u> operation, <u>maintenance</u> , <u>development and upgrade</u> , and security, of important infrastructure is not compromised by other activities.
DPR-0353	Horticulture New Zealand	FS088	EI-O3	Oppose	Reject
DPR-0441	Trustpower Limited	FS012	EI-O3	Support	Accept
DPR-0375	Waka Kotahi NZ Transport Agency	020	EI-O3	Support	Retain as notified.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	108	EI-O3	Oppose In Part	Amend as follows: The operation and security of important <u>the National Grid, Regionally Significant and Critical infrastructure</u> is not compromised by other <u>incompatible</u> activities.
DPR-0367	Orion New Zealand Limited	FS021	EI-O3	Oppose	Reject the submission point
DPR-0375	Waka Kotahi NZ Transport Agency	FS059	EI-O3	Oppose	Reject recommended amendment
DPR-0441	Trustpower Limited	030	EI-O3	Support In Part	Amend as follows: The operation and security of important <u>regionally significant</u> infrastructure is not compromised by other activities.
DPR-0353	Horticulture New Zealand	FS056	EI-O3	Support In Part	Accept in part to the extent that the framework for infrastructure is amended as sought by HortNZ.

DPR-0367	Orion New Zealand Limited	FS025	EI-O3	Oppose	Reject the submission point
DPR-0446	Transpower New Zealand Limited	025	EI-O3	Support	Retain as notified
DPR-0448	New Zealand Defence Force	016	EI-O3	Support	Retain as notified
DPR-0453	Midland Port, Lyttelton Port Company Limited	090	EI-O3	Support In Part	Amend as follows: The operation and security of important infrastructure is not compromised by other activities <u>sensitive to the development, upgrade, maintenance, and operation of important infrastructure.</u>
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	019	EI-O3	Support	Retain as notified.

Analysis

- 11.3 Chorus¹⁰⁵, CRC¹⁰⁶, FENZ¹⁰⁷, Waka Kotahi¹⁰⁸, Transpower¹⁰⁹, NZDF¹¹⁰ and Kiwirail¹¹¹ are all seeking that EI-O3 be retained as notified. It is recommended that these submission points be accepted in part.
- 11.4 Hort NZ¹¹² are seeking amendments to EI-O3 to delete the reference to “security” and to ensure important infrastructure is not compromised “to the extent reasonably possible”, and “reflecting the degree of importance of the infrastructure to the district”. It is recommended that these amendments not to be accepted as they are considered subjective and do not add clarity. Also, security of important infrastructure is considered to be a vital consideration. Orion, Waka Kotahi, Trustpower and Transpower further submitted opposing the changes sought.
- 11.5 Orion¹¹³ and CIAL¹¹⁴ are seeking additional wording to address “safe and efficient” operation, and “maintenance, development and upgrade” of important infrastructure. It is considered that the reference to “safe and efficient” operation provides additional clarity but the reference to “maintenance, development and upgrade” is not considered necessary at the objective level. Therefore, it is recommended that the Orion and CIAL submission points be accepted in part.
- 11.6 Fed Farmers¹¹⁵ and Trustpower¹¹⁶ are not supportive of the “important infrastructure” reference in EI-O3 and have suggested additional terms (i.e., National Grid, Regionally Significant and Critical infrastructure). This is recommended to be rejected as the term important infrastructure concisely covers all of these types of infrastructure.

¹⁰⁵ 101-036 Chorus

¹⁰⁶ 260-012 CRC

¹⁰⁷ 359-018

¹⁰⁸ 375-020 Waka Kotahi

¹⁰⁹ 446-025 Transpower

¹¹⁰ 448-016 NZDF

¹¹¹ 458-109 Kiwirail

¹¹² 353-090 Hort NZ

¹¹³ 367-190 Orion

¹¹⁴ 371-024 CIAL

¹¹⁵ 422-108 Fed Farmers

¹¹⁶ 441-030 Trustpower

11.7 LPC¹¹⁷ are seeking amendment to remove the reference to “other” activities as it is not clear what other activities are being referred to. They are seeking to instead refer to activities “sensitive to development, upgrade, maintenance, and operation of important infrastructure”. Metroport¹¹⁸ are seeking amendment to clarify what “other activities” should not compromise important infrastructure. Likewise, Fonterra¹¹⁹ and Fed Farmers are seeking that “other” be deleted and instead there is reference to “incompatible activities”. The intention of the wording was to capture all other activities that are not important infrastructure and that the wording be all encompassing, however it is agreed that “incompatible” activities would provide greater clarity and such wording is also used in the associated policy (EI-P6). Therefore, it is recommended that the Metroport, LPC and Fed Farmers submission be accepted in part, and the Fonterra submission be accepted.

Recommendations and amendments

11.8 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend EI-O3 as shown in **Appendix 2** to provide greater clarity and strengthen the objective.

11.9 The amendments recommended to EI-O3 are set out in a consolidated manner in **Appendix 2**.

11.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

11.11 The scale of change does not require a s32AA evaluation.

12 EI-04 and EI-05

Introduction

12.1 EI-04 and EI-05 concern renewable electricity generation and have been grouped together given the relatively limited number of submission points relating to these two objectives.

Submissions

12.2 Three submission points and two further submission points were received in relation to each of EI-04 and EI-05.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0260	Canterbury Regional Council (Environment Canterbury)	013	EI-04	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	192	EI-04	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New	FS761	EI-04	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>

¹¹⁷ 453-090 LPC

¹¹⁸ 068-007 Metroport

¹¹⁹ 370-024 Fonterra

	<i>Zealand Inc. (Forest & Bird)</i>				
DPR-0441	Trustpower Limited	031	EI-O4	Support In Part	Amend as follows: An <u>Optimise and increased</u> the use of Selwyn District's renewable electricity generation outputs by enabling the investigations, development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, for national, regional, and local use while mitigating <u>managing</u> adverse effects on the environment and sensitive activities.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS052	EI-O4	Support In Part	<i>Accept the submission but amend the wording to "... while avoiding, remedying, and mitigating adverse effects on the environment and sensitive activities."</i>
DPR-0260	Canterbury Regional Council (Environment Canterbury)	014	EI-O5	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	193	EI-O5	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS762	EI-O5	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>
DPR-0441	Trustpower Limited	FS013	EI-O5	Support	Accept
DPR-0441	Trustpower Limited	032	EI-O5	Support In Part	Amend as follows: To have <u>provide</u> greater <u>opportunities for</u> small and community-scale renewable electricity generation, with generation surplus <u>appropriately</u> supplied to the national electricity distribution network.

Analysis

- 12.3 With respect to EI-O4, Trustpower¹²⁰ support the intent of this objective however query that it only refers to "mitigating" adverse effects. "Managing" adverse effects is considered more inclusive of avoiding, remedying and mitigating effects. Trustpower are also seeking more description about how the objective to increase renewable electricity generation is achieved, however this is considered more appropriate at the policy level. Also, the reference to Selwyn District is not considered necessary as it is implicit given the policy is within the PDP. Therefore, it is recommended that the Trustpower submission be accepted in part.
- 12.4 In relation to EI-O5, Trustpower¹²¹ support the intent but consider that small and community-scale generation should only be connected to the distribution network in a safe and appropriate manner and that "national" should be deleted as it is unlikely that small scale renewable electricity generation will connect to the national grid and rather would likely connect to the local distribution network. By deleting the reference to "national" this allows either scenario to occur which is recommended to be accepted. However, the other amendments are considered to weaken the

¹²⁰ 441-031 Trustpower

¹²¹ 441-032 Trustpower

policy by being less directive (i.e. to “provide greater opportunities” rather than “to have greater small and community-scale renewable electricity generation”), and introduce uncertainty as to what is appropriate. Therefore, overall it is recommended that the submission be accepted in part.

- 12.5 CRC¹²² and Orion¹²³ are seeking to retain both EI-O4 and EI-O5 as notified. It is recommended that these submissions be accepted in part based on the recommended amendments.

Recommendations and amendments

- 12.6 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EI-O4 and EI-O5 as shown in **Appendix 2** to refer to more appropriate terms and provide greater direction and clarity.

- 12.7 The amendments recommended to EI-O4 and EI-O5 are set out in a consolidated manner in **Appendix 2**.

- 12.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

- 12.9 The scale of change does not require a s32AA evaluation.

13 EI-P1

Introduction

- 13.1 EI-P1 seeks to provide direction on how the benefits of important infrastructure are recognised such as by enabling operation and maintenance of existing important infrastructure and providing for the replacement and upgrades to network utilities.

Submissions

- 13.2 Thirteen submission points and fifteen further submission points were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0068	MetroPort Christchurch (MetroPort)	008	EI-P1	Oppose	Insert an additional subclause as follows: <u>5. enabling the development of new or expansion of existing important infrastructure.</u>
DPR-0375	Waka Kotahi NZ Transport Agency	FS048	EI-P1	Support	Adopt proposed amendment.
DPR-0441	Trustpower Limited	FS014	EI-P1	Support	Accept
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited &	005	EI-P1	Support	Retain as notified.

¹²² 260-013 and 260-014 CRC

¹²³ 367-192 and 367-193 Orion

	Vodafone New Zealand Limited				
DPR-0359	Fire and Emergency New Zealand	019	EI-P1	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	194	EI-P1	Support In Part	Amend as follows: Recognise the benefits and national, regional, and local importance of important infrastructure by: 1. enabling the operation, maintenance, <u>development</u> and removal of existing important infrastructure throughout the District; 2. providing for replacement and upgrades, including new technologies, to network utilities, and the development of new network utilities. 3. providing for the functions and responsibilities of network utilities as lifeline utilities during an emergency. 4. acknowledging that important infrastructure can have a functional need or operational need to locate in a particular area, including areas with high natural, visual amenity, or cultural value or <u>historic heritage value</u> .
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	FS005	EI-P1	Support	Accept original submission point
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS763	EI-P1	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower Limited	FS015	EI-P1	Support	Accept
DPR-0370	Fonterra Limited	025	EI-P1	Support In Part	Amend as follows: Recognise the benefits and national, regional, and local importance of important infrastructure by: 1. <u>5. Enabling new or the expansion of existing important infrastructure.</u>
DPR-0209	Manmeet Singh	FS757	EI-P1	Oppose In Part	Reject submission in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS055	EI-P1	Support	Adopt recommended amendment
DPR-0441	Trustpower Limited	FS016	EI-P1	Support	Accept
DPR-0371	Christchurch International Airport Limited	025	EI-P1	Support In Part	Amend as follows: Recognise the benefits and national, regional, and local importance of important infrastructure by: 1. enabling the <u>use</u> , operation, maintenance, <u>development</u> and removal of existing important

					infrastructure throughout the District; ...
DPR-0353	Horticulture New Zealand	FS089	EI-P1	Oppose	Reject
DPR-0375	Waka Kotahi NZ Transport Agency	FS057	EI-P1	Support	Adopt recommended amendment
DPR-0441	Trustpower Limited	FS017	EI-P1	Support	Accept
DPR-0375	Waka Kotahi NZ Transport Agency	021	EI-P1	Support	Retain as notified.
DPR-0441	Trustpower Limited	033	EI-P1	Support In Part	Amend as follows: Recognise the <u>significant short and long-term</u> benefits and national, regional, and local importance of important <u>regionally significant</u> infrastructure by: 1. Enabling the <u>investigation, protection, operation, maintenance, and removal</u> of existing important <u>regionally significant</u> infrastructure throughout the District; 2. Providing for replacement and upgrades, including <u>utilising new technologies, to network utilities and renewable electricity generation activities</u> ; and the development of new network utilities <u>and renewable electricity generation structures</u> . 3. Providing for the functions and responsibilities of network utilities <u>and renewable electricity generation activities</u> as lifeline utilities during an emergency. 4. Acknowledging that <u>Recognise and provide</u> for regionally significant infrastructure <u>that has</u> can have a functional need or operational need to locate in a particular area, including areas with high natural, visual amenity, or cultural value.
DPR-0367	Orion New Zealand Limited	FS026	EI-P1	Oppose In Part	Reject the submission point in part
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS053	EI-P1	Oppose In Part	Accept the submission other than for clause 4. which should remain as notified.
DPR-0446	Transpower New Zealand Limited	026	EI-P1	Support In Part	Amend as follows: Recognise the benefits and national, regional, and local importance of important infrastructure by: 1. enabling the operation, maintenance, <u>minor upgrading</u> and removal of existing important infrastructure throughout the District; 2. providing for replacement and <u>substantial</u> upgrades, including new technologies, to network utilities, and the development of new network utilities. 3.

DPR-0353	Horticulture New Zealand	FS060	EI-P1	Oppose In Part	Reject in part
DPR-0448	New Zealand Defence Force	017	EI-P1	Support	Retain as notified
DPR-0453	Midland Port, Lyttelton Port Company Limited	091	EI-P1	Support In Part	Amend as follows: Recognise the benefits and national, regional, and local importance of important infrastructure by: 1. enabling the operation, <u>use</u> , maintenance, <u>development</u> and removal of existing important infrastructure throughout the District;....
DPR-0441	Trustpower Limited	FS018	EI-P1	Support	Accept
DPR-0454	Central Plains Water Limited	005	EI-P1	Support	Retain as notified
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	020	EI-P1	Support	Retain as notified.

13.3 Metroport¹²⁴ and Fonterra¹²⁵ are seeking an additional sub-clause to enable the development of new or the expansion of existing important infrastructure. The intention of the policy is to enable the operation of existing important infrastructure and replacements and upgrades, but that the development of new, or the significant expansion of existing important infrastructure, is managed by EI-P2. Therefore, it is recommended that the Metroport and Fonterra submission points be rejected.

13.4 Orion¹²⁶, CIAL¹²⁷ and LPC¹²⁸ are seeking that EI-P1.1 also refer to “development” and CIAL and LPC seek that “use” is also referred to. The use of the term “development” is not supported as the intent of the policy is to apply to existing important infrastructure and replacements and upgrades, and that EI-P2 manages new development. The addition of “use” is not considered necessary as it is covered by the existing wording of “operation”. Orion also seek that EI-P1.4 includes reference to “historic heritage value” in addition to areas of high natural, visual amenity or cultural value. This is considered justified as historic heritage areas are a RMA s6 matter, and inclusion of reference to heritage values would achieve greater consistency with EI-P2.3. Therefore, it is recommended that the CIAL and LPC submission points be rejected and the Orion submission point be accepted in part.

13.5 Trustpower¹²⁹ are seeking a number of amendments, including: reference to “investigation, protection” of “regionally significant” rather than important infrastructure, and recognition that there are short and long term benefits of such infrastructure; that renewable electricity generation also be referred to in EI-P1.2 and EI-P1.3; and minor wording changes to EI-P1.4. The reference to regionally significant infrastructure is not supported for the reasons already explained in paragraphs 7.20-7.21 and there is considered no need to add in reference to short and long term benefits as the existing wording of “Recognise the benefits” covers both scenarios. The “investigation” of important infrastructure as it relates to electricity generation is addressed in EI-P7 (and links with EI-R28).

¹²⁴ 068-008 Metroport

¹²⁵ 370-025 Fonterra

¹²⁶ 367-194 Orion

¹²⁷ 371-025 CIAL

¹²⁸ 453-091 LPC

¹²⁹ 441-033 Trustpower

Furthermore, the “protection” of important infrastructure is addressed in SD-IR-O1, which the Strategic Directions s42a report recommends be retained. The inclusion of reference to renewable electricity generation activities in EI-P1.2 and EI-P1.3 is not supported in EI-P1 as energy generation is addressed in other policies (EI-P2, EI-P4, EI-P6, and EI-P7 to EI-P9) and the focus of EI-P1 is important infrastructure more broadly. In addition, I do not agree that “Acknowledging that” in EI-P1.4 is better replaced with “Recognise and provide”. The intent of this part of the policy is to acknowledge that important infrastructure can have a function or operational need to locate in a particular area and the existing wording is considered to flow better grammatically with the lead part of the policy. Therefore, it is recommended that the Trustpower submission be rejected.

13.6 Transpower¹³⁰ are seeking reference to enabling “minor upgrading” of existing infrastructure in EI-P1.1 and providing for “substantial” upgrades to network utilities. It is considered that the addition of “minor upgrading” and “substantial” results in a lack of clarity as to what this is and it is therefore recommended that the Transpower submission point be rejected.

13.7 Chorus¹³¹, FENZ¹³², Waka Kotahi¹³³, NZDF¹³⁴, CPW¹³⁵ and Kiwirail¹³⁶ are seeking that EI-P1 be retained as notified. It is recommended that these submissions be accepted in part based on the amendments discussed above.

Recommendations and amendments

13.8 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EI-P1 as shown in **Appendix 2** to provide greater clarity.

13.9 The amendments recommended to EI-P1 are set out in a consolidated manner in **Appendix 2**.

13.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

13.11 The scale of change does not require a s32AA evaluation.

14. EI-P2

Introduction

14.1 Policy EI-P2 relates to important infrastructure and renewable electricity generation and provides direction as to how the adverse effects generated by this infrastructure is to be minimised. It is intended that this policy manage new and expanded development and upgrades, except those covered by EI-P1.2 relating to network utility upgrades.

Submissions

¹³⁰ 446-026 Transpower

¹³¹ 101-005 Chorus

¹³² 359-019 FENZ

¹³³ 375-021 Waka Kotahi

¹³⁴ 448-017 NZDF

¹³⁵ 454-005 CPW

¹³⁶ 458-020 Kiwirail

14.2 Twelve submission and nineteen further submission points were received in relation to EI-P2.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	006	EI-P2	Oppose In Part	Amend Policy EI-P2 and/or the policies for Natural Environment Values and Historical and Cultural Values such that the management approach for these environments envisaged by Policy EI-P2 Is not overridden by the policies for these other chapters.
DPR-0441	Trustpower Limited	FS019	EI-P2	Support	Accept
DPR-0446	Transpower New Zealand Limited	FS004	EI-P2	Support	Allow the submission or such relief to achieve the outcome sought in the submission.
DPR-0359	Fire and Emergency New Zealand	020	EI-P2	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	195	EI-P2	Support In Part	Amend as follows: Minimise <u>Manage</u> the adverse effects of important infrastructure, whilst having regard to the technical and operational requirements of important infrastructure and renewable electricity generation on the physical and natural environment by: 1. 2. locating, designing and operating development while minimising <u>managing</u> the effects on, the amenity values of the surrounding environment, public access and the health and safety of people. 3..... 6. Using the substantial upgrade of important infrastructure and renewable electricity generation as an opportunity to reduce existing adverse effects, <u>where practical</u> .
DPR-0353	Horticulture New Zealand	FS035	EI-P2	Oppose In Part	Reject
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS764	EI-P2	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower Limited	FS020	EI-P2	Support	Accept
DPR-0370	Fonterra Limited	026	EI-P2	Support In Part	Amend as follows: Minimise <u>Manage</u> the adverse effects of important infrastructure, and renewable electricity generation on the physical and natural environment by: 1. 2. locating, designing and operating development while minimising <u>managing</u> the effects on, the amenity values of the surrounding environment, public access and the

					health and safety of people. 3.
DPR-0209	Manmeet Singh	FS758	EI-P2	Oppose In Part	Reject submission in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS056	EI-P2	Support	Adopt recommended amendment
DPR-0441	Trustpower Limited	FS021	EI-P2	Support	Accept
DPR-0371	Christchurch International Airport Limited	026	EI-P2	Support In Part	Amend as follows: Minimise <u>Manage</u> the adverse effects of important infrastructure, and renewable electricity generation on the physical and natural environment, <u>whilst having regard to</u> <u>the practical, technical and operational</u> <u>requirements of important infrastructure</u> by: ... 2. locating, designing and operating development while minimising <u>managing</u> the effects on, the amenity values of the surrounding environment, public access and the health and safety of people.
DPR-0353	Horticulture New Zealand	FS090	EI-P2	Oppose	Reject
DPR-0375	Waka Kotahi NZ Transport Agency	FS058	EI-P2	Support	Adopt recommended amendment
DPR-0441	Trustpower Limited	FS022	EI-P2	Support	Accept
DPR-0375	Waka Kotahi NZ Transport Agency	022	EI-P2	Support In Part	Requests further consideration to be given to the implications of policy EI-P2 to ensure suitable balances between cost and effect are achieved.
DPR-0427	Lou Sanson, Director-General of Conservation	025	EI-P2	Oppose	Amend conditions 4 and 5 to either refer to the EIB provisions, or delete conditions 4 and 5 and amend the chapeau of the policy as follows: EI-P2 Minimise the adverse effects of important infrastructure, and renewable electricity generation on the physical and natural environment, <u>including by</u> :
DPR-0301	Upper Waimakariri/Rak aia Group (UWRG)	FS167	EI-P2	Support	Allow in full
DPR-0375	Waka Kotahi NZ Transport Agency	FS060	EI-P2	Oppose	Reject recommended amendment
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS191	EI-P2	Support	Accept the submission
DPR-0441	Trustpower Limited	FS023	EI-P2	Oppose	Reject
DPR-0441	Trustpower Limited	034	EI-P2	Support In Part	Minimise <u>Manage</u> the adverse effects of important <u>regionally significant</u> infrastructure, and renewable electricity generation on the physical and

					<p>natural environment by:</p> <p>...</p> <p>2. locating, designing and operating <u>development infrastructure</u> while minimising the effects on, the amenity values of the surrounding environment, public access and the health and safety of people.</p> <p>3. limiting the presence and effects of <u>the development of new activities and structures</u> within Outstanding Natural Landscapes, Visual Amenity Landscapes, areas of significant indigenous vegetation and habitats of indigenous fauna, sites of historic heritage and site and areas of significance to Māori to those which:</p> <p>...</p> <p>5. considering biodiversity off-setting or compensation <u>for significant residual effects</u> where the loss of significant indigenous vegetation cannot be <u>avoided, remedied, or mitigated; restored and</u> or where the effects on significant habitats of indigenous fauna or wetlands cannot be <u>fully—avoided, remedied, or</u> mitigated. where the adverse effects cannot be avoided or remedied.</p> <p>6. using the substantial upgrade of important infrastructure and renewable electricity generation as an opportunity to reduce existing adverse effects.</p>
DPR-0367	Orion New Zealand Limited	FS027	EI-P2	Support In Part	Accept the submission point in part
DPR-0367	Orion New Zealand Limited	FS033	EI-P2	Oppose In Part	Reject the submission in part
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS054	EI-P2	Oppose In Part	Accept but include clear limits to biodiversity offsetting and compensation.
DPR-0446	Transpower New Zealand Limited	027	EI-P2	Support In Part	<p>Amend as follows:</p> <p>Minimise <u>Manage</u> the adverse effects of <u>new and major upgrades to</u>, important infrastructure, and renewable electricity generation on the physical and natural environment by:</p> <p>1.</p> <p>3. limiting the presence and effects of development within Outstanding Natural Landscapes, Visual Amenity Landscapes, areas of significant indigenous vegetation and habitats of indigenous fauna, sites of historic heritage and site and areas of significance to Māori to those which:</p> <p>a.</p> <p>b. can demonstrate an operational, <u>technical</u> or functional requirement for the location; and</p>

					c. can demonstrate through site, route or method selection the <u>avoidance, remedying or mitigating</u> minimisation of effects on the environment; and d. 6. Using the substantial upgrade of important infrastructure and renewable electricity generation as an opportunity to reduce existing adverse effects <u>including on sensitive activities where appropriate.</u>
DPR-0448	New Zealand Defence Force	018	EI-P2	Support	Retain as notified
DPR-0453	Midland Port, Lyttelton Port Company Limited	092	EI-P2	Support In Part	Amend as follows: Minimise <u>Manage</u> the adverse effects of important infrastructure, and renewable electricity generation on the physical and natural environment, <u>whilst having regard to the technical and operational requirements of important infrastructure by:</u> ... 2. locating, designing and operating development while minimising <u>managing</u> the effects on, the amenity values of the surrounding environment, public access and the health and safety of people. ...
DPR-0441	Trustpower Limited	FS024	EI-P2	Support	Accept
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	021	EI-P2	Support In Part	Retain as proposed noting amendment sought for the ONL, and EIB Management Area and EIB Significant Natural Overlays to be removed from the KRH-1 designation.

Analysis

- 14.3 Chorus¹³⁷ are seeking that EI-P2 is amended and /or the policies for Natural Environment Values and Historical and Cultural Values are amended so that EI-P2 is not overridden by the policies for the other chapters. The EI Chapter is designed to be stand-alone, but where an activity is in an Overlay the associated objectives and policies from that Chapter also need to be considered. This is unavoidable with the way the PDP is structured as per the Planning Standards. When assessing proposed developments all objectives and policies need to be read together. When EI activities are also subject to other district wide objectives and policies, consideration needs to be given to whether the EI provisions are given greater weight, such as in circumstances where the activity satisfies EI-P2. There is the potential that the Overlay objectives and policies could 'override' the EI Chapter objectives and policies, but that is to be weighed up in light of the proposed activity, its effects, the overlay and reading the objectives and policies in the round. EI-P2 is considered to provide the flexibility that important infrastructure and renewable electricity generation operators require. Therefore, it is recommended that the Chorus submission point be rejected.

¹³⁷ 101-006 Chorus

- 14.4 Orion¹³⁸, Fonterra¹³⁹, CIAL¹⁴⁰, Trustpower¹⁴¹, Transpower¹⁴² and LPC¹⁴³ are all seeking that “Minimise” be replaced with “Manage” at the start of the policy. Orion, Fonterra, CIAL and LPC are also seeking that “minimising” be replaced with “managing” in EI-P2.2. It is considered that when developing new or expanding important infrastructure that the minimisation of adverse effects should be aimed for and that “managing” adverse effects provides less direction and meaning. There is currently no definition for “minimise” in the PDP and the dictionary definition could be relied upon (to reduce something, especially something undesirable to the smallest possible amount or degree), or a PDP definition developed.
- 14.5 Orion, CIAL and LPC are also seeking that regard be had to the practical, technical and operational requirements of important infrastructure. This matter is covered by EI-P1.4 and SD-IR-O1 and is not considered necessary in this policy as it would result in duplication. Orion also seek an amendment to EI-P2.6 of the wording “where practical”. This is not supported as it adds a lack of clarify as to what is considered practical or otherwise. Therefore overall, it is recommended that the amendments sought by Orion, Fonterra, CIAL, Trustpower, Transpower and LPC be rejected.
- 14.6 Waka Kotahi¹⁴⁴ request further consideration be given to the implications of the policy so that balances between cost and effect are achieved. This submission is considered to have insufficient detail about the relief sought to respond and therefore is recommended to be rejected.
- 14.7 DoC¹⁴⁵ are seeking amendment to EI-P2.4 and EI-P2.5 to refer to the EIB provisions or that they be deleted and that the policy be amended to reference “including” rather than “by” in the leading sentence. It is considered that the reference to requiring the restoration of indigenous vegetation and habitat and considering biodiversity off-setting or compensation is better contained in EI-P2 rather than cross-referencing to the EIB Chapter so that the policy is stand-alone and can be read in conjunction with other relevant objectives and policies where required. It is recommended that the submission point be rejected.
- 14.8 Trustpower¹⁴⁶ are seeking to refer to regionally significant infrastructure rather than important infrastructure which is not supported for the reasons already outlined in paragraphs 7.20-21. With respect to EI-P2.2, it is sought to replace “development” with “infrastructure”. This is not supported as important infrastructure and renewable electricity generation is used in the lead sentence to the policy and therefore “development” is intentional to refer to both important infrastructure and renewable electricity generation development, which is broader than the definition of infrastructure.

¹³⁸ 367-195 Orion

¹³⁹ 370-026 Fonterra

¹⁴⁰ 371-206 CIAL

¹⁴¹ 441-034 Trustpower

¹⁴² 446-027 Transpower

¹⁴³ 453-092 LPC

¹⁴⁴ 375-022 Waka Kotahi

¹⁴⁵ 427-025 DoC

¹⁴⁶ 441-034 Trustpower

14.9 Trustpower also seek that EI-P2.3 is limited to the development of “new activities and structures”, however it is considered that upgraded structures for example also have the potential to impact on sensitive environments and that this change is too limiting. With respect to EI-P2.5, Trustpower are seeking more detailed wording to consider off-setting or compensation for “significant residual effects” where the loss of significant indigenous vegetation, fauna or wetlands cannot be “avoided, remedied or mitigated” rather than “restored” or “remedied”. The reference to “significant residual effects” is not supported at this point as it is not clear what constitutes such a level of effects, but this could be considered further in the context of any submitter evidence in this regard. The other proposed wording is supported in principle, but recommended revisions which are considered within scope have been made to streamline the clause. Trustpower are also seeking to delete EI-P2.6 entirely. This not supported as substantial upgrades should be looked at as an opportunity to reduce adverse effects with advancements in technology. Overall, the Trustpower submission is recommended to be accepted in part.

14.10 Transpower¹⁴⁷ are seeking a range of more detailed amendments. They seek that the policy only apply to “new and major upgrades”. This is not supported as it is unclear what constitutes a ‘major’ upgrade (as per the analysis in relation to EI-P1). The changes sought to EI-P2.3 are not recommended as “minimisation” of effects is considered to provide greater direction than “avoiding, remedying or mitigating” and is achievable in the context of this policy. The addition to EI-P2.6 to also reference “sensitive activities” is supported as this should be a consideration when infrastructure operators are undertaking upgrades, however “where appropriate” is not supported as it does not add clarity. Therefore overall, the Transpower submission is accepted in part.

14.11 KiwiRail¹⁴⁸ support the intent of EI-P2 in relation to minimising the footprint and impacts of important infrastructure on sensitive environments. Kiwirail seek that the policy be retained as proposed, but note that they are seeking that the ONL, and EIB Management Area and EIB Significant Natural Overlays are removed from the KRH-1 designation. The decision about the Overlays applying to the Kiwirail designation is subject to a separate and subsequent hearings process. It is recommended that the Kiwirail submission be accepted.

14.12 FENZ¹⁴⁹ and NZDF¹⁵⁰ support EI-P2 as notified which is accepted in part based on the recommendations to amend.

Recommendations and amendments

14.13 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EI-P2 as shown in **Appendix 2** to provide greater clarity.

14.14 The amendments recommended to EI-P2 are set out in a consolidated manner in **Appendix 2**.

¹⁴⁷ 446-027 Transpower

¹⁴⁸ 458-021 Kiwirail

¹⁴⁹ 359-020 FENZ

¹⁵⁰ 448-018 NZDF

14.15 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

14.16 The scale of change does not require a s32AA evaluation.

15 EI-P3

Introduction

15.1 EI-P3 encourages the use of land transport corridors for the location of network utilities and also recognises the need to maintain the safe and efficient operation of land transport infrastructure.

Submissions

15.2 Five submissions and two further submission points were received in relation to EI-P3.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	037	EI-P3	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	197	EI-P3	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS766	EI-P3	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0375	Waka Kotahi NZ Transport Agency	023	EI-P3	Support In Part	Amend as follows: Encourage the use of land transport corridors for the location of network utilities while maintaining the safe, and efficient <u>and effective</u> operation of land transport infrastructure.
DPR-0446	Transpower New Zealand Limited	028	EI-P3	Support	Retain as notified
DPR-0454	Central Plains Water Limited	006	EI-P3	Support In Part	Amend as follows: Encourage <u>Permit</u> the use of land transport corridors for the location of network utilities while maintaining the safe and efficient operation of land transport infrastructure.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS162	EI-P3	Oppose	Reject the submission

Analysis

- 15.3 Waka Kotahi¹⁵¹ are seeking to also reference the “effective” operation of land transport infrastructure. The addition of “effective” can be supported in the context of network utility development and the operation of land transport infrastructure, as “effective” is the degree to which something is successful in achieving a desired result which is separate to “efficiency”, which is achieving an outcome with the least amount of wasted time, money and effort or competency in performance. Both terms are considered relevant to land transport infrastructure and the provision of network utilities within roads. Therefore, it is recommended that the Waka Kotahi submission point be accepted.
- 15.4 CPW¹⁵² are seeking to “permit” rather than “encourage” the use of land transport corridors for utilities. “Encourage” is considered more appropriate wording as network utilities are encouraged within the land transport corridor rather than outside of it, however network utilities will not be permitted in all instances within land transport corridors by the associated rules and rule requirements. Therefore, it is recommended that this submission point be rejected.
- 15.5 Chorus¹⁵³, Orion¹⁵⁴, and Transpower¹⁵⁵ support EI-P3 as notified which is recommended to be accepted in part based on the recommendation to amend.

Recommendations and amendments

- 15.6 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EI-P3 as notified as shown in **Appendix 2** to provide greater clarity.
- 15.7 The amendments recommended to EI-P3 are set out in a consolidated manner in **Appendix 2**.
- 15.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 15.9 The scale of change does not require a s32AA evaluation.

16 EI-P4

Introduction

- 16.1 Policy EI-P4 seeks to manage the adverse effects from the construction and operation of important infrastructure and renewable electricity generation, including noise and vibration.

Submissions

- 16.2 Eight submission points and five further submission points were received in relation to EI-P4.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
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¹⁵¹ 375-023 Waka Kotahi

¹⁵² 454-006 CPW

¹⁵³ 101-037 Chorus

¹⁵⁴ 367-197 Orion

¹⁵⁵ 446-028 Transpower

DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	007	EI-P4	Oppose In Part	Amend as follows: Manage the adverse effects from the construction and operation of important infrastructure, and renewable electricity generation including noise, and vibration by requiring taking into account compliance to the extent practicable with relevant standards and regulations.
DPR-0375	Waka Kotahi NZ Transport Agency	FS049	EI-P4	Support	Adopt proposed amendment.
DPR-0441	Trustpower Limited	FS025	EI-P4	Support	Accept
DPR-0359	Fire and Emergency New Zealand	021	EI-P4	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	198	EI-P4	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS767	EI-P4	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0375	Waka Kotahi NZ Transport Agency	024	EI-P4	Support	Retain as notified.
DPR-0441	Trustpower Limited	035	EI-P4	Support In Part	Amend as follows: Manage the adverse effects from the construction and operation of important regionally significant infrastructure, and renewable electricity generation including noise, and vibration by requiring compliance with relevant standards and regulations.
DPR-0367	Orion New Zealand Limited	FS028	EI-P4	Oppose In Part	Reject the submission point in part
DPR-0370	Fonterra Limited	FS007	EI-P4	Oppose	Reject the submission.
DPR-0446	Transpower New Zealand Limited	029	EI-P4	Support In Part	Amend as follows: Manage the adverse effects from the construction and operation of important infrastructure, and renewable electricity generation including noise, and vibration by requiring compliance with applicable New Zealand or International standards and regulations, including national environmental standards.
DPR-0448	New Zealand Defence Force	019	EI-P4	Oppose	Amend as follows: Manage the adverse effects from the construction and operation of important infrastructure, and renewable electricity generation including noise, and vibration, including by requiring compliance with standards and regulations where applicable.
DPR-0453	Midland Port, Lyttelton Port Company Limited	093	EI-P4	Support In Part	Amend as follows: Manage the adverse effects from the construction and operation of important infrastructure, and renewable electricity generation including noise, and

					vibration, <u>including</u> by requiring compliance with standards and regulations.
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Analysis

- 16.3 The amended wording sought by Chorus¹⁵⁶ of “to the extent practicable” is considered to introduce uncertainty. It is also implicit that compliance is only required in association with relevant standards and regulations so specific wording to this effect does not need to be included. Therefore, it is recommended that the Chorus submission point be rejected.
- 16.4 Likewise, Transpower¹⁵⁷ are also seeking reference to “applicable” guidelines and are seeking specific reference to “national environmental standards”. These revisions are not considered necessary for the same reasons and “national environmental standards” are already included by reference to “standards”. Therefore, it is recommended that the Transpower submission points be rejected.
- 16.5 Trustpower¹⁵⁸ are seeking reference to regionally significant infrastructure and compliance with “relevant “standards and regulations. For reasons set out in paragraphs 7.20-21 the reference to “regionally significant” infrastructure is not supported and it is considered implicit already that only relevant standards and regulations need to be complied with. It is therefore recommended that the Trustpower submission point be rejected.
- 16.6 Both NZDF¹⁵⁹ and LPC¹⁶⁰ are seeking to add “including” to broaden the policy to manage effects including by way of compliance with standards and regulations, but not solely by way of standards and regulations. This is supported as it also provides for effects to be managed by way of rule requirements, which better correlates with the rules. However; compliance with standards and regulations “where applicable” as sought by NZDF is not supported as it is considered implicit that compliance is required only where applicable. Therefore, overall it is recommended that the NZDF submission point is accepted in part and the LPC submission point is accepted.
- 16.7 FENZ¹⁶¹, Orion¹⁶², and Waka Kotahi¹⁶³ support EI-P4 as notified, and it is recommended that these submission points be accepted in part based on the recommendation to amend.

Recommendations and amendments

- 16.8 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EI-P4 as notified as shown in **Appendix 2** to provide greater clarity.
- 16.9 The amendments recommended to EI-P4 are set out in a consolidated manner in **Appendix 2**.

¹⁵⁶ 101-007 Chorus

¹⁵⁷ 446-029 Transpower

¹⁵⁸ 441-035 Trustpower

¹⁵⁹ 448-019 NZDF

¹⁶⁰ 453-093 LPC

¹⁶¹ 359-021 FENZ

¹⁶² 367-198 Orion

¹⁶³ 375-024 Waka Kotahi

16.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

16.11 The scale of change does not require a s32AA evaluation.

17 EI-P5

Introduction

17.1 EI-P5 seeks to avoid radio, electric and magnetic emissions that do not meet recognised standards or guidelines.

Submissions

17.2 Three submissions and one further submission were received in relation to EI-P5.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	038	EI-P5	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	199	EI-P5	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS768	EI-P5	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>
DPR-0446	Transpower New Zealand Limited	030	EI-P5	Support In Part	Amend as follows: Avoid radio, electric, and magnetic fields emissions that do not meet the <u>applicable recognised New Zealand or International standards or guidelines, or national environmental standards.</u>

Analysis

17.3 The amendment sought by Transpower¹⁶⁴ is supported to the extent that the reference to “magnetic emissions” be replaced with “magnetic fields” as it is field levels and not emissions that are regulated. Consequential amendments are also proposed within several associated rules to refer to ‘EI-REQ7 Electric and Magnetic Fields’ rather than ‘EI-REQ7-Electric and Magnetic Emissions’. It is considered sufficiently clear that the “recognised” standards or guidelines are those referred to in the rules (i.e. EI-REQ6 and EI-REQ7) and that any applicable NES applies. Therefore, the further changes suggested by Transpower are not considered necessary as they do not add any additional clarity. The policy is also considered consistent with Policy 9 of the NPSET. It is recommended that the submission point be accepted in part.

¹⁶⁴ 446-030 Transpower

17.4 Chorus¹⁶⁵ and Orion¹⁶⁶ support EI-P5 as notified. It is recommended these submission points be accepted in part based on the recommendation to amend.

Recommendations and amendments

17.5 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EI-P5 as notified as shown in **Appendix 2** to provide greater clarity.
- b) Make a consequential amendment to EI-R9, EI-R10, EI-R11, EI-R12, EI-R13, EI-R14, EI-R15, EI-R17, EI-R18, EI-R19, EI-R21, EI-R27, and EI-R30 to refer to 'EI-REQ7 Electric and Magnetic Fields' as shown in **Appendix 2**.

17.6 The amendments recommended to EI-P5 are set out in a consolidated manner in **Appendix 2**.

17.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

17.8 The scale of change does not require a s32AA evaluation.

18 EI-P6

Introduction

18.1 EI-P6 is a policy which addresses reverse sensitivity and seeks to avoid incompatible activities that may affect important infrastructure and renewable electricity generation activity and access to important infrastructure.

Submissions

18.2 Fifteen submission points and thirteen further submission points were received in relation to EI-P6.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0068	MetroPort Christchurch (MetroPort)	009	EI-P6	Oppose In Part	Amend Clause 1. to clarify the situation where noise contours are provided.
DPR-0353	Horticulture New Zealand	091	EI-P6	Oppose In Part	Delete as notified and replace with: <u>Manage activities to ensure that incompatible activities do not, to the extent reasonably possible, affect the efficient operation, maintenance, repair, upgrading, renewal or development of important infrastructure and renewable electricity generation.</u>
DPR-0367	Orion New Zealand Limited	FS011	EI-P6	Oppose	Reject the submission point
DPR-0375	Waka Kotahi NZ Transport Agency	FS052	EI-P6	Oppose	Reject recommended amendment

¹⁶⁵ 101-038 Chorus

¹⁶⁶ 367-196 Orion

DPR-0441	Trustpower Limited	FS112	EI-P6	Oppose	Reject
DPR-0359	Fire and Emergency New Zealand	022	EI-P6	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	196	EI-P6	Support In Part	<p>Amend as follows:</p> <p>1. Avoid incompatible activities that may affect the efficient operation, maintenance, repair, <u>replacement</u>, upgrading, renewal, or development of important infrastructure and renewable electricity generation unless the activity is located:</p> <p>i. at a distance or in a position that does not adversely affect the important infrastructure or renewable electricity generation activity; and</p> <p>ii. in a position that does not obstruct access to important infrastructure as required for <u>operation</u>, maintenance, <u>repair</u>, <u>replacement</u>, upgrading, <u>renewal</u> or <u>development</u>, or emergency purposes.</p> <p>2. <u>Avoid adverse effects on the electricity distribution network and significant electricity distributions lines, including by identifying a buffer corridor within which buildings, earthworks and sensitive activities will generally not be provided for.</u></p>
DPR-0353	Horticulture New Zealand	FS036	EI-P6	Oppose	Reject addition of clause 2
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS765	EI-P6	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0370	Fonterra Limited	027	EI-P6	Support	Retain as notified
DPR-0209	Manmeet Singh	FS759	EI-P6	Oppose In Part	Reject submission in part
DPR-0371	Christchurch International Airport Limited	027	EI-P6	Oppose In Part	<p>Amend as follows:</p> <p>Avoid incompatible activities that may affect the efficient operation, maintenance, repair, upgrading, renewal, or development of important infrastructure and renewable electricity generation, <u>including by:</u></p> <p><u>1. Avoiding the establishment of noise sensitive activities within the 50 dB Ldn Air Noise Contour and avoiding activities that create a risk of bird strike to aircraft using Christchurch International Airport</u></p> <p><u>unless the activity is located:</u></p> <p><u>1. at a distance or in a position that does not adversely affect the important infrastructure or renewable electricity generation activity; and</u></p> <p><u>2. in a position that does not obstruct access to important infrastructure as required for maintenance, upgrading, or emergency purposes.</u></p>

DPR-0142	New Zealand Pork Industry Board (NZ Pork)	FS003	EI-P6	Oppose	Disallow
DPR-0353	Horticulture New Zealand	FS040	EI-P6	Oppose In Part	Reject
DPR-0415	Fulton Hogan Limited	FS011	EI-P6	Oppose	Disallow the submission.
DPR-0375	Waka Kotahi NZ Transport Agency	025	EI-P6	Support In Part	Request further consideration is given to the implications of section 2 of policy EI-P6 to ensure any exclusions are as intended.
DPR-0414	Kāinga Ora - Homes & Communities	068	EI-P6	Oppose	Amend as follows: Avoid-Manage incompatible activities that may affect the efficient operation, maintenance, repair, upgrading, renewal, or development of important infrastructure and renewable electricity generation unless the activity is located: ...
DPR-0446	Transpower New Zealand Limited	FS045	EI-P6	Oppose	Disallow the submission.
DPR-0441	Trustpower Limited	036	EI-P6	Support In Part	Amend as follows: Avoid incompatible activities that may affect the efficient operation, maintenance, repair, upgrading, renewal, or development of important <u>important regionally significant</u> infrastructure and renewable electricity generation unless the activity is located: 1. at a distance or in a position that does not adversely affect the important infrastructure or renewable electricity generation activity; and 2. in a position that does not obstruct access to important infrastructure as required for <u>operation</u> , maintenance, upgrading, or emergency purposes.
DPR-0367	Orion New Zealand Limited	FS029	EI-P6	Oppose In Part	Reject the submission point in part
DPR-0446	Transpower New Zealand Limited	031	EI-P6	Oppose	Amend the heading for EI-P6 as follows: Reverse Sensitivity <u>Effects on Important Infrastructure</u>
DPR-0446	Transpower New Zealand Limited	032	EI-P6	Support In Part	Amend as follows: Avoid incompatible <u>subdivision, use and development</u> activities that may affect <u>compromise</u> the efficient operation, maintenance, repair, upgrading, renewal, or development of important infrastructure and renewable electricity generation unless the activity is located: 1. at a distance or in a position that does not adversely affect the <u>operation, maintenance, upgrading, and development</u> of important infrastructure or renewable electricity generation activity; and 2.
DPR-0446	Transpower New Zealand Limited	033	New	Oppose	Insert the following new policy: EI-PX <u>Avoid Sensitive activities, including any increase in their scale and intensity, within the National Grid Yard.</u>

DPR-0353	Horticulture New Zealand	FS061	EI-P6	Oppose In Part	Amend EI-P6 as sought in the HortNZ submission.
DPR-0448	New Zealand Defence Force	020	EI-P6	Support In Part	Amend to create two separate policies, the first of which focuses on avoiding incompatible activities, and the second on avoiding reverse sensitivity effects by ensuring activities are located at a distance which does not adversely affect important infrastructure) or wording to similar effect). GRUZ7 provides a good example of such an approach.
DPR-0371	Christchurch International Airport Limited (CIAL)	FS033	EI-P6	Support In Part	Accept in part.
DPR-0453	Midland Port, Lyttelton Port Company Limited	094	EI-P6	Support In Part	Amend as follows: Avoid incompatible activities that may affect the efficient operation, maintenance, repair, upgrading, renewal, or development of important infrastructure and renewable electricity generation including by 1. avoiding noise sensitive activities within the 55dB Laeq Port Noise Control Overlay unless the activity is located: 1. at a distance or in a position that does not adversely affect the important infrastructure or renewable electricity generation activity; and 2. in a position that does not obstruct access to important infrastructure as required for maintenance, upgrading, or emergency purposes.
DPR-0458	KiwiRail Holdings Limited (KiwiRail)	022	EI-P6	Support	Retain as notified.

Analysis

18.3 Metroport¹⁶⁷ are seeking that EI-P6.1 be amended to clarify the situation where noise contours are provided. Likewise, CIAL¹⁶⁸ are seeking that the policy be amended by “avoiding the establishment of noise sensitive activities within the 50 dB Ldn Air Noise Contour and avoiding activities that create a bird strike risk.....”, and LPC¹⁶⁹ are seeking reference to “avoiding noise sensitive activities within the 55 dB Laeq Port Noise Control Overlay”. These amendments are not supported as there are objectives, policies and associated rules in the Noise Chapter which address the location of sensitive activities in relation to noise contours associated with important infrastructure, including the inland ports and the Christchurch International Airport. The Noise Chapter is considered the appropriate Chapter within which noise contour specific provisions should be contained (and the DPZ with respect to the dairy processing facilities), as specified by the Planning Standards. In addition, the Subdivision Chapter contains a rule (SUB-R26) relating to subdivision within the Airport and Port Noise Control Overlays. The bird strike matter is addressed later in this report in section 62. Overall, it is recommended that the Metroport, CIAL and LPC submission points be rejected.

¹⁶⁷ 068-009 Metroport

¹⁶⁸ 371-027 CIAL

¹⁶⁹ 453-094 LPC

- 18.4 Hort NZ¹⁷⁰ are seeking that EI-P6 be deleted as notified and replaced with a new policy. The proposed replacement policy is not supported as it does not provide specific direction about how incompatible activities need to be managed and it is of note that Orion, Waka Kotahi and Trustpower all further submitted in opposition to this new policy sought by Hort NZ. Therefore, it is recommended that the Hort NZ submission be rejected.
- 18.5 Trustpower¹⁷¹ are seeking reference to “regionally significant” rather than important infrastructure, which is not supported. They are also seeking to reference “operation” in clause 2. which is recommended to be supported to add clarity. Overall, it is recommended that the submission be accepted in part.
- 18.6 Orion¹⁷² are seeking that EI-P6.2 is amended to also refer to “replacement” in the lead in sentence and “operation, ...repair, replacement,... renewal or development” in relation to access to important infrastructure in clause 2, which is considered justified as access to important infrastructure is also an important consideration with respect to these additional matters in clause 2. Orion are also seeking that a new clause be added as follows: “Avoid adverse effects on the electricity distribution network and significant electricity distributions lines, including by identifying a buffer corridor within which buildings, earthworks and sensitive activities will generally not be provided for.” The addition of this new clause is not supported as EI-P6.1 and EI-P6.2 already reference the location of activities “at a distance or in a position” that do not adversely affect renewable electricity generation which reflect the buffer corridors, and that access is not obstructed. The proposed new clause would result in unnecessary duplication. Overall, it is recommended that the Orion submission point be accepted in part.
- 18.7 Waka Kotahi¹⁷³ asks for further consideration of the implications of EI-P6.2 to ensure any exclusions are as intended. It is considered that this submission point lacks sufficient detail to provide a response and therefore it is recommended that it be rejected.
- 18.8 Kāinga Ora¹⁷⁴ seek that “avoid” at the start of the policy be replaced with “manage”. This is not supported as it is intentional that there is a clear directive to “avoid” incompatible activities that may affect important infrastructure rather than “manage”, which is in turn reflected in the provisions and activity status. It is recommended that this submission point be rejected.
- 18.9 To the extent that EI-P6 relates to the National Grid, Transpower¹⁷⁵ do not support the heading because it implies that EI-P6 only manages reverse sensitivity effects, as opposed to all adverse effects on important infrastructure contrary to Policy 10 of the NPSET. Transpower are seeking that the heading be amended to “Effects on important infrastructure”. Furthermore, Transpower generally supports EI-P6 but considers that the wording would benefit from further refinement to

¹⁷⁰ 353-091 Hort NZ

¹⁷¹ 441-036 Trustpower

¹⁷² 367-196 Orion

¹⁷³ 375-025 Waka Kotahi

¹⁷⁴ 414-068 Kāinga Ora

¹⁷⁵ 446-031 Transpower

more closely reflect Policy 10 of the NPSET and to clarify that this policy also manages subdivision and is implemented by Rule SUB-R16.

- 18.10 Policy 10 of the NPSET is under the heading “Managing the adverse effects of third parties on the transmission network” and states: “.... decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.” The NPSET policy specifically includes mention of ‘reverse sensitivity’ and this is considered to be an accepted planning concept and term that is routinely referred to in District Plans. ‘Reverse sensitivity’ is also defined in the PDP to assist Plan users with understanding its meaning. Therefore, the heading is considered consistent with Policy 10 of the NPSET and accurately reflects the intention of the policy. It is recommended that this amendment not be made.
- 18.11 Transpower¹⁷⁶ are also seeking that “avoid incompatible activities” be replaced with “avoid subdivision, use and development” activities. This is not considered necessary as “development” is an encompassing term and the reference to incompatible activities is consistent with EI-O3 (as amended). The reference sought to “operation, maintenance, upgrading, and development” in EI-P6.1 is supported in principle but is not considered necessary to be added to EI-P6.1 as this wording is already contained in the first part of the policy. It is recommended that this amendment not be made and that the submission point be rejected.
- 18.12 Transpower¹⁷⁷ are also seeking that a new policy be added which seeks to avoid sensitive activities within the National Grid Yard. The singling out of specific infrastructure providers and their infrastructure has been specifically avoided in the drafting given the important infrastructure definition covers a range of infrastructure and results in more concise drafting. The new policy sought by Transpower is not considered necessary as EI-P6 addresses the avoidance of sensitive activities in relation to important infrastructure, including within the National Grid Yard. It is therefore recommended that this submission point be rejected.
- 18.13 NZDF¹⁷⁸ are seeking that EI-P6 is split into two separate policies to firstly focus on avoiding incompatible activities, and secondly to avoid reverse sensitivity effects by ensuring activities are located at a distance that does not adversely affect important infrastructure. This is not supported as the “avoid” part of the policy is intentionally foremost to avoid incompatible development, unless it is at a distance or in a position that does not adversely affect the important infrastructure or obstruct access. Therefore, it is recommended that this submission point be rejected.
- 18.14 FENZ¹⁷⁹, Fonterra¹⁸⁰ and Kiwirail¹⁸¹ support EI-P6 and seek to retain EI-P6 as notified. It is recommended to accept these submission points in part based on the recommendation to amend.

¹⁷⁶ 446-032 Transpower

¹⁷⁷ 446-033 Transpower

¹⁷⁸ 448-020 NZDF

¹⁷⁹ 359-022 FENZ

¹⁸⁰ 370-027 Fonterra

¹⁸¹ 458-022 Kiwirail

Recommendations and amendments

18.15 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EI-P6 as notified as shown in **Appendix 2** to provide greater clarity.

18.16 The amendments recommended to EI-P6 are set out in a consolidated manner in **Appendix 2**.

18.17 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

18.18 The scale of change does not require a s32AA evaluation.

19 EI-P7, P8 and P9

Introduction

19.1 Policies EI-P7 to EI-P9 concern renewable electricity generation and have been grouped together in this section given they are all focused on energy generation and there are relatively limited submissions and only one seeking amendment.

Submissions

19.2 Two submissions were received in relation to EI-P7, one in relation to EI-P8 and one in relation to EI-P9. No further submissions were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0019	Sue Jarvis	001	EI-P7	Support	Not specified
DPR-0441	Trustpower Limited	037	EI-P7	Support	Retain as notified
DPR-0441	Trustpower Limited	038	EI-P8	Support	Retain as notified
DPR-0441	Trustpower Limited	039	EI-P9	Support In Part	<p>Amend as follows: Provide for renewable electricity generation and renewable electricity generation activities across the District, while having particular regard to:</p> <p>1. The potential benefits of the proposed activity, particularly contributions to national energy objectives, or renewable electricity generation targets <u>or climate change mitigation</u>;</p> <p>2. The technical and operational requirements of renewable electricity generation and renewable electricity generation activities;</p> <p>3. The availability of renewable electricity <u>generation energy</u> sources;</p> <p>...</p>

Analysis

19.3 Both Sue Jarvis¹⁸² and Trustpower¹⁸³ submitted in support of EI-P7 and Trustpower are seeking that the policy be retained as notified. Likewise, Trustpower¹⁸⁴ are seeking that EI-P8 be retained as notified. It is recommended that these submission points be accepted.

19.4 Trustpower¹⁸⁵ note that renewable energy generation is included within the definition of ‘renewable electricity generation activities’ and therefore is not required in the policy in EI-P9.1 and EI-P9.2. Trustpower also consider it is important to recognise that renewable electricity generation can help achieve climate change mitigation and seek amendment to EI-P9.1 to this effect. It is recommended that these amendments be made. They also seek that EI-P9.3 reference the availability of “renewable energy” sources rather than “renewable electricity generation” sources. This change is not supported as ‘renewable electricity generation’ is a defined term and it is considered it should remain to clearly explain the sources of electricity (energy) generation. Overall, it is recommended that the amendments sought by Trustpower to EI-P9 be accepted in part.

Recommendations and amendments

19.5 I recommend, for the reasons given above, that the Hearings Panel:

- a) Retain EI-P7 and EI-P78 as notified.
- b) Amend EI-P9 as shown in **Appendix 2** to streamline the policy, rely on the definitions and recognise that renewable electricity generation can help achieve climate change mitigation.

19.6 The amendments recommended to EI-P9 are set out in a consolidated manner in **Appendix 2**.

19.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

19.8 The scale of change does not require a s32AA evaluation.

20 New Policy - Significant Electricity Distribution Lines

Introduction

20.1 Orion are seeking to insert a new policy in the EI Chapter to recognise the growth of Significant Electricity Distribution Lines in the future.

Submissions

20.2 One submission point and two further submission points were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	184	New	Neither Support Nor Oppose	Insert as follows: <u>Recognise the national, regional and local benefits of the safe, secure and efficient operation of Significant Electricity Distribution Lines by providing for the installation, operation, maintenance, upgrade,</u>

¹⁸² 019-001 Sue Jarvis

¹⁸³ 441-037 Trustpower

¹⁸⁴ 441-038 Trustpower

¹⁸⁵ 441-039 Trustpower

					<u>development and growth of future Significant Electricity Distribution Lines in the district.</u>
DPR-0353	Horticulture New Zealand	FS034	New	Oppose	Reject
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS753	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.

Analysis

20.3 Orion¹⁸⁶ consider that whilst the addition of new Significant Electricity Distribution Lines on the planning maps would be subject to a future plan change, it is important there is policy recognition that Significant Electricity Distribution Lines may grow in the future and that the policy framework is enabling in this regard.

20.4 The addition of a new policy is not supported as existing objectives and policies are enabling of important infrastructure which includes national, regional and local electricity generation activities undertaken by an Electricity Operator as defined by the Electricity Act 1992, electricity distribution networks and electricity transmission networks in relation to both new infrastructure (i.e. future growth) and upgrades to existing. The proposed additional policy is not considered necessary and it is recommended that the Orion submission point be rejected.

Recommendation

20.5 I recommend, for the reasons given above, that the Hearings Panel retain the PDP as notified.

20.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

21 Note for Plan Users

Introduction

21.1 There is a 'Note for Plan Users' under the EI-Rules Heading which provides information about what the rules apply to and how they work in relation to other parts of the Plan. There is also reference to relevant Codes of Practice and other regulation.

Submissions

21.2 Four submissions points and five further submission points were received seeking amendments to the 'Note to Plan Users'.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	181	Note for Plan Users	Neither Support	Insert/amend the following into the Note for Plan Users: Within this chapter there may be a number of

¹⁸⁶ 367-184 Orion

				<p>Nor Oppose</p> <p>Plan provisions that apply to a non-energy or important infrastructure related activity where they affect an energy or important infrastructure activity. In these cases both the provisions within this Chapter apply as well as all other relevant provisions within this Plan.</p> <p><u>There are a number of provisions in relevant zone chapters which manage land use activities that have the potential to create adverse reverse sensitivity effects on important infrastructure. In these cases, the objectives and policies in this chapter are also relevant and are to be considered.</u></p> <p>Regarding energy or important infrastructure activities, while most of the relevant provisions are contained within this chapter, where an activity is located within the <u>Port Zone</u> or the <u>Dairy Processing Zone</u>, those chapter provisions must also be considered.</p> <p>Moreover, All activities must be assessed against the Transport chapter.</p> <p>Additionally, The objectives, policies, and methods for managing reverse sensitivity effects relating to noise sensitive activities establishing in proximity to important infrastructure are managed under the <u>Noise Chapter</u> of this Plan. <u>Rules in other chapters (excluding the transport Chapter) only apply to Important Infrastructure where they either specifically reference important infrastructure within that chapter and are specifically cross referenced as a rule requirement within this chapter. For clarity the following chapters are not relevant to important Infrastructure:</u></p> <ul style="list-style-type: none"> <u>a. Temporary Activities</u> <u>b. Historic Heritage</u> <u>c. Hazardous Substances</u> <p>Where a rule or rule requirements from another chapter has been cross referenced within this chapter, the relevant associated objectives and policies also apply with assessing an application for resource consent.</p> <p>Details of the steps Plan users should take to determine the status of an activity is provided in the <u>How the Plan Works</u>.</p> <p>It is also relevant to note that tThese provisions do not replace, supersede, or provide permission under the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001 or the Electricity (Hazards from Trees) Regulations 2003. Compliance is required under all documents.</p> <p>While this Chapter does not require compliance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, it is recommended that all development complies with these Standards.</p>
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DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	FS003	Note for Plan Users	Support	Accept original submission point
DPR-0353	Horticulture New Zealand	FS033	Note for Plan Users	Oppose In Part	Reject
DPR-0370	Fonterra Limited	FS006	Note for Plan Users	Support	Accept the submission.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS750	Note for Plan Users	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0371	Christchurch International Airport Limited	028	Note for Plan Users	Support In Part	Retain cross references but make the drafting clearer and locate the references earlier in the chapter. And, where relevant, ensure cross references are also contained in rule provisions to ensure they are seen by plan users.
DPR-0353	Horticulture New Zealand	FS091	Note for Plan Users	Oppose	Reject
DPR-0441	Trustpower Limited	062	Note For Plan Users	Support	Retain as notified
DPR-0446	Transpower New Zealand Limited	034	Note for Plan Users	Support In Part	<p>Amend the 'Note for Plan Users' as follows:</p> <p>....</p> <p>Regarding energy or important infrastructure activities, while most of the relevant provisions are contained within this chapter, where an activity is located within the Port Zone or the Dairy Processing Zone, those chapter provisions must also be considered. Moreover, all activities must be assessed against the Transport chapter. Additionally, the objectives, policies, and methods for managing reverse sensitivity effects relating to noise sensitive activities establishing in proximity to important infrastructure are managed under the Noise Chapter of this Plan. <u>Except where there are direct cross-references, in all other circumstances this Chapter sets out all other provisions for energy or infrastructure activities.</u></p> <p>Where a rule or rule requirements from another chapter has been cross-referenced within this chapter, the relevant associated objectives and policies also apply with <u>when</u> assessing an application for resource consent.</p> <p>Details of the steps Plan users should take to determine the status of an activity is provided in the How the Plan Works.</p> <p><u>Notwithstanding any other rules in the District Plan, the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 apply to the operation, maintenance, upgrading,</u></p>

					<u>relocation or removal of National Grid transmission lines that were operating or able to be operated on, or prior to, 14 January 2010 and remain part of the National Grid. In this case of conflict with any other provision in the District Plan, the NESETA prevails.</u>
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Analysis

- 21.3 Minor amendments to the Note for Plan Users were put forward in a report to Council dated 3 February 2021¹⁸⁷ subject to Clause 16(2), and were subsequently updated in the eplan on 10 March 2021 following the close of submissions. The amendments made to the notified text are as follows (new text shown underlined and deleted text shown as strikethrough)¹⁸⁸:

As required by the National Planning Standards, unless relating specifically to a Special Purpose Zone, the 'Energy, Infrastructure and Transport' heading has been created to be self-contained for all energy, transport and infrastructure works and activities. Under the National Planning Standards it is permitted to have more than one chapter covering these matters under the 'Energy, Infrastructure and Transport' heading. In this Plan, energy and infrastructure matters are contained in a separate chapter to transport matters.

The Energy and Infrastructure chapter is designed to work in the following way:

1. Within this chapter there may be a number of Plan provisions that apply to a non-energy or important infrastructure related activity where they affect an energy or important infrastructure activity. For example, the establishment of a new, or expansion of an existing sensitive activity. In these cases both the provisions within this Chapter apply as well as all other relevant provisions within this Plan.
2. Regarding energy or important infrastructure activities, while most of the relevant provisions are contained within this chapter, where an activity is located within the Port Zone or the Dairy Processing Zone (both of which are Special Purpose Zones), those chapter provisions must also be considered. Moreover, all activities must be assessed against the Transport chapter. Additionally, the objectives, policies, and methods for managing reverse sensitivity effects relating to noise sensitive activities establishing in proximity to important infrastructure are managed under the Noise Chapter of this Plan.
3. Where a rule or rule requirements from another chapter has been cross-referenced within this chapter, the relevant associated objectives and policies also apply with when assessing an application for resource consent.
4. Where an activity is within an Overlay, the associated objectives and policies from the relevant chapter for that overlay also apply when assessing an application for resource consent.

Details of the steps Plan users should take to determine the status of an activity is provided in the How the Plan Works.

- 21.4 It is of note that the original submissions are based on the notified text and not the clause 16(2) amended version outlined in paragraph 21.3, which explains the discrepancies between the submission version and the current PDP version. The amendments were made to improve

¹⁸⁷ https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/381067/CI162-report-2.pdf

readability, to better explain the Planning Standards structure, and to add a note to explain that the objectives and policies for an Overlay also apply where an activity is located within an Overlay.

- 21.5 Orion¹⁸⁹ are seeking to make it more explicit which Chapters are not relevant to network utility operators, that provisions are consolidated, and that provisions related to managing reverse sensitivity effects on important infrastructure are located in the relevant zone rules, all of which requires consequential amendment to the EI Chapter and hyperlinks. Many of the amendments sought by Orion are reflected in the clause 16 amended version. Orion's replacement clause 1. and 3. are not considered to add any greater clarity. It is therefore recommended that this submission point be accepted in part.
- 21.6 CIAL¹⁹⁰ are seeking to retain cross-references but make the drafting clearer and to locate these notes earlier in the Chapter. It is considered that the clause 16 amendments have improved the drafting and the note is considered to be appropriately located in relation to the rules, and not the Chapter Overview. It is recommended that this submission point be accepted in part.
- 21.7 Transpower¹⁹¹ consider that the Note could be further strengthened through a statement about the role of other provisions in the Plan and a statement similar to that included in the SIGN-Overview in respect of the NESTEA. The Transpower amendments are considered to provide additional clarity and it is therefore recommended that the Transpower submission point be accepted.
- 21.8 Trustpower¹⁹² are seeking the Note be retained as notified, which is accepted in part given the recommended amendment.

Recommendations and amendments

- 21.9 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend the Note to Plan Users as explain shown in **Appendix 2** to provide greater clarity and cross-referencing.
- 21.10 The amendments recommended to the Note to Plan Users are set out in a consolidated manner in **Appendix 2**.
- 21.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 21.12 The scale of change does not require a s32AA evaluation.

¹⁸⁹ 367-181 Orion

¹⁹⁰ 371-028 CIAL

¹⁹¹ 446-034 Transpower

¹⁹² 441-062 Trustpower

22 E1-R1 Activities in the National Grid Yard

Introduction

- 22.1 The NPSET explains that the transmission of electricity through the National Grid is vital to the well-being of New Zealand and that as an extensive and linear system, it is important that there is consistency in the policy and regulatory approach adopted by local authorities.
- 22.2 EI-R1 permits activities in the National Grid Yard where there is no reticulation or storage of water in open channels, dams or reservoirs; or no storage or handling of hazardous substances; or no mineral extraction. Compliance with EI-REQ1 Access is also required.

Submissions

- 22.3 Four submission points and five further submission points were received in relation to EI-R1.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	Horticulture New Zealand	092	EI-R1	Oppose In Part	Amend as follows: ... Where: a. The activity does not involve the reticulation or storage of water in open channels, dams, or reservoirs; or ...
DPR-0446	Transpower New Zealand Limited	FS025	EI-R1	Oppose In Part	Disallow the submission.
DPR-0414	Kāinga Ora - Homes & Communities	069	EI-R1	Oppose	Delete as notified
DPR-0446	Transpower New Zealand Limited	FS046	EI-R1	Oppose	Disallow the submission.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	109	EI-R1	Oppose In Part	Delete EI-R1a. as follows: a. The activity does not involve the reticulation or storage of water in open channels, dams, or reservoirs; or
DPR-0446	Transpower New Zealand Limited	FS050	EI-R1	Oppose In Part	Disallow the submission.
DPR-0446	Transpower New Zealand Limited	035	EI-R1	Support In Part	Amend as follows: The activity is <u>not a network utility that is does not involve</u> the reticulation or storage of water in open channels, dams or reservoirs; or And where the activity complies with the following rule requirements: EI-REQ1 <u>Access Setback from a National Grid Support Structure</u>
DPR-0353	Horticulture New Zealand	FS062	EI-R1	Oppose In Part	Amend EI-R1 as sought in the HortNZ submission.

DPR-0446	Transpower New Zealand Limited	FS054	EI-R1	Neither Support Nor Oppose	Allow the submission with the following clarifying amendment: Where a. The activity does not involve is not a network utility that is does not involve the reticulation or storage of water in open channel, dams or reservoirs undertaken by a network utility operator; or ...
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Analysis

- 22.4 Hort NZ¹⁹³ and Fed Farmers¹⁹⁴ are seeking deletion of clause a. which requires that an activity within a National Grid Yard does not involve the reticulation or storage of water in open channels, dams or reservoirs. These submitters consider such a blanket limitation is not effects based and the issue is whether access to the National Grid is restricted, and if not, such water reticulation and storage should be permitted.
- 22.5 Transpower are seeking that clause a. only limits reticulation or the storage of water within the National Grid Yard in relation to network utility operations. Transpower are seeking this change to permit non-network utility operators to reticulate and store water in the National Grid Yard, which would provide for on-farm or horticultural irrigation and stock water as a permitted activity. However, Transpower's proposed amendment would mean that network utility operators would need to obtain consent for a waterway within the National Grid Yard. It is not clear from the Transpower submission why they are seeking to differentiate between network utility owned and operated and private water ways.
- 22.6 With respect to clause a. I consider at this time there is no current clear justification to support differentiating between network utility and private water ways, and that both should be permitted within the National Grid Yard so long as access to the National Grid Yard is not obstructed (as per EI-REQ1). Therefore, it is recommended that the Hort NZ and Fed Farmers submission points be accepted and the Transpower submission point be rejected.
- 22.7 Kāinga Ora¹⁹⁵ opposes the National Grid provisions in their current proposed state and seeks deletion of EI-R1. Kāinga Ora are seeking that the full package of National Grid provisions (objectives, policies, rules and definitions), including the spatial extent of the overlay shown in the PDP, is amended. On the other hand, Kāinga Ora acknowledges the need for the PDP to give effect to the requirements of the NPSET. It is recommended that this submission point be rejected as not including National Grid provisions would not give effect to the NPSET or the CRPS.

Recommendations and amendments

- 22.8 I recommend, for the reasons given above, that the Hearings Panel:

¹⁹³ 353-092 Hort NZ

¹⁹⁴ 422-109 Fed Farmers

¹⁹⁵ 414-069 Kāinga Ora

- a) Amend EI-R1 as shown in **Appendix 2** to permit the reticulation or storage of water in waterways within the National Grid Yard regardless of who owns and operates the waterway, subject to access to the National Grid Yard being maintained.

22.9 The amendments recommended to EI-R1 are set out in a consolidated manner in **Appendix 2**.

22.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

22.11 The scale of change does not require a s32AA evaluation.

23. EI-R2 Structures in the National Grid Yard

Introduction

23.1 EI-R2 permits the establishment of new or the expansion of existing structures within the National Grid Yard where the structure is not used or expanded to be used for a range of specific activities such as habitation, a milking shed, wintering barn etc., subject to EI-REQ1 Access and EI-REQ2 Fence Setback.

Submissions

23.2 Three submission points and three further submission points were received in relation to EI-R2.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	Horticulture New Zealand	094	EI-R2	Oppose In Part	Amend as follows: Where: a. The structure is not used for: ... ii. produce <u>packing post</u> harvest facilities; ...
DPR-0446	Transpower New Zealand Limited	FS027	EI-R2	Neither Support Nor Oppose	Seek further definition of the proposed terms in order to better evaluate the appropriateness of the relief sought.
DPR-0414	Kāinga Ora - Homes & Communities	070	EI-R2	Oppose	Delete as notified
DPR-0446	Transpower New Zealand Limited	FS047	EI-R2	Oppose	Disallow the submission.
DPR-0446	Transpower New Zealand Limited	036	EI-R2	Support In Part	Amend as follows: Where: <u>a. The structure is a network utility that is not for the reticulation, or storage of water in open channels, dams or reservoirs; or</u> <u>b. The structure is not used for habitation; and</u> <u>c. The structure is used for agricultural and horticultural activities that are not:</u> <u>i. habitation;</u> <u>ii. produce packing;</u> <u>iii. a milking shed (other than stock yards and ancillary platforms);</u>

					<p>iiiv. a wintering barn; b. The expansion of the existing structure does not occur to a structure listed in EI-R2.1.a. e. The structure does not result in vehicular access to a National Grid support structure being permanently obstructed. And this activity complies with the following rule requirements: EI-REQ1 Access Setback from a National Grid Support Structure EI-REQ2 Fence setback EI-REQX New Zealand Code of Practice for Electrical Safe Distances</p>
DPR-0353	Horticulture New Zealand	FS063	EI-R2	Oppose In Part	Ensure that horticultural structures are provided for in the national Grid Yard.

Analysis

- 23.3 Hort NZ¹⁹⁶ are seeking a minor change to EI-R2.1.a.ii to refer to “Post harvest facilities” rather than “Produce packing”. They consider produce packing can vary in scale from a small on-orchard shed to larger scale post harvest facilities. Hort NZ consider that Transpower is more concerned about larger scale “post harvest facilities”. Transpower’s further submission notes that they are neutral on this matter and that the Hort NZ submission does not make it clear how the two terms differ and if that was made clearer and they were defined, then Transpower could evaluate the appropriateness of each activity being located within the National Grid Yard. It is agreed that the terminology sought by Hort NZ at this point is not any clearer than the notified version and therefore at this time, no change is recommended. It is recommended that the Hort NZ submission point be rejected.
- 23.4 Kāinga Ora¹⁹⁷ opposes the National Grid provisions in their current proposed state and seeks deletion of EI-R2 for the same reasons set out in paragraphs 22.7, and it is recommended that this submission point be rejected for the same reasons set out in that paragraph.
- 23.5 Transpower¹⁹⁸ generally support EI-R2 to the extent that the rule gives effect to Policies 10 and 11 of the NPSET, but seek amendments to permit the establishment of a structure within the National Grid Yard where: the structure is a network utility not for the reticulation or storage of water (new clause); limit the types of other structures that are permitted in the National Grid to structures not used for habitation and structures used for agricultural and horticultural structures (except for produce packing, milking sheds and wintering barns); ensure that vehicular access is not obstructed (being the same outcome included in EI-REQ1 as notified); and amended reference to EI-REQ1 as a consequence of changes sought to that Rule Requirement; and reference to a new proposed rule requirement concerning the NZCEP.

¹⁹⁶ 353-094 Hort NZ

¹⁹⁷ 414-069 Kāinga Ora

¹⁹⁸ 446-036 Transpower

23.6 The amendment sought by Transpower to not permit network utilities for the reticulation or storage of water is not supported for the same reasons as outlined in paragraphs 22.5-22.6. in association with EI-R1. The addition of the reference to “stock yards and ancillary platforms” is supported to provide additional clarity that these activities are permitted. The addition of clause e. relating to vehicle access is considered better to remain as a separate rule requirement, which is addressed in section 45. The new rule requirement related to the NZCEP is also not supported for reasons explained in section 47 associated with the rule requirement analysis. Therefore overall, the Transpower submission is accepted in part.

Recommendations and amendments

23.7 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend EI-R2 as shown in **Appendix 2** to provide greater clarity.

23.8 The amendments recommended to EI-R2 are set out in a consolidated manner in **Appendix 2**.

23.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

23.10 The scale of change does not require a s32AA evaluation.

24. New Rule - Earthworks in the National Grid Yard

Introduction

24.1 Transpower are seeking a new rule to manage earthworks in the National Grid Yard.

Submissions

24.2 One submission point and one further submission point were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0446	Transpower New Zealand Limited	047	New	Oppose	<p>Insert new rule EI-RX as follows:</p> <p><u>EI-RX Earthworks and the disturbance of land for the installation of fence posts in the National Grid Yard</u></p> <p>All Zones</p> <p>Activity Status: PER</p> <p><u>1. Earthworks in the National Grid Yard</u></p> <p><u>2. The disturbance of land for the installation of fence posts in the National Grid Yard.</u></p> <p><u>Where:</u></p> <p><u>a. The work is no deeper than 300mm within 12 metres of the outer visible edge of a foundation of a National Grid transmission line tower or pole.</u></p> <p><u>b. The work does not compromise the stability of a National Grid transmission line tower or pole.</u></p> <p><u>c. Clauses (a) and (b) do not apply to the following:</u></p> <p><u>i. the repair or resealing of a road, footpath, driveway or farm track.</u></p>

					<u>ii. excavation of a vertical hole, not exceeding 500mm in diameter, that is more than 1.5m from outer visible edge of foundation of a National Grid transmission line pole or stay wire. And this activity complies with the following rule requirements:</u> <u>EI-REQ1AccessSetback from a National Grid Support Structure</u> <u>EI-REQX New Zealand Code of Practice for Electrical Safe Distances</u> <u>Activity status when compliance not achieved:</u> <u>3. When compliance with any of EI-RX is not achieved: NC</u> <u>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.</u> <u>Notification:</u> <u>5. Any application arising from EI-RX shall not be subject to public notification and shall be limited notified to the following parties: Transpower, unless their written approval is provided.</u>
DPR-0353	Horticulture New Zealand	FS064	New	Support In Part	Reject submission and rely on provisions in NZCEP34:2001

Analysis

- 24.3 Transpower opposes the EI rules to the extent that the rules do not (with the exception of EI-REQ1) manage earthworks in the National Grid Yard. Hort NZ's further submission supports the Transpower submission in part and requests reliance on the provisions in the NZCEP.
- 24.4 The proposed new rule seeks to permit earthworks in the National Grid Yard and the disturbance of land for the installation of fence posts in the National Grid Yard subject to a number of detailed requirements with exceptions for minor repair works and any holes. Transpower consider that earthworks in the vicinity of the National Grid has the potential to destabilise National Grid support structures; result in ground to conductor height violations and prevent access to National Grid structures, and that in order to give effect to Policy 10 of the NPSET, it is essential that earthworks are managed in the PDP.
- 24.5 Section 2.2 of the NZCEP contains detailed provisions with respect to earthworks near poles and towers which requires the written consent of the pole or tower owner for earthworks which exceed a specified depth and distance from the pole and tower, with some exceptions, including for "normal agricultural cultivation" or the repair, sealing or resealing of an existing road, footpath or driveway.
- 24.6 The new rule Transpower are seeking essentially replicates the provisions of NZCEP which manages earthworks near overhead line supports to ensure there is no significant risk to structural integrity, and access to the overall network and the security of supply. While Policy 10 of the NPSET requires that Councils, through District Plans, manage activities to avoid reverse sensitivity effects on the electricity transmission network, and to ensure that operation, maintenance, upgrading and development of the electricity transmission network is not compromised, the PDP has been intentionally drafted not to replicate provisions in the NZCEP and other legislation to avoid

duplication in regulation. The proposed new rule introduces a potential resource consent process for earthworks that would otherwise be managed by NZCEP and the written consent process. Overall, it is recommended that the submission point be rejected on this basis.

Recommendations

24.7 I recommend, for the reasons given above, that the Hearings Panel retain the PDP as notified as it relates to these submission points.

24.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

25. New Rule - Structures and Sensitive Activities Near National Grid Substations

Introduction

25.1 Transpower are seeking a new rule to manage activities in the vicinity of National Grid Substations.

Submissions

25.2 One submission point was received in this regard and no further submission points.

Submitter ID	Submitter Name	Submission Point		Plan Reference	Position	Decision Requested
DPR-0446	Transpower New Zealand Limited	048		New	Oppose	<p>Insert new rule EI-RX as follows: <u>EI-RX Structures and Sensitive Activities Near National Grid Substations</u> All Zones Activity Status: PER 1. The establishment of a new, or expansion of an existing structure or sensitive activity near a National Grid Substation. Where: a. The structure or sensitive activity is set back a minimum of 100m from the boundary of a site containing a National Grid Substation. And this activity complies with the following rule requirements: EI-REQ1 Access Setback from a National Grid Support Structure EI-REQX New Zealand Code of Practice for Electrical Safe Distances Activity status when compliance not achieved: 2. When compliance with any of EI-RX is not achieved: RDIS 3. When compliance with any rule</p>

						<p><u>requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.</u></p> <p><u>Matters for discretion:</u></p> <p><u>4. The exercise of discretion in relation to EI-RX.2 is restricted to the following:</u></p> <p><u>a. Effects on the operation, maintenance, upgrade and development of the substation.</u></p> <p><u>b. Risk of electrical hazards affecting public safety, and the risk of property damage.</u></p> <p><u>Notification:</u></p> <p><u>5. Any application arising from EI-RX shall not be subject to public notification and shall be limited notified to the following parties: Transpower, unless written approval is provided.</u></p>
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Analysis

- 25.4 Transpower¹⁹⁹ consider that activities in the vicinity of National Grid Substations need to be specifically managed to give effect to Policy 10 of the NPSET. They seek a new rule which permits a new or the expansion of an existing structure or sensitive activity near a National Grid Substation if a setback of 100m is achieved. The 100m setback is proposed to apply from the boundary of a site containing a National Grid Substation and is based on a standard earth potential rise (EPR) contour measured from the substation boundary. Transpower intend to model the EPR contour for each substation. EI-REQ1 and a further requirement relating to the NZCEP is proposed to apply. Restricted discretionary activity status is proposed for non-compliance where discretion is restricted to the effect on the substation, and the risk of electrical hazards and property damage. It is proposed that the application not be subject to public notification and limited notification is limited to Transpower unless their written approval is provided.
- 25.5 There are three existing designated Transpower substations within the PDP: TPR-2 Arthurs Pass Substation; TPR-3 Castle Hill Substation; and TPR-4 Hororata Substation. These sites are mapped. It is not advised in the submission whether any new substations are proposed or likely.
- 25.6 Transpower have published an information sheet which explains EPR²⁰⁰. In the rare event of a lightning strike or fault, high voltage and dangerous currents may be transferred into the ground, which can be hazardous to nearby persons. It is of note that this information sheet discusses the dangers of EPR in relation to towers and poles, but not substations. Section 8 of the NZCEP includes reference to safe distances in and immediately around substations for the safety of persons on site,

¹⁹⁹ 446-048 Transpower

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<https://www.transpower.co.nz/sites/default/files/publications/resources/Earth%20Potential%20Rise%20Info%20Sheet.pdf>

but not in relation to other activities and sites. In the absence of any clear information about the risks of EPR in relation to substations and the spatial extent of that risk relevant to each substation site (i.e. whether a setback is required to address risk and is required to that extent at each site), inclusion of such a rule is not considered to be well justified at this point in time. This position may change with the introduction of any further evidence by Transpower; however, at this time it is recommended that the submission point be rejected.

Recommendations and amendments

25.7 I recommend, for the reasons given above, that the Hearings Panel retain the PDP as notified as it relates to these submission points.

25.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

26. EI-R3 - Sensitive Activities

Introduction

26.1 Rule EI-R3 permits the establishment of a new, or expansion of an existing sensitive activity not within the National Grid Yard and at other specified distances from electricity distribution lines and existing renewable electricity infrastructure.

Submissions

26.2 Three submission points and one further submission point were received in relation to EI-R3.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0414	Kāinga Ora - Homes & Communities	071	EI-R3	Oppose	Amend as follows: 1. The establishment of a new, or expansion of an existing sensitive activity. Where: a. The activity is not within: i. the National Grid Yard; and ii. ...
DPR-0446	Transpower New Zealand Limited	FS048	EI-R3	Oppose	Disallow the submission.
DPR-0441	Trustpower Limited	040	EI-R3	Support In Part	Amend as follows: iv. 250m of any lawfully established noise generating infrastructure used for renewable electricity generation as set from the notional boundary of the sensitive activity. Except that this shall not apply to any small and community scale distributed electricity generation and small and community scale distributed electricity generation activity or any sensitive activity within Settlement Zone - Lake Coleridge Township; <u>or</u> v. <u>any sensitive activity within Settlement Zone - Lake Coleridge Township.</u>

DPR-0446	Transpower New Zealand Limited	037	EI-R3	Support In Part	<p>Amend as follows:</p> <p>....</p> <p>Where:</p> <p>a. The activity is not within:</p> <p>i. the National Grid Yard; or and</p> <p>ii. 10m from the centreline or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston);</p> <p>or and</p> <p>iii. 5m from the centreline or foundation of a support structure of any other Significant Electricity Distribution Line;</p> <p>or and</p> <p>iv. ...</p> <p>And this activity complies with the following rule requirements:</p> <p>EI-REQ1 Access <u>Setback from a National Grid Support Structure</u></p> <p><u>EI-REQX New Zealand Code of Practice for Electrical Safe Distances</u></p> <p>....</p> <p>5. Any application arising from EI-R3 shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the infrastructure, unless their written approval is provided.</p>
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Analysis

- 26.3 Kāinga Ora²⁰¹ acknowledges the need for the PDP to give effect to the requirements of the NPSET, however they consider the proposed National Grid provisions are overly restrictive and do not efficiently manage sensitive activities within close proximity to and under the National Grid. Kāinga Ora seek deletion of EI-R3.1.a.i. which references the National Grid Yard. Deleting this part of the rule would permit sensitive activities to establish within the National Grid Yard, which is inconsistent with the NPSET. On this basis it is recommended that the submission point be rejected.
- 26.4 Trustpower²⁰² considers it necessary that sensitive activities comply with EI-P6 in order to avoid reverse sensitivity effects on regionally significant infrastructure and renewable electricity generation activities. In order to achieve this, and for clarity, Trustpower proposes a separation of EI-R3.1.a.iv. into two clauses.
- 26.5 Clause iv. requires sensitive activities to not be within 250m of any lawfully established noise generating renewable electricity generation infrastructure, except that this does not apply to small and community scale electricity generation or distribution, or sensitive activities in the Settlement Zone - Lake Coleridge Township.

²⁰¹ 414-071 Kāinga Ora

²⁰² 441-040 Trustpower

26.6 By separating the clauses what Trustpower are in effect proposing is that any sensitive activity that seeks to establish within 250m of the Coleridge HEPS within the Settlement Zone - Lake Coleridge Township would require a non-complying activity resource consent. This is considered overly restrictive with respect to the Settlement Zone and it is considered unreasonable and unnecessary to require all new residential units within this residential zoned area to obtain consent. It also appears there is not a significant amount of developable residential land within 250m of the Coleridge HEPS in any instance. Furthermore, the s32 report addresses reverse sensitivity concerns from Trustpower in relation to forestry near the Coleridge HEPS, but not residential development. It is therefore recommended that the submission point be rejected.

26.7 Transpower²⁰³ generally support EI-R3 to the extent that the rule gives effect to Policy 11 of the NPSET, but seek minor amendments to ensure that: the permitted activity standards stand-alone by inserting “or” after each clause; to correct a typographical error; to amend reference to EI-REQ1 as a consequence of changes sought to that rule requirement; and to apply NZCEP as a rule requirement in order to give effect to Policy 10 of the NPSET. The amendments to make the standards stand-alone and correct a typographical error are supported, however the reference to EI-REQ1 is proposed to remain as notified (refer to discussion in section 45), and the addition of the NZCEP rule requirement is not supported for the reasons set out in section 47.

Recommendations and amendments

26.8 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend EI-R3 as shown in **Appendix 2** to provide greater clarity.

26.9 The amendments recommended to EI-R3 are set out in a consolidated manner in **Appendix 2**.

26.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

26.11 The scale of change does not require a s32AA evaluation.

27. EI-R4 - Structures near Significant Electricity Distribution Line

Introduction

27.1 Rule EI-R4 permits fences where conductive fences meet minimum setbacks from a Significant Electricity Distribution Line depending on the voltage of the line, and structures within the vicinity of the Islington to Springston electricity line.

Submissions

27.2 Three submission points and four further submission points were received in relation to EI-R4.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
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²⁰³ 446-037 Transpower

DPR-0353	Horticulture New Zealand	096	EI-R4	Oppose	Delete as notified and rely instead on the distances set out in NZECP34:2001.
DPR-0367	Orion New Zealand Limited	FS013	EI-R4	Oppose	Reject the submission point
DPR-0422	Federated Farmers of New Zealand - North Canterbury	110	EI-R4	Oppose	Delete as notified.
DPR-0367	Orion New Zealand Limited	FS022	EI-R4	Oppose	Reject the submission point
DPR-0446	Transpower New Zealand Limited	038	EI-R4	Support	Retain as notified
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	FS006	New	Support	Accept original submission point
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS769	New	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.

Analysis

27.3 Hort NZ²⁰⁴ are seeking that the rule be deleted and that the distances from electricity lines dependent on voltage set out in NZECP be relied on instead and there is no need for duplication in the District Plan. Fed Farmers²⁰⁵ are also seeking deletion. Transpower²⁰⁶ support the rule and seek that it be retained as notified.

27.4 At section 2.1.3 the NZCEP notes that metallic or conducting paths near overhead electric lines can transfer voltage potentials that could create currents during earth fault conditions. Clause 2.3 in particular relates to the installation of conductive fences near overhead electric line supports and requires fences of conductive materials to not be within 2.2m of any line between 1kV-50kV, and not within 5m of any line of 66 kV or greater, except with the prior written consent of the overhead electric line owner. NZCEP also contains illustrative figures explaining the minimum safe distances. The District Plan rules apply setbacks of 2.2m and 6m to fences from lines between 1-50kV and greater than 51kV respectively. The NZCEP and District Plan provisions are summarised as follows:

Line Voltage	NZCEP setback	District Plan setback
1kV - 50kV	2.2m	2.2m

²⁰⁴ 353-096 Hort NZ

²⁰⁵ 422-110 Fed Farmers

²⁰⁶ 446-038 Transpower

51kV or greater	No provision	6m
66kV or greater	5m	No provision

27.5 Therefore, the District Plan duplicates the NZCEP with respect to lines between 1kV-50kV, applies a rule to lines 51kV or greater to plug an apparent gap between 51kV and 66kV, and has no provision for lines 66kV or greater. After further analysis it has been found that there are no lines between 51kV and 66kV which is why the NZCEP does not regulate these lines. Therefore, the 6m 51kV or greater setback in the District Plan is unnecessary. Furthermore, the 2.2m setback applicable to 1kV-50kV lines duplicates the NZCEP. As the NZCEP is a mandatory Code of Practice imposed through the Electricity Act it is not considered necessary that the District Plan manage conductive fencing setbacks and it is recommended that EI-R4.1-4.3 be deleted.

27.6 Overall, it is recommended that EI-R4.1-3 be deleted to avoid duplication with the NZCEP but that the provisions relevant to the Islington to Springston Line (EI-R4.4-6) be retained, and that the Hort NZ, Fed Farmers and Transpower submissions be accepted in part.

Recommendations and amendments

27.8 I recommend, for the reasons given above, that the Hearings Panel:

a) Delete EI-R4.1, EI-R4.2 and EI-R4.3 as shown in **Appendix 2** to remove duplication of the NZCEP

27.9 The amendments recommended to are set out in a consolidated manner in **Appendix 2**.

27.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

27.11 The scale of change does not require a s32AA evaluation.

28 Proposed New Rule - Network Utilities and Works Near Significant Electricity Distribution Lines

Introduction

28.1 Orion are seeking a new rule be inserted that specifically addresses network utilities near Significant Electricity Distribution Lines.

Submissions

28.2 The Orion submission was the only submission and no further submissions were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	200	New	Neither Support Nor Oppose	Insert as follows: <u>EI-RX Network Utilities and works near Significant Electricity Distribution Lines</u> <u>All zones</u>

					<p><u>Activity</u> <u>Status:</u> <u>PER</u></p> <p><u>1. Any network utilities within 10m of the Islington to Springston Significant Electricity Distribution Line and the Other Significant Electricity Distribution Lines.</u></p> <p><u>Where:</u></p> <p>a. <u>The network utility complies with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).</u></p> <p>b. <u>The works undertaken by a network utility are not for the reticulation or storage of water for irrigation purposes.</u></p> <p><u>Activity Status when compliance not achieved with clauses a. and b. above: NC</u></p> <p><u>Notification</u></p> <p><u>Any application arising from EI-RX shall not be subject to public notification and shall be limited notified to the following parties: the network utility operator with responsibility for the Significant Electricity Distribution Line unless their written approval is provided.</u></p>
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Analysis

- 28.3 Orion²⁰⁷ seeks to insert a permitted activity rule which permits network utilities within 10m of a Significant Electricity Distribution Line (Islington to Springston) or other Significant Electricity Distribution Lines where the network utility complies with the NZECP so that network utilities are not automatically required to obtain resource consent by the corridor protection rules they are seeking to locate in the various zone chapters.
- 28.4 Currently if a network utility wanted to establish in the Rural Zone for example, the zone chapter rules do not apply as the EI Chapter is designed as a stand-alone chapter. The EI Chapter enables network utilities, including within 10m of a Significant Electricity Distribution Line (i.e. EI-R27) and the NZCEP setbacks apply in any case and do not need to be included in the District Plan. It is understood that Orion are seeking this new rule based on their request to move corridor protection rules to zone chapters, which is recommended not to be accepted and that the existing structure of the EI Chapter be retained (refer to section 8). Overall, this proposed new rule is considered unnecessary based on the existing structure of the EI Chapter as network utilities are sufficiently enabled near a Significant Electricity Distribution Line in accordance with the existing provisions and NZCEP.

Recommendations and amendments

- 28.5 I recommend, for the reasons given above, that the Hearings Panel retain the PDP as notified as it relates to this submission point.
- 28.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

²⁰⁷ 367-200 Orion

29. EI-R6 Operation, Maintenance and Repair of Existing Network Utilities and Ancillary Vehicle Access Tracks

Introduction

29.1 Rule EI-R6 permits the operation, maintenance and repair of existing above and below ground network utilities and ancillary vehicle access tracks.

Submissions

29.2 Four submission points and two further submission points were received in relation to EI-R6.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	008	EI-R6	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	204	EI-R6	Support In Part	Retain Rule EI-R6 subject to amending the definition of 'Maintenance and Repair'.
DPR-0353	Horticulture New Zealand	FS037	EI-R6	Oppose In Part	Reject
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS773	EI-R6	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0375	Waka Kotahi NZ Transport Agency	026	EI-R6	Oppose In Part	Amend Rule EI-R6 and corresponding provisions to ensure works that may affect a state highway are suitably managed.
DPR-0446	Transpower New Zealand Limited	039	EI-R6	Support	Subject to requested relief in relation to the definition of "maintenance or repair" (submission point DPR-0446.006) , retain as notified

Analysis

29.3 Transpower²⁰⁸ support the rule subject to amending the definition of 'Maintenance and repair'. They are concerned that the definition is problematic in relation to EI-R6 and seek the inclusion of an expanded definition to apply to 'infrastructure' by adding a new clause as follows:.....*d. In relation to network utilities, important infrastructure and ancillary activities in all locations, any work or activity necessary to continue the operation and/or functioning of the existing line, building, structure, facility or utility, and shall also provide for the replacement of an existing line, building, structure or other facility with another of the same or similar height, size or scale, within the same or similar position and for the same or similar purpose. It does not include any expansion of the existing line, building, structure, facility or utility."*

²⁰⁸ 446-039 Transpower

- 29.4 Orion²⁰⁹ are also seeking amendment to the 'Maintenance and repair' definition as it relates to EI-R6 as follows:d. *In relation to important infrastructure outside areas a, b and c above, means: maintaining and repairing a structure or land in good and safe condition, emergency works and testing of equipment. It includes upgrading and minor alterations, provided that any upgrading or minor alteration does not materially increase the footprint, height or external envelope of the structure.*
- 29.5 EI-R6 refers to 'maintenance and repair' of network utilities and links to this defined term. The definition does not include reference to network utilities so it is unclear what constitutes maintenance or repair, unless the ordinary meaning is relied upon. This definition has been addressed in the Part 1 s42a report and the definition is proposed to be amended in accordance with the Transpower submission²¹⁰.
- 29.6 It is of note that the definition is not applied to any other EI rule and therefore is specific to EI-R6 and network utilities. The amendments proposed to the definition are considered appropriate in the context of the EI Chapter and now clearly link the definition to EI-R6. A minor consequential change is proposed to EI-R6.1. to correct an error and refer to "maintenance or repair" rather than "maintenance and repair" as this is the defined term. Overall, it is recommended that the Transpower submission be accepted and the Orion submission be accepted in part.
- 29.7 Waka Kotahi²¹¹ support the inclusion of provisions for operation, maintenance and repair of network utilities but notes that this rule has the potential to permit activities that may affect state highways such as earthworks outside of the roading corridor but close by. It is considered that maintenance or repair works of network utilities and ancillary vehicle access tracks is unlikely to have any significant impact on the state highway and without any detail provided by Waka Kotahi as to the specific concerns and relief, it is recommended that this submission point be rejected.
- 29.8 Chorus are in support and seek retention as notified, which is recommended to be accepted in part.

Recommendations and amendments

- 29.9 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EI-R6 as shown in **Appendix 2** to refer to the amended defined term for added clarity.
 - b) Make a consequential amendment to EI-R6 to reflect the correct defined term as shown in **Appendix 2**.
- 29.10 The amendments recommended to EI-R6 are set out in a consolidated manner in **Appendix 2**.
- 29.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 29.12 The scale of change does not require a s32AA evaluation.

²⁰⁹ 367-204 Orion

²¹⁰ https://www.selwyn.govt.nz/data/assets/pdf_file/0014/471011/s42A-report-PART1.pdf; and https://www.selwyn.govt.nz/data/assets/pdf_file/0015/471021/PART1-s42A-Report-Appendix-2.pdf - p.14

²¹¹ 375-026 Waka Kotahi

30 EI-R9 Temporary Network Utilities

Introduction

- 30.1 Rule EI-R9 permits the establishment of a new or expansion of an existing temporary network utility, excluding mobile electricity generation subject to the network utility operating for a maximum of 12 months and that it is removed from the site when operation ceases.

Submissions

- 30.2 Three submissions and one further submission were received in relation to EI-R9.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	009	EI-R9	Oppose In Part	Amend as follows: And this activity complies with the following rule requirements: EI-REQ9 Natural Character Setbacks EI-REQ12 Structures in Special Areas EI-REQ15 Height EI-REQ17 Pole and Antenna Height NH-REQ5.1 Natural Hazards and Infrastructure
DPR-0367	Orion New Zealand Limited	206	EI-R9	Neither Support Nor Oppose	Amend as follows: 1. The establishment of a new, or expansion of an existing temporary network utility, excluding mobile electricity generation. Where: The network utility: a.operates for a maximum of 12 months; and b.is removed from the site when operation ceases. And this activity complies with the following rule requirements: EI-REQ3 Notable Trees EI-REQ4 Vegetation Clearance EI-REQ5 Earthworks in Special Areas EI-REQ6 Radio Emissions EI-REQ7 Electric and Magnetic Emissions EI-REQ8 Historic Heritage EI-REQ9 Natural Character Setbacks EI-REQ10 Noise EI-REQ11 Light EI-REQ12 Structures in Special Areas EI-REQ15 Height EI-REQ23 West Melton Aerodrome Height Restriction GRUZ-REQ16 Springfield Airfield Height Restriction NH-REQ5.1 Natural Hazards and Infrastructure
DPR-0446	Transpower New Zealand Limited	040	EI-R9	Support	Retain as notified

DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS775	EI-R9	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
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Analysis

- 30.3 Chorus²¹² support providing for temporary network utilities for up to 12 months, however consider the extensive number of rule requirements to be complied with will unduly limit the practical application of this rule, and a number of these standards are considered to be unnecessary for temporary activities. Orion²¹³ consider that temporary activities are benign activities and generally only include temporary poles, cabinets and kiosks for instance, and should not be subject to all of the rule requirements, which are overly restrictive.
- 30.4 With respect to this rule “temporary” means up to 12 months. This time period is relatively extensive compared to the temporary activity provisions, which permit general temporary activities for five consecutive days (TEMP-REQ1) and temporary military and emergency management training activities for up to 31 consecutive days (TEMP-REQ3), as a comparative example. Given this timeframe, it is considered that temporary utilities would have the potential to generate more than minor adverse effects and therefore should be subject to certain rule requirements to manage those effects. The key effects are anticipated to be visual, noise and light, but without knowing the exact nature and scale of temporary network utility activities and their location it is difficult to weigh up which rule requirements should remain and which could potentially be removed to remove undue restriction and still manage effects. However, it is agreed that some additional flexibility could be afforded compared to the rules which would otherwise apply to permanent network utilities. In particular it is considered that those rule requirements concerning natural character (EI-REQ9) and structures in special areas (EI-REQ12) could be removed given the activity is temporary and would not likely result in any lasting impact on the character of the area. EI-REQ15 Height could also be removed given any intrusion and impact on visual amenity would be temporary. In the absence of further detail about the anticipated effects of temporary network utilities, it is considered that the other matters should remain and especially those concerning noise (EI-REQ10) and light (EI-REQ11) which manage the key anticipated effects of temporary utilities.
- 30.5 Overall, it is recommended that the Chorus and Orion submission points be accepted in part. Transpower²¹⁴ are seeking to retain EI-R6 as notified, which is recommended to be accepted in part based on the recommended amendments.

Recommendations and amendments

- 30.6 I recommend, for the reasons given above, that the Hearings Panel:
- Amend EI-R9 as shown in **Appendix 2** to apply a fewer number of rule requirements in recognition of the temporary nature and effects of temporary network utilities.

²¹² 101-009 Chorus

²¹³ 367-206 Orion

²¹⁴ 446-040 Transpower

30.7 The amendments recommended to EI-R9 are set out in a consolidated manner in **Appendix 2**.

30.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

30.9 The scale of change does not require a s32AA evaluation.

31 EI-R10 Below Ground Network Utilities Upgrading or Installation

Introduction

31.1 Rule EI-R10 seeks to permit the upgrading or expansion of existing, or the installation of new below ground network facilities subject to a number of rule requirements.

Submissions

31.2 Three submissions and one further submission were received in relation to EI-R10.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	010	EI-R10	Oppose In Part	Amend as follows: Where this activity complies with the following rule requirements: EI-REQ9 Natural Character Setbacks NH-REQ5.1 Natural Hazards and Infrastructure
DPR-0367	Orion New Zealand Limited	207	EI-R10	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS776	EI-R10	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0446	Transpower New Zealand Limited	041	EI-R10	Support	Retain as notified

Analysis

31.3 Orion and Transpower are seeking that the rule be retained as notified, which is recommended to be accepted.

31.4 Chorus²¹⁵ are seeking that EI-R10 not be subject to EI-REQ9 Natural Character setbacks and NH-REQ5.1 Natural Hazards and Infrastructure as these rule requirements would unnecessarily constrain the location of below ground network utilities, particularly those located within land transport corridors.

31.5 It is of note that underground utilities within land transport corridors are permitted by EI-REQ9.1.b and therefore utilities within land transport corridors would not be constrained by EI-REQ9 which

²¹⁵ 101-010 Chorus

negates Chorus' particular concern. Furthermore, NATC-R1 requires earthworks to be at specified distances from the surface of water bodies which differ across the zones and according to the particular water body (NATC-REQ1). NATC-R2 requires buildings and structures to be setback from any water body (NATC-REQ2). If these setbacks are not met restricted discretionary activity consent is required. It is considered that below ground network utilities not within a land transport corridor should be subject to such natural character requirements as the preservation of natural character is a s6 matter of national importance. Furthermore, NH-REQ5.1 requires underground utilities to be located outside of any High Hazard Area and the Greendale Fault Avoidance Overlay, otherwise it is a non-complying activity. The management of significant risks from natural hazards is also a s6 matter which should be considered in association with a network utility.

31.6 Overall, it is considered appropriate to retain reference to EI-REQ9 and NH-REQ5.1 in EI-R10 subject to s6 of the RMA and it is not considered to unduly constrain underground network utilities as EI-REQ9 permits underground utilities within the land transport corridor. It is recommended that the Chorus submission point be rejected.

31.7 It is of note that a minor clause 16 amendment is proposed to EI-REQ6 and EI-REQ7 within EI-R10 (refer to sections 51 and 52).

Recommendation

31.8 I recommend, for the reasons given above, that the Hearings Panel retain EI-R10 as notified, subject to a clause 16 amendment to EI-REQ6 and EI-REQ7.

31.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

EI-R11 Upgrading of Existing Above Ground Network Utilities

Introduction

32.1 Rule EI-R11 seeks to manage the upgrading or expansion of existing above ground network utilities (excluding any access track extension) subject to a number of rule standards and requirements.

Submissions

32.2 Five submission points and five further submission points were received in relation to EI-R11.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	011	EI-R11	Oppose In Part	Amend as follows: g. the <u>largest</u> face area of a replacement panel antenna And where the activity complies with the following rule requirements: EI-REQ9 Natural Character Setbacks for buildings and structures EI-REQ12 Structures in Special Areas
DPR-0353	Horticulture New Zealand	093	EI-R11	Oppose In Part	Amend as follows: ... Where:

					<p>...</p> <p>e. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent <u>or increase the voltage above that of its original design.</u></p> <p>...</p>
DPR-0367	Orion New Zealand Limited	FS012	EI-R11	Oppose	Reject the submission point
DPR-0446	Transpower New Zealand Limited	FS026	EI-R11	Oppose	Disallow the submission.
DPR-0367	Orion New Zealand Limited	208	EI-R11	Support In Part	<p>Amend as follows:</p> <p>1. Upgrading or expansion of existing above ground network utilities (excluding any access track extension). <u>Except as provided for under Rule EI-R19.</u></p> <p>Where:</p> <p>a.</p> <p>d. The diameter or width of the replacement pole does not exceed twice that of the replaced pole at its widest point, and; where a single pole is replaced with a pi <u>or H</u> pole, the width of the pi pole structure must not exceed three times that of the replaced pole structure at its widest point.</p> <p>e.</p> <p>f. The footprint of the structure or building does not increase by more than 30 percent of the existing building or structure, excluding any pole or pi replacement pole structure provided for in d. above.</p> <p>g.</p> <p>j. <u>The installation of new mid-span electricity poles to address clearances required by New Zealand Electrical Code of Practice 34:2001.</u></p> <p>And this activity complies with the following rule requirements:</p> <p>....</p> <p>EI-REQ9 Natural Character Setbacks</p> <p>EI-REQ10 Noise</p> <p>EI-REQ11 Light</p> <p>EI-REQ12 Structures in Special Areas</p> <p>EI-REQ14 Reflectivity</p> <p>EI-REQ23 West Melton Aerodrome Height Restriction</p> <p>GRUZ-REQ16 Springfield Airfield Height Restriction</p> <p>Activity status when compliance not achieved:</p> <p>2. When compliance with any of EI-R11.1.a - EI-R11.1.i is not achieved:the activity shall <u>be treated as a new activity for the purposes of determining activity status.</u> RDIS.</p> <p>3. When compliance with any of EI-R11.1.f - EI-R11.1.i is not achieved: DIS</p> <p>4. When compliance with any rule requirement listed in this rule is not achieved: Refer to</p>

					relevant rule requirement. Matters for discretion: 5. The exercise of discretion in relation to EI-R11.2 is restricted to the following matters: a. EI-MAT1 General Matter b. EI-MAT2 Visual Amenity
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS777	EI-R11	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	111	EI-R11	Oppose In Part	Amend EI-R11e. as follows : e. Additional conductors or lines do not increase the number of conductors or lines by more than 100 percent, or increase the voltage above that of its original design.
DPR-0367	Orion New Zealand Limited	FS023	EI-R11	Oppose	Reject the submission point
DPR-0446	Transpower New Zealand Limited	FS051	EI-R11	Oppose	Disallow the submission.
DPR-0446	Transpower New Zealand Limited	042	EI-R11	Support	Retain as notified

Analysis

32.3 It is of note that the Christchurch District Plan is subject to Proposed Plan Change 5H, which is seeking to amend the activity specific standards for the antenna surface area in Chapter 11 Utilities and Energy, and seeks changes to clarify that the permitted activity standard for antennas (other than dish antennas) apply to the largest antenna face only (i.e. "The area of any panel (largest face) for any other antennas must not be more than...."). The change sought by Chorus would therefore achieve consistency with the Christchurch District Plan, assuming Plan Change 5H is approved, and is considered to provide greater clarity and still effectively manage visual effects.

32.4 It is considered that EI-REQ9 needs to be retained in this instance as there is the potential for upgraded or expanded network utilities to result in adverse effects on natural character. For example, a network utility could have an increase in building footprint by up to 30% (clause f.) and therefore could still have the potential to impact on surface water bodies if the upgrade is within the required setbacks (NATC-R1 and NATC-R2). Furthermore, EI-REQ12 also needs to be maintained to ensure special areas are not adversely affected. Potential cumulative effects also need to be managed. Therefore, overall it is recommended that the Chorus submission be accepted in part.

32.5 Hort NZ²¹⁶ and Fed Farmers²¹⁷ are seeking the same change to EI-R11.1.e to add wording which permits additional conductors where they do not increase the voltage above that of the original

²¹⁶ 353-093 Hort NZ

²¹⁷ 422-111 Fed Farmers

design. The submitters consider that such an increase can lead to adverse effects on landowners over whose land the line traverses, leading to increased compliance requirements with NZECP.

- 32.6 There are three further submissions from the electricity network operators in opposition to the Hort NZ and Fed Farmers submissions. Transpower consider it is not clear what adverse effect associated with an increase in voltage the submitters are concerned with. Transpower note that if they were to increase the voltage of an existing transmission line, it would be Transpower's responsibility to ensure that the transmission line continues to meet the requirements of NZECP (through, for instance, raising the height of conductors). Transpower would also be required to continue to meet the relevant standards in respect of electric and magnetic fields such that there is no adverse effect associated with an increase in voltage. It is agreed that any increase in voltage is addressed by the NZCEP and EI-REQ7 Electric and Magnetic Emissions, and is the responsibility of the operator. Therefore, the amendment sought by Hort NZ and Fed Farmers to EI-R11.1.e. is not considered necessary or justified and it is recommended that these submission points be rejected.
- 32.7 Orion²¹⁸ are seeking a number of amendments. They consider that where the maintenance and upgrade parameters in R11.1.a-i are not met, the network infrastructure in issue can no longer be said to be upgraded for planning purposes. Rather, the submitter considers that it is more appropriate to describe that asset as "new" and that this should be reflected in the activity status that asset is subject to. They consider the PDP may create anomalous outcomes where restricted discretionary activity consent is required to upgrade a network asset, while a new asset in that location would be permitted. By treating upgrades that do not comply with the parameters in R11.1.a-i as "new" activities, anomalies of this kind can be avoided. Orion seek the same enabling approach as adopted in the Christchurch District Plan which allows for such works as a permitted activity.
- 32.8 In particular, Orion are seeking that EI-R11 only apply if EI-R19 does not and that this is made clear in the rule. EI-R19 currently manages new or the expansion of existing overhead lines and equipment as a restricted discretionary activity if the permitted activity rules are not met. EI-R11 specifically manages the upgrading or expansion of existing above ground network utilities. Therefore, there is some cross-over between the rules with respect to line upgrades, and to improve clarity it is considered that the addition of "except where provided for under Rule EI-R19" be added to EI-R11 to make it clear to refer to Rule EI-R19 in the first instance with respect to upgrading or expanding above ground lines.
- 32.9 In EI-R11.1.d. Orion seek to refer to a pi "or H" pole. There is no explanation about what constitutes a "H" pole and therefore this change cannot be supported at this time. It is agreed that "structure" is a superfluous word and can be deleted. In EI-R11.1.f. Orion are seeking that "pi" be deleted and "replacement" pole structure be referred to. This is supported as it better links to clause d. which references replacement poles and the particular types of pole structure. Orion is also seeking to insert a new clause j. to reference the clearances required by the NZCEP. Replicating the NZCEP in the provisions is not supported.

²¹⁸ 367-208 Orion

32.10 Orion are also seeking to delete a number of rule requirements relating to natural character setbacks, noise, light, structures in special areas, reflectivity and the West Melton Aerodrome and Springfield Airfield height restrictions. As already mentioned above in association with the Chorus submission, deleting EI-REQ9 Natural Character Setbacks and EI-REQ12 Structures in Special Areas is not supported. It is also considered that the other rule requirements need to be retained with respect to the upgrading or expansion of network utilities given the potential for adverse effects.

32.11 Orion lastly seek amendment to the activity status. They seek that when any of a. to i. are not met that the activity be treated as a new activity for the purposes of determining activity status. Currently an upgrade or expansion of an existing utility is a restricted discretionary activity if the permitted activity standards in a. to e. are not met, or a discretionary activity if f.-i. are not met which relates to large increases in the footprint, face areas of antennas, or where new towers are proposed or a pole is replaced with a tower. For example, EI-R19 and EI-R20 provide for new and upgraded lines as restricted discretionary and discretionary respectively. Therefore, the activity status is consistent for this activity, and the proposed amendments to EI-R11 make it clear that EI-R11 only applies if EI-R19 does not, so no change is considered necessary. Overall, it is recommended that the Orion submission point be accepted in part.

Recommendations and amendments

32.13 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EI-R11 as shown in **Appendix 2** to provide additional clarity.

32.14 The amendments recommended to EI-R11 are set out in a consolidated manner in **Appendix 2**.

32.15 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

32.16 The scale of change does not require a s32AA evaluation.

EI-R13 Small Cell Units; EI-R14 Telecommunication Cabinets; and EI-R17 Telecommunication Poles and Attached Antennas

Introduction

33.1 EI-R13 and EI-R14 permit small cell units and telecommunication cabinets not regulated by the NESTF respectively, subject to rule requirements. EI-R17 permits the establishment of new or expansion of existing telecommunication poles or antennas attached to a pole not regulated by the NESTF. These rules have been considered in one section given they are all applicable to telecommunications and given the submissions are seeking similar relief.

Submissions

33.2 One submission point and no further submission points were received in relation to each of rules EI-R13, EI-R14 and EI-R17.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	012	EI-R13	Oppose In Part	Amend as follows: Where this activity complies with the following rule requirements: EI-REQ12 Structures in Special Areas EI-REQ14 Reflectivity EI-REQ15 Height
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	013	EI-R14	Oppose In Part	Amend as follows: Where this activity complies with the following rule requirements: NH-REQ5.1 Natural Hazards and Infrastructure
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	014	EI-R17	Oppose In Part	Amend as follows: Where this activity complies with the following rule requirements: EI-REQ13 Height in Relation to Boundary NH-REQ5.1 Natural Hazards and Infrastructure

Analysis

- 33.3 With respect to EI-R13, Chorus²¹⁹ seek that reference to EI-REQ12, EI-REQ14 and EI-REQ15 be deleted. Chorus submit that small cell units are a defined term²²⁰ and may only be a maximum volume (antennas and ancillary equipment other than cabling) of 0.11m³. Chorus consider that given their small scale and that they are erected on other structures such as buildings and utility poles, that the number of standards to be complied with is unnecessary. It is considered that such facilities may still result in adverse effects and that EI-REQ12, EI-REQ14 and EI-REQ15 should continue to apply in relation to such facilities not regulated by the NESTF. It is also of note that Chorus telecommunications, including small cell units on existing structures, are regulated by the NESTF so would typically not be subject to this rule in any case. It is therefore recommended that this submission point be rejected.
- 33.4 Chorus²²¹ also seek that EI-R14 not be subject to compliance with NH-REQ5.1 Natural Hazards and Infrastructure. Chorus consider that telecommunications operators can make their own decisions around where it is appropriate and necessary to site cabinets given that these structures are not expected to exacerbate existing hazards. Again, it is of note that Chorus telecommunication cabinets both inside and outside of road reserve are regulated by the NESTF and would not be subject to this rule in any case. The NESTF specifically disapplies natural hazard rules in District Plans under NESTF Regulation 57. However, the rule requirement is considered necessary with respect to non-NESTF

²¹⁹ 101-012 Chorus

²²⁰ means a device: a. that receives or transmits radio communication or telecommunication signals; and b. the volume of which (including any ancillary equipment, but not including any cabling) is not more than 0.11m³

²²¹ 101-013 Chorus

regulated telecommunication cabinets to manage natural hazard risk and to build resilience in the infrastructure network. It is therefore recommended that this submission point be rejected.

- 33.5 Furthermore, Chorus²²² seek that EI-REQ13 and NH-REQ5.1 be deleted with respect to EI-R17. The submitter considers the requirement to meet standard EI-REQ13 Height in Relation to Boundary is confusing given that the control in Appendix 3 of the PDP specifically provides an exemption for poles (which in the definition of ‘pole’ includes attached antennas), towers and overhead wires. The submitter also does not support the application of natural hazard rules to telecommunications poles and attached antennas and consider that telecommunications operators can make their own decisions around where it is appropriate and necessary to site poles given that these structures are not expected to exacerbate existing hazards.
- 33.6 It is agreed that APP3 - Height in Relation to Boundary exempts poles from the provisions and that the reference to EI-REQ13 Height in Relation to Boundary in EI-R17 is therefore contradictory as it relates to telecommunication poles and accordingly it is recommended that it be deleted. EI-REQ17 Pole and Antenna Height can instead be relied upon. With respect to NH-REQ5.1, again it is of note that Chorus telecommunication poles and attached antennas are largely regulated by the NESTF and therefore would typically not be subject to this rule in any case. The NESTF specifically disapplies natural hazard rules in District Plans under NESTF Regulation 57 which also includes poles and antennas in rural/rural-residential zones and roads. However, in the context of non-NESTF regulated poles and antennas the rule requirement is considered necessary to manage natural hazard risk and to build resilience in the infrastructure network. It is therefore recommended that this submission point be accepted in part.

Recommendations and amendments

- 33.7 I recommend, for the reasons given above, that the Hearings Panel:
- a) Retain EI-R13 and EI-R14 as notified.
 - b) Amend EI-R17 as shown in **Appendix 2** to remove reference to EI-REQ13 to improve clarity.
- 33.8 The amendments recommended to EI-R17 are set out in a consolidated manner in **Appendix 2**.
- 33.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 33.10 The scale of change does not require a s32AA evaluation.

34 EI-R15 Electricity Cabinets and EV Charging Stations

Introduction

- 34.1 EI-R15 permits the establishment of a new, or expansion of an existing electricity cabinet or electric vehicle charging station, subject to height and area maximums and compliance with rule requirements.

²²² 101-014 Chorus

Submissions

34.2 One submission point and one further submission point were received in relation to EI-R15.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	209	EI-R15	Support In Part	Amend as follows: 1. The establishment or a new, or expansion of an existing electricity cabinet, <u>electricity kiosk</u> , <u>transformer</u> , <u>switchgear</u> or electric vehicle charging station. Where: The <u>electricity</u> cabinet, <u>electricity kiosk</u> , <u>transformer</u> , <u>switchgear</u> or station does not exceed:
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS778	EI-R15	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.

Analysis

34.3 Orion²²³ seek that electricity kiosk, transformer and switchgear be added to EI-R15. Orion submit that electricity cabinets and electricity kiosks are both typically located within, near, or on the boundary of the land transport corridor so it is important they are provided for under this rule rather than rule EI-R27 (which is the ‘catch all’ discretionary activity rule that applies to other network utility structures) so they do not require resource consent due to not meeting a rule requirement such as setbacks. Orion consider these facilities are not comparable to certain other minor utility structures captured by EI-R27.

34.4 From researching these different facilities, it is agreed that kiosks are similar to a cabinet in appearance, but it is less clear what transformers and switchgear typically look like and of what size and height they typically are. Of the images reviewed from a general online search, transformers and switch gear appear quite different to cabinets and kiosks and of a larger scale. Therefore, permitting a kiosk in addition to cabinets is supported subject to the same height and area restrictions; however further evidence is required to justify the inclusion of transformers and switchgear in EI-R15. This submission point is also related to the Orion submission point pertaining to the ‘minor utility structure’ definition discussed in paragraphs 7.26-7.27.

34.5 Therefore, it is recommended that EI-R15 be amended to include kiosks only and that the submission be accepted in part.

Recommendations and amendments

34.6 I recommend, for the reasons given above, that the Hearings Panel:

²²³ 367-209 Orion

- a) Amend EI-R15 as shown in **Appendix 2** to include kiosks which are similar to cabinets so as electricity kiosks are not captured by EI-R27.

34.7 The amendments recommended to EI-R15 are set out in a consolidated manner in **Appendix 2**.

34.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

34.9 The scale of change does not require a s32AA evaluation.

35. EI-R16 Electricity Generators and Mobile Equipment to Supply Important Infrastructure

Introduction

35.1 EI-R16 permits electricity generators and mobile equipment to supply important infrastructure for no more than 48 hours for testing and maintenance and as back-up, or for emergency purposes for a maximum of 12 months to enable important infrastructure to continue to operate.

Submissions

35.2 Five submissions and three further submissions were received in relation to EI-R16.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	042	EI-R16	Support	Retain as notified.
DPR-0359	Fire and Emergency New Zealand	023	EI-R16	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	210	EI-R16	Support In Part	Amend as follows: 1. The operation of any electricity generator and mobile equipment (including vehicles) to supply important infrastructure. Where: a. The equipment is: i..... ii. to provide back-up electricity during routine or scheduled maintenance for a period not exceeding 48 hours, <u>or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 22:00hrs as relevant to the underlying zone;</u> or iii. iv. <u>for emergency purposes only (the primary electricity supply) and operates for a maximum of 12 months.</u>

DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS779	EI-R16	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower Limited	FS026	EI-R16	Support	Accept
DPR-0441	Trustpower Limited	041	EI-R16	Support In Part	Amend as follows: ... 1. The operation of any <u>electricity back-up</u> generator and mobile equipment (including vehicles) to supply <u>regionally significant</u> important infrastructure. ...
DPR-0367	Orion New Zealand Limited	FS030	EI-R16	Oppose In Part	Reject the submission point in part
DPR-0446	Transpower New Zealand Limited	043	EI-R16	Support	Retain as notified

Analysis

- 35.3 The Orion²²⁴ amendments are seeking to provide more flexibility and allow a period of use longer than 48 hours if the day time noise limits are complied with for the underlying zone. Orion submit that while generators are used as part of maintenance projects for longer than 48 hours, this is predominantly at very isolated and remote parts of the network around Castle Hill, Arthurs Pass and Lake Coleridge. This change is supported but with some additional amendment to EI-R16.1.ii to apply the noise limits of the zone “at all times” and not just between 7am and 10pm to ensure night time amenity is protected and sleep is not disturbed.
- 35.4 Orion are also seeking to add a clause iv. to allow operation for emergency purposes only where the supply is also the primary supply, and not just a back-up supply (as per clause iii), for up to 12 months. The rule seeks to ensure that important infrastructure is able to continue to operate via a generator when required, such as in emergencies. However, the intent of the rule is to provide flexibility for temporary back-up supply and not the primary supply, and therefore this amendment is not supported. Primary supply operating for up to 12 months, even for emergency purposes, could have significant adverse noise and amenity effects.
- 35.5 The amendments sought by Trustpower²²⁵ seek to reference “back-up” generator in EI-R16.1., which is not considered necessary as clause 1. ii. already provides for back-up purposes. The reference to regionally significant rather than important infrastructure is not supported for the reasons outlined in paragraphs 7.20-7.21. It is recommended that this submission be rejected.
- 35.6 Chorus²²⁶, FENZ²²⁷ and Transpower²²⁸ support the rule and seek that it be retained as notified, which is recommended to be accepted in part.

²²⁴ 367-210 Orion

²²⁵ 441-041 Trustpower

²²⁶ 101-042 Chorus

²²⁷ 359-023 FENZ

²²⁸ 446-043 Transpower

Recommendations and amendments

- 35.7 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EI-R16 as shown in **Appendix 2** to provide more flexibility with respect to back-up electricity supply to important infrastructure.
- 35.8 The amendments recommended to EI-R16 are set out in a consolidated manner in **Appendix 2**.
- 35.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 35.10 The scale of change does not require a s32AA evaluation.

36. EI-R18 Building Attached Antenna

Introduction

- 36.1 EI-R18 permits the attachment of antennas to a building, where the activity is not regulated by the NESTF, subject to restrictions on the face of the panel antenna size, diameter and height above the building, and subject to rule requirements.

Submissions

- 36.2 Two submissions and one further submission were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	015	EI-R18	Oppose In Part	Amend EI-R18.1 as follows: a. Face area (<u>largest face</u>) of a panel antenna does not exceed 1.5m ² ; and c. The antenna does not exceed a height of 4m <u>for residential zones and 5m for all other zones</u> , above the point of attachment to the building.
DPR-0367	Orion New Zealand Limited	211	EI-R18	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS780	EI-R18	Oppose	<i>Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.</i>

Analysis

- 36.3 Chorus²²⁹ are seeking minor amendment to EI-R18.1.a. which limits the face area of a panel antenna attached to a building to 1.5m². The submission states that whilst this is consistent with the NESTF, CCC uses the term “surface area” in their District Plan and has taken the view that the surface area applies to all six faces of panel antennas. A CCC initiated Plan Change (PC5H) has been notified to amend the provisions to apply to the “largest face” area of any panel. Whilst the PDP rule uses equivalent terminology to the NESTF and it is considered it does only apply to the largest face, for

²²⁹ 101-015 Chorus

the avoidance of doubt, a change to the rule is sought to specify that the area dimension specifically applies to the largest face and to achieve consistency with the CCC proposed rule.

- 36.4 In addition, EI-R18.1.c provides for antennas provided they do not exceed a height of 4m above the point of attachment to the building. Chorus are seeking amendment to apply the 4m height limit to residential zones and otherwise a 5m limit would apply for all other zones. It is of note that the rule only applies to antennas attached to a building not regulated by the NESTF so would not typically apply to Chorus antennas in any case. The provisions have been based on the NESTF and clause 37 regulates antenna attached to a building and provides for antennas no more than 5m above a building. Therefore, it is recommended that the change sought by Chorus to the height is made and that overall, the Chorus submission is accepted.

Recommendations and amendments

- 36.5 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EI-R18 as shown in **Appendix 2** to provide greater clarity and better reflect equivalent regulation in the NESTF.
- 36.6 The amendments recommended to EI-R18 are set out in a consolidated manner in **Appendix 2**.
- 36.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 36.8 The scale of change does not require a s32AA evaluation.

37. EI-R19 Overhead Telecommunication Lines, Electricity Distribution Lines, and Associated Support Structures and Equipment; EI-R20 Electricity Transmission Lines and Associated Support Structures and Equipment

Introduction

- 37.1 EI-R19 permits new installations and the expansion of an existing overhead telecommunication line, electricity distribution line, and associated support structures and equipment, subject to compliance with specified maximum heights and a maximum volume for any pole mounted transformers.
- 37.2 EI-R20 requires discretionary activity resource consent for a new, or expansion of an existing electricity transmission line, or their associated support structure or equipment.

Submissions

- 37.3 Three submissions and one further submission were received in relation to EI-R19 and one submission in relation to EI-R20.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
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DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	016	EI-R19	Oppose In Part	Amend EI-R19.5 as follows: a. The activity does not exceed a maximum height of: i. 25m for any telecommunication or electricity distribution line and associated support structure; or ii. 25m if there is a single operator, or 30m if there is more than one operator, for any telecommunications line and associated support structure within the General Industrial Zone; or iii. 35m if there is a single operator, or 40m if there is more than one operator, for any telecommunications line and associated support structure within the General Rural Zone. Where this activity complies with the following rule requirements: EI-REQ14 Reflectivity NH-REQ5.1 Natural Hazards and Infrastructure
DPR-0367	Orion New Zealand Limited	212	EI-R19	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS781	EI-R19	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0446	Transpower New Zealand Limited	044	EI-R20	Support In Part	Amend EI-R20.1 as follows: The establishment of a new, or expansion of an existing electricity transmission line, or their and its associated support structure or equipment.

Analysis

37.4 Chorus²³⁰ are seeking a number of amendments to EI-R19.5. EI-R19.5.a. provides height limits for lines and support structures in the GRUZ, TCZ, GIZ, LFRZ and PORTZ. EI-R19.5.a.i. provides a 25m height limit for any electricity distribution line, while in clauses ii. and iii. telecommunications lines and associated support structures are provided for up to 25m high for a single operator or 30m if more than one operator in the GIZ, and 35m for single operator or 40m for more than one operator in the GRUZ. Chorus consider that the height limits provided for are unnecessarily high for overhead telecommunications lines, and the single or more than one operator variance in heights is a concept used for radio-communications networks to allow for co-location solutions and not for lines networks. Chorus seek that EI-R19.5.a.ii. and iii be deleted and i. be amended to apply to both electricity distribution lines and telecommunications lines.

37.5 The rule currently separates out the heights applicable to electricity distribution lines (EI-R19.5.a.i.) and telecommunication lines (EI-R19.5.a.ii. and iii), which was intentional as telecommunications include radiocommunications and the height of electricity distribution lines differ to the height required for telecommunications (including radiocommunication) which may be higher and involve more than one operator. An allowance of extra height was provided if a pole is being shared as this

²³⁰ 101-016 Chorus

results in less poles overall. The requested change to EI-R195.1.a. ii. and iii is therefore recommended to be rejected.

- 37.6 Chorus are also seeking to delete reference to EI-REQ14 Reflectivity and NH-REQ5.1 Natural Hazards and Infrastructure. They consider it is impractical to determine the reflectivity of a typical wooden or concrete pole supporting overhead telecommunications lines (noting that these structures will naturally weather), or the lines themselves which are not painted. Accordingly, they seek that the reflectivity standard is not applied to overhead lines and support structures. The application of natural hazard rules to overhead lines is also not supported by Chorus given that telecommunications operators need to serve communities that may be located in such areas or require areas such as floodplains (particularly in road corridors) to be traversed.
- 37.7 It is not agreed that support structures for overhead lines or the lines themselves should not be subject to reflectivity as they could have an adverse effect on visual amenity values. Therefore, it is recommended that EI-REQ14 Reflectivity be retained. Poles supporting overhead lines are not expected to exacerbate existing hazards but still may do so and it is considered that assessment is needed of the hazard risk and to ensure resilience in the infrastructure network. While the NESTF specifically disapplies natural hazard rules in District Plans to regulated activities under Regulation 57, the rule is applicable to activities not regulated by the NESTF. Therefore, it is recommended that NH-REQ5.1 be retained. Overall, it is recommended that EI-R19 be retained as notified and that the Chorus submission be rejected.
- 37.8 Orion²³¹ submitted seeking EI-R19 be retained as notified, which is recommended to be accepted.
- 37.9 Transpower²³² support Rule EI-R20 insofar as the Rule provides for new National Grid infrastructure as a discretionary activity and considers that the rule appropriately gives effect to the NPSET. However; Transpower is concerned there is some overlap between Rule EI-R11 and Rule EI-R20 in respect of “expansion” or “upgrading” of existing National Grid transmission lines.
- 37.10 EI-R11 provides for the upgrading or expansion of existing above ground network utilities subject to a range of requirements relating to location and the scale of the increase etc. Transpower are proposing that Rule EI-R20 be amended to apply to new National Grid transmission lines only to eliminate conflict with EI-R11.
- 37.11 It is agreed that there is current overlap between EI-R11 and EI-R20 and that upgrading of existing above ground network utilities, which includes electricity transmission lines and associated support structures and equipment, is managed by both rules. The amendment sought by Transpower to EI-R20 to manage new electricity transmission lines only and not the expansion of existing (which is managed by EI-R11) is supported as it removes the overlap between the rules. The other amendment which seeks to refer to “and its” associated support structure or equipment rather than “or their” is also supported as a line is reliant on a support structure and one would not be built without the other. Therefore, it is recommended that the Transpower submission point be accepted.

²³¹ 367-212 Orion

²³² 446-044 Transpower

Recommendations and amendments

37.12 I recommend, for the reasons given above, that the Hearings Panel:

- a) Retain EI-R19 as notified.
- b) Amend EI-R20 as shown in **Appendix 2** to remove overlap with EI-R11.

37.13 The amendments recommended to EI-R20 are set out in a consolidated manner in **Appendix 2**.

37.14 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

37.15 The scale of change does not require a s32AA evaluation.

38. EI-R21 - Substations and Switching Stations

Introduction

38.1 Rule EI-R21 permits the establishment of a new, or expansion of an existing substation or switching station subject to maximum areas applying dependent on the zone, and compliance with a number of rule requirements.

Submissions

38.2 Two submission points and one further submission point were received in relation to EI-R21.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	213	EI-R21	Support In Part	Amend Rule EI-R21 as follows: 1. The establishment of a new, or expansion of any existing substation or switching station. Where: a. The activity <u>substation or switching station building footprint</u> does not exceed an area of:
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS782	EI-R21	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0446	Transpower New Zealand Limited	045	EI-R21	Support	Retain as notified

Analysis

38.3 Orion²³³ are seeking minor amendment to improve clarity and Transpower²³⁴ are seeking that the rule be retained as notified.

38.4 Rather than referring to the “activity”, the Orion submission seeks to specifically refer to the “substation or switching station building footprint” in clause a. This would mean that areas associated with the activity such as the access and car parking area etc. are excluded from the footprint. This is considered reasonable to facilitate these structures and such sites could also feasibly be designated in any case (i.e. Transpower). It is recommended that the proposed amendment and the Orion submission be accepted.

Recommendations and amendments

38.5 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend EI-R21 as shown in **Appendix 2** to provide greater clarity and development flexibility.

38.6 The amendments recommended to EI-R21 are set out in a consolidated manner in **Appendix 2**.

38.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

38.8 The scale of change does not require a s32AA evaluation

EI-R22 Environmental Monitoring Equipment Associated with a Network Utility

Introduction

39.1 Rule EI-R22 permits the establishment of new, or the expansion of existing environmental monitoring equipment subject to maximum area, height and a number of rule requirements.

Submissions

39.2 One submission and one further submission were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	182	EI-R22	Support In Part	1. The establishment of new, or the expansion of existing environmental monitoring equipment and <u>telemetry equipment</u> (including but not limited to air quality, hydrological and meteorological) associated with a network utility.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS751	EI-R22	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.

²³³ 367-213 Orion

²³⁴ 446-045 Transpower

Analysis

- 39.3 Orion²³⁵ are seeking amendment to add reference to telemetry equipment on the basis that such equipment is located at all Orion substations and enables them to operate the network remotely. This addition is not considered necessary as telemetry equipment with a monitoring purpose would be considered as environmental monitoring equipment associated with a network utility which is already covered in the rule, and the operation of the network utility including telemetry equipment, is covered by other rules. Therefore, it is recommended that this submission point be rejected.

Recommendation

- 39.4 I recommend, for the reasons given above, that the Hearings Panel retain EI-R22 as notified.
- 39.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

40. EI-26 Artificial Waterways and Associated Structures

Introduction

- 40.1 EI-R26 permits the establishment of new or the expansion, maintenance or repair of an existing artificial waterway or associated structures by a network utility operator where existing access to adjoining properties is maintained and subject to a number of rule requirements.

Submissions

- 40.2 Eight submissions and four further submissions were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	021	EI-R26	Support	Retain as notified
DPR-0252	Lance Roper	001	EI-R26	Neither Support Nor Oppose	Not specified
DPR-0375	Waka Kotahi NZ Transport Agency	FS262	EI-R26	Oppose	<i>Further consideration is given to the submission prior to determining whether an increased density is appropriate.</i>
DPR-0289	Murray Tyson	001	EI-R26	Neither Support Nor Oppose	Not specified
DPR-0353	Horticulture New Zealand	095	EI-R26	Oppose In Part	Amend as follows: 1. The establishment of a new, or the expansion, maintenance, or repair of an existing artificial waterway or associated structure (including outfall structures, water storage, conveyance of water for stock or irrigation, and land drainage purposes) by a network utility operator
DPR-0372	Dairy Holdings Limited	FS035	EI-R26	Support	<i>Accept the submission.</i>

²³⁵ 367-182 Orion

DPR-0390	Rakaia Irrigation Limited (RIL)	FS007	EI-R26	Support	Accept the submission.
DPR-0353	Horticulture New Zealand	100	New	Support	Insert new rule to confirm that artificial water bodies are a permitted activity, regardless of whether they are owned by a network utility operator.
DPR-0390	Rakaia Irrigation Limited (RIL)	011	EI-R26	Neither Support Nor Oppose	Retain as notified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	112	EI-R26	Oppose In Part	Amend as follows: 1. The establishment of a new, or the expansion, maintenance, or repair of an existing artificial waterway or associated structure (including outfall structures, water storage, conveyance of water for stock or irrigation, and land drainage purposes) by a network utility operator.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS110	EI-R26	Oppose In Part	Reject the submission
DPR-0454	Central Plains Water Limited	007	EI-R26	Support	Retain as notified

Analysis

- 40.3 Hort NZ²³⁶ and Fed Farmers²³⁷ are both seeking that the reference to “by a network utility operator” be deleted from the rule and that artificial watercourses such as drains be permitted regardless of whether they are owned by a network utility operator or not.
- 40.4 RIL’s²³⁸ original submission sought that the provision be retained as notified, and as RIL does not come within the definition of a ‘network utility operator’ remained neutral at that point. However, RIL and Dairy Holdings Ltd’s further submissions also seek amendment to delete reference to “by a network utility operator”.
- 40.5 It is of note that the rule refers to ‘artificial waterway’ and that this is not a defined term. It is considered that the inclusion of this wording is a minor error and should instead refer to ‘artificial watercourse’²³⁹, which is the defined term in the PDP. In the Definitions section of this report, it is noted that the ‘artificial watercourse’ definition is the intended term to be used in EI-R26.
- 40.6 It is agreed with the submitters seeking amendment that artificial watercourses are integral to rural land production, i.e. irrigation, and that they should be enabled regardless of whether they are developed by a network utility operator or not, subject to continued application of the rule requirements included in the notified version which manage the land development of watercourses

²³⁶ 353-100 Hort NZ

²³⁷ 422-112 Fed Farmers

²³⁸ 390-011 RIL

²³⁹ Artificial watercourse is defined as: A watercourse that is created by human action. It includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal channel. It does not include artificial swales, kerb and channelling or other watercourses designed to convey stormwater.

in relation to notable trees, vegetation clearance, earthworks in special areas, historic heritage, structures in special areas, and natural hazards, based on s6 and 7 RMA matters.

- 40.7 It is also of note that the CRPS recognises the need to meet demands to abstract freshwater in ways that are economically feasible and environmentally sustainable. It notes that “fresh water is an essential resource for irrigation” which contributes to the Canterbury region’s economic productivity, and people’s economic and social wellbeing.²⁴⁰ The sustainable management of freshwater includes enabling “people and communities to provide for their economic and social well-being through abstracting and/or using water for irrigation”.²⁴¹ It is important that the District Plan gives effect to the CRPS and enables the installation, operation and maintenance of irrigation infrastructure. It is also of note that irrigation infrastructure requires a consent to be obtained from the Regional Council and therefore the water take, use and discharge is regulated at the regional level and is required before any land development may take place.
- 40.8 Overall, it is recommended that the rule be amended to delete reference to “by a network utility operator” and that the rule links to the defined term of ‘artificial watercourse’. The amendment is also consistent with the recommended amendments to EI-R1 and EI-REQ1. Hort NZ²⁴² are also seeking that a new rule be inserted to confirm that artificial waterbodies are a permitted activity, however this is not considered necessary based on the recommended amendments to EI-R26 and correctly linking to the ‘artificial watercourse’ definition which satisfies their relief sought.
- 40.9 NZ Pork²⁴³ seek that the rule be retained as notified to enable rural production activity. CPW²⁴⁴ also seek that the rule be retained as notified. CPW distribute irrigation water for supply and consider they are a ‘network utility operator’ as defined, which clarifies their support for the rule as notified. It is recommended that these submission points be accepted in part, and it is considered that the recommended amendments would not constrain their operations.
- 40.10 Lance Roper²⁴⁵ and Murray Tyson²⁴⁶ neither support or oppose and did not request any specific decision. Lance Roper commented that Council should maintain the focus of drainage networks and that the L2 Drainage Committee is focused and is not easily replaceable. Murray Tyson commented that there should be no change to the land drainage schemes and how they are run, that they have functioned well over the last 30 years, and consolidation should happen before any changes. The rule as notified is enabling of artificial waterways undertaken by a network utility operator (i.e. Council) consistent with the Council’s Land Drainage Activity Management Plan.

Recommendations and amendments

40.10 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EI-R26 as shown in **Appendix 2** to be more enabling and to provide greater clarity.

²⁴⁰ Canterbury Regional Policy Statement, 7.1.4 (explanation).

²⁴¹ Canterbury Regional Policy Statement, 7.2.1.

²⁴² 353-100 Hort NZ

²⁴³ 142-021 NZ Pork

²⁴⁴ 454-007 CPW

²⁴⁵ 252-001 Lance Roper

²⁴⁶ 289-001 Murray Tyson

40.11 The amendments recommended to EI-R26 are set out in a consolidated manner in **Appendix 2**.

40.12 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

Section 32AA evaluation

40.13 The following points evaluate the recommended changes under Section 32AA of the RMA.

Effectiveness and efficiency

40.14 The amendment provides for watercourses within the National Grid Yard regardless of whether they are a network utility or not and provides for watercourses integral to rural land production, whilst also ensuring access to the National Grid is not permanently obscured. This is considered to be a more effective and efficient use of land compared to the provisions as notified.

Costs and benefits

40.15 There are additional benefits to rural land productivity and no apparent environmental costs of allowing watercourses within the National Grid Yard.

Risk of acting or not acting

40.16 Potential for reduced land efficiency and rural production.

Conclusion as to the most appropriate option

40.17 The amendment to EI-R26 will better enable rural production activity compared to the PDP as notified and will achieve consistency with the CRPS by recognising the need to meet demands to abstract freshwater in ways that are economically feasible and environmentally sustainable, whilst also ensuring the National Grid is not compromised.

41 EI-R27 Other Network Utility Structures

Introduction

41.17 EI-R27.1 permits the establishment of a new network utility or minor utility structure not otherwise provided for in any other rule in the Chapter subject to compliance with rule requirements, and where compliance with any rule requirement is not achieved the activity status of the relevant rule requirement applies.

41.18 Rule EI-R27.3 requires restricted discretionary activity consent for the same activity in the Specific Control Areas of Arthurs Pass and Castle Hill, and EI-R27.4 restricts the matters of discretion to REZ-MAT7 Fencing and EI-MAT1 General Matter.

Submissions

41.19 Two submissions and one further submission were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	185	EI-R27	Support In Part	Delete EI-R27.3 and EI-R27.4 as notified.

DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS754	EI-R27	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0454	Central Plains Water Limited	008	EI-R27	Support	Retain as notified

Analysis

- 41.20 Orion²⁴⁷ support the rule in part but are seeking the deletion of EI-R27.3 and EI-R27.4 which applies in the Specific Control Areas of Arthurs Pass and Castle Hill. Orion considers that minor utility structures in these two special areas are treated the same as other minor utility structures in other areas and should be subject to a permitted activity status given such structures would be the smallest structures used by Orion. CPW²⁴⁸ support the rule and seek that it be retained as notified.
- 41.21 Rule EI-R27 has distinguished the Specific Control Areas of Arthurs Pass and Castle Hill from the other zones and requires restricted discretionary consent given the sensitivity of these existing settlements to additional development. The Specific Control Areas of Arthurs Pass and Castle Hill are subject to urban design controls to “manage and protect the existing Alpine vibe of the township”.
- 41.22 Orion contend that this rule would only apply to minor structures. However, as EI-R27 is essentially a ‘catch-all rule’ and applies to all new network utilities not otherwise provided for as well as minor utility structures, feasibly a larger scale network utility not captured by other rules and not just minor structures could be proposed within the Arthurs Pass or Castle Hill Specific Control Areas. Such development could compromise the specific design qualities and character of these townships. Therefore, requiring restricted discretionary activity consent and an assessment of effects in these specific and limited areas only is considered justified. It is recommended that the Orion submission point be rejected and the CPW submission point be accepted.

Recommendation

- 41.23 I recommend, for the reasons given above, that the Hearings Panel retain EI-R27 as notified.
- 41.24 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

42 EI-R29 Renewable Electricity Generation - Coleridge HEPS

Introduction

- 42.1 EI-R29 is specific to the Coleridge HEPS and permits renewable electricity generation and electricity generation activities at Coleridge HEPS.
- 42.2 Trustpower owns and operates the Coleridge HEPS. Trustpower is a hydro-electricity generator and retailer in New Zealand and currently has 20 hydro-electricity power schemes and 38 hydro-electric

²⁴⁷ 367-185 Orion

²⁴⁸ 454-008 CPW

power stations across New Zealand. The Coleridge HEPS power station was originally commissioned in 1914, making it over 100 years old and it is a scheduled heritage building within the PDP. The scheme is made up of diversions and canals connecting both the Harper and Wilberforce Rivers to Lake Coleridge before the water is pumped into the power station on the southern end of the lake. Once the water has passed through the station, it is returned to the Wilberforce River. Trustpower also has the Acheron intake south-east of Lake Coleridge which diverts water from the Acheron River into Coleridge Stream before entering the lake.

Submissions

42.3 One submission was received from Trustpower.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0441	Trustpower Limited	043	EI-R29	Support In Part	<p>Amend as follows:</p> <p>1. Renewable electricity generation or electricity generation activities at Coleridge HEPS including any new building or addition, operation, maintenance, refurbishment, enhancement, or upgrading to an existing building <u>or associated structures</u>;- and</p> <p>2. <u>Environmental monitoring equipment or structures, and any signage associated with renewable electricity generation.</u></p> <p>...</p> <p>i. less than 50m² in area or a floor area or no more than 20% larger than the existing floor area <u>does not increase the existing floor area by 25%</u>; and</p> <p>ii. less than 8 metres in height is consistent with the existing height of the structure; and</p> <p>...</p> <p>EI-REQ10 _____ Noise</p> <p>...</p>

Analysis

42.4 Trustpower²⁴⁹ support the rule in part but propose amendment to better provide for their activities, including that “associated structures” be added to EI-R29.1 and that environmental monitoring equipment/structures and associated signage be provided for. Amendments are also sought to the permitted floor area increase and height, and the rule requirement relating to noise is sought to be deleted.

42.5 Due to the nature of hydro-electric power generation activities and operations, Trustpower considers it necessary that activities associated with the permitted Coleridge HEPS structures also be permitted. Trustpower also submit that while it may be presumed that monitoring is associated with the operation of the scheme, it would provide greater clarity if monitoring activity was expressly provided for within this rule. These amendments to add reference to associated structures and monitoring equipment are considered reasonable and justified to enable renewable electricity generation, and monitoring would understandably be integral to such a scheme.

²⁴⁹ 441-043 Trustpower

- 42.6 Trustpower also request wording to provide for “any signage associated with renewable electricity generation”, but provide no detail as to what kind of signage or justification. Adding this wording could permit any signage associated with the plant, such as large lit roof mounted signage for example, and based on the lack of detail in the submission about this proposed change this particular amendment is not accepted at this time.
- 42.7 Trustpower submits that amendments to floor area less than 25% is more appropriate as it limits changes to no more than a quarter of the existing floor area and this size assessment is easier to observe than 20%, and also seek amendment to remove the 8m height limit and instead apply consistency with the height of the existing structure. Both of these changes are considered acceptable in the context of the large established Coleridge HEPS which appears to exceed 8m, and given the importance of the facility to renewable electricity generation. Minor amendments to the requested wording have been made for added clarity which is considered to achieve the same intent.
- 42.8 Trustpower opposes the inclusion of EI-REQ10 as EI-R29.1.a.iii. requires any new noise generating infrastructure at the Coleridge HEPS site to be setback at least 250m from the notional boundary of any lawfully established sensitive activity located in the General Rural Zone. It is considered that EI-REQ10 is still required as the plant is also in relatively close proximity to the township and not just GRUZ, and EI-REQ10 also manages construction noise and vibration effects. Trustpower also request clarification that this rule has primacy over other chapters in the plan. The intention is that this rule is stand-alone rule and therefore has primacy. Overall, it is recommended that the Trustpower submission point be accepted in part.

Recommendations and amendments

- 42.9 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EI-R29 as shown in **Appendix 2** to provide greater flexibility for development at the Coleridge HEPS and greater clarity.
- 42.10 The amendments recommended to EI-R29 are set out in a consolidated manner in **Appendix 2**.
- 42.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 42.12 The scale of change does not require a s32AA evaluation.

EI-R30 Small and Community-Scale Electricity Generation, and Small and Community-Scale Electricity Generation Activities

Introduction

- 43.1 EI-R30 permits small and community-scale electricity generation and activities where the activity is limited to roof mounted solar cells and panels less than 250mm above the roofline and which do not overhang the roofline, subject to rule requirements. Otherwise, restricted discretionary resource consent is required.

Submissions

43.2 Four submissions and two further submissions were received in relation to EI-R30.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0211	William Trolove	001	EI-R30	Oppose	Amend EI-R30 to allow small wind turbines of less than 3kw/h generation capacity to be a permitted activity in Arthur's Pass village.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS407	EI-R30	Oppose In Part	Accept the submission so long as the values of ONLF are protected.
DPR-0370	Fonterra Limited	029	EI-R30	Oppose	Amend as follows: All Zones <u>(excluding DPZ)</u>
DPR-0209	Manmeet Singh	FS761	EI-R30	Oppose In Part	Reject submission in part
DPR-0420	Synlait Milk Limited	004	EI-R30	Oppose In Part	Amend as follows: All Zones <u>(excluding DPZ)</u>
DPR-0420	Synlait Milk Limited	030	New	Oppose In Part	Requests that, within the zone, renewable energy generation is not limited to solar cells or panels mounted on the roofs of buildings; or only to solar energy.
DPR-0441	Trustpower Limited	044	EI-R30	Support In Part	Amend as follows: 1. The establishment of a new, or expansion of existing small and community-scale electricity generation and small and community-scale renewable electricity generation activities from solar <u>renewable</u> sources, and their associated structures. ... a. The activity <u>provides for</u> is limited to solar cell/s and panels mounted on the roof of a lawfully established building which: ...

Analysis

43.3 William Trolove²⁵⁰ seeks that EI-R30 is amended to allow small wind turbines of less than 3kw/h generation capacity to be a permitted activity in Arthur's Pass village as there is an abundance of wind, they do not create nuisance, and it is appropriate to enable such renewable energy generation rather than require resource consent. This submission point was clarified and the submitter agreed the submission point better relates to EI-R30 than EI-R31 as submitted. Whilst this submission point is agreed with in principle, there is insufficient information at this point in time regarding required height, blade length, KW generation etc. to support inserting enabling provisions in the Plan for wind turbines. It is therefore recommended that this submission point be rejected at this point in time.

²⁵⁰ 211-001 William Trolove

- 43.4 Fonterra²⁵¹ and Synlait²⁵² seek that EI-R30 is amended to exclude the DPZ from the rule which currently applies to all zones as energy generation is a permitted activity in DPZ-R1 and having two rules make the status of energy generation activities in the DPZ unclear.
- 43.5 Rule EI-R30 permits roof mounted solar cells and panels across all zones, and DPZ-R1.2.b permits “energy generation” in the DPZ if it is ancillary to the dairy processing activity operated by Fonterra or Synlait. If the energy generation activity is not ancillary to dairy processing it is a non-complying activity. Fonterra and Synlait would prefer that all matters relating to energy generation and storage, including renewable energy generation, be provided for within the DPZ (which is also supported by the Planning Standards in relation to Special Purpose Zones). Excluding the DPZ from EI-R30 is considered an acceptable approach as it removes duplication and provides certainty to Fonterra and Synlait that EI-R30 does not apply to the DPZ. The Outline Development Plans that apply to the Fonterra and Synlait sites apply a rural buffer zone and ensure that any infrastructure within the rural buffer has a maximum height of 9m and is setback from the site boundaries. The Fonterra and Synlait sites are also both well screened. Furthermore, energy generation not associated with the dairy processing activity would be non-complying which ensures non-related activity is assessed. Therefore, it is recommended that the Fonterra and Synlait submissions be accepted.
- 43.6 In addition, Synlait²⁵³ are seeking a change to the DPZ provisions so that renewable electricity generation is not limited to solar cells or panels mounted on the roofs of buildings; or only to solar energy. ‘Renewable electricity generation’ is defined in the PDP and is broader than solar and includes wind etc. and should be enabled in principle. This submission needs to be further considered in the context of the zone rules at the DPZ Hearing (DPZ-R1 currently refers to “energy generation” which could be replaced with or extended to include “renewable electricity generation”).
- 43.7 Trustpower²⁵⁴ are seeking amendment to broaden the application of the rule beyond solar energy sources to include “renewable sources”. They consider the rule should be inclusive of all small and community-scale renewable generation activities and a word change is suggested so that 1.a. has “positive connotations”. In principle, enabling other renewable energy sources such as wind is supported, however at this stage there is a lack of visual, character, noise, and vibration evidence to support the addition of such provisions. Solar roof mounted cells and panels are part of a building structure and are visually anticipated elements which do not generate noise or vibration, whereas a wind turbine is generally pole mounted and can result in adverse visual, character and noise effects. The creation of a permitted activity rule applicable to wind generation or renewable energy sources in general is considered to require more evidence to support.

Recommendations and amendments

- 43.8 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EI-R30 as shown in **Appendix 2** to provide greater clarity.
- 43.9 The amendments recommended to EI-R30 are set out in a consolidated manner in **Appendix 2**.

²⁵¹ 370-029 Fonterra

²⁵² 420-004 Synlait

²⁵³ 420-030 Synlait

²⁵⁴ 441-044 Trustpower

43.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

43.11 The scale of change does not require a s32AA evaluation.

44 EI-R31 Other Renewable Electricity Generation and Renewable Electricity Generation Activities

Introduction

44.1 EI-R31 requires discretionary activity consent for other renewable electricity generation or activities not captured elsewhere by other rules.

Submissions

44.2 Two submission points and one further submission point were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0370	Fonterra Limited	031	EI-R31	Oppose	Amend as follows: All Zones <u>(excluding DPZ)</u>
DPR-0209	Manmeet Singh	FS763	EI-R31	Oppose In Part	Reject submission in part
DPR-0441	Trustpower Limited	045	EI-R31	Support	Retain as notified

Analysis

44.3 Like with EI-R30, Fonterra²⁵⁵ seek that EI-R31 is amended to exclude the DPZ from the rule. The rule currently applies to all zones given that energy generation is a permitted activity in DPZ-R1 and the two rules make the status of energy generation activities in the DPZ unclear. For the reasons outlined in paragraph 43.5, this exclusion is supported and will make it clear that the DPZ provisions are the only provisions that apply to energy generation in the DPZ. It is recommended that the Fonterra submission point be accepted and the Trustpower submission point be accepted in part.

Recommendations and amendments

44.4 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EI-R31 as shown in **Appendix 2** to provide greater clarity.

44.5 The amendments recommended to EI-R31 are set out in a consolidated manner in **Appendix 2**.

44.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

44.7 The scale of change does not require a s32AA evaluation.

²⁵⁵ 370-031 Fonterra

45 EI-REQ1 Access to a National Grid Support Structure and EI-REQ2 Fence Separation to a National Grid Support Structure

Introduction

- 45.1 EI-REQ1 applies to EI-R1, EI-R2 and EI-R3 relating to the National Grid Yard and requires that structures or earthworks undertaken within the National Grid Yard shall not result in vehicular access to a National Grid support structure being permanently obstructed.
- 45.2 EI-REQ2 applies to EI-R2 only which manages structures in the National Grid Yard and requires any fence consisting of conductive materials to be setback a minimum of 6m from the National Grid support structure.
- 45.3 These rule requirements have been considered together as the Transpower submissions are seeking that only one amended and merged rule requirement apply.

Submissions

- 45.2 Three submission points and one further submission point were received in relation to EI-REQ1, and three submission points were received in relation to EI-REQ2.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0353	Horticulture New Zealand	097	EI-REQ1	Support In Part	Amend as follows: Structures, or earthworks or <u>reticulation or storage of water in open channels, dams or reservoirs</u> within the National Grid Yard shall not result in vehicular access to the National Grid support structure being permanently obstructed.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	113	EI-REQ1	Support In Part	Amend as follows: Structures, or earthworks or <u>reticulation or storage of water in open channels, dams or reservoirs</u> undertaken within the National Grid Yard shall not result in vehicular access to the National Grid support structure being permanently obstructed.
DPR-0446	Transpower New Zealand Limited	049	EI-REQ1	Support In Part	Amend as follows: EI-REQ1 <u>Setback from Access to a National Grid Support Structure</u> 1. Structures or earthworks undertaken within the National Grid Yard <u>must</u> shall not result in vehicular access to a National Grid support structure being permanently obstructed. 2. Structures in the National Grid Yard must be <u>located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line tower or pole, except where it:</u> a. is a fence not exceeding 2.5 metres in height that <u>is located at least:</u> i. 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower; <u>or</u> ii. 5 metres from the outer visible edge of a foundation of a National Grid transmission line

					<u>pole.</u> <u>b. is an artificial crop protection structure or crop support structure not exceeding 2.5 metres in height and located at least 8 metres from a National Grid transmission line pole that:</u> <u>i. is removable or temporary to allow a clear working space of 12 metres from the pole for maintenance;</u> and <u>ii. allows all weather access to the pole and a sufficient area for maintenance equipment, including a crane.</u>
DPR-0353	Horticulture New Zealand	FS065	EI-REQ1	Oppose	Accept in part to the extent that artificial crop protection structures are provided for in the National Grid Yard.
DPR-0353	Horticulture New Zealand	099	EI-REQ2	Oppose	Amend as follows: 1. Any fence consisting of conductive materials shall be setback a minimum of 6m <u>5m</u> from a National Grid support structure.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	114	EI-REQ2	Oppose	Amend as follows: Any fence consisting of conductive materials shall be setback a minimum of 6 <u>5m</u> from a National Grid support structure.
DPR-0446	Transpower New Zealand Limited	050	EI-REQ2	Oppose	Delete as notified

Analysis

- 45.4 EI-REQ1 seeks to ensure that Transpower continue to have access to the National Grid Yard and that access is not permanently obscured by any activity to enable ongoing maintenance and operation of the National Grid.
- 45.5 Further to their submissions in relation to EI-R1, Hort NZ²⁵⁶ and Fed Farmers²⁵⁷ are seeking amendment to specifically reference the “reticulation or storage of water in open channels, dams or reservoirs” to specifically provide for these watercourses in relation to not obscuring access to the National Grid Yard. The amendment recommended to EI-R1.1.a to delete this clause is considered to satisfy this relief (refer to section 22 in association with EI-R1) and it is recommended to add reference to any “activity” as well as the existing reference to “structure or earthworks” which would cover any open channel, dam or reservoir. Therefore, it is considered that the additional wording sought is not necessary and it is recommended that these submission points be rejected, but the relief the submitter is seeking is considered to be met by the recommended amendment to EI-R1.
- 45.6 Transpower²⁵⁸ are seeking to delete reference to “earthworks” from EI-REQ1.1 and reference “must” rather than “shall”. Transpower are also seeking to delete EI-REQ2 and insert a new clause in EI-REQ1 which requires structures in the National Grid Yard to be located at least 12m from the edge of a National Grid tower or pole foundation, with some exceptions for fences not exceeding

²⁵⁶ 353-097 Hort NZ

²⁵⁷ 422-113 Fed Farmers

²⁵⁸ 446-049 Transpower

2.5m in height if they meet other setbacks, or any artificial crop protection or support structure that is moveable or temporary and does not obstruct access. Transpower consider that a 12m setback from structures is required to give effect to Policy 10 of the NPSET and that the approach is consistent with provisions in many other District Plans. They also consider EI-REQ2 is not necessary as a fencing setback can be included in EI-REQ1.

- 45.7 Rule EI-R2 currently permits structures in the National Grid Yard so long as they are not used for habitation, produce packing etc. subject to EI-REQ1 Access and EI-REQ2 Fence Separation, which requires any fence consisting of conductive materials to be setback 6m from a National Grid support structure. Therefore, under the current provisions any fence that is not conductive could be constructed within the National Grid Yard, unless it is conductive whereby it needs to be setback 6m, and any artificial crop protection structure could be sited within the National Grid Yard, so long as access is not obstructed.
- 45.8 It is considered that there should continue to be two rule requirements - one dealing with access, and the other dealing with the setback of structures for safety reasons and for the protection of the Grid Yard as this is considered clearer. The new clause that Transpower is seeking be inserted in EI-REQ1 related to setbacks of structures is therefore recommended to be inserted into EI-REQ2, and that it specify a 12m setback for structures, with exceptions for fencing and crop protection and support structures. A 12m setback is consistent with the 'National Grid Yard' definition.
- 45.9 The intention of EI-REQ2 as drafted was to deal with the electrical safety issue of having wire (conductive) fences near power lines and their support structures. Wooden fences were not considered to pose a safety issue in relation to the National Grid. Transpower are seeking that all fencing and not just conductive fencing be setback a distance of 5m from a pole or 6m from a tower. Hort NZ²⁵⁹ and Fed Farmers²⁶⁰ are seeking that the setback referred to in EI-REQ2 relating to conductive fences be amended from 6m to 5m.
- 45.10 The NZCEP deals with conductive fencing setbacks at section 2.3 and states that fences of conductive materials shall not be constructed within 5m of any tower or pole. Therefore, it is agreed with Hort NZ and Fed Farmers that a setback of 5m should apply to conductive fences consistent with the NZCEP. It is considered overly onerous to require all other non-conductive fencing to be setback 12m so long as access to the National Grid is maintained as this would unduly constrain farming activity in particular. It is also agreed that artificial crop protection and support structures should continue to be enabled so as not to unduly constrain agricultural and horticultural production, which Hort NZ further submitted in support of.
- 45.11 Overall, amendments are recommended to EI-REQ 1 to refer to any activity as well as structures and earthworks, and to EI-REQ2 to provide for a 12m setback with exceptions for all fencing if non-conductive, a setback of 5m for fencing if conductive consistent with the NZCEP, and to provide for artificial crop protection and support structures as generally specified by Transpower. It is

²⁵⁹ 353-099 Hort NZ

²⁶⁰ 422-144 Fed Farmers

recommended that the Hort NZ, Fed Farmers and Transpower submission points all be accepted in part.

Recommendations and amendments

46.5 I recommend, for the reasons given above, that the Hearings Panel:

- b) Amend EI-REQ1 and EI-REQ2 as shown in **Appendix 2** to better align with the corresponding rules and the NZCEP and the NPSET.

46.6 The amendments recommended to EI-REQ1 and EI-REQ2 are set out in a consolidated manner in **Appendix 2**.

46.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

46.8 The scale of change does not require a s32AA evaluation.

47 New Rule Requirement - NZCEP

Introduction

47.1 Transpower are seeking a new rule requirement related to the NZCEP.

Submissions

47.2 One submission point was received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0446	Transpower New Zealand Limited	065	New	Oppose	Insert new EI-REQ as follows: <u>EI-REQX New Zealand Electrical Code of Practice for Electrical Safe Distances All Zones</u> <u>1. The requirements of the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP24:2001) must be met.</u> <u>Activity status when compliance not achieved:</u> <u>2. When compliance with any of EI-REQ1 is not achieved: NC</u>

Analysis

47.3 Transpower²⁶¹ are seeking that a new rule requirement be added to EI-R1 and EI-R2 to require compliance with NZCEP. Transpower consider this is required to give effect to Policy 10 of the NPSET and ensure that activities do not compromise the National Grid or the health and safety of people.

47.4 The EI-Overview states that activities must comply with the NZCEP and that compliance with the rule requirements does not ensure compliance with the NZCEP or vice versa. The drafting of the

²⁶¹ 446-065 Transpower

PDP is seeking not to duplicate the NZCEP requirements wherever possible, and therefore the inclusion of the proposed new rule requirement is not considered necessary. The NZCEP is enforceable through the Electricity Act independent of the Council and by including it in the PDP the Council would be responsible for enforcing the NZCEP. Therefore, it is recommended that this submission point be rejected.

Recommendation

47.5 I recommend, for the reasons given above, that the Hearings Panel retain the PDP as notified in this regard.

47.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

48. EI-REQ3 Works to and Around Notable Trees

Introduction

48.1 EI-REQ3 relates to any works to and around notable trees and is referenced in numerous rules.

Submissions

48.2 Four submission points and one further submission were received in relation to EI-REQ3.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	017	EI-REQ3	Oppose In Part	Amend EI-REQ3.1 as follows: a. The installation , operation, maintenance, or repair of an existing network utilities; or
DPR-0367	Orion New Zealand Limited	187	EI-REQ3	Oppose In Part	Amend as follows: 1. Any work to or within 5m of a tree listed in TREE SCH 2 is required for: a. the operation, maintenance, or repair of an existing network utility; or b. is required under and is carried out in accordance with clause 14 of the Electricity (Hazards from Trees) Regulations 2003.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS756	EI-REQ3	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower Limited	046	EI-REQ3	Support In Part	Amend as follows: ... a. the operation, maintenance, or repair of an existing network utility or renewable electricity

					<u>generation activities</u> ; or ...
DPR-0446	Transpower New Zealand Limited	051	EI-REQ3	Support	Retain as notified

Analysis

- 48.2 Chorus²⁶² note that while EI-REQ3.1a provides for operation, maintenance, or repair of an existing network utility, it does not provide for new network utilities such as providing fibre along a road or providing customer connections to adjacent properties. These works can be undertaken in close proximity to notable trees subject to appropriate mitigation such as drilling under tree roots or careful hand digging with arborist supervision etc.
- 48.3 A new network utility would not fall within EI-REQ3.1, and the tree rules listed under EI-REQ3.2 would apply. The tree rules in turn refer to TREE-REQ2 which manages earthworks with 5m of a scheduled tree and permits network utilities at least 1m below ground level installed by hand-digging etc. which is consistent with what Chorus are seeking. In summary, reference to the tree rules is considered the most efficient and effective way to manage any work (and not just new network utilities) within 5m of a scheduled tree. This rule structure is intentional to ensure that the operation, maintenance or repair of existing utilities are given greater leniency and permitted activity status (subject to arborist supervision), and that any new work in close proximity to a tree is assessed against the tree rules and rule requirements. Overall, it is recommended that no amendment is made and that the Chorus submission point be rejected, however it is considered that the Chorus relief is met through the existing provisions.
- 48.4 Orion²⁶³ are seeking to delete reference to clause 14 of the Electricity (Hazards from Trees) Regulations 2003 as referenced in EI-REQ3.1.b., but do not state why. The Electricity (Hazards from Trees) Regulations 2003 protect the security of the supply of electricity and the safety of the public by prescribing distances from electrical conductors that trees must not encroach, and setting rules about who has responsibility for cutting or trimming trees that encroach on electrical conductors etc. Clause 14 is specific to the obligation to remove danger to persons or property from trees damaging conductors and allows the works to proceed to address serious hazard or damage. It appears that Clause 14 is the most relevant clause to works within 5m of trees and in the absence of any explanation as to why the clause is sought to be deleted, it is recommended that it be retained and the Orion submission point rejected.
- 48.5 Trustpower²⁶⁴ submit that they may need to trim trees listed in TREE-SCHED2 as part of maintenance activities to enable the efficient operation of the Coleridge HEPS and therefore request that “renewable electricity generation activities” be included in EI-REQ3.1.a as well as network utilities. The Coleridge HEPS is managed by Rule EI-R29 and EI-REQ3 does not apply to EI-R29, so tree trimming of notable trees in relation to Coleridge HEPS would be permitted as the tree rules would not apply as the EI Chapter is stand-alone.

²⁶² 101-017 Chorus

²⁶³ 367-187 Orion

²⁶⁴ 441-046 Trustpower

48.6 This was an oversight in the drafting of the rule. It is considered that amendment is required to ensure that tree maintenance at Coleridge-HEPS is managed. As EI-REQ3 does not currently apply to EI-R29 which manages the Coleridge HEPS, it is proposed to add EI-REQ3 to EI-R29, and make the change requested by Trustpower to EI-REQ3 to enable works within 5m of a scheduled tree at the Coleridge HEPS under arborist supervision. An alternative is to leave the provision as notified, but that approach fails to recognise the presence of scheduled trees and appropriately manage them. Therefore, it is recommended that a consequential amendment is made to EI-R29 to insert EI-REQ3, which is considered within scope of the submission point and that the Trustpower submission be accepted in part.

Recommendations and amendments

48.6 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend EI-REQ3 as shown in **Appendix 2** to manage scheduled trees in relation to the Coleridge HEPS.
- b) Make a consequential amendment to EI-R29 to include EI-REQ3 as shown in **Appendix 2**.

48.7 The amendments recommended to EI-R29 are set out in a consolidated manner in **Appendix 2**.

48.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

48.9 The scale of change does not require a s32AA evaluation.

49 EI-REQ4 Clearance of Vegetation

Introduction

49.1 EI-REQ4 relates to clearance of indigenous vegetation and requires compliance with EIB-R1.

Submissions

49.2 Two submission points were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0441	Trustpower Limited	047	EI-REQ4	Support In Part	Retain as notified on the basis that the relief sought for EIB-R1 is adopted.
DPR-0446	Transpower New Zealand Limited	052	EI-REQ4	Support	Retain as notified

Analysis

49.3 Both Trustpower²⁶⁵ and Transpower²⁶⁶ submitted in support, but Trustpower's support is on the basis that the relief sought for EIB-R1 is adopted.

²⁶⁵ 441-047 Trustpower

²⁶⁶ 446-052 Transpower

49.4 Trustpower are seeking that EIB-R1 be amended to include Trustpower assets to provide for indigenous vegetation clearance in association with the maintenance, repair or upgrade of electricity generation facilities. EIB-R1 is subject to a separate and later hearings process. Until such time that EIB-R1 is considered further in the context of all submission points it is considered appropriate to retain EI-REQ4 as notified and accept the Trustpower submission.

Recommendation

49.5 I recommend, for the reasons given above, that the Hearings Panel retain EI-REQ4 as notified.

49.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

50 EI-REQ5 Earthworks

Introduction

50.1 EI-REQ5 relates to earthworks outside of a land transport corridor and requires compliance with NFL-R2 Earthworks.

Submissions

50.2 Four submission points were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	018	EI-REQ5	Oppose In Part	Amend EI-REQ5.11 such that it only applies to earthworks occurring outside a land transport corridor.
DPR-0441	Trustpower Limited	048	EI-REQ5	Support In Part	Retain as notified on the basis that the relief sought for NFL-R2 is adopted.
DPR-0441	Trustpower Limited	049	EI-REQ5	Support In Part	Retain as notified on the basis that the relief sought for EIB-R1.4, EIB-R1.6, and EIB-R2 is adopted.
DPR-0446	Transpower New Zealand Limited	053	EI-REQ5	Support	Retain as notified

Analysis

50.3 Chorus²⁶⁷ are seeking amendment so that EI-REQ5.11 also refers to earthworks outside the land transport corridor. EI-REQ5.11 applies to earthworks in the Coastal Inundation, Plains Flood Management and Waimakariri Flood Management Overlays, whereby it is intended that flood overlays apply to earthworks both inside and outside the land transport corridor, unlike the other parts of the rule that only apply outside the land transport corridor. The intention is to manage all earthworks in flood areas so as not to alter the flow of flood water from or onto any property, which

²⁶⁷ 101-018 Chorus

is the permitted standard in NH-REQ4. Therefore, it is recommended that the provision be retained as notified and the Chorus submission point be rejected.

50.4 Trustpower's submissions are in support conditional on relief sought in relation to the NFL and EIB. Trustpower²⁶⁸ relief sought for NFL-R2 is that the rule be amended to provide for the ongoing operational and maintenance works at Lake Coleridge HEPS. EI-REQ5.2 refers to compliance with NFL-R2 when compliance with EI-REQ5.1 is not achieved. NFL-R2 in turn permits earthworks which comply with volume and area limits specified for ONL's and VAL's, for the maintenance and repair of existing fence lines, roads or tracks, or for the installation of underground infrastructure and ancillary utility equipment. The Rakaia River and Rakaia Catchment ONL's and the Rakaia Catchment VAL Overlay affect the Coleridge HEPS which sets earthworks volume and area limits. It is considered that operational and maintenance works exceeding the permitted volumes should be assessed by way of a consent process, and it is anticipated that maintenance works would not require significant volumes of earthworks in any instance and would be permitted. On this basis it is recommended that EI-REQ5 be retained as notified. It is therefore recommended that the Trustpower submission point be accepted in part.

50.5 With respect to EIB-R1.4, EIB-R1.6, and EIB-R2, Trustpower²⁶⁹ are seeking recognition of the works it must do to maintain its infrastructure and that the rule be amended to allow for indigenous vegetation clearance and earthworks, including within SNAs, in relation to electricity generation facilities. EI-REQ5.9 which applies within an SNA refers to EIB-R2. EIB-R2 manages earthworks within an SNA where earthworks are a non-complying activity unless covered in EIB-R1.4 or EIB-R1.6. Trustpower is seeking that EIB-R1.4 and EIB-R1.6 is more enabling of its infrastructure. Both EIB-R1.4a and EIB-R1.6a provide for the "maintenance, repair or replacement of.....network utilities". Therefore, the maintenance of Trustpower's facilities as a network utility are already provided for by the existing rules. Overall, it is recommended that EI-REQ5 be retained as notified and that the Trustpower submission point be accepted in part.

50.6 Transpower²⁷⁰ seek that the provision be retained as notified, which is recommended to be accepted.

Recommendation

50.7 I recommend, for the reasons given above, that the Hearings Panel retain EI-REQ5 as notified.

50.8 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

51 EI-REQ6 Radio Frequency Fields; Amateur Radiocommunication

Introduction

51.1 EI-REQ6 Radio Frequency Fields relates to those activities that generate radiofrequency fields such as network utilities and amateur radiocommunications, and requires any activity generating radio

²⁶⁸ 441-048 Trustpower

²⁶⁹ 441-049 Trustpower

²⁷⁰ 446-053 Transpower

frequency fields not to exceed a specified maximum exposure level. Rules EI-R9-14, EI-R17-R19, and EI-R27 all reference EI-REQ6.

Submissions

51.2 Two submission points were received in relation to EI-REQ6 or amateur radiocommunication.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0210	M. O. Hely	001	New	Oppose	Insert new rule to make provision for radios operated by the holders of an amateur radio license.
DPR-0312	John Graham Miller	001	EI-REQ6	Oppose In Part	Amend to add exemptions as per Operative Plan (refer to submission for more detail on relevant provisions from Operative Plan).

Analysis

51.3 M. O. Hely²⁷¹ seeks a new rule be inserted to make provision for radios operated by the holders of an amateur radio license, and it has been grouped here with the other submission in relation to EI-REQ6 as this is considered the most relevant provision in relation to this issue.

51.4 John Miller²⁷² seeks a continued exemption (permitted activity status) for amateur radio as he considers the cost of complying is excessive and is required each time an antenna is altered or changed, and amateurs do not transmit like commercial services and have a minor effect. It is understood that the submission is concerned with EI-REQ6 Radio Frequency Fields and not the rules relating to pole height, antenna size or any other of the applicable rule requirements, and therefore the analysis has focussed on EI-REQ6 only.

51.5 The Operative Plan contains provisions for amateur radiocommunications which have not been 'rolled over' into the PDP; however, the PDP still provides for such activity in a different format. As a comparison, Rules 5.1.2.1 (Rural Volume), 6.1.1.2 and 18.1.1.2 (Township Volume) of the Operative Plan currently permit any utility which emits electromagnetic radiation if it meets NZS 2772.1:1999 Radio Frequency Fields Part 1: Maximum exposure levels 3kHz-300 GHz. The rules also require that prior to commencing any radiofrequency emissions, that a written notice of the location of the facility and a report prepared by a radio engineer/technician containing a prediction of whether the NZS will be complied with is provided to Council (the report requirements do not apply to the holder of an amateur radio license). If the report predicts the emissions will exceed 25% of the exposure limit, then a report from the National Radiation Laboratory is required to certify compliance within 3 months of the activity commencing.

51.6 The PDP provides for telecommunication poles and attached antennas (EI-R17) and building attached antenna (EI-R18) not regulated by the NESTF, which includes amateur radiocommunication operators, as a permitted activity subject to restrictions on antenna diameter, width, height above the building, and a number of rule requirements, including radio frequency fields (EI-REQ6). A pole and antennas for radiocommunication purposes is considered to fit with the definition of

²⁷¹ 210-001 M.O.Hely

²⁷² 312-001 John Graham Miller

‘Telecommunication Pole’ and ‘Antenna’ and telecommunication is defined in the Telecommunications Act 2001 as “the conveyance by electromagnetic means from one device to another....”. Therefore, amateur radiocommunication is permitted by both EI-R17 and EI-R18, subject to compliance with the relevant rule requirements, which includes EI-REQ6.

- 51.7 EI-REQ6 requires compliance with NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels - 3kHz to 300 GHz in all zones. There are no further requirements to provide a notice to the Council or demonstrate predicted compliance and therefore EI-REQ6 is actually less onerous than the Operative District Plan.
- 51.8 As a comparison, the Christchurch District Plan and New Plymouth District Plan rules were reviewed. The Christchurch District Plan has rules specific to amateur radio configurations in Chapter 11 Utilities and Energy (11.7.1 P3). The relevant activity standard applies to all utilities that emit radiofrequency fields not regulated by an amateur radio license and also requires compliance with NZS 2772.1:1999 Radiofrequency fields - Maximum exposure levels - 3kHz to 300 GHz. The rule also requires a written notice about the location and a report to demonstrate whether compliance with the NZS is predicted, and that a further report is provided where 25% exceedance is predicted. The Christchurch rule is therefore very similar to the Operative Selwyn District Plan rules. The New Plymouth District Plan has a rule specific to amateur radiocommunications and requires compliance with the relevant NZS only and no other information is required, as per the PDP rule.
- 51.9 Overall, the proposed approach is considered the most efficient and avoids adverse emissions with the onus being on the operator to comply with the New Zealand Standard. EI-REQ6 is also less onerous on amateur radio operators compared to the Operative Plan and is therefore considered to satisfy both submitters’ requests without the need for an addition of a new rule or any amendments. Therefore, it is recommended that EI-REQ6 be retained as notified and that the submission points be rejected (however the recommendation to retain as notified is considered to satisfy the submitters relief).
- 51.10 It is noted that there are instances in the EI Chapter where the rules mistakenly refer to “EI-REQ6 Radio Emissions” rather than “EI-Radio Frequency Fields”. A cl16 amendment is recommended to rectify this minor error.

Recommendations and amendments

- 51.11 I recommend, for the reasons given above, that the Hearings Panel retain EI-REQ6 (as it relates to EI-R17 and EI-R18) as notified, but that amendments are made to Rules EI-R9-14, EI-R17-R19, and EI-R27 to reference REQ6 Radio Frequency Fields subject to clause 16(2) amendments being undertaken as identified above.
- 51.12 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

52. EI-REQ7 Electric and Magnetic Fields

Introduction

- 52.1 EI-REQ7 requires any activity generating an electric or magnetic field to comply with referenced Protection Guidelines and the WHO Environmental Health Criteria dated June 2007.

Submissions

- 52.2 Two submissions and one further submission were received in relation to EI-REQ7.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	189	EI-REQ7	Support In Part	Amend as follows: 1. An activity generating electric or magnetic fields, does not exceed the maximum exposure level listed in the International Commission on Non-ionizing Radiation Protection Guidelines for limiting exposure to time-varying electric and magnetic fields (1Hz - 100 kHz) (Health Physics 99(6):818-836; 2010, and the recommendations from the World Health Organisation's monograph Environmental Health Criteria 238, June 2007, <u>or as updated</u> .
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS758	EI-REQ7	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0446	Transpower New Zealand Limited	054	EI-REQ7	Support	Retain as notified. It is noted that in many rules the reference to this Rule Requirement refers to "emissions" rather than "fields". This should be corrected.

Analysis

- 52.3 Orion²⁷³ are seeking amendment so that the referenced WHO criteria dated June 2007, also references "or as updated" to provide for any future updates. The PDP is a 'snap shot' in time at which point the restrictions that apply are known, and people are provided with a fair opportunity to comment and change provisions through a plan making or change process. Therefore, it is recommended that this amendment not be made and the submission point be rejected.
- 52.4 Transpower²⁷⁴ support the provisions but note that the provisions mistakenly refer to "emissions" rather than "fields" in some instances. It is agreed with Transpower that several rules in the EI Chapter mistakenly refer to "EI-REQ7 Electric and Magnetic Emissions" and not "EI-REQ7 Electric and Magnetic Fields". It is therefore recommended that the following rules be amended: EI-R9 to EI-R15, EI-R17 to EI-R19, EI-R21, EI-R27 and EI-R30 to refer to EI-REQ7 Electric and Magnetic Fields. A cl16 amendment is recommended to rectify this minor error.

Recommendations and amendments

²⁷³ 367-189 Orion

²⁷⁴ 446-054 Transpower

52.5 I recommend, for the reasons given above, that the Hearings Panel retain EI-REQ7 as notified, but that amendments are made to EI-R9-EI-R15, EI-R17-EI-R19, EI-R21, EI-R27 and EI-R30 to reference "REQ7 Electric and Magnetic Fields" subject to clause 16(2) amendments being undertaken as identified above.

52.6 That submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

53 EI-REQ8 Historic Heritage

Introduction

53.1 EI-REQ8 permits any works that involve a heritage item or are within a heritage item setting and limits earthworks for a customer connection or repairs and maintenance related to replacement, repainting and cleaning; and where the use of temporary scaffolding is not fixed to the heritage item and would not cause damage to the heritage item.

Submissions

53.2 Five submission points and two further submission points were received in relation to EI-REQ8.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	019	EI-REQ8	Oppose In Part	Amend such that a customer connection to a heritage listed building and/or to a building within a heritage setting is provided for as a controlled activity, with the matters of control limited to the following: - <u>Design and placement of the customer service connection to minimise impacts on the values and attributes of the listed area, façade or item.</u>
DPR-0269	Heritage New Zealand Pouhere Taonga	005	EI-REQ8	Support	Retain as notified
DPR-0367	Orion New Zealand Limited	191	EI-REQ8	Support In Part	Amend as follows: 1. Any works that involves a heritage item or within the setting of a heritage item listed in HH-SCHED2 is limited to: earthworks for a customer connection, or repairs and maintenance and is limited to: a. <u>d. Earthworks and the repair and maintenance of existing electricity infrastructure, below ground extension of network utilities (including cables for customer connections) and above ground utility cabinets.</u>
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited &	FS004	EI-REQ8	Support	Accept original submission point

	Vodafone New Zealand Limited				
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS760	EI-REQ8	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0441	Trustpower Limited	050	EI-REQ8	Support In Part	Retain as notified
DPR-0446	Transpower New Zealand Limited	055	EI-REQ8	Oppose	Amend as follows: 1. All activities Any works that involves a heritage item or within the setting of a heritage item listed in HH-SCHED2 <u>must be:</u> a. is limited to earthworks for a customer connection, or repairs and maintenance; and is limited to: b. Replacement or mending in-situ decayed or damaged heritage fabric, using materials which resemble the form, appearance, and profile of the heritage fabric as closely as possible; and c. Repainting of existing painted surfaces; <u>and</u> d. Cleaning or washing of the exterior of a heritage item provided this does not involve the use of abrasive materials or techniques, such as sandblasting; e. 2. The use of any temporary scaffolding <u>that is:</u> i.a. is not fixed to the heritage item; and ii.b. would be used in a way that would cause damage to the heritage item.

Analysis

53.3 The Chorus²⁷⁵, Orion²⁷⁶ and Transpower²⁷⁷ submissions seeking amendment are related to customer connections in relation to heritage items and settings. ‘Customer connection’ is a defined term²⁷⁸. As notified, earthworks for a customer connection are permitted but also subject to clauses a., b. and c. which relate to repairs and maintenance of heritage items and not earthworks for customer connections. Therefore, it is considered that the provision should be amended to separate out the earthworks and heritage repair and maintenance components as sought by Orion and Transpower.

53.4 However; there are components of the Orion submission which are not supported, including the amendments specific to electricity infrastructure as this proposed wording does not provide for other network utility providers such as Chorus or the range of utilities covered by the ‘customer connection’ definition. Also, Orion are seeking specific mention of above ground cabinets which is not considered necessary as the general “repair and maintenance” reference provides for the repair and maintenance of customer connections, which includes structures (i.e. cabinets). Reference to

²⁷⁵ 101-019 Chorus

²⁷⁶ 367-191 Orion

²⁷⁷ 446-055 Transpower

²⁷⁸ Part or all of any structure, pipe, cable, line or equipment that relates to radio communication or telecommunication, wastewater or stormwater treatment or disposal; or water, gas or electricity; and that serves a site and is provided by a network utility operator.

“existing “customer connections is also proposed to clarify that repair and maintenance is in relation to existing and not new customer connections.

53.5 Chorus are seeking controlled activity status and a new matter of control for customer connections which is not supported as this is more restrictive than the current permitted activity status where EI-REQ8 is met.

53.6 Heritage NZ²⁷⁹ and Trustpower²⁸⁰ are seeking that EI-REQ8 be retained as notified.

53.7 Overall, it is recommended that EI-REQ8 be amended and that the Chorus submission be rejected, that the Orion and Transpower submissions be accepted in part, and that the Heritage NZ and Trustpower submissions be accepted in part given amendments are proposed to the notified version.

Recommendations and amendments

53.8 I recommend, for the reasons given above, that the Hearings Panel:

a) Amend EI-REQ8 as shown in **Appendix 2** to provide better clarity.

53.9 The amendments recommended to EI-REQ8 are set out in a consolidated manner in **Appendix 2**.

53.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

53.11 The scale of change does not require a s32AA evaluation.

54 EI-REQ9 Natural Character

Introduction

54.1 EI-REQ9 requires all activities to comply with: NATC-R1 Earthworks and stockpile setbacks and NATC-R2 Buildings and structure setbacks; or be located within the Land Transport Corridor; or be for the purpose of conveying water for community scale irrigation, water supply, stock water supply, land drainage, or stormwater.

Submissions

54.2 Three submissions were received in relation to EI-REQ9.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading	020	EI-REQ9	Support In Part	Retain Rule EI-REQ9.1.b. as notified.

²⁷⁹ 269-005 Heritage NZ

²⁸⁰ 441-050 Trustpower

	Limited & Vodafone New Zealand Limited				
DPR-0441	Trustpower Limited	051	EI-REQ9	Support In Part	Amend as follows: ...c. Be for the purpose of conveying water for either community scale irrigation, community scale water supply, community stock water supply, land drainage, or stormwater , <u>or renewable electricity generation</u> .
DPR-0446	Transpower New Zealand Limited	056	EI-REQ9	Oppose	Amend as follows: 1. All activities shall either: <u>d. Be for the purpose of conveying electricity on the National Grid</u>

Analysis

- 54.3 Chorus²⁸¹ are seeking that EI-REQ9.1.b which permits activities in the Land Transport Corridor be retained as notified. It is recommended that EI-REQ9.1.b be retained as it is enabling of activities within the Land Transport Corridor and that the Chorus submission be accepted.
- 54.4 Trustpower²⁸² are seeking amendment to EI-REQ9.1.c. to also refer to conveying water for renewable electricity generation as they consider providing electricity for the community is similar to conveying water for community scale irrigation and both are of benefit to the wider community. The conveyancing of water for renewable electricity generation is permitted by Rule EI-R26, EI-R29, and EI-R30, all of which are not subject to EI-REQ9, or is a discretionary activity in accordance with EI-R31. Therefore, as EI-REQ9 is not an applicable rule requirement it is not considered necessary to amend it as sought by Trustpower. It is recommended that the Trustpower submission point be rejected.
- 54.5 Transpower²⁸³ opposes EI-REQ9 on the basis that the rule requirement does not give effect to policies 2 and 5 of the NPSET because the rule does not appropriately provide for the operation, repair, maintenance and upgrading of existing National Grid assets located in the vicinity of surface waterbodies and does not recognise the need for the National Grid to traverse waterbodies. Transpower submit that in order for the National Grid to carry electricity across the District, it is necessary for the National Grid to be located in, and traverse waterbodies, including the Rakaia and Selwyn Rivers. Transpower seeks an amendment to the rule in order to fully give effect to the NPSET by providing for the transmission of electricity in a similar manner to the way in which EI-REQ9.1.c provides for water conveyance.
- 54.6 EI-R11 provides for the upgrading or expansion of above ground network utilities, which includes the National Grid, subject to EI-REQ9. In addition to Policies 2 and 5, Policy 8 of the NPSET requires that the development of transmission systems should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities. Therefore, it is considered that the upgrading or expansion of the National Grid should be subject to EI-REQ9 to enable the effects on natural character to be

²⁸¹ 010-020 Chorus

²⁸² 441-051 Trustpower

²⁸³ 446-056 Transpower

considered and assessed where necessary. It is anticipated that minor upgrades to the National Grid would not be of issue in any instance and it is only where expansion is proposed that EI-REQ9 would potentially require consent, but that there is sufficient policy to also recognise the benefits of such infrastructure and the practical, operational and technical constraints.

54.7 Therefore, overall the proposed amendment requested by Transpower is not supported and it is recommended that the submission point be rejected.

Recommendation

54.8 I recommend, for the reasons given above, that the Hearings Panel retain EI-REQ9 as notified.

54.9 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

55 EI-REQ10 Noise and EI-REQ11 Light

Introduction

55.1 EI-REQ10 and EI-REQ11 require all activities to comply with noise and light standards in the Noise and Light Chapters respectively.

Submissions

55.2 Three submissions were received in relation to EI-REQ10 and two in relation to EI-REQ11.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0359	Fire and Emergency New Zealand	025	EI-REQ10	Support In Part	Delete EI-REQ10 and refer directly to the rules within the NOISE Zone.
DPR-0441	Trustpower Limited	052	EI-REQ10	Support In Part	Retain as notified on the basis that the relief sought for EI-R29 is adopted.
DPR-0446	Transpower New Zealand Limited	057	EI-REQ10	Support	Retain as notified
DPR-0359	Fire and Emergency New Zealand	026	EI-REQ11	Support In Part	Delete EI-REQ11 and refer directly to the Light rules within the LIGHT Zone.
DPR-0446	Transpower New Zealand Limited	058	EI-REQ11	Support	Retain as notified

Analysis

55.3 FENZ²⁸⁴ support the use of the identified noise standards, but not the reference to other parts of the District Plan. They consider the PDP should be simplified to improve usability by deleting EI-REQ10 Noise and referring directly to the rules that need to be considered. Likewise, they also consider that EI-REQ11 Light should be deleted for the same reasons. It is not agreed with FENZ that the rule requirements be deleted. The way the Chapter is structured is considered the most efficient

²⁸⁴ 359-025 FENZ

to achieve a link to the relevant rules without replicating the rules in the EI Chapter. It is recommended that the FENZ submission point be rejected.

- 55.4 Transpower²⁸⁵ support both EI-REQ10 and EI-REQ11 and seek that they be retained as notified. It is recommended that the Transpower submission point be accepted.

Recommendation

- 55.5 I recommend, for the reasons given above, that the Hearings Panel retain EI-REQ10 and EI-REQ11 as notified.
- 55.6 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

56 EI-REQ12 Structures in Special Areas

Introduction

- 56.1 EI-REQ12 is relevant to structures in special areas and relates to activities occurring outside of a land transport corridor needing to comply with rules and rule requirements specific to Sites and Areas of Significance to Māori (SASM) - SASM-R1 Buildings and structures, the Coastal Environment Overlay - CE-R3 Buildings and structures, and VAL and ONL Overlays - NFL-R1 Buildings and structures, and SKIZ-REQ7 Location.

Submissions

- 56.2 Three submission points were received in relation to EI-REQ12.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	021	EI-REQ12	Oppose In Part	Amend Rule EI-REQ12 and/or the relevant standards in NFL-R1 such that above ground telecommunications infrastructure in an ONL not meeting relevant standards is a discretionary activity rather than a non-complying activity.
DPR-0441	Trustpower Limited	053	EI-REQ12	Support In Part	Retain as notified on the basis that the relief sought for the Rakaia River ONL and the Rakaia Catchment VAL is adopted.
DPR-0446	Transpower New Zealand Limited	059	EI-REQ12	Support In Part	Amend the various cross-referenced rules set out elsewhere in this submission or consider including rules and standards in EI-REQ12 that are specific to important infrastructure.

Analysis

- 56.3 Chorus²⁸⁶ are seeking that EI-REQ12 be amended and/or the relevant standards in NFL-R1 be amended such that telecommunications infrastructure in an ONL not meeting relevant standards is a discretionary activity rather than a non-complying activity. EI-REQ12.5 requires all activities to

²⁸⁵ 446-058 Transpower

²⁸⁶ 101-021 Chorus

comply with NFL-R1 which permits buildings and structures within an ONL Overlay (and VAL but the submission relates to ONL only) subject to compliance with NFL-REQ1 Height ONL, NFL-REQ2 Footprint ONL, NFL-REQ3 Coverage ONL, NFL-REQ4 Setbacks, NFL-REQ5 Appearance (and other rule requirements related to VAL only). The activity status for non-compliance with these REQ's is non-complying.

- 56.4 Chorus have submitted that the rules for structures in special areas exclude land transport corridors which is supported on the basis that network utilities are often located in land transport corridors to support communities served by road networks, which may traverse natural environments. However, for activities outside of land transport corridors, the non-complying activity status for ONL where the standards in NFL-R1 are not met is not supported. Chorus submit that due to functional and operational reasons, it may not always be possible to site above ground telecommunications infrastructure in land transport corridors to serve customers. Chorus go onto say that as a very high proportion of Selwyn District is covered by ONLs, and the standards are or may not be practical to meet for equipment supporting mobile networks (e.g., a 4m height limit, 300m setback from SH73/midland rail line), and that the non-complying activity status is incompatible with the policy approach in the EI Chapter (e.g., EI-P2) that recognises that important infrastructure may need to be located in such areas.
- 56.5 It is considered that the activity status is appropriate to remain as non-complying to meet section 6 and 7 of the RMA and consideration of the objectives and policies enable a 'weighing up' of the importance of the infrastructure in relation to the special area in which it is proposed to be located, and provide for flexibility in location where there is an operational, functional and practical need to locate in a certain area. The provisions have been designed to be permissive in relation to the land transport corridor, and non-complying if outside of it, with policy support to grant a consent if it's needed to be outside of the land transport corridor subject to an effects assessment. The non-complying activity status provides encouragement to locate within a land transport corridor. Therefore, it is recommended that the Chorus submission be rejected.
- 56.6 Trustpower²⁸⁷ are seeking that EI-REQ12 be retained as notified on the basis that the relief sought for the Rakaia River ONL and the Rakaia Catchment VAL is adopted. The Rakaia River ONL overlay encompasses the Coleridge HEPS and it is sought that the Overlay be modified to match the Trustpower property boundary and no longer cover the Coleridge HEPS, and that the Rakaia River VAL provisions recognise that the Coleridge HEPS forms an intrinsic and historic part of the landscape. The relief Trustpower are seeking with respect to the Rakaia River ONL and VAL is subject to a separate hearing process and therefore it is noted that Trustpower's support of EI-REQ12 is conditional on that relief being met. It is recommended that the submission be accepted in part.
- 56.7 Transpower²⁸⁸ are seeking that various cross-referenced rules set out elsewhere in this submission are amended or consider including rules and standards in EI-REQ12 that are specific to important infrastructure. For the reasons provided in paragraph 54.6 it is recommended that important

²⁸⁷ 441-053 Trustpower

²⁸⁸ 446-059 Transpower

infrastructure within special areas needs to be assessed against EI-REQ12 and that any resource consent required enables assessment against the EI Chapter and other relevant objectives and policies. It is recommended that the Transpower submission point be rejected.

Recommendations and amendments

56.8 I recommend, for the reasons given above, that the Hearings Panel retain EI-REQ12 as notified.

56.9 That submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

57 EI-REQ14 Reflectivity

Introduction

57.1 EI-REQ14 manages reflectivity and applies a reflectivity value of no greater than 37% in GRUZ and 30% in an ONL or VAL Overlay.

Submissions

57.2 Five submission points and one further submission were received in relation to EI-REQ14.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	023	EI-REQ14	Oppose In Part	Amend by deleting the 37% reflectivity control for the GRUZ.
DPR-0375	Waka Kotahi NZ Transport Agency	FS050	EI-REQ14	Support	Adopt proposed amendment.
DPR-0441	Trustpower Limited	055	EI-REQ14	Support In Part	Amend as follows: GRUZ 1. Any <u>new</u> structure shall have a reflectivity value no greater than 37% ...
DPR-0441	Trustpower Limited	056	EI-REQ14	Support In Part	Amend as follows: ONL Overlay 4. Any <u>new</u> structure shall have a reflectivity value no greater than 30% ...
DPR-0441	Trustpower Limited	057	EI-REQ14	Support In Part	Amend as follows: VAL Overlay 6. Any <u>new</u> structure shall have a reflectivity value no greater than 30% ...
DPR-0446	Transpower New Zealand Limited	061	EI-REQ14	Support	Retain as notified

Analysis

- 57.3 Chorus²⁸⁹ consider that whilst having reflectivity controls in ONL and VAL overlay areas is reasonable, it is unnecessary in working rural environments in the GRUZ outside of these overlays. Chorus consider the control will unnecessarily limit colour choice or require painting of some equipment where it would otherwise weather to a dull finish over time.
- 57.4 It is not agreed with Chorus that outside of ONLs and VALs within the GRUZ that a reflectivity control in association with the likes of telecommunications poles is not necessary. The provision is intended to protect amenity values and is a s7 RMA matter. It is also of note that the NESTF regulates new Chorus poles in rural areas and that this provision would only apply to those poles which do not fall under the NESTF (as per EI-R17), which could feasibly have high reflectivity and result in adverse effects on amenity values. It is recommended that the amendments sought by Chorus are not accepted and the submission point be rejected.
- 57.5 Trustpower²⁹⁰ submit that it should be made clear that EI-REQ14 as it applies in GRUZ, ONL Overlay and VAL Overlay only relates to “new” structures as existing lawfully established structures should not have the same requirement put on them. It is considered evident and implicit that an existing lawfully established structure would have existing use rights and the District Plan rules do not apply to existing activities. Furthermore, if an existing structure is being upgraded and loses existing use rights or is new, the rule requirement would apply. It is recommended that the amendments sought by Trustpower are not accepted and the submission points be rejected.

Recommendation

- 57.6 I recommend, for the reasons given above, that the Hearings Panel retain EI-REQ14 as notified.
- 57.7 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

58. Other Rules and Rule Requirements

Introduction

- 58.1 A number of other more minor submissions have been received in relation to other rule requirements, which have been grouped together in this section.

Submissions

- 58.2 Nineteen submission points and two further submission points were received, and the majority are in support and seeking that the rule requirements be retained as notified.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited &	022	EI-REQ13	Support	Retain as notified.

²⁸⁹ 101-023 Chorus

²⁹⁰ 441-055, 441-056, 441-057 Trustpower

	Vodafone New Zealand Limited				
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	025	NH-REQ4	Oppose	Amend NH-REQ4 or other rules in the PDP as necessary such that Rule NH- REQ4 does not apply to telecommunications poles, antennas, cabinets, lines and ancillary earthworks to install or maintain this equipment.
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	026	NH-REQ5	Oppose	Amend the EI rules and/or NH-REQ5 as necessary such that these provisions do not apply to telecommunications poles, antennas, cabinets, lines and ancillary earthworks to install or maintain this equipment.
DPR-0126	Foster Commercial	014	EI-REQ13	Neither Support Nor Oppose	Amend to clarify which clause of the APP3 Height in Relation to Boundary applies to this provision.
DPR-0441	Trustpower Limited	054	EI-REQ13	Support In Part	Retain as notified on the basis that EI-REQ13 is not referenced in EI-R29.
DPR-0446	Transpower New Zealand Limited	060	EI-REQ13	Support	Retain as notified
DPR-0359	Fire and Emergency New Zealand	027	EI-REQ15	Support	Retain as notified.
DPR-0441	Trustpower Limited	058	EI-REQ15	Support	Retain as notified on the basis that this requirement is not referenced in EI-R29.
DPR-0446	Transpower New Zealand Limited	063	EI-REQ15	Support	Retain as notified
DPR-0454	Central Plains Water Limited	009	EI-REQ15	Support In Part	Amend as follows: 1. Any minor utility structure shall not exceed a maximum height above ground level of <u>2.4</u> m
DPR-0353	Horticulture New Zealand	098	EI-REQ16	Support	Retain as notified
DPR-0359	Fire and Emergency New Zealand	028	EI-REQ16	Support	Retain as notified.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	115	EI-REQ16	Support	Retain EI-REQ16.1 bullet point 5 as notified.
DPR-0446	Transpower New Zealand Limited	064	EI-REQ16	Support	Retain as notified
DPR-0454	Central Plains Water Limited	010	EI-REQ16	Support In Part	Requests that strategic road is defined.
DPR-0375	Waka Kotahi NZ Transport Agency	FS061	EI-REQ16	Oppose In Part	Retain and amend the definition where appropriate.
DPR-0454	Central Plains Water Limited	011	EI-REQ16	Support	Retain as notified

DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	024	EI-REQ17	Oppose In Part	Retain the height limits for poles and antennas in Rule EI-REQ17, Table 1, but provide for an exemption from the height limits for lighting rods, omni-directional whip antennas not exceeding a diameter of 60mm, and GPS antennas.
DPR-0359	Fire and Emergency New Zealand	029	EI-REQ18	Support	Retain as notified
DPR-0380	Canterbury Aero Club	002	EI-REQ23	Support	Retain as notified
DPR-0353	Horticulture New Zealand	FS066	New	Oppose	Reject

Analysis

58.3 With respect to EI-REQ13 Height in Relation to Boundary, Chorus²⁹¹ and Transpower²⁹² are in support and seek that it be retained as notified. Foster Commercial²⁹³ are seeking clarification as to which clause of APP3 - Height in Relation to Boundary applies to EI-REQ13. The entirety of APP3 - Height in Relation to Boundary applies, but it is noted that there are listed exceptions such as poles, towers or overhead wires etc. Trustpower²⁹⁴ are seeking that EI-REQ13 be retained as notified on the basis that EI-REQ13 is not referenced in EI-R29. EI-R29 does not reference EI-REQ13 as notified and nor is it recommended to. Overall, no change to EI-REQ13 is recommended and it is recommended that all submission points be accepted.

58.4 FENZ²⁹⁵ and Transpower²⁹⁶ are seeking that EI-REQ15 Height be retained as notified. Trustpower²⁹⁷ are seeking to retain EI-REQ15 on the basis that the rule requirement is not referenced in EI-R29, which it is not in the proposed version and nor it is recommended to be. CPW²⁹⁸ have submitted that their irrigation supply offtake points all include a telemetry pedestal mast with a solar panel attached. The telemetry pedestal collects the flow and pressure data and sends it via a radio network back to CPW. CPW have submitted that the height of these pedestals is 4m to ensure unobstructed solar radiation to adequately power the solar panel and hence they request that the maximum height be increased from 2m to 4m. It is of note that EI-R17 would apply to CPW's telemetry pedestal masts as it is understood that they transmit by way of radiocommunication and therefore would be defined as a telecommunications pole not regulated by the NESTF. The relevant associated rule requirement EI-REQ17 Pole and Antenna Heights permits poles and antennas between 15-35m which is well in excess of what CPW are seeking. There is therefore considered no need to amend EI-REQ15 and it is recommended that the CPW submission point be rejected (but their relief is satisfied by the PDP rules).

²⁹¹ 101-022 Chorus

²⁹² 446-060 Transpower

²⁹³ 126-014 Foster Commercial

²⁹⁴ 441-054 Trustpower

²⁹⁵ 359-027 FENZ

²⁹⁶ 446-063 Transpower

²⁹⁷ 441-058 Trustpower

²⁹⁸ 454-009 CPW

- 58.5 Hort NZ²⁹⁹, FENZ³⁰⁰, Transpower³⁰¹ all seek that EI-REQ16 be retained as notified, which are all recommended to be accepted in part. Fed Farmers³⁰² seek that EI-REQ16.1 bullet point 5 be retained as notified, which is recommended to be accepted. EI-REQ16 references a setback from any “strategic road” and CPW³⁰³ seeks that this term is defined. It is not currently defined but ‘strategic transport network’ is which includes State Highways and Arterial Roads. For clarity it is agreed that EI-R16.1.a. be amended to delete “strategic road” and replace it with “State Highway or Arterial Road.” It is recommended that the CPW submission point be accepted.
- 58.6 Chorus³⁰⁴ are seeking to retain the height limits for poles and antennas in Rule EI-REQ17, Table 1, but provide for an exemption for minor and necessary intrusions. EI-REQ17 sets maximum height limits for telecommunication poles and antennas across the zones. Chorus are seeking an exemption from the height limits for lightning rods, omni-directional whip antennas not exceeding a diameter of 60mm, and GPS antennas. The NESTF provides height exemptions for “any lightning rod” (clause 7(8)), but not omni-directional or whip antennas (regardless of diameter) or GPS antennas. There is a lack of detail at this stage to support omni-directional whip antennas and GPS antennas being exempt from height and therefore it is recommended that lightning rods only be exempt which is consistent with the NESTF. Therefore, it is recommended that the Chorus submission be accepted in part.
- 58.7 FENZ³⁰⁵ submitted in relation to EI-REQ18 Servicing and CAC³⁰⁶ in relation to EI-REQ23 Planting and Structure Height Restriction West Melton, both in support and seeking that they be retained. It is recommended to retain EI-REQ18 and EI-RQ23 as notified and accept both submission points.
- 58.8 Chorus³⁰⁷ have also submitted in relation to NH-REQ4 and NH-REQ5 seeking that these rule requirements be amended or other rules are amended so that telecommunications poles, antennas, cabinets, lines and ancillary earthworks to install or maintain equipment do not apply. It is of note that the Chorus facilities are largely regulated by the NESTF and are exempt from consideration of flooding hazard under the NESTF, and as explained elsewhere in this report, it is considered necessary that non-NESTF regulated installations be subject to Natural Hazards provisions. It is recommended that these submission points be rejected.

Recommendations and amendments

- 58.9 I recommend, for the reasons given above, that the Hearings Panel:
- a) Retain EI-REQ13, EI-REQ15, EI-REQ18 and EI-REQ23 as notified.
 - b) Amend EI-REQ16 and EI-REQ17 as shown in **Appendix 2**.

²⁹⁹ 353-098

³⁰⁰ 359-028 FENZ

³⁰¹ 446-064 Transpower

³⁰² 422-115 Fed Farmers

³⁰³ 454-010 CPW

³⁰⁴ 101-024 Chorus

³⁰⁵ 359-059 FENZ

³⁰⁶ 380-002 Canterbury Aero Club

³⁰⁷ 101-025 and 101-026 Chorus

58.10 The amendments recommended to EI-REQ16 and EI-REQ17 are set out in a consolidated manner in **Appendix 2**.

58.11 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

58.12 The scale of change does not require a s32AA evaluation.

59. EI Matters for Control or Discretion

Introduction

59.1 Resource consents are assessed against matters for control or discretion. There are four EI matters, three of which are subject to submissions.

Submissions

59.2 Five submission points and five further submission points were received in relation to the matters for control or discretion.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0441	Trustpower Limited	059	EI-MAT1	Support In Part	Amend as follows: 1. The functional <u>and operational</u> needs of, and <u>the short and long-term</u> benefits derived from important <u>regionally significant</u> infrastructure. 2. Specific locational requirements for the siting of the important <u>regionally significant</u> infrastructure.
DPR-0367	Orion New Zealand Limited	FS031	EI-MAT1	Oppose In Part	Reject the submission point in part
DPR-0441	Trustpower Limited	060	EI-MAT3	Support	Retain as notified
DPR-0441	Trustpower Limited	061	EI-MAT4	Support In Part	Amend as follows: 1. The nature of the consent notice or other mechanism proposed to ensure that sensitive activities are established at a distance or in a position that does not adversely affect the existing electricity lines <u>or renewable electricity generation activities</u> ...
DPR-0446	Transpower New Zealand Limited	066	EI-MAT4	Support In Part	Amend as follows: 2. The degree to which the subdivision design, including the location of roads and reserves, recognises and provides for <u>the ongoing efficient operation, maintenance, development and upgrade of existing</u> electricity <u>transmission lines and electricity distribution lines, including the ability for continued</u> so that <u>reasonable access to the lines is maintained</u> for maintenance, inspection and upgrading. 3. The extent to which the design and construction of the subdivision allows for

					<u>activities to be setback from the National Grid and also to comply with the safe distance requirements of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001) to ensure adverse effects on, and from, the National Grid and on public safety and property are appropriately avoided, remedied or mitigated.</u> <u>4. The extent to which potential adverse effects (including visual and reverse sensitivity effects) are mitigated through the location of building platforms.</u> <u>5. The nature and location of any proposed vegetation to be planted in the vicinity of the electricity transmission line or electricity distribution line.</u> <u>6. The outcome of any consultation with the owner of the electricity transmission line or electricity distribution line.</u>
DPR-0441	Trustpower Limited	FS027	EI-MAT4	Support	Accept
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	031	New	Oppose	Insert matters of control or discretion to each zone requiring consideration of any reverse sensitivity effects on important infrastructure where the zone height standard is exceeded by more than 2m and do not include any rules on notification in the Proposed Plan that preclude consideration of important infrastructure as affected parties under s95E of the RMA where resource consent to exceed height limits is required.
DPR-0353	Horticulture New Zealand	FS001	New	Oppose	Reject
DPR-0414	Kāinga Ora - Homes & Communities	FS010	New	Oppose	Not specified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS196	New	Oppose	Disallow the submission point.

Analysis

59.3 Trustpower³⁰⁸ are the only submitter seeking amendment to EI-MAT1 General Matter, and Orion further submitted rejecting the submission point in part. Trustpower are seeking the addition of “operational” needs in relation to “functional”, which is supported to align with other recommended amendments. However; the other amendments sought including deleting the reference to ‘important infrastructure’ and expanding the type of benefits to include both “short and long term” are not supported as they do not align with the recommended provisions, or are not considered necessary. Therefore, it is recommended that the Trustpower submission point be accepted in part.

³⁰⁸ 441-059 Trustpower

- 59.4 Trustpower³⁰⁹ support EI-MAT3 Small and Community-Scale Distributed Electricity Generation and Activities as notified and it is recommended to be retained as notified and their submission accepted.
- 59.5 Trustpower³¹⁰ also seek amendment to EI-MAT4 Subdivision and Energy and Infrastructure to also reference “renewable electricity generation activities” in addition to “existing electricity lines”. This is not supported as EI-MAT4 does not relate to any renewable electricity generation activity rules in the EI Chapter and the relevant subdivision rule (SUB-R16) applies to subdivision within the National Grid subdivision corridor and electricity lines and references EI-MAT4, and not renewable energy generation. It is therefore recommended that this Trustpower submission point be rejected.
- 59.6 Transpower³¹¹ are seeking comprehensive amendment to EI-MAT4 as it relates to subdivision and SUB-R16, and seek to expand on EI-MAT4.2 to also consider “ongoing efficient operation, maintenance, development and upgrade of electricity transmission lines and electricity distribution lines”; and to add clauses to require consideration of the NZCEP setbacks; and mitigation of visual effects, consideration of the effects of vegetation planting, and the outcome of any consultation with the owner of the line. The amendments are all supported with the exception of clause 3. as it is not considered necessary to stipulate consideration of the NZCEP setbacks when this is required in any instance and inclusion in the PDP would duplicate the NZCEP. It is recommended that the submission point be accepted in part.
- 59.7 Chorus³¹² are seeking that matters of control or discretion are inserted into each zone requiring consideration of any reverse sensitivity effects on important infrastructure where the zone height standard is exceeded by more than 2m. This is not supported as the structure of the PDP is that the EI Chapter is self-contained as directed by the Planning Standards. It is recommended that this submission point be rejected.

Recommendations and amendments

- 59.8 I recommend, for the reasons given above, that the Hearings Panel:
- a) Amend EI-MAT1 and EI-MAT4 as shown in **Appendix 2**.
 - b) Retain EI-MAT2 and EI-MAT3 as notified.
- 59.9 The amendments recommended to EI-MAT1 and EI-MAT2 are set out in a consolidated manner in **Appendix 2**.
- 59.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.
- 59.11 The scale of change does not require a s32AA evaluation.

60 Mapping of Electricity Transmission and Distribution Lines

³⁰⁹ 441-060 Trustpower

³¹⁰ 441-061 Trustpower

³¹¹ 446-066 Transpower

³¹² 101-031 Chorus

Introduction

60.5 The electricity transmission and distribution lines are mapped in the PDP planning maps.

Submissions

60.6 Three submissions were received in relation to the electricity transmission and distribution line mapping.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0207	Selwyn District Council	104	Electricity Transmission and Distribution	Oppose In Part	Amend the lines where they have been shown incorrectly to their actual location.
DPR-0367	Orion New Zealand Limited	007	Electricity Transmission and Distribution	Support In Part	Amend the mapping to reflect the correct GIS data set for Significant Electricity Distribution Lines and ensure all relevant properties have been notified.
DPR-0446	Transpower New Zealand Limited	132	Electricity Transmission and Distribution	Support In Part	Amend the planning map notation of each National Grid transmission line to include reference to the voltage of that transmission line.

Analysis

60.7 Both SDC³¹³ and Orion³¹⁴ are seeking amendment to the Significant Electricity Distribution Lines mapping.

60.8 Orion submit that they provided Council a range of GIS data for mapping Orion's existing significant electricity distribution network. Orion refined the mapping data during the consultation period and in late 2018 confirmed to Council the data set to be used when preparing the planning maps. However, a less accurate SEDL data set was used by Council when preparing the notified version of the planning maps. As a result, Orion submit that some of the SEDLs notations in the notified planning maps show lines that are up to 20-30 metres or so from where they are actually physically installed.

60.9 Orion brought this to Council's attention after reviewing the notified planning maps. Orion seek that the correct data set be used and the planning maps updated. SDC has also addressed the incorrect mapping via a submission and has created a separate web map to illustrate the changes spatially.³¹⁵ Land owners are able to see the correct location of the lines and had the opportunity to lodge a further submission in support or opposition to either the Orion or the Council submission seeking this change when the Summary of Submissions was notified. It is recommended that the maps are updated and that the SDC and Orion submission points be accepted.

³¹³ 207-104 SDC

³¹⁴ 367-007 Orion

³¹⁵ <https://selwyndc.maps.arcgis.com/apps/webappviewer/index.html?id=ffab1fecb0d34b618482af2b40a8876f>

60.10 Transpower³¹⁶ support the inclusion of the National Grid lines on the Planning Maps and note that mapping the lines is a requirement of Policy 12 of the NPSET. That said, Transpower considers that users of the PDP would be assisted by the clear identification of the voltage of each line so that the definitions of “National Grid Yard” and “National Grid Subdivision Corridor” may be easily understood. This is agreed. It is requested that Transpower provide Council with the necessary dataset to enable the mapping to be annotated accordingly. It is recommended that the Transpower submission point be accepted.

Recommendations and amendments

60.11 I recommend, for the reasons given above, that the Hearings Panel:

- a) Amend the planning maps to reflect the correct GIS data set for Significant Electricity Distribution Lines as per **Appendix 2** to provide accurate mapping.
- b) Amend the planning map notation of each National Grid transmission line to include reference to the voltage of that transmission line based on data to be provided by Transpower as per **Appendix 2** to provide greater clarity.

60.12 The amendments recommended to the planning maps are set out in a consolidated manner in **Appendix 2**.

60.13 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

60.14 The scale of change does not require a s32AA evaluation.

61. Non-notification clauses

Introduction

61.1 There are a number of rules in the EI Chapter that are not subject to public notification and where limited notification is to specific parties only, i.e. EI-R1 to EI-R5; EI-REQ8; EI-REQ-23. The remainder of the rules do not specifically exclude public or limited notification.

Submissions

61.2 Four submission points and 32 further submission points were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	399	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>

³¹⁶ 446-132 Transpower

DPR-0032	Christchurch City Council	FS185	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS916	Non-notification clauses	Support	Accept submission
DPR-0353	Horticulture New Zealand	FS155	Non-notification clauses	Oppose	Reject
DPR-0371	Christchurch International Airport Limited (CIAL)	FS037	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS308	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS110	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS037	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS006	Non-notification clauses	Support	Accept submission
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	424	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS219	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS950	Non-notification clauses	Support	Accept submission
DPR-0353	Horticulture New Zealand	FS156	Non-notification clauses	Oppose	Reject
DPR-0371	Christchurch International Airport Limited (CIAL)	FS140	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS309	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.

DPR-0414	Kāinga Ora - Homes & Communities	FS144	Non-notification clauses	Support	Not Specified
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS197	Non-notification clauses	Support In Part	Allow the submission on controlled activity. Disallow the submission point that notification is not required for all restricted discretionary applications.
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS138	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS040	Non-notification clauses	Support	Accept the submission
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	470	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules: <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS257	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS984	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS071	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS310	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0375	Waka Kotahi NZ Transport Agency	FS408	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS178	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS071	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS074	Non-notification clauses	Support	Accept submission
DPR-0384	Rolleston Industrial	503	Non-notification clauses	Oppose	Insert the following words, or words to the like effect, to all controlled and restricted discretionary activity rules:

	Developments Limited (RIDL)				<u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u>
DPR-0032	Christchurch City Council	FS292	Non-notification clauses	Oppose In Part	Do not limit notification where neighbouring properties, communities, or the wider district are potentially directly affected and the adverse effects are potentially more than minor or where the Act requires notification.
DPR-0298	Trices Road Re-zoning Group	FS1011	Non-notification clauses	Support	Accept submission
DPR-0371	Christchurch International Airport Limited (CIAL)	FS104	Non-notification clauses	Support In Part	Accept in part
DPR-0375	Waka Kotahi NZ Transport Agency	FS311	Non-notification clauses	Oppose	Retain relevant provisions without a non-notification clause.
DPR-0414	Kāinga Ora - Homes & Communities	FS212	Non-notification clauses	Support	Not Specified
DPR-0453	Midland Port, Lyttelton Port Company Limited (LPC)	FS104	Non-notification clauses	Support In Part	Accept in part
DPR-0456	Four Stars Development & Gould Developments Ltd	FS108	Non-notification clauses	Support	Accept the submission

Analysis

61.3 RWRL³¹⁷, IRHL³¹⁸, RIHL³¹⁹ and RIDL³²⁰ submitted seeking non-notification clauses be added to all controlled and restricted discretionary activities: “Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.” There are no controlled activities in the EI Chapter. The restricted discretionary activities include: EI-R6 to R19, EI-R21 to 24, EI-R26 to 27, EI-R-30, and EI-R-32 to 33. It is considered that in association with all of these activities there is the potential for adverse effects to potentially be more than minor and for neighbouring properties, communities, or the wider district to be potentially directly affected. Therefore, additional non-notification clauses in the EI Chapter are not supported and it is recommended that these submission points be rejected.

Recommendation

61.4 I recommend, for the reasons given above, that the Hearings Panel retain the EI Chapter as notified with respect to non-notification clauses.

³¹⁷ 358-399 RWRL

³¹⁸ 363-424 IRHL

³¹⁹ 374-470 RIHL

³²⁰ 384-503 RIDL

- 61.5 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

62 Bird Strike

Introduction

- 62.1 CIAL are seeking comprehensive bird strike provisions as they consider that bird strike risk is a threat to the safe operation of Christchurch International Airport.

Submissions

- 62.2 Seven submission points were received from CIAL and 19 further submission points were received in relation to bird strike.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0371	Christchurch International Airport Limited	003	Bird Strike	Support	Retain as notified
DPR-0353	Horticulture New Zealand	FS068	Bird Strike	Oppose	Reject
DPR-0371	Christchurch International Airport Limited	070	New	Oppose	Insert as follows: <u>Protect important infrastructure by avoiding adverse effects, including reverse sensitivity effects, from incompatible activities on rural land, including through:</u> <u>1. avoiding noise sensitive activities and ensuring the density of residential units is kept to a maximum of 1 residential unit per 4 hectares within the 50 dB Ldn Air Noise Contour;</u> <u>2. avoiding activities that create a risk of bird strike to aircraft using Christchurch International Airport.</u> <u>Refer to original submission for full decision requested.</u>
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	FS004	New	Oppose	Disallow
DPR-0353	Horticulture New Zealand	FS044	New	Oppose In Part	Reject
DPR-0415	Fulton Hogan Limited	FS012	New	Oppose	Disallow the submission.
DPR-0371	Christchurch International Airport Limited	087	Bird Strike Risk Activity (NEW)	Support	Insert as follows: <u>Bird Strike Risk Activity means:</u> <u>a. permanent artificial water body;</u> <u>b. excavation works, including quarrying, which result in ponding exceeding 100m² or more of open water, for more than a continuous 48 hour period; and</u> <u>c. commercial pig farming, or cattle feed lots;</u> <u>d. fruit tree farms;</u> <u>e. fish and commercial food processing activities</u>

					<p><u>with external food storage or waste areas accessible to birds;</u></p> <p><u>f. wildlife refuges or conservation areas;</u></p> <p><u>g. the establishment of refuse dumps, food and organic waste facilities landfills, municipal sewage treatment and disposal facilities;</u></p> <p><u>h. abattoirs and freezing works.</u></p>
DPR-0371	Christchurch International Airport Limited	088	New	Neither Support Nor Oppose	<p>Insert as follows:</p> <p><u>Activity status: PER</u></p> <p><u>Where:</u></p> <p><u>Any Bird Strike Risk Activity is proposed between an 8km and 13km radius of the thresholds of the runways at Christchurch International Airport, and the Council has approved an assessment of potential bird strike risk and a bird strike management plan for the activity which has been prepared in consultation with Christchurch International Airport Limited.</u></p> <p><u>Activity status when compliance not achieved: RDIS</u></p> <p><u>Matters of discretion:</u></p> <p><u>a. The extent to which the proposed activity will be designed, operated and managed to avoid attracting bird species which constitute a hazard to aircraft.</u></p> <p><u>b. Whether a management plan has been developed that demonstrates there will be ongoing operation and maintenance of the stormwater system or Bird Strike Risk Activity to minimise bird strike risk for the life of the stormwater system or activity, and whether that plan has been developed in consultation with Christchurch International Airport Limited.</u></p> <p><u>Notification:</u></p> <p><u>Any application arising from this rule will be notified to Christchurch International Airport Limited.</u></p> <p><u>Activity status: RDIS</u></p> <p><u>1. Any bird strike risk activity is proposed within an 8km radius of the thresholds of the runways at Christchurch International Airport</u></p> <p><u>Where:</u></p> <p><u>With regard to the creation of any new temporary or permanent waterbodies or stormwater basins, the combined area of all stormwater basins and/or water bodies that are wholly or partly within 1km of any proposed water body or stormwater basin's edge, shall not exceed 1000m²</u></p> <p><u>Matters of discretion:</u></p> <p><u>a. The extent to which the proposed activity will be designed, operated and managed to avoid attracting bird species which constitute a hazard to aircraft.</u></p> <p><u>b. Whether a management plan has been developed that demonstrates there will be</u></p>

					<u>ongoing operation and maintenance of the stormwater system or Bird Strike Risk Activity to minimise bird strike risk for the life of the stormwater system or activity, and whether that plan has been developed in consultation with Christchurch International Airport Limited.</u> <u>Activity status when compliance not achieved: NC</u> <u>Notification:</u> <u>Any application arising from this rule will be notified to Christchurch International Airport Limited.</u>
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	FS006	New	Oppose	Disallow
DPR-0353	Horticulture New Zealand	FS046	New	Oppose	Reject
DPR-0415	Fulton Hogan Limited	FS007	New	Oppose	Disallow the submission.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS003	New	Oppose	Disallow the submission point.
DPR-0547	Chris Trengrove	FS002	New	Oppose In Part	Disallow in part
DPR-0371	Christchurch International Airport Limited	091	New	Oppose	Insert mapped Bird Strike Management Area. Refer to original submission for full decision requested, including attachment.
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	FS007	New	Oppose	Disallow
DPR-0353	Horticulture New Zealand	FS047	New	Oppose	Reject
DPR-0415	Fulton Hogan Limited	FS008	New	Oppose	Disallow the submission.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS004	New	Oppose	Disallow the submission point.
DPR-0371	Christchurch International Airport Limited	095	New	Support In Part	Insert a rule requirement or standard for new buildings to deter roosting of birds.
DPR-0371	Christchurch International Airport Limited	095	New	Support In Part	Insert a rule requirement or standard for new buildings to deter roosting of birds.
DPR-0142	New Zealand Pork Industry Board (NZ Pork)	FS008	New	Oppose	Disallow
DPR-0353	Horticulture New Zealand	FS050	New	Oppose	Reject
DPR-0415	Fulton Hogan Limited	FS009	New	Oppose	Disallow the submission.
DPR-0422	Federated Farmers of New Zealand - North Canterbury	FS231	New	Oppose	Disallow the submission point.

DPR-0441	Trustpower Limited	FS113	New	Oppose	Reject
DPR-0446	Transpower New Zealand Limited	FS058	New	Neither Support Nor Oppose	Disallow the submission

Analysis

62.3 Currently there is a definition of 'bird strike' in the PDP, and the Mineral Extraction (Quarrying) Rule (GRUZ-R21) requires resource consent for the establishment of a new or expansion of an existing mine, quarry, or farm quarry that exceeds an extraction area of 1,500m². A matter for discretion (GRUZ-R21.2.d) includes consideration of the effects on important infrastructure including compliance with the NZCEP, and bird strike risk on aircraft if located within 13km of a Christchurch International Airport runway. This rule recognises that large quarry areas can provide a ponding area for birds and potentially present a bird strike risk to the Christchurch International Airport.

62.4 CIAL are seeking that:

- the definition of 'bird strike' be retained as notified³²¹;
- a new policy be inserted to avoid activities that create a risk of bird strike³²²;
- a new 'bird strike risk activity' definition be inserted to link to the proposed new provisions³²³;
- new rules be inserted to: permit any bird strike risk activity proposed between an 8km and 13km radius of the thresholds of the Christchurch International Airport runways, where the Council has approved an assessment of potential bird strike risk and a bird strike management plan for the activity prepared in consultation with CIAL. Otherwise, restricted discretionary activity consent would be required, with a stipulated number of matters for discretion; and automatically require restricted discretionary activity resource consent for any 'bird strike risk activity' within an 8km radius of the runways³²⁴;
- an 8km and 13km radius from the Christchurch International Airport runways be mapped on the PDP planning maps to correlate to the proposed new provisions relating to bird strike management³²⁵; and
- a new rule requirement or standard be inserted for new buildings to deter roosting of birds³²⁶.

62.5 The equivalent Christchurch District Plan bird strike rules only apply within 3km of the runways (6.7.4.3.1)³²⁷. CIAL sought a 13km radius but this was not supported by the Christchurch District Plan Hearings Panel.

³²¹ 371-003 CIAL

³²² 371-070 CIAL

³²³ 371-087 CIAL

³²⁴ 371-088 CIAL

³²⁵ 371-091 CIAL

³²⁶ 371-095 CIAL

³²⁷ <https://districtplan.ccc.govt.nz/pages/plan/book.aspx?exhibit=DistrictPlan>

- 62.6 CCC engaged Dr Rachel McClellan an avifauna ecologist in relation to the Christchurch District Plan bird strike provisions hearing process. From the decision (p112 onwards)³²⁸, Dr McClellan did not support imposition of the 3km, 8km and 13km distances, primarily because: ... *the country in which they were developed (the US) has a very different bird community, and published research inevitably recommends location-specific solutions, relevant to the species and habitats present at a particular airport. Likewise, very little objective data exists for me to be able to confidently recommend what minimum size of waterbody would support 'significant' populations of hazardous waterbirds.* Noting those limitations, Dr McClellan indicated she could support rules that required landfills within Christchurch District having to mitigate for gull attraction and requiring piggeries, poultry farms, fish processing plants and freezing works, within three kilometres of the airport, having to be managed to prevent them becoming a source of food for birds. In addition, for waterbodies within 3km of the airport, she supported having a 1,000m² trigger for the obligatory consideration of bird strike mitigation (on the basis that the Council would have capacity to decline the application).
- 62.7 I requested that the Selwyn District Council's GIS team map the 8km and 13km overlays to determine the approximate number of landowners affected by the proposed new provisions. From this mapping it is estimated that approximately 233 properties are situated within the 8km overlay, and 1,943 properties are situated within the 13km overlay; a total of 2,176 properties which are affected by the proposed rules.
- 62.8 Based on the Christchurch Hearings Panel Decision and the GIS generated figures of affected land owners, the extent of the area proposed to be subject to bird strike rules is considered to place additional regulatory burden and costs on land owners and the Council in the absence of evidence justifying the need for and the extent of the provisions. It is not understood what level of bird strike risk exists in Selwyn District in relation to the airport and how far that risk actually extends beyond the 3km radius which applies in Christchurch City.
- 62.9 Furthermore, the practicality of the proposed rule is questionable. The proposed rule which applies between 8-13km requires a bird strike risk assessment and a bird strike management plan to be prepared in consultation with CIAL. There are questions as to who would prepare such assessments from what is anticipated to be a limited resource pool, their costs, as well as the many variables involved in bird patterns and movements and the expected Christchurch specific experience needed to assess and review such proposals. Council would need to engage expertise to review such assessments. This is an additional burden and cost to be borne by any applicant in the absence of evidence at this stage showing such regulation is necessary.
- 62.10 The proposed definition of 'bird strike risk activity' is also very wide ranging and there is a lack of justification for the extensive range of activities included, and at which distances from the runway such activities need to be included and assessed. There is also no consideration of what existing activities are located within the vicinity of the airport and how these contribute to bird strike risk now and in relation to other identified rural activities.
- 62.11 The Mineral Extraction (Quarrying) Rule (GRUZ-R21.2.d.) requires restricted discretionary activity resource consent for the establishment of a new or expansion of an existing mine, quarry, or farm

³²⁸ <http://chchplan.ihp.govt.nz/wp-content/uploads/2015/03/Decision-57-Chapter-6-General-Rules-Noise-Airport-matters-and-Hagley-Park-10-11-2016.pdf>

quarry that exceeds an extraction area of 1,500m² where setbacks are met, otherwise discretionary activity resource consent is required. If being assessed as a restricted discretionary activity, a matter of discretion includes bird strike risk on aircraft if located within 13km of a Christchurch International Airport runway (and 'bird strike' is defined). It is recommended that the bird strike matter in relation to this rule be considered further in the hearing for the GRUZ Chapter, but the Christchurch City Council evidence reviewed would appear not to support such a provision outside 3km of the runways. The associated definition of 'bird strike' is also recommended to be considered in conjunction with this rule at the GRUZ hearing.

62.12 At this point in time in the absence of further evidence about the level of bird strike risk in Selwyn and the other matters identified above, it is recommended that the CIAL submission points relating to the inclusion of: a new definition of 'bird strike risk activity'; a new policy specific to bird strike risk; new bird strike risk activity rules; the 8km and 13km mapped overlays; and a new rule requirement or standard for new buildings to deter the roosting of birds be rejected; and that the definition of 'bird strike' be considered at the GRUZ Chapter hearing in association with GRUZ-R21.

62.13 It is of note that NZ Pork, Hort NZ, Fed Farmers, Fulton Hogan and other submitters have lodged further submissions seeking that the CIAL submission points be rejected.

Recommendation

62.14 I recommend, for the reasons given above, that the Hearings Panel retain the PDP as notified as it relates to bird strike relevant to the EI Chapter, and that the 'Bird Strike' definition be retained and considered at the GRUZ Chapter Hearing in association with GRUZ-R21.

62.15 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

63 SUB-R16

Introduction

63.1 Consideration of SUB-R16 contained in the Subdivision Chapter has been allocated to the EI Hearing as the submission points are specific to important infrastructure.

Submissions

63.2 Seven submissions and 25 further submissions were received in relation to SUB-R16.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0358	Rolleston West Residential Limited (RWRL)	218	SUB-R16	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS420	SUB-R16	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS507	SUB-R16	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS464	SUB-R16	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS511	SUB-R16	Support In Part	Accept submission in part

DPR-0492	Kevler Development Ltd	FS796	SUB-R16	Support	Accept submission in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS487	SUB-R16	Support In Part	Accept the submission in part.
DPR-0363	Iport Rolleston Holdings Limited (IRHL)	207	SUB-R16	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS752	SUB-R16	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS678	SUB-R16	Support In Part	Accept the submission in part
DPR-0298	Trices Road Re-zoning Group	FS631	SUB-R16	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS671	SUB-R16	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO
DPR-0492	Kevler Development Ltd	FS286	SUB-R16	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0367	Orion New Zealand Limited	106	SUB-R16	Support In Part	<p>Amend as follows:</p> <p>5. Subdivision within 32m of the centreline of the Significant Electricity Distribution Line (Islington to Springston) as shown on the planning maps. This rule does not apply to any subdivision under SUB-R15.</p> <p>Where:</p> <p>a. Every site created is capable of accommodating a likely building square for the likely principal building(s) and any building(s) for sensitive activities, is positioned at least 10m from the:</p> <p>....</p> <p>9. Subdivision within 24m of the centreline of any other Significant Electricity Distribution Line as shown on the planning maps. This rule does not apply to any subdivision under SUB-R15.</p> <p>Where:</p> <p>a. Every site created is capable of accommodating a likely building square for the likely principal building(s) and any building(s) for sensitive activities, is positioned at least 5m from the</p> <p>....</p>
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS675	SUB-R16	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0374	Rolleston Industrial Holdings Limited (RIHL)	213	SUB-R16	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS567	SUB-R16	Support In Part	Accept the submission in part
DPR-0209	Manmeet Singh	FS934	SUB-R16	Support In Part	Accept the submission in part

DPR-0298	Trices Road Re-zoning Group	FS782	SUB-R16	Support In Part	Accept submission in part
DPR-0461	Dunweavin 2020 Ltd	FS814	SUB-R16	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0492	Kevler Development Ltd	FS130	SUB-R16	Support In Part	Accept the submission in part. Reject the submission seeking removal of the UGO.
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS691	SUB-R16	Support In Part	Accept the submission in part.
DPR-0384	Rolleston Industrial Developments Limited (RIDL)	225	SUB-R16	Support	Retain as notified
DPR-0414	Kāinga Ora - Homes & Communities	110	SUB-R16	Support	Retain as notified
DPR-0157	Kevin & Bonnie Williams	FS176	SUB-R16	Oppose In Part	Reject the submission in part
DPR-0209	Manmeet Singh	FS366	SUB-R16	Oppose In Part	Reject the submission in part
DPR-0298	Trices Road Re-zoning Group	FS136	SUB-R16	Oppose In Part	Reject submission
DPR-0461	Dunweavin 2020 Ltd	FS163	SUB-R16	Oppose In Part	Reject submission
DPR-0492	Kevler Development Ltd	FS532	SUB-R16	Oppose In Part	Reject submission points in part
DPR-0493	Gallina Nominees Ltd & Heinz-Wattie Ltd Pension Plan	FS156	SUB-R16	Oppose In Part	Reject the submission points in part.
DPR-0565	Shelley Street Holdings Ltd	FS047	SUB-R16	Support In Part	Support the submission subject to amendments to the MDRZ boundary at Rolleston to include properties on the east side of George Street including no. 30 George Street & any other amendments/changes to the relevant provisions as are consistent with enabling our MDH proposal.
DPR-0446	Transpower New Zealand Limited	110	SUB-R16	Support In Part	Amend as follows: 1. Subdivision within the National Grid subdivision corridor. This rule does not apply to any subdivision under SUB-R15. Notification: 3. Any application arising from SUB-R16.1 shall not be subject to public notification. Absent their written approval, notice and shall only be limited notified to the following parties: <u>Transpower, unless their written approval is provided, served on the network utility operator with responsibility for the National Grid.</u>

Analysis

- 63.3 SUB-R16 is essentially in three parts and provides for subdivision: within the National Grid Subdivision Corridor; within 32m of the centreline of the Significant Electricity Distribution Line (Islington to Springston); and within 24m of the centreline of any other Significant Electricity Distribution Line.
- 63.4 The rules do not apply to subdivision to create a site for roads, access or network utilities, and do not apply to any subdivision under SUB-R15 which provides for subdivision to update an existing cross lease, company lease or unit title. Furthermore, such applications are not subject to public notification and notice should only be served on the network utility operator responsible for the line in the absence of their written approval. Where compliance is not achieved with SUB-R16, the activity is non-complying.
- 63.5 RWRL³²⁹, IRHL³³⁰, RIHL³³¹, RIDL³³² and Kāinga Ora³³³ all support SUB-R16 and seek that it be retained as notified.
- 63.6 Orion³³⁴ are seeking to amend SUB-R16.5 which applies to subdivision within 32m of the centreline of the Significant Electricity Distribution Line (Islington to Springston) and are seeking amended wording to require a building square to be positioned at least 10m from the line, rather than referring to every site being “capable of accommodating a likely building square”. Orion consider their proposed wording provides more clarity. The proposed amendments are very minor and are not considered to provide any additional clarity. Changing this part of the rule only would also create inconsistency with the other parts of the rule.
- 63.7 Transpower³³⁵ generally support Rule SUB-R16 on the basis that the rule gives effect to Policies 10 and 11 of the NPSET, but are seeking some amendment to delete the exemption for SUB-R15 on the basis that the rationale for this exemption is not clear and is not set out in the s32 evaluation, and that the notification clause is revised so that it is consistent with the wording of similar clauses in other provisions.
- 63.8 The wording amendment sought by Transpower to the notification clauses is not considered necessary as the existing wording makes it clear that public notification is not required and if written approval is not received from the operator with the responsibility for the line, then notice is served on that party only (i.e. limited notified). The wording used is similar to the other subdivision provisions with similar clauses (ex. SUB-R13) and does not result in significant inconsistency or a lack of clarity. It is not anticipated that any subdivision to update a cross lease, company lease or unit title would be likely within the National Grid Subdivision corridor (as per SUB-R15), however even if it was, EI-R15 relates to “updating” an existing lease or unit title and not a new subdivision. Therefore, it is considered reasonable that this relatively benign form of subdivision continues to be exempt from SUB-R16.

³²⁹ 358-218 RWRL

³³⁰ 363-207 IRHL

³³¹ 374-213 RIHL

³³² 384-225 RIDL

³³³ 411-110 Kāinga Ora

³³⁴ 367-106 Orion

³³⁵ 446-110 Transpower

Recommendation

63.9 I recommend, for the reasons given above, that the Hearings Panel retain SUB-R16 as notified.

63.10 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

64 Minor/Other Matters

Introduction

64.1 Submissions concerning minor matters, submissions all in support, and where there is only one submission have been grouped under this heading as they do not fit neatly elsewhere in the report.

Submissions

64.2 Sixteen submissions and five further submissions were received.

Submitter ID	Submitter Name	Submission Point	Plan Reference	Position	Decision Requested
DPR-0367	Orion New Zealand Limited	203	EI-R5	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS772	EI-R5	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	039	EI-R7	Support	Retain as notified.
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	040	EI-R8	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	205	EI-R8	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS774	EI-R8	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	041	EI-R12	Support	Retain as notified.

DPR-0101	Chorus New Zealand Limited, Spark New Zealand Trading Limited & Vodafone New Zealand Limited	043	EI-R23	Support	Retain as notified.
DPR-0359	Fire and Emergency New Zealand	030	EI-R23	Support	Retain as notified.
DPR-0367	Orion New Zealand Limited	183	EI-R23	Support	Retain as notified.
DPR-0407	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)	FS752	EI-R23	Oppose	Reject aspects of the submission which do not directly relate to electricity lines and services as critical infrastructure.
DPR-0370	Fonterra Limited	028	EI-R23	Support	Retain as notified
DPR-0209	Manmeet Singh	FS760	EI-R23	Oppose In Part	Reject submission in part
DPR-0446	Transpower New Zealand Limited	046	EI-R23	Support	Retain as notified
DPR-0441	Trustpower Limited	042	EI-R28	Support In Part	Amend as follows: ... The establishment of a new , or the expansion of an existing renewable electricity generation investigations. ...
DPR-0359	Fire and Emergency New Zealand	024	EI-R32	Support In Part	Amend as follows: Add CMUZ, and restructure the rule requirements to refer directly to the relevant standards.
DPR-0380	Canterbury Aero Club	001	EI-R34	Support	Retain as notified
DPR-0380	Canterbury Aero Club	003	EI-R34	Support In Part	Submitter seeks clarification that compliance with EI-R34 is not subject to any Rule Requirements set out in EI-REQ1 through EI-REQ23
DPR-0448	New Zealand Defence Force	021	EI-R35	Oppose In Part	Amend to provide more broadly for the upgrading, maintenance and repair, and replacement of infrastructure and network utilities as a permitted activity subject to meeting suitable permitted activity standards similar to the standards provided for specific activities.
DPR-0183	Adrian McFedries (Rein in the Range group)	FS002	EI-R35	Oppose	Disallow submission

Analysis

- 64.3 Orion³³⁶ and Chorus³³⁷ seek that EI-R5 and EI-R7 respectively be retained as notified. It is recommended that these submission points be accepted.
- 64.4 Both Chorus³³⁸ and Orion³³⁹ seek that EI-R8 be retained as notified. It is recommended that these submission points be accepted.
- 64.5 Chorus³⁴⁰ seek that EI-R12 be retained as notified. It is recommended that this submission point be accepted in part as a minor consequential amendment to EI-R12 is recommended at paragraph 17.5.
- 64.6 Chorus³⁴¹, FENZ³⁴², Orion³⁴³ and Transpower³⁴⁴ all seek that EI-R23 be retained as notified. It is recommended that these submission points be accepted.
- 64.7 Trustpower³⁴⁵ are seeking minor amendments to EI-R28 to be more concise. The way EI-R28 is worded is considered consistent with the Chapter. The amendments sought are very minor and while more concise would result in inconsistency and are not considered necessary, and therefore it is recommended that the Trustpower submission point be rejected.
- 64.8 FENZ³⁴⁶ are seeking minor amendment to EI-R32 to add reference to CMUZ and refer directly to the relevant rule requirements. CMUZ is not a zone as such and is a heading under which the zones (NCZ, LCZ, LFRZ and TCZ) are listed. All of these zones are listed in EI-R32 and therefore adding CMUZ to the list is not supported, but the submitters relief is met.
- 64.9 FENZ also consider that the rule requirements are generic and not specific to an individual activity. For example, fire stations need to consider EI-REQ11 which references light in roads and public accessways. FENZ consider the PDP should be simplified to refer direct to the rules that need to be considered. It is considered that there is a risk in trying to tailor rule requirements to activities in that specific matters may be missed. The way the PDP is structured directs the Plan reader to the rule requirement and then those rule requirement specifics which are not relevant do not need to be considered and the onus is on the applicant to address only what is relevant. It is recommended that the FENZ submission point be rejected.
- 64.10 Canterbury Aero Club³⁴⁷ support EI-R34 West Melton Aerodrome which permits aircraft movements and associated structures at the West Melton Aerodrome subject to a range of rules, but seek clarification that EI-R34 is not subject to any rule requirements in EI-REQ1-EI-REQ23³⁴⁸. The intention of EI-R34 is that this is a stand-alone rule that is not subject to any EI rule requirements. The rule is a bespoke rule which has been developed specific to the West Melton Aerodrome and in accordance with an ODP (EI-Figure 1 West Melton Aerodrome ODP). The rules do not reference any

³³⁶ 367-203 Orion

³³⁷ 101-039 Chorus

³³⁸ 101-040 Chorus

³³⁹ 367-205 Orion

³⁴⁰ 101-041 Chorus

³⁴¹ 101-043 Chorus

³⁴² 359-030 FENZ

³⁴³ 367-183 Orion

³⁴⁴ 446-046 Transpower

³⁴⁵ 441-042 Trustpower

³⁴⁶ 359-024 FENZ

³⁴⁷ 380-003 Canterbury Aero Club

³⁴⁸ 380-003 CAC

rule requirements so it is considered sufficiently clear that EI-REQ1-EI-REQ23 do not apply. Therefore, it is recommended that these submission points be accepted.

64.11 NZDF³⁴⁹ have submitted in relation to Rule EI-R35 Other Activities and consider the rule should be amended to provide more broadly for the upgrading, maintenance and repair, and replacement of infrastructure and network utilities as a permitted activity subject to meeting suitable permitted activity standards similar to the standards provided for specific activities. EI-R35 is a 'catch all' rule and there are sufficient enabling rules for NZDF elsewhere in the Proposed Plan (i.e. Designations and Noise Chapters). It is recommended that the NZDF submission point be rejected.

Recommendation and amendments

64.12 I recommend, for the reasons given above, that the Hearings Panel:

- a) Retain EI-R5, EI-R7, EI-R8, EI-R9, EI-R23, EI-R28, EI-R32, EI-R34, and EI-R35 as notified;
- b) Amend EI-R12 as recommended at paragraph 17.5 to correctly reference EI-REQ7 as shown in **Appendix 2**.

64.13 The amendments recommended to EI-R12 are set out in a consolidated manner in **Appendix 2**.

64.14 It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 1**.

64.15 The scale of change does not require a s32AA evaluation.

65. Conclusion

65.1 For the reasons included in this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.

³⁴⁹ 448-021 NZDF

