

Proposed Selwyn District Plan



Right of Reply Report

Energy and Infrastructure

Vicki Barker

26 October 2021

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1. Purpose of Report

- 1.1 The purpose of this report is to respond to the questions raised by the Hearings Panel during Hearing 4: Energy and Infrastructure, and for the Officer to propose any further amendments to the notified version of the Proposed District Plan (PDP) above those recommended in the Officers s42a evidence report.

2. Hearing Panel's Questions to the s42a Reporting Officer and/or the Submitters and their Response

- 2.1 The following questions were received from the Hearing Panel or posed to submitters for the Energy and Infrastructure (EI) Chapter Topic, which sat from 23 September 2021 to 24 September 2021.

- 2.2 The Hearing Panel questions have been addressed in order of how the provisions appear in the PDP; i.e., definitions, objectives and policies, rules, rule requirements, matters for control or discretion and 'other' matters.

[1] Is a definition of 'minor upgrading' necessary?

- 2.3 A number of witnesses were asked to consider a definition of 'minor upgrading'.
- 2.4 Transpower provided suggestions from the Waikato District and Marlborough Environment Plans of what may be considered 'minor upgrading' in the context of the National Grid and what would be permitted by NESTA. Transpower also note that other district plans including Christchurch, Dunedin and New Plymouth do not have such a definition and instead rely on rules and standards to establish the activities that are enabled as 'minor'. Overall, Transpower considers a definition is not necessary to supplement EI-P1 or support any particular rule and what is considered 'minor' is effectively defined by the standards in EI-R11.¹
- 2.5 Chorus also consider that the extent of upgrading that is at a scale that is appropriate to be provided for as permitted is covered by EI-R11, which is in effect how minor upgrading is defined. However; if the Panel did consider such a definition necessary, Chorus prefer the Waikato example which is neutral with respect to the type of network utility infrastructure. The Marlborough Environment Plan example is considered electricity network centric. Chorus also note that the Auckland Unitary Plan has no such definition as the rule and standards in effect defines what is minor.²
- 2.6 Orion were also requested to provide a response but this matter has not been addressed in the Orion response³.
- 2.7 Overall, I agree with Transpower and Chorus that a definition of 'minor upgrading' is not necessary for the reasons outlined above and recommend that no such definition be inserted.

[2] Consider adding in "electricity generator" to the 'important infrastructure' definition or the 'network utility operator' definition to include Trustpower's assets

- 2.8 Trustpower's evidence requests that 'renewable electricity generation activities' are included in specific provisions (EI-P1.1 and EI-P1.2, EI-REQ3). Trustpower makes this request as they

¹ Transpower Post Hearing Correspondence - 5 October 2021 - Pages 4-5

² Chorus Post Hearing Correspondence - 5 October 2021

³ Orion Post Hearing Correspondence - 1 October 2021
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consider they do not meet the definition of a ‘network utility operator’⁴ or a ‘network utility’ given Trustpower is not an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992.

2.9 The Panel questioned whether an amendment could be made to the ‘important infrastructure’ or ‘network utility operator’ definitions to include Trustpower’s assets, which would avoid the need to reference ‘renewable electricity generation activities’ separately in the provisions.

2.10 I requested that Trustpower further clarify why they consider they are not classified as a network utility operator. Romae Calland provided further advice on 13 October 2021 (copy attached as **Appendix 4**) which steps through the PDP definitions, s166 of the RMA and section 2 of the Electricity Act and concludes that Trustpower cannot be classified as a network utility using the plan or Act definitions. A possible suggested amendment made by Trustpower in this correspondence is to include the definition of electricity generator from the Electricity Act 1992⁵ in the network utilities definition within the PDP, although they comment that this option is stepping away from the National Planning Standards.

2.11 The National Planning Standards contains a definition of ‘network utility operator’ as per s166 of the RMA, but does not contain a definition of ‘network utility’. Therefore, amending the ‘network utility’ definition in the PDP to include reference to an electricity generator (i.e., Trustpower’s Coleridge HPS) is not inconsistent with the National Planning Standards. An amendment could be as follows:

Network Utility: A project, work, system or structure that is a network utility operation undertaken by a network utility operator; or any person who owns or operates a generator connected to distribution or transmission lines.

2.12 Such a change avoids the need for any amendment to EI-P1.1, EI-P1.2, or EI-REQ3 to refer to ‘renewable electricity generation activities’ as ‘network utility’ is already referenced in the provisions and the proposed amendment to the ‘network utility’ definition ensures Trustpower’s assets are included. The change also avoids amendment to the ‘minor network utility’ definition and EI-REQ3 as recommended in the s42a report.

2.13 An alternative approach would be to amend the ‘important infrastructure’ definition to add in a new separate clause as follows:

any person who owns or operates a generator connected to distribution or transmission lines.

2.14 However; amending the ‘important infrastructure’ definition would require additional amendment to EI-P1 (and likely other provisions) as currently important infrastructure and network utilities are referenced separately in EI-P1.1 and EI-P1.2 so the network utility definition approach is considered more straightforward. On this basis the amendment to the network utility definition is recommended.

[3] Whether ‘enabling’ means the same thing as ‘providing for’ in the context of EI-P1?

2.15 The Panel asked Transpower why inserting ‘minor upgrading’ in EI-P1.1 is necessary because EI-P1.2 already refers to “providing for replacement and upgrades....”.

2.16 Transpower responded noting that ‘enabling’ and ‘providing for’ are common terms used in

⁴ Network Utility Operator definition: *c. is an electricity operator or electricity distributor as defined by section 2 of the Electricity Act 1992.....*

⁵ Electricity generator means *any person who owns or operates a generator connected to distribution or transmission lines*

policies. They consider the policy uses both terms in separate clauses as the terms apply to different activities (important infrastructure in EI-P1.1 and network utilities in EI-P1.2), and there is an intended difference in direction for the treatment of those activities in the subordinate provisions.

- 2.17 Transpower consider ‘enabling’ is more proactively permissive and establishes a permitted activity pathway, whereas ‘providing for’ establishes a pathway through provisions that may be subject to regulation or consent requirements. The NPSET also distinguishes the two terms similarly within Policy 2 and 5. In the context of the NPSET, Transpower understand ‘enabling’ to be a subset of ‘providing for’.
- 2.18 Based on this understanding of the distinction between the terms and the need to give effect to Policy 5 of the NPSET, Transpower continue to support the inclusion of ‘minor upgrading’ in EI-P1.1 as follows:

Enabling the operation, maintenance, minor upgrading and removal of existing important infrastructure throughout the District ...”⁶

- 2.19 After considering this explanation provided by Transpower, I now agree, and recommend the amendment Transpower seeks be made.

[4] Clarify if EI-P1 as a whole is intended to only relate to existing important infrastructure and upgrades to existing infrastructure rather than new infrastructure?

- 2.20 Chorus specifically asked for clarification regarding this matter⁷, which the Panel also requested a response to.
- 2.21 The enabling (rather than managing) approach of EI-P1.1 is intended to apply to existing important infrastructure only, but the policy as a whole is wider than existing infrastructure and is also intended to apply to new infrastructure (i.e., EI-P1.2). On this basis I agree with Chorus that the drafting does leave a gap in the policy with respect to recognising the benefits of new important infrastructure. To address this gap, a potential solution is to amend the policy to add a new ‘provide for’ clause to recognise the benefits of providing for new infrastructure, as well as retaining the ‘enabling’ clause with respect to existing important infrastructure. This approach avoids enabling all new important infrastructure carte blanche inconsistent with the rule framework, but still specifically provides for new infrastructure and recognises its benefits. Recommended amendment is as follows:

EI-P1

Recognise the benefits and national, regional and local importance of important infrastructure by:

1. providing for the use, operation, maintenance, development and removal of new important infrastructure throughout the district
- ~~2.~~ 2. enabling the operation, maintenance, minor upgrading and removal of existing important infrastructure throughout the District; ...

...

[5] Do you think “development” captures new infrastructure or does “new” also need to be referenced in EI-P2.3?

⁶ Transpower Post Hearing Correspondence – 5 October 2021 – Page 1-2

⁷ Statement of Evidence of Chris Horne – 8 September 2021 – Paragraph 31
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- 2.22 In relation to Trustpower's planning evidence the Panel questioned whether it is necessary to add reference to "new activities and structures" or whether the existing reference to "development" in EI-P2.3 is sufficient⁸.
- 2.23 I consider that "development" already encompasses new activities and structures and that the proposed changes are not necessary.

[6] Are the additional words "where appropriate" as sought by Transpower needed in EI-P2.6?

- 2.24 Transpower are seeking that "where appropriate" be added to EI-P2.6 to reflect the same direction as expressed in Policy 6 of the NPSET. Transpower consider that "where appropriate" could be understood to explicitly anticipate situations where it may not be appropriate to reduce effects as part of a substantial upgrade to the National Grid.
- 2.25 Transpower is concerned that without similar wording in EI-P2.6, Transpower could be compelled to reduce adverse effects which could result in the National Grid being less secure and resilient. However; Transpower considers that the PDP does not need to 'parrot' the NPSET and EI-P2.6 could be reframed as an 'encourage' policy while also providing for situations where it is not appropriate to take the opportunity to reduce existing adverse effects. On this basis Transpower suggest the following alternative amendment to EI-P2.6⁹:
- Using the substantial upgrade of important infrastructure and renewable electricity generation as an opportunity to reduce existing adverse effects, where the efficiency, effectiveness or resilience of the important infrastructure or renewable electricity generation is not compromised.*
- 2.26 It is recommended that this amendment be made as it ensures substantial upgrades consider opportunities to reduce existing adverse effects so long as the infrastructure is not compromised, and also achieves the intent of the NPSET.

[7] Chorus were requested by the Panel to provide proposed amendments to EI-P4 to address management of construction noise and vibration by way of a Construction Noise and Vibration Management Plan.

- 2.27 Chorus have provided draft wording which seeks to amend EI-P4 to recognise there are other methods including the use of a Construction Noise and Vibration Management Plan to manage construction noise and vibration effects, rather than just referring to compliance with standards and regulations in the policy.
- 2.28 The noise rule requirement (EI-REQ10) cross-references to rules in the Noise Chapter which set limits for noise in general, construction noise and vibration. These limits are based on New Zealand Standards relating to noise (as specified in NOISE-R1 and NOISE-R2) and international standards relating to vibration (as specified in NOISE-R14), which set well-established thresholds of noise and vibration. Matters for discretion include consideration of any mitigation or noise attenuation measures proposed (NOISE-MAT1.5), which is considered consistent with a Construction Noise and Vibration Management Plan approach Chorus are seeking be acknowledged in EI-P4.
- 2.29 Therefore, such an amendment is supported in principle, but further amendment is

⁸ Statement of Evidence of Romae Calland for Trustpower – September 2021 – Paragraphs 21 and 25

⁹ Transpower Post Hearing Correspondence – 5 October 2021 – page 2
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recommended to the wording to streamline it and achieve greater clarity. Noise is also encompassing of vibration so it is recommended to refer to a Construction Noise Management Plan only 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 standards and regulations, or where this is not practicable with respect to construction noise, by mitigation or noise attenuation measures such as a Construction Noise Management Plan.

[8] If there is an ‘avoid’ policy in another chapter (i.e. NFL-P1e and NFL-P2(c)), does it override policy in the EI Chapter?

- 2.30 A question Chorus have raised is whether an ‘avoid’ policy in another chapter would trump or override the EI Chapter policies. Chorus are concerned that rather than the policies being weighed in the circumstances of each proposal, that the avoid directive would take precedence. For example, an important infrastructure development may be enabled by EI policy, but policy in the Natural Features and Landscapes (NFL) Chapter seeks to avoid development in certain areas (i.e. NFL-P1.e and NFL-P2.a).
- 2.31 Chorus consider that the concept of weighting should be clearly captured in EI-P2 to ensure clarity around how the provisions are to be interpreted. Chorus suggest the following wording be added to EI-P2.3: *....When applying the objectives and policies of other chapters in the District Plan in regard these environments, the following matter shall be taken into account when weighed with those other provisions.*¹⁰ An alternative suggestion of Chorus is to amend the preamble to NFL-P1 to refer to the extent important infrastructure may be appropriate under EI-P1 and EI-P2.¹¹
- 2.32 Legal advice was sought on this matter, which is attached as **Appendix 6**. The advice identifies a probable disconnect between the NFL policies which utilise the word ‘avoiding’ and the NFL objectives. The advice also identifies that the NFL policies do not provide much in the way of recognition for important infrastructure, which may not give effect to higher order statutory documents such as National Planning instruments and the CRPS. The advice considers that amendment to the NFL policies is required rather than to the EI policies to: recognise both existing important infrastructure allowing its maintenance and upgrading, while ensuring adverse effects are appropriately managed; and to provide for new important infrastructure, provided locational, functional and operational needs are established. The advice also suggests how amendments to NFL policy could be made and identifies the need to cross-check consistency of the resource consent activity status under both the EI and NFL chapters.
- 2.33 To ensure this matter is considered holistically in the context of the EI submissions, it is recommended that this matter be considered at the NFL Hearing relying on the EI submission points. Chorus request that the relevant s42a report authors be made aware of the scope of this submission point and that Chorus be involved in any pre-hearing discussions or drafting.¹²

¹⁰ Statement of Evidence of Chris Horne - 8 September 2021 - Paragraph 32 and

¹¹ Chorus Post-Hearing Correspondence - 27 September 2021 - Paragraphs 1.10-1.11

¹² Chorus Post-Hearing Correspondence - 27 September 2021 - Paragraphs 1.7-1.11
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[9] In the context of EI-R2, what is meant by 'produce packing'? Consider a definition to provide for small-scale 'produce packing' in the National Grid Yard.

- 2.34 This matter has been raised by both Hort NZ and Transpower in the context of EI-R2 and what constitutes a 'produce packing' facility within the National Grid Yard. Hort NZ support permitting small produce packing sheds which meet the setback requirements of NZCEP within the National Grid Yard.
- 2.35 Transpower initially gave consideration to whether an exemption for small-scale produce packing facilities of the scale suggested by Hort NZ (i.e., less than 50m² in area and 3m in height) would be acceptable. However, Transpower take a risk-based approach, and in addition to the scale of the building, Transpower note that the intensity of the activity, the construction material, and the likely duration of human occupation needs to be considered. Where the building is frequently accessed by people for longer durations and includes services, the risks associated with electrical hazards and people's safety and disruption to the activity is more significant. Overall, Transpower consider that it is not appropriate for any scale of produce packing facility to be permitted within the National Grid Yard and that such activities should require resource consent.
- 2.36 As a produce packing facility may require persons to occupy such buildings frequently and for extended durations during peak season, it is considered that the electrical hazard risks and the risks to business disruption identified by Transpower are more probable compared to the likes of a hay barn or storage shed. On balance, I agree with Transpower that such facilities within the National Grid Yard should be subject to consent to enable assessment and the mitigation of effects and risks. The following amendment is therefore recommended to EI-R2, which also includes recommended amendments to clauses c. and d. to achieve greater clarity:

Where:

- a. The structure is a network utility;*
- b. The structure is not used for habitation; and*
- c. The structure is used for agricultural or horticultural activities, excluding
 - i. habitation;*
 - ii. produce packing;*
 - iii. a milking shed (other than stock yards and ancillary platforms);*
 - iv. a wintering barn;*
 - v. intensive primary production; or*
 - vi. commercial greenhouse.**
- d. The expansion of the any existing structure does not occur to a structure listed in EI-R2.1. ~~a~~b-c."*

[10] Should EI-REQ2 be included in EI-R2?

- 2.37 Hort NZ are seeking that the provisions in EI-REQ2 Fence separation to National Grid Support Structure be included in EI-R2 as the National Planning Standards direct this format where this is the only rule where such standards are relevant.¹³
- 2.38 It is agreed that EI-REQ2 should be included in EI-R2 as per the format that the National Planning Standards directs given EI-R2 is the only rule of relevance.

[11] Orion Proposed New Rule Applying to Network Utilities within 10m of the Islington to

¹³ Evidence of Lynette Wharfe - 8 September 2021 - Paragraphs 11.12-11.16
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Springston SEDL and Other SEDL's - Why is water storage an issue?

- 2.39 Orion are seeking a new rule be inserted to permit network utilities within 10m of Significant Electricity Distribution Lines (SEDL's) where they comply with NZECP requirements and the works are not for the reticulation or storage of water for irrigation purposes.¹⁴ Where this rule is not met, a non-complying activity status is proposed with limited notification to the SEDL operator only.
- 2.40 Orion consider that the rule mimics an identical rule in the Christchurch District Plan. The equivalent Christchurch District Plan rule, Rule 11.9d., is an activity standard that applies to network utilities. The standard requires any utility within 10m of the centre line of a 66 kV electricity distribution line to comply with the NZECP. Rule 11.9.c also requires any utilities within 10m of the centre line of a 66 kV National Grid transmission line to comply with the NZECP and not be for the reticulation or storage of water for irrigation purposes.
- 2.41 The Panel asked Orion why water storage is an issue. Orion have responded that the main issue is safety as water within the corridor can cause a conductive path and presents an electrocution risk. Also, if the water is pressurised or high volume it can undermine structure foundations. Irrigation channels can also be an issue in terms of access.¹⁵
- 2.42 It is of note that the Islington to Springston SEDL is a 66KV route. The remaining SEDL's in Orion's network are 11-66kV. Orion's network is not part of the National Grid. The Christchurch District Plan rules only limit water in relation to the National Grid, and it is of note that Transpower are not proposing any restriction on water storage within the National Grid Yard (amendments to EI-R1).
- 2.43 In email correspondence dated 14 and 19 October 2021 with Melanie Foote, the reason Orion propose this new rule is to make it easier for other utility providers to undertake works near SEDL's as they are well versed, can be trusted, and understand NZECP (unlike the general public). Orion consider that given other utility providers are well versed on the requirements of NZECP there is no need to duplicate NZECP within this particular rule. This rule only applies to other network utility operators and not to any other plan users. If the proposed rule is not included, other network utilities would need to apply for a consent.
- 2.44 I understand that compromised access to Orion's lines is the key instance where water storage could be problematic for Orion compared to the National Grid. Rather than preventing water storage, another approach is to add a clause requiring existing access to the SEDL be maintained, which would also achieve consistency with other equivalent rules and ensure the key matter of access is addressed. On this basis, I recommend the following new rule be inserted with the deletion of clause b. sought by Orion, but the addition of an access clause and other minor amendments:

Network Utilities near Significant Electricity Distribution Lines

All zones

Activity Status: PER

1. Any network utilities within 10m of any Significant Electricity Distribution Line.

Where:

¹⁴ Evidence of Melanie Foote - 8 September 2021 - Paragraphs 71-74

¹⁵ Orion Post-Hearing Correspondence – 1 October 2021 – Paragraph 2
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- a. The network utility does not result in vehicular access to any Significant Electricity Distribution Line being permanently obstructed.

And this activity complies with the following rule requirement:

EI-REQ2 New Zealand Code of Practice for Electrical Safe Distances

Activity Status when compliance not achieved:

2. When compliance with any of EI-Rx.1 is not achieved: NC
3. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.

Notification:

4. Any application arising from EIXX-XX 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.

[12] EI-R4 Structures Near SEDL

- 2.45 Orion are seeking that the PDP include corridor protection rules to ensure the SEDL's are protected¹⁶. Setbacks are sought for safety of those carrying out activities in proximity to lines and for Orion staff working on the lines. Orion are also seeking that the rule be located throughout the zone chapters.
- 2.46 Hort NZ are seeking that EI-R4 be deleted in its entirety, including EI-R4.4 and that the distances set out in the NZECP be used to avoid duplication in the PDP. Hort NZ consider the rules are inconsistent especially given the SEDL's do not have an NPS to support such an approach. If retained, Hort NZ seek that some agricultural and horticultural activities be permitted, rather than a non-complying consent being required.
- 2.47 The Panel requested that consideration be given to refining the drafting of EI-R4 to not capture certain agricultural and horticultural activities within the 10m corridor.
- 2.48 I consider that EI-R4.1 should now be retained based on evidence presented by Orion with respect to the safety risks of conductive fencing and to include NZECP provisions rather than rely on the NZECP given the Orion (and Transpower) evidence that many land owners are unaware of NZECP and the resulting compliance costs and operational issues that can arise.
- 2.49 With respect to EI-R4, what Orion is essentially seeking is a completely clear corridor within 10m of the Islington to Springston SEDL and 5m of any other SEDL, with no exceptions for agricultural and horticultural activity. Hort NZ considers this approach is inconsistent with the equivalent National Grid rule (EI-R2), which makes some exceptions for agricultural and horticultural activity.

16 Statement of Evidence of Melanie Foote on behalf of Orion. - 8 September 2021 – Paragraphs 76- 81
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- 2.50 Mr Heyes summary of evidence states that there are important differences between the National Grid and Orion's SEDL's and it is not comparing "apples with apples" and suggests that different rules are appropriate. These differences include: SEDL's are generally pole based with smaller spans; the poles are much shorter than Transpower towers (i.e., attachment height of approx. 9.5-12m versus approximately 19-20m for the National Grid); and Orion's poles may support a range of switching and circuit breaking equipment. Orion require access for operation and maintenance purposes and structures close to the lines are generally incompatible. Due to the greater height of Transpower towers, access is considered easier for Transpower.¹⁷
- 2.51 Orion accepts that it may be appropriate that National Grid Yard type rules apply to horticultural structures in relation to the Islington-Springston SEDL as this is a tower-based circuit which was formerly part of the National Grid, but more detail is required about height and conductivity.
- 2.52 Orion and Hort NZ attempted to draft a revised rule following the hearing but due to the variability in equipment the parties were unable to reach agreement on a drafting approach and on this basis, Orion are seeking the same amendments sought in the EIC of Ms Foote¹⁸.
- 2.53 As an alternative to deleting the rule, Ms Wharfe considers that an amendment to permit a structure if it meets NZECP distances could be imposed, with a restricted discretionary activity status if not met. Such an approach would draw attention to the NZECP but not require a non-complying activity consent.¹⁹
- 2.54 Overall, as the Islington to Springston Line is a tower circuit and formerly part of the National Grid, it is considered that consistency between the SEDL and National Grid provisions could be justified in this regard, and amendments are recommended to this effect. However; in the absence of any agreement with Hort NZ as to what may be suitable in relation to other SEDL's, given the differences when compared to the National Grid infrastructure, especially in relation to the lower height of attachments which would be much closer to the maximum height of a building structure (i.e., 8m), it is recommended that the 5m setback apply with no exclusions and that the consent pathway provides for limited notification to the SEDL operator only.
- 2.55 Mr Heyes also notes in evidence that the SEDL setbacks would overlap with the road setback provisions, meaning the SEDL corridor setbacks would have limited effect on underlying land²⁰. Setbacks of 10-20m apply to structures from road boundaries in the GRUZ so Mr Heyes is correct, however there are exceptions from these setbacks for irrigators, stock fences, stock water troughs and flag poles (i.e., GRUZ-Table1). However due to the lack of information about height and conductivity of such structures, namely irrigators, the same exclusions are not proposed to apply in relation to the other SEDL's. Recommended amendments to EI-R4 are as follows:

Activity Status: PER

1. The establishment of a new, or expansion of an existing fence.

Where:

17 Summary of Evidence of Garry Heyes – 23 September 2021 – Paragraphs 17 and 18

18 Evidence of Melanie Foote – 8 September 2021 – Paragraph 76

19 Supplementary Statement of Evidence of Lynette Wharfe – 1 October 2021 – Paragraph 1.9

20 Statement of Evidence of Garry Heyes – 8 September 2021 – Paragraph 81
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- a. The fence's primary material consists of conductive qualities, the fence shall be setback a minimum of 5m from the foundation of a support structure for any Significant Electricity Distribution Line.

Activity Status: PER

4. The establishment of a new, or expansion of an existing structure, ~~excluding a network utility, within 10m from the centreline of the Significant Electricity Distribution Line (Islington to Springston), or the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston).~~

Where:

- a. The structure is not within:
- i. 10m from the centreline and/or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston), excluding:
 - a. a network utility;
 - b. a structure not used for habitation
 - c. a structure used for agricultural or horticultural activities, excluding produce packing, a milking shed (other than stock yards and ancillary platforms), a wintering barn, intensive primary production, and commercial greenhouse;
or
 - ii. 5m from the centreline and/or foundation of a support structure of any other Significant Electricity Distribution Line.
- b. ~~The structure is not used for:~~
- i. ~~habitation;~~
 - ii. ~~produce packing;~~
 - iii. ~~a milking shed;~~
 - iv. ~~a wintering barn;~~
 - v. ~~intensive primary production; or~~
 - vi. ~~a commercial greenhouse.~~

[13] EI-R9 Temporary Network Utilities

- 2.56 Orion support this rule but seek to delete reference to the rule requirements so temporary activities are not more restrictive than permanent activities. Temporary activities include temporary poles, transformers/kiosks, substation units, or the interim storage of equipment.²¹
- 2.57 The Panel asked Orion if the drafting for EI-R9 could be more targeted and would those rule requirements that Orion is seeking to delete appropriately apply to larger structures; i.e., to carve out minor structures from the rule. Ms Foote has responded stating that the temporary activities of issue are those related to construction (Portacom's, temporary works yards), mobile substations, which are generally a transformer and some switchgear on a metal frame and pad as per Garry Heyes evidence in chief.²² Other temporary activities may include a temporary overhead network, cabinets, kiosks etc. which are generally a stop-gap measure to maintain or improve supply while a permanent solution is found. Given the variability in the equipment a size limit is not considered appropriate. Ms Foote maintains that the proposed rule requirements that they seek to delete are not necessary, but that EI-REQ3 Notable Trees is appropriate to retain.
- 2.58 I maintain the recommendation in the s42a report and Appendix 2 to that report that only EI-REQ9, EI-REQ12 and EI-REQ15 be deleted.

²¹ Statement of Evidence of Mel Foote – 8 September 2021 – Paragraph 86-87

²² Post Hearing Correspondence of Melanie Foote – 1 October 2021 – Paragraphs 4-5
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[14] Redrafting of Transpower's proposed Rule EI-RX (Earthworks and the disturbance of land for the installation of fence posts in the National Grid Yard)

- 2.59 The Panel have identified that the proposed rule could benefit from redrafting compared to the version contained in Transpower's evidence²³ to make it more easily understood and to address matters raised with respect to activity status, exemptions for cultivation and approaches to fence posts in the National Grid Yard.
- 2.60 Transpower submitted a revised rule and note that some complexity is retained due to the complexity of NZCEP upon which it is based, and the need to fit with the PDP structure. The proposed provisions are contingent on earthworks also achieving compliance with NZCEP through a new rule requirement and being subject to EI-REQ1 Access.²⁴
- 2.61 The s42a report recommended that such a rule is not necessary as it essentially replicates the provisions of the NZCEP which manage earthworks near overhead lines support structures. However, after reviewing the evidence of Transpower which included examples of earthworks compromising the National Grid, I agree that management of this issue in the PDP would be beneficial to more clearly manage earthworks and to give effect to Policy 10 of the NPSET. I also do now agree that NZCEP is somewhat complicated with respect to the matter of earthworks and a District Plan rule which effectively translates the NZCEP requirements in this respect would be of benefit.
- 2.62 Transpower consider that the NZCEP thresholds are the appropriate basis for such a rule in the PDP and note that such a rule is included within both the Christchurch and Hurunui District Plan. The relevant Christchurch City and Hurunui District rules are 8.9.2.1.P3 and Rule 16(d) respectively. It is also of note that the recently notified Proposed Waimakariri District Plan has an earthworks rule in relation to the National Grid (EI-R52). The relevant part of the NZCEP is Section 2.2 Excavation Near Overhead Electrical Line Supports.
- 2.63 Having reviewed the draft provisions submitted by Transpower and the other District Plans, I consider that the draft provisions submitted by Transpower could be further amended and recommend the following:

| <u>EI-RX</u> | <u>Earthworks in the National Grid Yard</u> | |
|-------------------------|---|--|
| <u>All Zones</u> | <u>Activity Status: PER</u> 1. <u>Earthworks in the National Grid Yard</u> <u>Where:</u> a. <u>Earthworks do not exceed 500mm in diameter and are greater than 1.5m from the outer visible edge of a foundation of a National Grid pole or stay wire.</u> b. <u>Except as provided for by a., earthworks are less than 300mm deep within 6m from the outer visible edge of a</u> | <u>Activity status when compliance not achieved:</u> 2. <u>When compliance with EI-RX.1 is not achieved: NC</u> 3. <u>When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirement.</u> <u>Notification:</u> 4. <u>Any application arising from EI-RX shall not be subject to public notification and shall be limited notified to the following parties:</u> |

²³ Evidence of Ainsley McLeod – 8 September 2021 - Paragraph 122

²⁴ Post Hearing Correspondence from Transpower – Ainsley McLeod – 5 October 2021 – Page 5 onwards
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| | <p><u>foundation of a National Grid transmission line tower or pole.</u></p> <p>c. <u>The work does not compromise the stability of a National Grid transmission line tower or pole.</u></p> <p>d. <u>Earthworks are for fence posts more than 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower or pole.</u></p> <p><u>And this activity complies with the following rule requirements:</u> <u>EI-REQ1 Setback from a National Grid Support Structure</u> <u>EI-REQX New Zealand Code of Practice for Electrical Safe Distances</u></p> | <p><u>Transpower, unless their written approval is provided.</u></p> |
| <u>All Zones</u> | <p><u>Activity Status: RDIS</u></p> <p><u>5. Earthworks in the National Grid Yard</u></p> <p><u>Where:</u></p> <p>a. <u>Earthworks are more than 300mm deep within 6m of the outer visible edge of a foundation of a National Grid transmission line tower or pole.</u></p> <p><u>And this activity complies with the following rule requirements:</u> <u>EI-REQ1 Setback from a National Grid Support Structure</u> <u>EI-REQX New Zealand Code of Practice for Electrical Safe Distances</u></p> <p><u>Matters for discretion:</u></p> <p>6. <u>The exercise of discretion in relation to Rule EI-RX is restricted to the following matters:</u></p> <p>a. <u>EI-MATX Earthworks in the National Grid Yard.</u></p> | <p><u>Activity status when compliance not achieved: NC</u></p> <p>7. <u>When compliance with EI-RX.1 is not achieved: NC</u></p> <p>8. <u>When compliance with any rule requirements listed in this rule is not achieved: Refer to relevant rule requirements.</u></p> <p><u>Notification:</u></p> <p>9. <u>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></p> |

Insert a new EI-MATX Earthworks in the National Grid Yard

| | |
|-------------------------|--|
| <u>EI-MATX</u> | <u>Earthworks in the National Grid Yard</u> |
| <u>All Zones</u> | <p>1. <u>The effects on the operation, maintenance, upgrade and development of the National Grid, including risks associated with temporary activities such as the use of mobile machinery.</u></p> <p>2. <u>The risks to the structural integrity of the National Grid.</u></p> |

| | |
|--|--|
| | <p><u>3. The risk of electrical hazards affecting public or individual safety, and the risk of property damage</u></p> <p><u>4. The volume, area and location of the works, including temporary activities such as stockpiles.</u></p> <p><u>5. The duration of the works.</u></p> <p><u>6. The site remediation proposed.</u></p> <p><u>7. The outcome of any consultation with Transpower New Zealand Limited.</u></p> |
|--|--|

Insert a new definition of 'Earthworks in the National Grid Yard' as follows:

Earthworks in the National Grid Yard means earthworks (including temporary activities, stockpiling and changes to ground level) and the disturbance of land for the installation of fence posts, but excludes any earthworks for normal agricultural cultivation or the repair, sealing, or resealing of the existing surface of any road, footpath, driveway or farm track.

[15] Orion proposed new earthworks rule

- 2.64 It is of note that Orion are also seeking an earthworks rule to protect SEDL's from earthworks and land disturbance within the vicinity of these lines, which they have sought be included in the Earthworks chapter²⁵. In email correspondence dated 14 October 2021, Orion state that their preference remains for such a rule to be in the Earthworks Chapter but if the Panel prefer to locate these provisions in the EI Chapter with appropriate cross referencing via hyperlinks, they would accept this as an alternative relief. Orion also note that it is important to reiterate that the SEDL support structures are different to the National Grid (aside from Islington to Springston).
- 2.65 This matter will need to be considered in the context of the Earthworks Chapter Hearing as it was not considered as part of the EI Hearing, and as yet there has been no evidence presented regarding this matter. In terms of plan structure, my opinion is that such a rule should sit within the EI Chapter and that opportunities for integration with the proposed equivalent Transpower rule need to be explored, especially in relation to the Islington to Springston SEDL. This interrelated matter has been brought to the attention of the s42a Earthworks reporting officer.

[16] Proposed new rule for Arthurs Pass Substation

- 2.66 Transpower's evidence explains the EPR risk with respect to substations and now seeks a rule in relation to the Arthurs Pass substation only, which is designated in the PDP (TPR-2). The proposed rule applies a controlled activity status to any new, replacement or upgraded structure within 55m of the Arthurs Pass substation boundary fence (and a map is provided). Matters of control include EPR risk to people safety and property damage, the use of non-conductive materials and other design methods to reduce EPR risk, design and construction methods to increase electrical resistance, and methods to limit public access to locations with potential EPR hazard.
- 2.67 Transpower's evidence is that the Arthurs Pass Substation is the only substation where the EPR risk is not contained within the substation boundary, and that a 2,500 volt EPR contour extends 55m from the Substation security fence in all directions. The land within this contour

is designated railway land (KRH-1) and the State Highway (NZTA-2) and also extends across the Bealey River in part. No private land is located within the proposed 55m contour, but there is residential development outside of it. Transpower consider that new land development within this contour including new metal pipes, wire fences, telecommunication cables etc. could transfer voltages to a remote location.

- 2.68 The effectiveness of such a rule in this location is questionable as both Kiwirail and NZTA can rely on designations and develop within the purpose of the designation within this contour as of right. Furthermore, telecommunication providers can rely on the NESTF to install such facilities within the land transport corridor regardless of such district plan rules. Therefore, key activities of concern would likely not be captured in any instance by such a PDP rule. The Transpower evidence of Ms Titus also suggests measures such as adding insulation breaks, which suggests that there are measures that could be undertaken by Transpower, and in consultation with Kiwirail and NZTA, that may be more effective in managing EPR than a District Plan rule in this instance. For these reasons, I have not recommended an amendment to include such a rule.

[17] Do you agree with the Chorus recommended amendment to EI-REQ8?

- 2.69 Chorus are seeking that EI-REQ8 is amended as necessary such that a customer connection to a listed heritage building and/or to a building within a heritage setting is provided for as a controlled activity, with the matters of control limited to: *“Design and placement of the customer service connection to minimise impacts on the values and attributes of the listed area, façade, or item.”* Chorus state in their evidence that such a rule has been developed as a result of ongoing discussion with Heritage New Zealand Pouhere Taonga and applied other plans.
- 2.70 The s42a Report rejected this amendment sought by Chorus as EI-REQ8 is permitted and it was considered that the request for a controlled activity status would make the rule more restrictive²⁶. However; Chorus have rightfully pointed out that the rule only permits earthworks associated with a customer connection, and not the physical connection to a heritage item (building) itself. It is acknowledged that a customer connection could include a cable or a line that is not undergrounded and that such connections would not be permitted by EI-REQ8, and a new customer connection fixed to a heritage listed building would likely be a restricted discretionary activity (HH-R4).
- 2.71 EI-R8 permits the establishment of a new, or expansion of an existing permanent or temporary customer connection subject to EI-REQ8 and other rule requirements. Rather than amending EI-REQ8, it is recommended that a new controlled activity rule be inserted as follows:

| <u>EI-RX</u> | <u>New and Temporary Earthworks Connections</u> | |
|-------------------------|---|---|
| <u>All Zones</u> | <u>Activity Status: CON</u> <u>3.The establishment of a new, or expansion of an existing permanent or temporary customer connection to a heritage item or within the setting of a heritage item listed</u> | <u>Activity status when compliance not achieved: N/A</u> |

²⁶ Statement of Evidence of Chris Horne on behalf of Chorus etc. – 8 September 2021 – Paragraphs 58-63

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| | <p><u>in HH-SCHED2, excluding earthworks associated with a heritage item or within the setting of a heritage item which is provided for in EI-R8.1</u></p> <p><u>Matters of Control:</u> <u>4.Design and placement of the customer service connection to minimise impacts on the values and attributes of the heritage listed item or setting.</u></p> | |
|--|--|--|

[18] Do you agree with not applying the reflectivity clause to telecommunication poles in the GRUZ (i.e. by deleting EI-REQ14.1)?

- 2.72 EI-REQ14 manages reflectivity and sets maximum reflectivity values of 37% in the GRUZ and 30% in an ONL or VAL Overlay. Chorus consider that it is unusual to control reflectivity in the GRUZ outside of an ONL or VAL and that demonstrating compliance is difficult with respect to telecommunications poles which weather to a dull finish over time in any case. Chorus seek that EI-REQ14.1 which applies in the GRUZ be deleted²⁷, or that an exclusion be provided for telecommunications lines, and a control be provided for telecommunications poles and antennas equivalent to Rule 5.4.1 in the Rural Volume of the Operative Selwyn District Plan as follows: *“Any telecommunication or radiocommunication tower (excluding fittings) which is finished in a non-reflective colour or a surface which weathers to a colour in shades of green, brown or grey shall be a permitted activity.”*
- 2.73 It is of note that the EI rules that link to EI-REQ14 Reflectivity relate to all facets of telecommunications (i.e. poles, antennas, lines, cabinets)²⁸, and also a range of other infrastructure including substations (EI-R21), network utility environmental monitoring equipment (EI-R22), navigation aids (EI-R24) etc. Therefore, the implications of deleting EI-REQ14.1 in its entirety is wider than telecommunications and therefore is not supported.
- 2.74 However; I agree that an exclusion should be provided for telecommunications lines as a reflectivity control with respect to lines is not practical. Furthermore, in principle I support an exclusion for Chorus telecommunications poles and antennas based on the evidence presented; however as mentioned above, the rule applies more widely than Chorus telecommunications. For example, ‘telecommunication pole’ includes a radiocommunication facility and an amateur radio network operator for example could establish a brightly painted and highly reflective pole as of right in the GRUZ without any reflectivity control. Therefore, I consider that a control for telecommunications poles and antennas in the GRUZ similar to the Operative Plan is suitable to ensure any pole or antenna not operated by Chorus is still managed, whilst also being consistent with the relief sought by Chorus.

| <i>EI-REQ14</i> | <i>Reflectivity</i> | |
|------------------------|--|--|
| <i>GRUZ</i> | <i>1.Any structure shall have a reflectivity value no greater than</i> | <i>Activity status when compliance not achieved:</i> |

²⁷ Paragraph 74 of the Chorus evidence refers to EI-REQ15 which is a minor error and should read EI-REQ14

²⁸ EI-R7, EI-R13, EI-R14, EI-R17, EI-R18, EI-R19
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| | <p><u>37%, excluding telecommunication lines.</u></p> <p><u>2. Any telecommunication pole and antenna shall be finished in a non-reflective colour or have a surface which weathers to a colour of green, brown or grey.</u></p> | ... |
|--|--|-----|

[19] Chorus were requested to provide specific drafting to address over-height buildings and their impact on telecommunications facilities, with a focus on the higher density residential zones.

2.75 Chorus have provided a response to the Panel which seeks to add an additional matter of discretion to RESZ-MAT3 as follows:

5. Where height limits are exceeded by more than 2m, effects on existing adjacent important infrastructure within 30m of the site boundary and how these can be avoided, remedied or mitigated.

2.76 This matter is proposed to apply when a building exceeds maximum height in the Residential Zones. The 30m distance allows telecommunications mobile network providers to consider the implications for radio frequency exposure compliance for over height buildings.

2.77 Whilst I agree an assessment matter could achieve the Chorus objectives, it is still not clear how much of an issue this is in Selwyn where the maximum height in Residential Zones in the PDP is 8m in all of the zones, which plus 2m, at 10m is still well below the 15m permitted maximum height of telecommunications poles and antennas in the Residential Zones (EI-TABLE1). Even at three storeys (i.e., approximately 12m), this is an avoidable issue.

2.78 There are also some questions with the proposed drafting:

- As drafted the provision applies to all 'important infrastructure' and not just telecommunications facilities. Based on the evidence, a potential amendment could address a 'telecommunication network' facility only, but not wider important infrastructure which has not demonstrated a need for such a provision
- There is considered no need for the word 'adjacent' and 'avoided, remedied or mitigated' is not supported
- How is an applicant or Council to readily know what telecommunication facilities are within 30m of the site boundary when considering an application as much of this infrastructure is a permitted activity?
- As drafted, the provision is not clear as to how the effect is to be determined, or by whom. Is it anticipated that consultation would be required with the telecommunication provider, either by way of written approval or by limited notification, or can this be determined by Council?
- Should such a rule be more targeted to only apply in the GRZ where it is more likely to be a potential issue? This goes back to the question of need in Selwyn.

2.79 Overall, for the above reasons, such an amendment is not considered fully justified in the Selwyn context given the maximum zone height is well under the maximum

telecommunications height, and due to difficulties with the proposed drafting, particularly around identifying telecommunications within a 30m radius of a development and the practicality of that. However, if the Panel wanted to consider an alternative, a potential amendment could be to include a matter for discretion as follows:

Where height limits are exceeded by more than 2m, the outcome of any consultation with the provider of any telecommunication facility within 30m of the site boundary

[20] Bird Strike

- 2.80 Mr Osborne for CIAL states that outside of the 8km radius only the activities associated with landfills are likely to generate bird strike risk to a material degree justifying regulation²⁹. The Panel asked that provisions be considered restricting landfills within the 8-13km radius. The establishment of a new or the expansion of an existing landfill in the GRUZ is already a non-complying activity (GRUZ-R37) in the PDP, and therefore there is already an appropriate rule and activity status in place which enables consideration of bird strike risk, which is recommended to be supported by policy, discussed further below. Mr Bonis also confirmed in the answers to Panel questions that no additional regulation, apart from landfills, is being sought between 8-13km³⁰. The analysis of the number of properties within the 8-13km contour was not provided by CIAL, and nor is it now considered necessary as the evidence demonstrates that landfills are the only activity which justifies regulation at this distance from the airport.
- 2.81 With respect to the 3-8km radius, the Panel asked for consideration of additional matters for discretion which could apply to existing activities in the GRUZ. An analysis of the bird strike risk activities raised by CIAL, possible amendments to existing provisions and new provisions suggested by CIAL has been undertaken to determine where amendments could be made to address bird strike risk.

| Activities identified by CIAL between 3-8km that present a bird strike risk and existing PDP rules | CIAL Potential Approach | Alternative Potential Approach for Panel Consideration |
|---|--|--|
| Earthworks EW-R2 EW-REQ1 | Addition of assessment matter for earthworks that may lead to a permanent waterbody exceeding 1,000m ² EW-REQ1.3 ... <u>h. where within 8km of the Christchurch International Airport runways and earthworks result in a permanent</u> | Include '8km CIAL Birdstrike Risk Management Overlay' or similar in the planning maps. |
| | | Include a new line in HPW-25 – Overlays <u>8km CIAL Birdstrike Risk Management Overlay: Identifies the area within 8km of the end of the runway at Christchurch</u> |

²⁹ Statement of Evidence of Phil Osborne - 8 September 2021 - Paragraph 26

³⁰ Questions for Matt Bonis - CIAL Evidence - 29 September 2021 - Page 6.
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| | <p><u>artificial waterbody exceeding 1,000m², the extent to which the proposed activity will be designed, operated and managed to minimise attracting bird species which constitute a hazard to aircraft.</u></p> | <p><u>International Airport, where the risk of bird strike needs to be managed.</u></p> <p>Insert new <u>EI-REQX Birdstrike Risk Management</u></p> <p><u>1. Either:</u></p> <p><u>a. The activity is outside the Birdstrike Risk Management Overlay; or</u></p> <p><u>b. The activity is within the Birdstrike Risk Management Overlay, and is not any of:</u></p> <p><u>i. an activity that will result in a permanent artificial water body with a surface area greater than 1,000m²;</u></p> <p><u>ii. intensive primary production; or</u></p> <p><u>iii. mineral extraction.</u></p> <p><u>2. Activity status when compliance with EI-REQX.1 is not achieved: RDIS</u></p> <p><u>3. The exercise of discretion in relation to EI-REQX.2 is restricted to the following matters:</u></p> <p><u>a. The extent to which the proposed activity will be designed, operated and managed to minimise attracting bird species which constitute a hazard to aircraft.</u></p> <p>Amend EW-R2 to also require compliance with <u>EI-REQX 8km CIAL Birdstrike Risk Management.</u></p> <p>No change to EW-REQ1 required.</p> |
| <p>Mineral Extraction GRUZ-R21</p> | <p>Mineral extraction is a Restricted Discretionary Activity. The existing matter for discretion could be amended as follows: GRUZ-R21.2</p> | <p><u>And this activity complies with the following rule requirements:</u> <u>EI-REQX 8km CIAL Birdstrike Risk Management</u></p> |

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|---|--|--|-----------|--------------------------------------|-----------|--|----------------|------------|-------------|-------------------|--|-------------|
| | <p>...</p> <p>d. Effects on important infrastructure including compliance with NZECP34:2001, and where within 8km bird strike risk on aircraft if located within 13km of the Christchurch International Airport runways, the extent to which the proposed activity will be designed, operated and managed to minimise attracting bird species which constitute a hazard to aircraft.</p> | <p>2.d. Effects on important infrastructure including compliance with NZECP34:2001, and bird strike risk on aircraft if located within 13km of a Christchurch International Airport runway.</p> <p><u>4. When compliance with any EI rule requirement listed in this rule is not achieved: Refer to EI-Rule Requirements</u></p> | | | | | | | | | | |
| <p>Intensive Primary Production</p> <p>GRUZ-R18</p> <p>GRUZ-REQ8</p> | <p>Intensive primary production is permitted so long as it meets GRUZ-REQ8 Intensive Primary Production Setback and GRUZ-REQ9 Intensive Primary Production Location Plan.</p> <p>GRUZ-REQ8 could be amended to also require intensive primary production to be setback 8km from the CIAL runways to be permitted, or restricted discretionary resource consent is required and an additional matter for discretion added.</p> <p>GRUZ-REQ8.1:</p> <p>....</p> <p>a. 300m from the notional boundary of any lawfully established existing sensitive activity on another site, and 1km from any residential zone; <u>and</u></p> <p>b. <u>8km of the runways at Christchurch International Airport.</u></p> <p>GRUZ-REQ8.3:</p> <p>...</p> | <p>Amend GRUZ-R18:</p> <p>And this activity complies with the following rule requirements:</p> <table><tr><td>GRUZ-REQ8</td><td>Intensive Primary Production Setback</td></tr><tr><td>GRUZ-REQ9</td><td>Intensive Primary Production Location Plan</td></tr></table> <table><tr><td><u>EI-REQX</u></td><td><u>8km</u></td><td><u>CIAL</u></td></tr><tr><td><u>Birdstrike</u></td><td></td><td><u>Risk</u></td></tr></table> <p><u>Management</u></p> | GRUZ-REQ8 | Intensive Primary Production Setback | GRUZ-REQ9 | Intensive Primary Production Location Plan | <u>EI-REQX</u> | <u>8km</u> | <u>CIAL</u> | <u>Birdstrike</u> | | <u>Risk</u> |
| GRUZ-REQ8 | Intensive Primary Production Setback | | | | | | | | | | | |
| GRUZ-REQ9 | Intensive Primary Production Location Plan | | | | | | | | | | | |
| <u>EI-REQX</u> | <u>8km</u> | <u>CIAL</u> | | | | | | | | | | |
| <u>Birdstrike</u> | | <u>Risk</u> | | | | | | | | | | |

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| | <u>g. within 8km of a Christchurch International Airport runway the extent to which the proposed activity will be designed, operated and managed to minimise attracting bird species which constitutes a hazard to aircraft</u> | |
| Fish and commercial food processing GRUZ-R12 Industrial Activity | No additional rules necessary as a non-complying activity. | No additional rules necessary as a non-complying activity. |
| Conservation areas/wetlands EW-R2 – Earthworks EW-REQ1 – Volume of Earthworks EW-REQ3 – Excavation and Filling (maximum depth) | No additional rules necessary as could rely on the proposed amendment to EW-REQ1.3. | No additional rules necessary as could rely on proposed amendment to EW-R2. |
| Recreational areas (i.e., golf course, sports facility, park) GRUZ-R33 Community Facility | No additional rules necessary as a discretionary activity. | No additional rules necessary as a discretionary activity. |
| Waste and diverted material GRUZ-R38 | No additional rules necessary as a non-complying activity. | No additional rules necessary as a non-complying activity. |
| Landfills GRUZ-R37 | No additional rules necessary as a non-complying activity. | No additional rules necessary as a non-complying activity. |
| Turf farm (i.e., Readyawn, 913 Shands Road) GRUZ-R9 Rural Selling Place/Commercial Activity | CIAL have identified this as a permitted activity under GRUZ-R9. | A turf farm over 100m ² would at least be a discretionary activity. On this basis, no additional rules are considered necessary. |
| Fruit tree farm/Orchard | CIAL are seeking the addition of a permitted | Both permitted activities under GRUZ-R16 Rural |

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| GRUZ-R16 | activity rule requiring a bird risk management plan within 8km of the Airport. | Production. |
| Cattle/Dairy Farm GRUZ-R16 | | <p>There are no equivalent rules in the Christchurch District Plan for these two activities (or turf farms). Furthermore, the chance of these activities establishing and/or expanding in this location is low due to water requirements likely not being met.³¹</p> <p>If the Panel consider a rule is necessary for either or both of these activities (noting that orchards are identified as high wildlife attraction risk and farms as a moderate risk in the matrix CIAL provided), a new permitted activity rule could be added as requested by CIAL.</p> |

2.82 With respect to policy, CIAL are seeking that EI-P6 be amended to address bird strike risk and the following wording is proposed (as well as several other amendments to EI-P6): managing the risk of birdstrike to aircraft using Christchurch International Airport. Instead of amending EI-P6 a separate policy could be added beneath EI-P6 as follows:

Manage the risk of birdstrike to aircraft using Christchurch International Airport.

2.83 CIAL are also seeking the addition of a 'Birdstrike Risk Activity' definition. If existing rules were amended to cross-reference to EI-REQX, there would be need to specifically define 'birdstrike risk activity' as the activities of risk can be covered by the rules. If the Panel were of the mind to include a new rule for orchards and cattle/dairy farms, how these are defined in the context of birdstrike could be written into the rule (i.e., orchards with at least 2ha of continuous cover).

2.84 These potential amendments have not been recommended in **Appendix 2** and are subject to the Panel's decision.

[21] Natural Hazards S42A Report

2.85 Subsequent to the Hearing the Panel requested that the contents of paragraphs 18.9 to 18.14 and the Appendix 2 recommendations to the EI rules of the Natural Hazards S42A Report³² be considered and if the recommendations are agreeable, that they be included in the revised provisions.

³¹ Statement of Evidence of Matthew Bonis - 8 September 2021 - Table 2 page 26

³² https://www.selwyn.govt.nz/__data/assets/pdf_file/0005/520574/Appendix-2-Recommended-amendments-Natural-Hazards.pdf

- 2.86 I agree with the s42a reporting officer's recommendations with respect to EI-R10 and that NH-REQ5.1 should not apply with respect to flooding.³³ The recommended amendment to NH-REQ5.1 ensures that EI-R10 is now only subject to the Coastal Erosion Overlay and the Greendale Fault Overlay as the Flood Overlays are no longer referenced in NH-REQ5.1. This amendment to NH-REQ5.1 disapplies the flooding provisions to EI-R10 and therefore there is no need to amend EI-R10.
- 2.87 I agree that NH-REQ5.1 in respect of flooding does not need to apply to EI-R9, EI-R14, EI-R15, EI-R17, EI-R19, EI-R24 and EI-R28, and that the recommended amendment to NH-REQ5.1 will disapply the flooding provisions without the need for any amendment to these EI rules.
- 2.88 I agree with the recommended amendment that reference to NH-REQ5 be deleted from EI-R22³⁴ and this recommended amendment is included in Appendix 2 to this Right of Reply Report and within Appendix 2 to the Natural Hazards s42a report.
- 2.89 I agree that NH-REQ5 should still apply in relation to EI-R26, EI-R27, EI-R30, EI-R32, and EI-R33 given the management of significant risks from natural hazards is a s6 RMA matter.
- 2.90 Trustpower requested that NH-REQ5.3 be amended to exclude Coleridge HEPS or that NH-REQ5 be excluded from EI-R29. This is not supported as EI-R29 does not require compliance with NH-REQ5 so no amendment is required.

3. Reporting Officer's Proposed Provision Amendments

- 3.1 On review of the submitter's evidence and the matters raised within the Hearing the following amendments to the proposed provisions are recommended. Note that the amendments as recommended in the s42a evidence are included but are not shown as underlined text or strikethrough. For a full summary of all of the proposed amendments to provisions see **Appendix 2**. For the s32AA assessment refer to **Appendix 3**.

Important Infrastructure Definition

- 3.2 *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. the National Grid ...

Submission scope:

- 3.3 Scope is provided for this proposed amendment through Transpower's submission point DPR-446.005.

Reasoning:

- 3.4 The change is explained in the Addendum to the s42a Report dated 15 September 2021. No s32AA assessment is deemed necessary.

Minor Utility Structure Definition

- 3.5 *Any above ground box-like structure or enclosure associated with a network utility, or that receives or*

³³ Paragraph 18.10.1

³⁴ Paragraph 18.10.3
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transmits to or from any part of a network utility and includes:

- a. smart meters;
- b. cabinets (excluding electricity cabinets)
- c. ~~kiosks~~
- d. electricity junction pillars;
- e. ~~transformers~~;
- f. ~~switchgear~~; ...

Submission scope:

- 3.6 Scope is provided for this proposed amendment through Orion's submission point DPR-0367.018.

Reasoning:

- 3.7 Orion's evidence includes a description of transformers and switchgear and they are comparable in scale and effects to kiosks (which are included in EI-R15). It is considered that these activities should be permitted in accordance with EI-R15 subject to height and area restrictions, and therefore this equipment needs to be excluded from the 'minor utility structure' definition. Refer to the s32AA assessment in **Appendix 3**.

Network Utility Definition

- 3.8 *A project, work, system or structure that is a network utility operation undertaken by a network utility operator; or any person who owns or operates a generator connected to distribution or transmission lines.*

Submission scope:

- 3.9 Scope is provided for this proposed amendment through Trustpower's submission point DPR-0441.033.

Reasoning:

- 3.10 The reasoning is explained at paragraphs 2.8-2.14 above. Refer to the s32AA assessment in **Appendix 3**.

EI-03

- 3.11 *The safe and efficient operation and security of important infrastructure is not compromised by incompatible activities and reverse sensitivity effects.*

Submission scope:

- 3.12 There is no submission which specifically requests this change; however, it could be considered as a consequential amendment as a result of the submissions relating to EI-P6 and Transpower's submission point DPR-0446.031.

- 3.13 The Right of Reply for Strategic Directions³⁵ recommended an addition to SD-DI-02 to refer to

³⁵ https://www.selwyn.govt.nz/_data/assets/pdf_file/0007/494494/Right-of-Reply-Strategic-Directions.pdf
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both 'incompatible activities' and 'reverse sensitivity', and therefore for consistency and integration of the provisions the same amendment is recommended. Refer to the s32AA assessment in **Appendix 3**.

EI-P1

- 3.14 *Recognise the benefits and national, regional and local importance of important infrastructure by:*

1. providing for the use, operation, maintenance, development and removal of new important infrastructure throughout the district;

~~12.~~ enabling the operation, maintenance, minor upgrading and removal of existing important infrastructure throughout the District; ...

Submission scope:

- 3.15 Scope is provided for these proposed amendments through the Metroport DPR-0068.008, Orion DPR-0267.194, Fonterra DPR-0370.025, CIAL DPR-371.025 and LPC DPR-0453.91 submission points with respect to recommended new clause EI-P1.1, and Transpower submission point DPR-0446.026 with respect to EI-P1.2.

Reasoning:

- 3.16 The reasoning is explained at paragraphs 2.20-2.21 above. Refer to the s32AA assessment in **Appendix 3**.

EI-P2

- 3.17 *Minimise the adverse effects of important infrastructure, and renewable electricity generation on the physical and natural environment by: ...*

4.acknowledging the functional needs or operational needs of important infrastructure, including those practical constraints to locate in a particular area, including areas with high natural, visual amenity,-cultural, or historic heritage value; and

~~4-5.~~ Requiring restoration of indigenous

~~5.6....~~

~~6.7.~~ Using the substantial upgrade of important infrastructure and renewable electricity generation as an opportunity to reduce existing adverse effects, where the efficiency, effectiveness or resilience of the important infrastructure or renewable electricity generation is not compromised.

Submission scope:

- 3.18 Scope is provided for this proposed amendment to clause 6. through Orion DPR-0367.195, CIAL DPR-0371.026, LPC DPR-0453.092 and Transpower DPR-0446.027.

Reasoning:

- 3.19 It is considered that such an amendment to EI-P2 will then ensure EI-P2 fits better with SD-DI-02 as amended, EI-O2 as notified, and CRPS 5.3.9(3).

- 3.20 Proposed amendment to EI-P2.6 is explained at paragraph 2.24-2.26 above. Refer to the s32AA assessment in **Appendix 3**.

EI-P4

- 3.21 *Manage the adverse effects from the construction and operation of important infrastructure, and renewable electricity generation, including noise, and vibration by requiring compliance with standards and regulations, or where this is not practicable with respect to construction noise, by mitigation or noise attenuation measures such as a Construction Noise Management Plan.*

Submission scope:

- 3.22 Scope is provided for this proposed amendment through Chorus's submission point DPR-0101.007

Reasoning:

- 3.23 For the reasons explained at paragraphs 2.27-2.29 above. Refer to the s32AA assessment in **Appendix 3.**

EI-P6

- 3.24 *Avoid incompatible activities that may affect or cause reverse sensitivity effects on the efficient operation,....*

Submission scope:

- 3.25 Scope is provided for this proposed amendment through Transpower's submission point DPR-0446.031.

Reasoning:

- 3.26 For the reasons explained at paragraphs 3.12-3.13 above. Refer to the s32AA assessment in **Appendix 3.**

EI-R2

- 3.27 *1. The establishment of a new, or expansion of an existing structure within the National Grid Yard.*

Activity Status: *PER*

1. The establishment of a new, or expansion of an existing structure within the National Grid Yard.

Where:

- a. *The structure is ~~not used for:~~ a network utility;*
- b. *The structure is not used for habitation; and*
- c. *The structure is used for agricultural or horticultural activities, excluding*
 - i. ~~habitation;~~*
 - ii. produce packing;*
 - iii. a milking shed;*

- iv. *a wintering barn;*
 - v. *intensive primary production; or*
 - vi. *commercial greenhouse.*
- d. *The expansion of ~~the~~ any existing structure does not occur to a structure listed in EI-R2**a-b-c**.*
- e. *Any structure must be located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission support structure, excluding:*
- i. a fence consisting of non-conductive materials;*
 - ii. a fence consisting of conductive materials located at least 5m³⁶ from a National Grid transmission support structure; or*
 - iii. 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 support structure that:*
 - a.. is removable or temporary to allow a clear working space of 12 metres from the support structure for maintenance; and*
 - b. allows all weather access to the support structure and a sufficient area for maintenance equipment, including a crane.*

And this activity complies with the following rule requirements:

EI-REQ1 Access

~~EI-REQ2 Fence setback~~

EI-REQ2 New Zealand Code of Practice for Electrical Safe Distances

Submission scope:

- 3.28 Scope is provided for this proposed amendment through Transpower's submission point DPR-0446.036.

Reasoning:

- 3.29 Transpower sought amendment to permit the establishment of a structure within the National Grid Yard where it is a network utility, not used for habitation, and structures used for agricultural and horticultural production, with some exceptions. Transpower are seeking that structures be subject to the access rule requirement; fence setback; and a new rule requirement concerning the NZECP. Based on the Transpower evidence, it is recommended that these amendments be made, but as requested by Hort NZ in evidence, EI-REQ2 is recommended to be incorporated in the rule given this is the only rule that refers to EI-REQ2 and the National Planning Standards require this structure in such instances.
- 3.30 Hort NZ sought amendment to refer to 'post harvest facilities' rather than 'produce packing' and discussions continued with Transpower post-hearing to try and find a resolution as to

whether such an activity is considered acceptable in the National Grid Yard and at what size and scale etc, as well as the associated risk factors. No resolution was reached, and no further amendment to the produce packing clause is recommended for the reasons explained in paragraphs 2.34-2.36 above. Refer to the s32AA assessment in **Appendix 3**.

EI-R3

3.31 Activity Status: PER

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. 10m from the centreline and/or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston); and*
 - iii. 5m from the centreline and/or foundation of a support structure of any other Significant Electricity Distribution Line; and ...*

Submission scope:

- 3.32 Scope is provided for this proposed amendment through DPR-0367.133 and other submission points that seek to amend EI-R3 and move it to other chapters. While this specific change was not sought within the submission, it was raised in evidence and is considered within scope.

Reasoning:

- 3.33 Minor amendments to this rule are sought by Orion, which were not considered in the context of the s42 report due to the structure of Orion's submission³⁷. The evidence of Mr Heyes states that Orion seeks setbacks for buildings and structures 10m from the centreline and/or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston); and 5m from all other SEDL's.³⁸ The reasoning why a 10m and 5m setback is sought is also set out in the evidence of Mr Heyes.³⁹
- 3.34 The amendments sought by Ms Foote seek to add new clauses to apply setbacks from the centreline of a line in a clause, and also apply setbacks from the foundation of a support structure in a separate clause (the existing drafting combines these). This is considered unnecessary duplication and could be achieved by an "and/or" consideration in the existing clauses as follows. No s32AA assessment is deemed necessary.

EI-R4

- 3.35 *1. The establishment of a new, or expansion of an existing fence.*

Where:

a. The fence's primary material consists of conductive qualities; the fence shall be setback a minimum of

³⁷ Statement of Evidence of Melanie Foote on behalf of Orion. - 8 September 2021 - Paragraph 75

³⁸ Statement of Evidence of Garry Heyes - 8 September 2021 - Paragraph 52

³⁹ Statement of Evidence of Garry Heyes - 8 September 2021 - Paragraphs 75-82
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~~i. 65m from the foundation of a support structure for any Significant Electricity Distribution Line greater than 51kV; or~~

~~ii. 2.2m from the foundation of a support structure for any Significant Electricity Distribution line between 1-50kV.~~

~~4. The establishment of a new, or expansion of an existing structure within 10m from the centreline of the Significant Electricity Distribution Line (Islington to Springston), or the foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston).~~

Where:

a. The structure is not within:

i. 10m from the centreline and/or foundation of a support structure of the Significant Electricity Distribution Line (Islington to Springston), excluding:

a. a network utility;

b. a structure not used for habitation

c. a structure used for agricultural or horticultural activities, excluding produce packing, a milking shed (other than stock yards and ancillary platforms), a wintering barn, intensive primary production, and commercial greenhouse; or

ii. 5m from the centreline and/or foundation of a support structure of any other Significant Electricity Distribution Line.

~~b. The structure is not used for:~~

~~i. habitation;~~

~~ii. produce packing;~~

~~iii. a milking shed;~~

~~iv. a wintering barn;~~

~~v. intensive primary production; or~~

~~vi. a commercial greenhouse.~~

Submission scope:

3.36 Scope is provided for this proposed amendment through Transpower's submission point DPR-0446.038 and Orion's submission point DPR-0367.130.

Reasoning:

3.37 Both Hort NZ and Federated Farmers sought that EI-R4 be deleted and that the NZECP be relied on instead. Transpower sought retention as notified and Orion sought that the rule be

shifted to GRUZ and amended to require a 5m setback (rather than 6m), that there be no distinction between the lines and that EI-R4.1.a.ii be deleted. The evidence from both Orion and Transpower is that awareness of the NZECP and its provisions is not high and that such provisions are considered beneficial in the PDP. Therefore it is now recommended that EI-R4.1, 4.2 and 4.3 not be deleted and that the setback is changed to 6m as opposed to 5m as sought by Orion. It is also recommended that EI-R4.1.a.ii should be deleted and that the rule apply to all SEDL's and that there be no voltage references.

- 3.38 With respect to EI-R4.4, amendment is proposed to require a setback from the Springston to Islington SEDL with some exceptions for network utilities, a structure not used for habitation, and agricultural and horticultural activities comparable with the equivalent National Grid rule (EI-R2), given that the Islington to Springston SEDL is comparable to the National Grid. In relation to other SEDL's no such exceptions are proposed based on the evidence of Orion that the other SEDL's are lower in height and are not as accessible as the Transpower network and therefore need to be treated differently. The changes are explained in more detail at paragraphs 2.45-2.55 above. Refer to the s32AA assessment in **Appendix 3**.

EI-R8

- 3.39 A new rule is recommended to be inserted as follows:

| EI-R8 | <i>New and Temporary Customer Connection</i> | |
|-------------------------|--|---|
| <u>All Zones</u> | <p><u>Activity Status: CON</u></p> <p><u>3.The establishment of a new, or expansion of an existing permanent or temporary customer connection to a heritage item or within the setting of a heritage item listed in HH-SCHED2, excluding earthworks associated with a heritage item or within the setting of a heritage item which is provided for in EI-R8.1</u></p> <p><u>Matters of Control:</u></p> <p><u>4.Design and placement of the customer service connection to minimise impacts on the values and attributes of the heritage listed item or setting.</u></p> | <p><u>Activity status when compliance not achieved: N/A</u></p> |

Submission scope:

- 3.40 Scope is provided for this proposed amendment through Chorus's submission point DPR-0101.019 in relation to EI-REQ8.

Reasoning:

- 3.41 The reasons are explained at paragraphs 2.69-2.71 above. Refer to the s32AA assessment in **Appendix 3**.

EI-R11 Upgrading of Existing Above Ground Network Utilities

3.42 Minor additional amendment is recommended to EI-R11 as follows:

...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 or H pole, the width of the pi pole structure must not exceed three times that of the replaced pole at its widest point.

...

Submission scope:

3.43 Scope is provided for this proposed amendment through Orion's submission point DPR-0367.208.

Reasoning:

3.44 Orion presented evidence supporting the minor amendments to EI-R11.1.d to refer to an 'H pole' which is explained in the evidence of Mr Heyes.⁴⁰ In addition Orion seek to insert a new clause j. to reference the clearances required by NZECP. I have not recommended this amendment as the justification was not considered clear in this regard (Ms Foote's evidence at paragraph 92 refers to explanation at paragraph 67 which relates to policy wording). Given this change is very minor no s32AA assessment is considered to be required.

EI-R13

3.45 Minor amendment is recommended to EI-R13 to delete three rule requirements as follows:

~~*EI-REQ12 Structures in Special Areas*~~

~~*EI-REQ14 Reflectivity*~~

~~*EI-REQ15 Height*~~

Submission scope:

3.46 Scope is provided for this proposed amendment through Chorus's submission point DPR-0101.012.

Reasoning:

3.47 Chorus presented evidence explaining small cell units which integrate both the antenna and the equipment and are generally used to add additional capacity to existing networks in high use areas. The units are small (0.11m³ max) and are generally attached to existing poles or buildings.⁴¹ Based on the evidence presented by Chorus, the equipment is small scale and subsidiary to an existing structure and therefore it is recommended that the rule requirements be deleted. Refer to the s32AA assessment in **Appendix 3**.

EI-R15 Electricity Cabinets and EV Charging Stations

3.48 **Electricity Cabinets, Kiosks, Transformers, Switchgear and EV Charging Stations**

⁴⁰ Statement of Evidence of Melanie Foote - 8 September 2021 - paragraph 90

⁴¹ Statement of Evidence of Chris Horne - 8 September 2021 - paragraphs 46-50
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1. *The establishment or a new, or expansion of an existing electricity cabinet, electricity kiosk, transformer, switchgear or electric vehicle charging station.*

Where:

The electricity cabinet, electricity kiosk, transformer, switchgear or station does not exceed: ...

Submission scope:

- 3.49 Scope is provided for this proposed amendment through Orion's submission point DPR-0367.209.

Reasoning:

- 3.50 Orion presented evidence clarifying what transformers and switchgear consist of, and typical location, frequency of use, and dimensions. The evidence shows that transformers and switchgear are comparable in scale to electricity cabinets and kiosks.⁴² On this basis it is recommended that transformers and switchgear also be referenced in this rule (and correspondingly removed from the 'minor network utility' definition). Refer to the s32AA assessment in **Appendix 3**.

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

- 3.51 *1. The operation of any electricity generator and mobile equipment (including vehicles) to supply important infrastructure.*

Where:

a. The equipment is:

- i. being tested and maintained for a period not exceeding 48 hours in duration;*
- ii. to provide back-up electricity during routine or scheduled maintenance for a period not exceeding 48 hours; or for longer than 48 hours where that use complies with the noise limits specified between 0700 hours and 2200 hours relevant to the underlying zone;*
or
- iii. for emergency purposes only (~~not the primary electricity supply~~) and operates for a maximum of 12 months.*

Submission scope:

- 3.52 Scope is provided for this proposed amendment through Orion's submission point DPR-0367.210.

Reasoning:

- 3.53 Orion are seeking to provide more flexibility and allow for use longer than 48 hours if the daytime noise limits for the zone are met. Orion presented evidence explaining that

⁴² Statement of Evidence of Melanie Foote – 8 September 2021 - paragraph 93 and Statement of Evidence of Gerry Heyes – 8 September 2021 - paragraphs 11.20-11.26, 12.1-12.3, 13.
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generators and mobile equipment are routinely used as part of maintenance projects to maintain power to customers, and it is only on rare occasions that maintenance takes longer than 48 hours, and this generally occurs in remote locations such as Arthurs Pass. Orion also advised that their equipment is not able to comply with the night time noise limits, and it is not feasible to turn the equipment off at night to comply as the power source needs to be ongoing. Furthermore, fault events are unplanned, and therefore a resource consent process for longer use is impractical.⁴³ Amendments are recommended to address Orion's concerns. Refer to the s32AA assessment in **Appendix 3**.

EI-R19 Overhead Telecommunication Lines, Electricity Distribution Lines, and Associated Support Structures and Equipment

- 3.54 *5. The establishment of a new, or the expansion of an existing overhead telecommunication line, electricity distribution line, and associated support structures and equipment.*

Where:

- 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.~~

- b. *The development is a pole mounted transformer, it does not exceed a volume of 2m³.*

Submission scope:

- 3.55 Scope is provided for this proposed amendment through Chorus's submission point DPR-0101.016.

Reasoning:

- 3.56 Chorus presented evidence stating that the provisions as notified do not make sense for overhead lines networks as they replicate provisions sought for poles and antennas which include an additional height allowance for co-locating two networks on the same pole, and that the heights provided for in clauses ii. and iii. are excessive.⁴⁴ On this basis the recommendation to delete clauses ii. and iii. and apply a 25m height limit to telecommunication or electricity distribution lines is supported. The part of the submission point relating to the deletion of EI-REQ14 and NH-REQ5.1 is addressed at paragraphs 2.72-2.74 and 2.85-2.90 of this report. Refer to the s32AA assessment in **Appendix 3**.

⁴³ Statement of Evidence of Melanie Foote - 8 September 2021 - paragraphs 94-97 and Statement of Evidence of Gerry Heyes - 8 September 2021 - paragraphs 24-33

⁴⁴ Statement of Evidence of Chris Horne - 8 September 2021 - paragraphs 51-57
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El-R22 Environmental Monitoring Equipment Associated with a Network Utility

3.57 ...NH-REQ5 Natural Hazards and Infrastructure ...

Submission scope:

3.58 Scope is provided for this proposed amendment through Chorus's submission point DPR-0101.026 in relation to NH-REQ5.

Reasoning:

3.59 Reason for this amendment is explained at paragraph 2.88. Refer to the s32AA assessment in **Appendix 3.**

El-R29 Renewable Electricity Generation – Coleridge HEPS

3.60 1. *Renewable electricity generation or electricity generation activities at Coleridge HEPS including:*

a. any new building or addition, operation, maintenance, refurbishment, enhancement, or upgrading to an existing building or associated structures; and

b. environmental monitoring equipment or structures; and

c. any official sign or sign necessary for the safe and efficient operation of electricity generation activities.

Where:

a. The activity is:

i. less than 50m² in area or the existing-floor area-is not increased by more than 25%; and

ii. no greater than the existing height of the structure; and

iii. if incorporating any new noise generating infrastructure, is setback at least 250m from the notional boundary of any lawfully established sensitive activity located in the General Rural Zone.

And this activity complies with the following rule requirements:

El-REQ3 Works to and around Notable Trees

El-REQ5 Earthworks in Special Areas

El-REQ10 Noise

El-REQ12 Structures in Special Areas

Submission scope:

- 3.61 Scope is provided for this proposed amendment through Trustpower's submission point DPR-0441.043.

Reasoning:

- 3.62 Minor amendments are recommended to the format of the rule for greater clarity. With respect to signs, a new clause is recommended to permit any 'official sign' which is a defined term and which is otherwise enabled by the Signs Chapter, or any sign necessary for safe and efficient operation which may not fit with the official sign definition, but which is necessary for safety and operational purposes. This is considered appropriate to enable such signs without enabling potentially large advertising or other such signage.
- 3.63 Trustpower are also seeking to disapply the noise rule requirement within 250m from the notional boundary of any lawfully established sensitive activity in the Settlement Zone. The formatting of the proposed exclusion is not supported. As the Coleridge HEPS is surrounded by GRUZ and SETZ, with a large majority of the SETZ being within 250m of the Coleridge HEPS, such an exclusion essentially makes the noise rule requirement redundant. Therefore, if the Panel considers that any new activity or expanded activity should not be subject to noise control, then the clearest option would be to delete EI-REQ10. Noise within GRUZ is still managed by clause iii. My preference is for noise controls to remain to ensure that any new significant noise generation activity is potentially assessed. Other important infrastructure is subject to noise management. Refer to the s32AA assessment in **Appendix 3**.

EI-RX Network Utilities near Significant Electricity Distribution Lines

- 3.64 It is recommended to insert a new rule as follows:

Activity Status: PER

All Zones

1. Any network utilities within 10m of any Significant Electricity Distribution Line.

Where:

a. The network utility does not result in vehicular access to any Significant Electricity Distribution Line being permanently obstructed.

And this activity complies with the following rule requirement:

EI-REQ2 New Zealand Code of Practice for Electrical Safe Distances

Activity Status when compliance not achieved:

2. When compliance with any of EI-Rx.1 is not achieved: NC
3. When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant Rule Requirement.

Notification:

4. Any application arising from EIXX-XX 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.

Submission scope:

- 3.65 Scope is provided for this proposed amendment through Orion's submission point DPR-0367.200.

Reasoning:

- 3.66 Orion's evidence seeks that this new rule be inserted to ensure that works undertaken by other network utilities within 10m of SEDL's are a permitted activity subject to meeting NZECP. It is agreed with Orion that this will be a more enabling approach for other network utilities. Orion also note that the Christchurch District Plan has a similar rule. The drafting is different in that a new recommended NZECP rule requirement is referred to, but the outcome is as sought by Orion.
- 3.67 Orion also sought that the new rule not permit works for the reticulation or storage of water for irrigation purposes. The Panel questioned why this was necessary, and Orion provided reasoning which is explained at paragraphs 2.39 to 2.44 above. This change is not recommended. Refer to the s32AA assessment in **Appendix 3**.

EI-RX Earthworks in the National Grid Yard

- 3.68 It is recommended to insert a new rule, matter for discretion and definition as follows:

| <u>EI-RX</u> | <u>Earthworks in the National Grid Yard</u> | |
|-------------------------|---|--|
| <u>All Zones</u> | <p><u>Activity Status: PER</u></p> <p>4. <u>Earthworks in the National Grid Yard</u></p> <p><u>Where:</u></p> <p>e. <u>Earthworks do not exceed 500mm in diameter and are greater than 1.5m from the outer visible edge of a foundation of a National Grid pole or stay wire.</u></p> <p>f. <u>Except as provided for by a., earthworks are less than 300mm deep within 6m from the outer visible edge of a foundation of a National Grid transmission line tower or pole.</u></p> <p>g. <u>The work does not compromise the stability of a National Grid transmission line tower or pole.</u></p> | <p><u>Activity status when compliance not achieved:</u></p> <p>5. <u>When compliance with EI-RX.1 is not achieved: NC</u></p> <p>6. <u>When compliance with any rule requirement listed in this rule is not achieved: Refer to relevant rule requirement.</u></p> <p><u>Notification:</u></p> <p>4. <u>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></p> |

| | | |
|-------------------------|--|--|
| | <p><u>h. Earthworks are for fence posts more than 6 metres from the outer visible edge of a foundation of a National Grid transmission line tower or pole.</u></p> <p><u>And this activity complies with the following rule requirements:</u></p> <p><u>EI-REQ1 Setback from a National Grid Support Structure</u></p> <p><u>EI-REQX New Zealand Code of Practice for Electrical Safe Distances</u></p> | |
| <u>All Zones</u> | <p><u>Activity Status: RDIS</u></p> <p><u>5. Earthworks in the National Grid Yard</u></p> <p><u>Where:</u></p> <p><u>b. Earthworks are more than 300mm deep within 6m of the outer visible edge of a foundation of a National Grid transmission line tower or pole.</u></p> <p><u>And this activity complies with the following rule requirements:</u></p> <p><u>EI-REQ1 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><u>Matters for discretion:</u></p> <p><u>6. The exercise of discretion in relation to Rule EI-RX is restricted to the following matters:</u></p> <p><u>a. EI-MATX Earthworks in the National Grid Yard.</u></p> | <p><u>Activity status when compliance not achieved: NC</u></p> <p><u>10. When compliance with EI-RX.1 is not achieved: NC</u></p> <p><u>11. When compliance with any rule requirements listed in this rule is not achieved: Refer to relevant rule requirements.</u></p> <p><u>Notification:</u></p> <p><u>12. 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></p> |

Insert a new EI-MATX Earthworks in the National Grid Yard

| | |
|-------------------------|---|
| <u>EI-MATX</u> | <u>Earthworks in the National Grid Yard</u> |
| <u>All Zones</u> | <p><u>1. The effects on the operation, maintenance, upgrade and development of the National Grid, including risks associated with temporary activities such as the use of mobile machinery.</u></p> <p><u>2. The risks to the structural integrity of the National Grid.</u></p> <p><u>3. The risk of electrical hazards affecting public or individual safety, and the risk of property damage</u></p> <p><u>4. The volume, area and location of the works, including temporary activities such as stockpiles.</u></p> <p><u>5. The duration of the works.</u></p> <p><u>6. The site remediation proposed.</u></p> |

| | |
|--|--|
| | <u>7. The outcome of any consultation with Transpower New Zealand Limited.</u> |
|--|--|

Submission scope:

- 3.69 Scope is provided for this proposed amendment through Transpower's submission point DPR-

Reasoning:

- 3.70 Reasoning is provided at paragraphs 2.59-2.63 above. Refer to the s32AA assessment in **Appendix 3.**

EI-REQ2 Structure Separation to a National Grid Support Structure

- 3.71 The s42a report recommended that EI-REQ2 as notified be deleted and that amendments sought by Transpower be inserted. It is now recommended that the Transpower amendments to EI-REQ2 be incorporated within EI-R2.

Structure ~~Fence~~ Separation to National Grid Support Structure

Any structure in the National Grid Yard must be located at least 12 metres from the outer visible edge of a foundation of a National Grid transmission line support structure, except where it:

- a. is a fence not exceeding 2.5m in height consisting of non-conductive materials;*
- b. is a fence not exceeding 2.5m in height consisting of conductive materials located at least:*

5m⁴⁵ from the outer visible edge of a foundation of a National Grid transmission line pole ~~support structure~~; or

6m from the outer visible edge of a foundation of a National Grid transmission line tower; or

- c. 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 ~~support structure~~ *that:**
 - i. is removable or temporary to allow a clear working space of 12 metres from the line pole ~~support structure~~ for maintenance; and*
 - ii. allows all weather access to the pole ~~support structure~~ and a sufficient area for maintenance equipment, including a crane.*

Submission scope:

- 3.72 Scope is provided for this proposed amendment through Transpower's submission point DPR-0446.050.

⁴⁵ 353-099 Hort NZ and 422-114 Fed Farmers Proposed Selwyn District Plan

Reasoning:

- 3.73 Transpower's evidence sets out the proposed amendments and reasoning⁴⁶. The maximum height in relation to fencing reflects the NZECP as do the distances from the support structures. The setback for fences of 6m is proposed as while NZECP might provide for conductive fences to be 5 metres from a tower structure, NZECP regulates all works within 6 metres of a tower structure such that it is unlikely to be feasible for a fence to be constructed between 5 and 6 metres of a tower (also consistent with the approach taken in the rule that addresses earthworks in the National Grid Yard); and in order to align with nationally consistent provisions, limit the exemption for artificial crop protection structures so that it only applies to setback from pole structures. Refer to the s32AA assessment in **Appendix 3**.

EI-REQ14 Reflectivity

- 3.74 *1. Any structure shall have a reflectivity value no greater than 37%, with the exception of telecommunication lines.*
- 2. Any telecommunication pole and antenna shall be finished in a non-reflective colour or a surface which weathers to a colour of green, brown or grey.*

Submission scope:

- 3.75 Scope is provided for this proposed amendment through Chorus's submission point DPR-0101.023.

Reasoning:

- 3.76 Reasons for this change are explained at paragraphs 2.72-2.74 above. Refer to the s32AA assessment in **Appendix 3**.

⁴⁶ Evidence of Ainsley McLeod – 8 September 2021 – Paragraph 134
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