

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of appeals under clause 14 of
Schedule 1 of the Act against
decisions of the Queenstown
Lakes District Council on Stage 1
of the Proposed Queenstown
Lakes District Plan

BETWEEN **TRANSPower NEW ZEALAND
LIMITED**
Appellant

AND **AURORA ENERGY LTD
FEDERATED FARMERS
VODAFONE NEW ZEALAND
LTD, SPARK NEW ZEALAND
TRADING LTD, CHORUS NEW
ZEALAND LTD
QUEENSTOWN AIRPORT
CORPORATION**
Section 274 Parties

AND **QUEENSTOWN LAKES
DISTRICT COUNCIL**
Respondent

Other Topic 17 appeals continued over page

JOINT MEMORANDUM OF PARTIES IN SUPPORT OF CONSENT ORDER

TOPIC 17 ENERGY AND UTILITIES

23 September 2019

 **Simpson Grierson**
Barristers & Solicitors

S J Scott
Telephone: +64-3-968 4018
Facsimile: +64-3-379 5023
Email: sarah.scott@simpsongrierson.com
PO Box 874
SOLICITORS
CHRISTCHURCH 81

BETWEEN **AURORA ENERGY LTD**
Appellant

AND **FEDERATED FARMERS**
VODAFONE NEW ZEALAND LTD,
SPARK NEW ZEALAND TRADING LTD,
CHORUS NEW ZEALAND LTD
UNIVERSAL DEVELOPMENTS LIMITED
Section 274 Parties

BETWEEN **QUEENSTOWN AIRPORT**
CORPORATION
Appellant

AND **VODAFONE NEW ZEALAND LTD,**
SPARK NEW ZEALAND TRADING LTD,
CHORUS NEW ZEALAND LTD
HANSEN FAMILY PARTNERSHIP
UNIVERSAL DEVELOPMENTS LIMITED
AURORA ENERGY LIMITED
FII HOLDINGS LIMITED
REMARKABLES PARK LIMITED
SOUTHERN DISTRICT HEALTH
BOARD
Section 274 Parties

BETWEEN **TE ANAU DEVELOPMENTS LIMITED**
Appellant

AND **REAL JOURNEYS LIMITED**
QUEENSTOWN AIRPORT
CORPORATION
Section 274 Parties

BETWEEN **CARDRONA ALPINE RESORT LIMITED**
Appellant

AND **OTAGO REGIONAL COUNCIL**
AURORA ENERGY LIMITED
Section 274 Parties

BETWEEN **QUEENSTOWN PARK LIMITED**
Appellant

AND **OTAGO REGIONAL COUNCIL AURORA**
ENERGY LIMITED
REAL JOURNEYS LIMITED (t/a GO
ORANGE LIMITED
REAL JOURNEYS LIMITED
TE ANAU DEVELOPMENTS LIMITED
Section 274 Parties

1. The Queenstown Lakes District Council (**Council**) notified its decisions on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**) on 7 May 2018. Transpower New Zealand Limited (**Transpower**)¹, Aurora Energy Limited (**Aurora**)², Queenstown Airport Corporation (**QAC**)³, Te Anau Developments Limited,⁴ Cardrona Alpine Resort Limited⁵ and Queenstown Park Limited,⁶ appealed to the Environment Court. Parts of these appeals were allocated into Topic 17 Energy and Utilities. This includes relief on Chapter 30, but also Chapters 2, 7, 8, 9 and 27 where the provisions or relief relate directly to Energy and Utilities matters.

2. The following parties gave notice of their intention to be a party to parts of the listed appeals in Topic 17 and participated in Environment Court assisted mediation on 6 to 9 August 2019, in respect of the appeals each party has an interest in:

Transpower New Zealand Limited
ENV-2018-CHC-114

- Aurora Energy Ltd
- Federated Farmers
- Vodafone New Zealand Ltd, Spark New Zealand Trading Ltd, Chorus New Zealand Ltd
- Queenstown Airport Corporation

Aurora Energy Ltd
ENV-2018-CHC-108

- Federated Farmers
- Vodafone New Zealand Ltd, Spark New Zealand Trading Ltd, Chorus New Zealand Ltd
- Universal Developments Limited

Queenstown Airport Corporation
ENV-2018-CHC-093

- Vodafone New Zealand Ltd, Spark New Zealand Trading Ltd, Chorus New Zealand Ltd
- Hansen Family Partnership
- Universal Developments Limited
- Aurora Energy Limited
- FII Holdings Limited
- Remarkables Park Limited
- Southern District Health Board

1 ENV-2018-CHC-114.
2 ENV-2018-CHC-106.
3 ENV-2018-CHC-093.
4 ENV-2018-CHC-106.
5 ENV-2018-CHC-117.
6 ENV-2018-CHC-127.

Te Anau Developments Limited

ENV-2018-CHC-008

- Real Journeys Limited
- Queenstown Airport Corporation

Cardrona Alpine Resort Limited

ENV-2018-CHC-117

- Otago Regional Council
- Aurora Energy Limited

Queenstown Park Limited

ENV-2018-CHC-127

- Otago Regional Council
- Aurora Energy Limited
- Real Journeys Limited (t/a Go Orange Limited)
- Real Journeys Limited
- Te Anau Developments Limited

3. During mediation, the parties reached agreement on appropriate amendments and new provisions for Chapters 2, 8, 23, 27 and 30. In relation to the Aurora 'recognition and protection of its RSI' appeal points, the parties reached agreement in principle on an alternative solution which encompasses amendments and new provisions for Chapters 7, 8, 9, 11, 12, 16, 21, 22, 24, 25, 27, 38 and 43. This is explained further below. A full version of Chapter 30, including those provisions not under appeal, is included in the draft consent order in Annexure 1, for the Court's convenience.
4. The agreed position has some relationship to Topic 1, Subtopic 4, Regionally Significant Infrastructure, and the Minute issued by the Court on 28 March 2019 (**RSI Minute**) in relation to Topic 1, Subtopic 4. The parties respectfully request that the Court consider this consent memorandum alongside the updated consent memorandum and draft consent order, for Topic 1, Subtopic 4. The agreed provisions work together as a package.
5. In order to assist the Court, some explanation is set out below in relation to particular appeal points.

Relationship with Topic 1, Subtopic 4, Regionally Significant Infrastructure (RSI)

6. To respond to the Court's concerns in the RSI Minute, the parties have agreed to a new, more detailed policy that sets out how adverse effects of RSI are to be managed. This is to be located in Chapter 30 (**30.2.7.X, new RSI Policy**). This new RSI Policy will sit alongside the National Grid specific policies (**30.2.8.1, 30.2.8.2 and 30.2.8.3** – which are allocated to Topic 1, Subtopic 4), and a more general Utilities policy (**30.2.7.1**) which is already in the decisions version of Chapter 30.
7. Together, these policies give effect to the Otago Regional Policy Statement (**RPS**), in particular Policy 4.3.4, and the National Policy Statement for Electricity Transmission (**NPSET**) (where relevant), and set out in some detail how adverse effects of the National Grid, RSI, and utilities more generally, are to be managed.
8. In relation to sections 6(b) and 7(c) rural landscapes, how adverse effects of RSI are to be managed is provided for in Policy 6.3.3A and Policies 6.3.35 to 6.3.38 (these are Topic 2, Subtopic 11 provisions). The parties carefully considered whether landscape should be covered in Chapter 6, or the new RSI policy in Chapter 30. The parties agreed that landscape should continue to be covered by the RSI specific policies in Chapter 6, to ensure consistency, and remove any risk that contradictions would be created within the PDP policy direction for RSI and landscapes.
9. In relation to other section 6 and 7 matters, how adverse effects are to be managed is provided for in new Policy 30.2.7.X, and decisions version Policy 30.2.7.1 (a) to (e) (Topic 17 relief/provisions). A 'hierarchy' approach to management of effects has been agreed in the new RSI Policy, similar to the National Grid policy. However, it is important that the 'take precedence' policy that the parties have agreed to for the National Grid Policy 30.2.8.1, which was necessary in order to give effect to the NPSET, has not been applied to the new RSI Policy in Chapter 30.

10. In addition, decisions version Policy 30.2.7.1(b) to (e), will continue to apply to the management of effects of RSI. It is only Policy 30.2.7.1 (a), that is replaced by the new RSI Policy.

Transpower Appeal points on Residential Chapter objectives

11. All (except for one) of Transpower's appeal points on Chapters 7, 8 and 9 that have been allocated to Topic 17 have been addressed by including reference to Objectives 7.2.6, 8.2.5 and 9.2.6 into the National Grid specific Policy 30.2.8.2. Policy 30.2.8.2 falls within Topic 1, Subtopic 4. Appeal point ENV-2018-CHC-114-022 on Standard 8.5.13 has been resolved as set out in the provisions attached to the draft consent order in **Annexure 1**.

Aurora Appeal

12. The appeal from Aurora sought recognition and protection of its "Electricity sub-transmission infrastructure" and "Significant electricity distribution infrastructure", both of which are included within the definition of the term "Regionally Significant Infrastructure" in the PDP. Aurora also sought to establish corridor protection provisions, similar to the approach taken to the National Grid, with a variable width corridor based on the voltage of the electricity lines.
13. As significant parts of Aurora's Regionally Significant Infrastructure is located within the road, or adjacent to it, the parties agreed that the outcomes sought by the appeal can be achieved via an alternative framework. This alternative framework relies on existing rules in the PDP zone chapters where Aurora's RSI is currently located (and as agreed to be shown on the plan maps), rather than adding new 'corridor protection' rules into the zone chapters. The parties consider the agreed approach to be a more focused regulatory approach to achieve the outcome sought by Aurora that minimises the potential regulatory burden of the corridor protection. The zone chapters that will be amended are:

13.1 Chapter 7: Lower Density Suburban Residential;

13.2 Chapter 8: Medium Density Residential;

- 13.3** Chapter 9: High Density Residential;
- 13.4** Chapter 11: Large Lot Residential;
- 13.5** Chapter 12: Queenstown Town Centre;
- 13.6** Chapter 16: Business Mixed Use;
- 13.7** Chapter 21: Rural;
- 13.8** Chapter 22: Rural Residential and Rural Lifestyle;
- 13.9** Chapter 24: Wakatipu Basin;
- 13.10** Chapter 38: Open Space Zone; and
- 13.11** Chapter 43: Millbrook.

14. In addition, changes of similar effect are agreed to the following district-wide chapters:

- 14.1** Chapter 25: Earthworks; and
- 14.2** Chapter 27: Subdivision.

15. The alternative approach generally includes:

- 15.1** Introduction of advice notes in relevant chapters of the PDP in relation to the mandatory requirement under the Electricity Act 1992 to comply with NZECP34:2001. The advice note also highlights the mapping of the Aurora Energy Limited's Regionally Significant Infrastructure in the Planning Maps to assist plan users;
- 15.2** Where relevant, the introduction of a new matter of discretion and associated assessment matters to be included in the existing list of matters of discretion generally relating to the establishment of new buildings, building setbacks from road requirements, recession plane breaches, and earthworks provisions; and
- 15.3** Amendments to notification provisions in the relevant chapters of the PDP seeking to ensure that Council gives specific consideration to Aurora Energy Limited as an affected party for the purposes of section 95E of the RMA where an application may affect Aurora Energy Limited's RSI. .

Chapter 21 – Rural Zone

16. In respect of the Rural Zone, Federated Farmers has only agreed to permitted activity standard 21.8.1.8 and the associated matter of discretion because of the distinctions and particularities of the Queenstown Lakes District, the specific context of the PDP Rural Zone, and the location of the lines in question. This is not to be taken as acceptance by Federated Farmers of the need for such corridors beyond the Queenstown Lakes District context. It does not indicate Federated Farmers would accept the need for such corridors elsewhere in New Zealand, or for any other infrastructure providers.

Chapter 25 - Earthworks

17. The agreed position includes the introduction of an advice note and a new sub-clause to an existing Assessment Matter in the Earthworks chapter. Because the Aurora relief seeking the 'corridor protection' rules was on a District Wide chapter, the parties consider and agree there is scope to make these changes in this Stage 2 district wide chapter.
18. In relation to the Assessment Matter, there is a Stage 2 appeal by Wayfare Group Limited (ENV-2019-CHC-076) seeking that the Assessment Matters in 25.8 be deleted. This matter will be mediated through Stage 2. For that reason, in **Annexure 2** is a separate draft consent order for the provisions that have been agreed in relation to the Earthworks chapter (**Earthworks draft consent order**). The parties respectfully request the Court does not make a decision on the Earthworks draft consent order, until the mediation of Chapter 25 in Stage 2, has been completed. At that time, the Council will report back to the Court.
19. Aurora also intend to make an application for waiver to join the Wayfare Group Limited appeal so that they can be party to any discussions in relation to that appeal that may affect the relief agreed for this Chapter.

Chapter 24 - Wakatipu Basin

20. Aurora's RSI is located within the geographic area zoned Wakatipu Basin Zone (Chapter 24). This is a Stage 2 zone. The parties have agreed changes to the provisions in Chapter 24.
21. The appeals on Chapter 24 will be mediated through Stage 2. For that reason, in **Annexure 3** is a separate draft consent order for the provisions that have been agreed in relation to the Wakatipu Basin chapter (**Wakatipu Basin draft consent order**). The parties respectfully request the Court does not make a decision on the Wakatipu Basin draft consent order, until the mediation of Chapter 24 in Stage 2, has been completed. At that time, the Council will report back to the Court.
22. Whilst there are no specific appeals on the Wakatipu Basin Zone that appear to directly affect the relief that has been agreed in this mediation, there are a number of appeals in relation to the same rules that may result in other changes to them. Therefore, the parties have agreed that it is likely to be more administratively efficient for the Court if all Wakatipu Basin Zone matters are able to be dealt with together so that all relevant changes can be considered together.

QAC Appeal

23. In relation to the QAC appeal point on 30.3.3.3, no agreement was reached between the interested parties at mediation, with Council's view being that there is no jurisdiction to make the change sought. However, it is likely that this appeal point can be resolved through notification of Stage 3 of the PDP.
24. The interested parties respectfully request that this appeal point remains on-hold, until after notification of Stage 3 of the PDP (which will be 19 September 2019), when QLDC will consult with QAC and update the Court. As Stage 3 will be notified prior to the anticipated date for receiving the Court's Topic 2 decision (parties understand that the consent orders for RSI and Topic 17 will be issued at the same time as, or

after that decision), it is submitted that there will be no delay or prejudice to any party, including the Court.

Consequential changes / correction of minor errors

25. In relation to the agreed change to the definition of “National Grid Corridor” to “National Grid Subdivision Corridor”, this will need to be updated throughout the PDP as a consequential change. The change has been made in the provisions allocated to Topic 17, in the attached draft consent orders.

26. It has also been identified that the decisions version of Chapter 30 has minor errors in the right hand column headings for Tables 30.4.2 and 30.5.1. These are corrected in the provisions in the draft consent order in **Annexure 1**, as follows:

30.4.2	Renewable Energy Standards	Activity Status Non- compliance Status
30.5.1	General Utility Activities	Non- compliance Status <u>Activity Status</u>
30.5.3	National Grid Activities	Non-compliance Status <u>Activity Status</u>
30.5.5	Electricity Distribution Activities	Non-compliance Status <u>Activity Status</u>

27. During mediation it was identified that there is an error in Rule 30.5.5.4, Lines and Supporting Structures (within the table, Electricity Distribution Activities). The decisions version has departed from the notified version by accidentally using 100kV, rather than 110kV. There are no submissions, nor any recommendation or discussion of the change in the Council Decision. There are no 100kV lines in the District. The use of 100kV in the decision chapter is understood by parties to be a minor typographical error, and is corrected in the provisions in the draft consent order in **Annexure 1**.

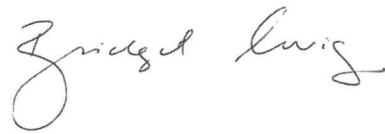
Summary

- 28.** All of the parties to this memorandum are satisfied that agreed provisions, proposed for the Court's endorsement, are within the scope of relief sought in the appellants' notices of appeal, fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Resource Management Act 1991, in particular Part 2. The parties also confirm that they have considered the points set out in the Court's Minute issued in relation to Topic 1, Subtopic 4, and consider it does not raise any issues that would require further amendment to the agreed provisions.
- 29.** The parties therefore respectfully request that the Court dispose of the appeal points allocated to Topic 17 by approving the provisions as set out in the Topic 17 draft consent order in **Annexure 1**. The parties to the Aurora Appeal consider this draft consent order can be issued in advance of the Earthworks and Wakatipu Basin draft consent orders.
- 30.** In relation to the Earthworks draft consent order in **Annexure 2**, the parties respectfully request the Court does not make a decision on the draft consent order until the mediation of Chapter 25 in Stage 2, has been completed. At that time, the Council will report back to the Court.
- 31.** In relation to the Wakatipu Basin draft consent order in **Annexure 3**, the parties respectfully request the Court does not make a decision on the draft consent order until the mediation of Chapter 24 in Stage 2, has been completed. At that time, the Council will report back to the Court.

32. No party has any issue as to costs.

DATED this 23 day of September 2019

Counsel/representative for
Transpower NZ Limited



Counsel/representative for Aurora
Energy Ltd

Counsel/representative for
Queenstown Airport Corporation

Counsel/representative for
Queenstown Park Limited

Counsel/representative for Te
Anau Developments Limited

Counsel/representative for
Cardrona Alpine Resort Limited

32. No party has any issue as to costs.

DATED this 23 day of September 2019

Counsel/representative for
Transpower NZ Limited

Counsel/representative for Aurora
Energy Ltd

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a horizontal line and a small flourish.

Counsel/representative for
Queenstown Airport Corporation

Counsel/representative for
Queenstown Park Limited

Counsel/representative for Te
Anau Developments Limited

Counsel/representative for
Cardrona Alpine Resort Limited

32. No party has any issue as to costs.

DATED this ~~Xth~~
23 day of September 2019

Counsel/representative for
Transpower NZ Limited

Counsel/representative for Aurora
Energy Ltd

Counsel/representative for
Queenstown Airport Corporation



Counsel/representative for
Queenstown Park Limited

Counsel/representative for Te
Anau Developments Limited

Counsel/representative for
Cardrona Alpine Resort Limited

30. In relation to the Earthworks draft consent order in **Annexure 2**, the parties respectively request the Court does not make a decision on the draft consent order until the mediation of Chapter 25 in Stage 2, has been completed. At that time, the Council will report back to the Court.
31. In relation to the Wakatipu Basin draft consent order in **Annexure 3**, the parties respectively request the Court does not make a decision on the draft consent order until the mediation of Chapter 24 in Stage 2, has been completed. At that time, the Council will report back to the Court.
32. No party has any issue as to costs.

DATED this 23 day of September 2019



Counsel/representative for
Transpower NZ Limited

Counsel/representative for Aurora
Energy Ltd

Counsel/representative for
Queenstown Airport Corporation

Counsel/representative for
Queenstown Park Limited

H. Thorne

Counsel/representative for Te
Anau Developments Limited

H. Thorne

Agent for Cardrona Alpine Resort
Limited

H. Thorne

Counsel/representative for Real
Journeys Limited

H. Thorne

Counsel/representative for Real
Journeys Limited (trading as Go
Orange)

Counsel/representative for
Federated Farmers

H. Thorne

Counsel/representative for FII
Holdings Ltd

H. Hansen

Counsel/representative for Hansen
Family Partnership

H. Hansen

Counsel/representative for
Southern District Health Board

H. Hansen

Counsel/representative for
Universal Developments Limited

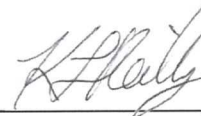
Counsel/representative for
Vodafone New Zealand Limited,
Spark New Zealand Trading
Limited, Chorus New Zealand
Limited

Counsel/representative for Otago
Regional Council

S J Scott
Counsel for Queenstown Lakes
District Council
(Respondent)

Counsel/representative for Te
Anau Developments Limited

Counsel/representative for
Cardrona Alpine Resort Limited



Counsel/representative for
Federated Farmers

Counsel/representative for FII
Holdings Ltd

Counsel/representative for Hansen
Family Partnership

Counsel/representative for
Southern District Health Board

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Vodafone New Zealand Limited,
Spark New Zealand Trading
Limited, Chorus New Zealand
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Southern District Health Board

Counsel/representative for
Universal Developments Limited



Counsel/representative for
Vodafone New Zealand Limited,
Spark New Zealand Trading
Limited, Chorus New Zealand
Limited



Counsel/representative for Otago
Regional Council

S J Scott
Counsel for Queenstown Lakes
District Council
(Respondent)

Annexure 1: draft consent order

Counsel/representative for Otago
Regional Council



S J Scott
Counsel for Queenstown Lakes
District Council
(Respondent)

Annexure 1: draft consent order

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under clause 14 of Schedule 1 of the Act against decisions of the Queenstown Lakes District Council on Stage 1 of the Proposed Queenstown Lakes District Plan

BETWEEN **TRANSPower NEW ZEALAND LIMITED**
Appellant

AND **AURORA ENERGY LTD
FEDERATED FARMERS
VODAFONE NEW ZEALAND LTD,
SPARK NEW ZEALAND TRADING LTD,
CHORUS NEW ZEALAND LTD
QUEENSTOWN AIRPORT CORPORATION**
Section 274 Parties

BETWEEN **AURORA ENERGY LTD**
Appellant

AND **FEDERATED FARMERS
VODAFONE NEW ZEALAND LTD,
SPARK NEW ZEALAND TRADING LTD,
CHORUS NEW ZEALAND LTD
UNIVERSAL DEVELOPMENTS LIMITED**
Section 274 Parties

BETWEEN **QUEENSTOWN AIRPORT CORPORATION**
Appellant

AND **VODAFONE NEW ZEALAND LTD,
SPARK NEW ZEALAND TRADING LTD,
CHORUS NEW ZEALAND LTD
HANSEN FAMILY PARTNERSHIP
UNIVERSAL DEVELOPMENTS LIMITED
AURORA ENERGY LIMITED
FII HOLDINGS LIMITED
REMARKABLES PARK LIMITED
SOUTHERN DISTRICT HEALTH BOARD**

Section 274 Parties

BETWEEN **TE ANAU DEVELOPMENTS LIMITED**
Appellant

AND **REAL JOURNEYS LIMITED**
QUEENSTOWN AIRPORT
CORPORATION
Section 274 Parties

BETWEEN **CARDRONA ALPINE RESORT LIMITED**
Appellant

AND **OTAGO REGIONAL COUNCIL**
AURORA ENERGY LIMITED
Section 274 Parties

BETWEEN **QUEENSTOWN PARK LIMITED**
Appellant

AND **OTAGO REGIONAL COUNCIL AURORA**
ENERGY LIMITED
REAL JOURNEYS LIMITED (t/a GO
ORANGE LIMITED
REAL JOURNEYS LIMITED
TE ANAU DEVELOPMENTS LIMITED
Section 274 Parties

AND **QUEENSTOWN LAKES DISTRICT**
COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge

sitting alone under section 279 of

the Act **IN CHAMBERS** at

CONSENT ORDER

Introduction

1. The Court has read and considered the notices of appeal from Transpower New Zealand Limited (**Transpower**)⁷, Aurora Energy Limited (**Aurora**)⁸, Queenstown Airport Corporation (**QAC**)⁹, Te Anau Developments Limited,¹⁰ Cardrona Alpine Resort Limited¹¹ and Queenstown Park Limited¹² against decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**), in particular the parts of those appeals allocated into Topic 17, Energy and Utilities.
2. The parties as listed on the cover pages of this consent notice gave notice of their intention to become parties to the appeals under section 274 and participated in Environment Court assisted mediation on 6 to 9 August 2019.
3. The Court has considered the memorandum of the parties dated [] August 2019 in which the parties respectfully requested that the Court approve the provisions attached to that memorandum.
4. The Court is making this order under section 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
 - 4.1 all parties to the proceeding have executed the memorandum requesting this order; and
 - 4.2 all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

7 ENV-2018-CHC-114.

8 ENV-2018-CHC-106.

9 ENV-2018-CHC-093.

10 ENV-2018-CHC-106.

11 ENV-2018-CHC-117.

12 ENV-2018-CHC-127.

Order

5. Therefore, the Court orders, by consent, that the provisions of Chapters 2, 7, 8, 9, 11, 12, 16, 21, 22, 23, 25, 27, 30, 38 and 43 of the Queenstown Lakes District Plan, as set out in **Appendix 1** are approved.

6. There is no order for costs.

DATED at this day of 2019

Environment Judge

APPENDIX 1

(amendments shown in underline and ~~strikethrough~~ text)

2 DEFINITIONS

Minor Upgrading

Means an increase in the carrying capacity, efficiency or security of electricity transmission and distribution or telecommunication lines utilising the existing support structures or structures of similar character, intensity and scale and includes the following:

- a. addition of lines, circuits and conductors;
 - b. reconducting of the line with higher capacity conductors;
 - c. re-sagging of conductors;
 - d. bonding of conductors;
 - e. addition or replacement of longer or more efficient insulators;
 - f. addition of electrical fittings or ancillary telecommunications equipment;
 - g. addition of earth-wires which may contain lightning rods, and earth-peaks;
 - h. support structure replacement within the same location as the support structure that is to be replaced;
 - i. addition or replacement of existing cross-arms with cross-arms of an alternative design;
 - j. replacement of existing support structures ~~poles~~ provided they are less the same or similar in height, diameter and are located within ± 5 metres of the base of the support ~~poles~~ structure being replaced;
 - k. addition of a single service support structure for the purpose of providing a service connection to a site, except in the Rural zone;
 - l. the addition of up to ~~three~~ four new support structures extending the length of an existing line provided the line has not been lengthened in the preceding five year period.
- (m) An increase in support structure height required to comply with NZECP34:2001 by not more than 3 metres provided that the support structure has not been replaced within the preceding 10 year period.

National Grid Subdivision Corridor

Means the area measured either side of the centreline of above ground ~~national~~ Grid transmission line as follows:

- a. 16m for the 110kV lines on pi poles
- b. 32m of 110kV lines on towers or mono poles
- c. 37m for the 220kV transmission lines.

Excludes any transmission lines (or sections of line) that are designated.

National Grid Sensitive Activities

Means those activities ~~within the national grid corridor~~ that are particularly sensitive to ~~risks associated with electricity~~ National Grid transmission lines ~~because of either the potential for prolonged exposed to the risk, or the vulnerability of the equipment~~

~~or population that is exposed to the risk.~~ Such activities include buildings or parts of buildings used for, or able to be used for the following purposes:

- a. ~~hospital child day care activity;~~
- b. day care facility activity;
- c. educational activity;
- d. home stay;
- e. healthcare facility;
- f. papakāinga;
- g. any residential activity;
- h. visitor accommodation.

30 Energy and Utilities

Purpose

Energy and Utilities are of strategic importance and require a coordinated approach in relation to the development of energy resources, the generation and transmission of electricity and the provision of essential infrastructure throughout the District.

30.1.1 Energy

Energy resources play a key role in the socio-economic wellbeing and growth of the District. Local energy needs may change over time and are dependent on the scale of demand, as well as measures to reduce demand through energy efficiency, conservation and small scale renewable generation.

In the future, there may be a need for new generation sources to meet demand. Electricity generation by renewable energy sources is desired over non-renewable sources and this is reinforced in the National Policy Statement on Renewable Electricity Generation 2011. The generation of electricity from non-renewable sources is generally discouraged. However, standby generation may be necessary for essential public, civic, community and health functions, or in areas not connected to the electricity distribution network.

Energy efficiency and conservation go hand in hand with renewable energy. Conserving the use of energy together with the generation of renewable energy will be vital in responding to the challenges of providing enough energy to meet future energy needs and reducing greenhouse gas emissions. Small and community scale generation is encouraged and advantages of solar energy within the District are recognised. The benefits of solar energy may be realised through site design methods which promote solar efficient design, in addition to the inclusion of solar photovoltaic panels and solar hot water heating systems within buildings. Sustainable building forms which reduce energy demand and minimise heating costs are encouraged, including use of the Homestar™ rating system for residential buildings and Green Star tool for commercial buildings.

30.1.2 Utilities

Utilities are essential to the servicing and functioning of the District. Utilities have the purpose to provide a service to the public and are typically provided by a network utility operator.

Due to the importance of utilities in providing essential services to the community, their often high capital cost to establish, and their long life expectancy, the need for the establishment and on-going functioning, maintenance and upgrading of utilities is recognised. The need to operate, maintain, develop and upgrade the National Grid is a matter of national significance established by the National Policy Statement on Electricity Transmission 2008. In addition, some utilities have specific ~~locational~~ functional needs that ~~have need~~ to be accommodated for their operation. The co-location of utilities may achieve efficiencies in design and operation, reduce capital investment costs and also minimise amenity and environmental effects. The ability to co-locate compatible uses should be considered for all utility proposals.

It is recognised that while utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, some of which have been established long before the network utility.

The sustainable management of natural and physical resources requires a balance between the effects of different land uses. However, it is also necessary that essential utilities are protected, where possible, from further encroachment by incompatible activities which may lead to adverse effects including reverse sensitivity effects. This chapter therefore also addresses requirements for sensitive uses and habitable buildings located near to utilities.

30.2 Objectives and Policies

Energy

30.2.1 **Objective** - The sustainable management of the District's resources benefits from the District's renewable and non-renewable energy resources and the electricity generation facilities that utilise them.

Policies

30.2.1.1 Recognise the national, regional and local benefits of the District's renewable and non-renewable electricity generation activities.

30.2.1.2 Enable the operation, maintenance, repowering, upgrade of existing non-renewable electricity generation activities and development of new ones where adverse effects can be avoided, remedied or mitigated.

30.2.2 **Objective** - The use and development of renewable energy resources achieves the following:

- a. It maintains or enhances electricity generation capacity while avoiding, reducing or displacing greenhouse gas emissions;
- b. It maintains or enhances the security of electricity supply at local, regional and national levels by diversifying the type and/or location of electricity generation;
- c. It assists in meeting international climate change obligations;
- d. It reduces reliance on imported fuels for the purpose of generating electricity;
- e. It helps with community resilience through development of local energy resources and networks.

Policies

- 30.2.2.1 Enable the development, operation, maintenance, repowering and upgrading of new and existing renewable electricity generation activities, (including small and community scale), in a manner that:
- a. recognises the need to locate renewable electricity generation activities where the renewable electricity resources are available;
 - b. recognises logistical and technical practicalities associated with renewable electricity generation activities;
 - c. provides for research and exploratory-scale investigations into existing and emerging renewable electricity generation technologies and methods.
- 30.2.2.2 Enable new technologies using renewable energy resources to be investigated and established in the district.
- 30.2.3 **Objective** - Energy resources are developed and electricity is generated, in a manner that minimises adverse effects on the environment.

Policies

- 30.2.3.1 Promote the incorporation of Small and Community-Scale Distributed Electricity Generation structures and associated buildings (whether temporary or permanent) as a means to improve efficiency and reduce energy demands.
- 30.2.3.2 Ensure the visual effects of Wind Electricity Generation do not exceed the capacity of an area to absorb change or significantly detract from landscape and visual amenity values.
- 30.2.3.3 Promote Biomass Electricity Generation in proximity to available fuel sources that minimise external effects on the surrounding road network and the amenity values of neighbours.
- 30.2.3.4 Assess the effects of Renewable Electricity Generation proposals, other than Small and Community Scale with regards to:
- a. landscape values and areas of significant indigenous flora or significant habitat for indigenous fauna;
 - b. recreation and cultural values, including relationships with tangata whenua;
 - c. amenity values;
 - d. the extent of public benefit and outcomes of location specific cost-benefit analysis.
- 30.2.3.5 Existing energy facilities, associated infrastructure and undeveloped energy resources are protected from incompatible subdivision, land use and development.
- 30.2.3.6 To compensate for adverse effects, consideration must be given to any offset measures (including biodiversity offsets) and/or environmental

compensation including those which benefit the local environment and community affected.

30.2.3.7 Consider non-renewable energy resources including standby power generation and Stand Alone Power systems, with particular regard to servicing activities in remote locations, and where adverse effects can be mitigated.

30.2.4 **Objective** - Subdivision layout, site layout and building design takes into consideration energy efficiency and conservation.

Policies

30.2.4.1 Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development.

30.2.4.2 Encourage subdivision and development to be designed so that buildings can utilise energy efficiency and conservation measures, including by orientation to the sun and through other natural elements, to assist in reducing energy consumption.

30.2.4.3 Encourage Small and Community-Scale Distributed Electricity Generation and Solar Water Heating structures within new or altered buildings.

30.2.4.4 Encourage building design which achieves a Homestar™ certification rating of 6 or more for residential buildings, or a Green Star rating of at least 4 stars for commercial buildings.

30.2.4.5 Transport networks should be designed so that the number, length and need for vehicle trips is minimised, and reliance on private motor vehicles is reduced, to assist in reducing energy consumption.

30.2.4.6 Control the location of buildings and outdoor living areas to reduce impediments to access to sunlight.

Utilities

30.2.5 **Objective** - The growth and development of the District is supported by utilities that are able to operate effectively and efficiently.

Policies

30.2.5.1 Utilities are provided to service new development prior to buildings being occupied, and activities commencing.

30.2.5.2 Ensure the efficient management of solid waste by:

- a. encouraging methods of waste minimisation and reduction such as re-use and recycling;
- b. providing landfill sites with the capacity to cater for the present and future disposal of solid waste;
- c. assessing trends in solid waste;
- d. identifying solid waste sites for future needs;

- e. consideration of technologies or methods to improve operational efficiency and sustainability (including the potential use of landfill gas as an energy source);
 - f. providing for the appropriate re-use of decommissioned landfill sites.
- 30.2.5.3 Recognise the future needs of utilities and ensure their provision in conjunction with the provider.
- 30.2.5.4 Assess the priorities for servicing established urban areas, which are developed but are not reticulated.
- 30.2.5.5 Ensure reticulation of those areas identified for urban expansion or redevelopment is achievable, and that a reticulation system be implemented prior to subdivision.
- 30.2.5.6 Encourage low impact design techniques which may reduce demands on local utilities.
- 30.2.6 **Objective** - The ~~establishment, continued operation and maintenance~~ operation, maintenance, development and upgrading of utilities supports the well-being of the community.

Policies

- 30.2.6.1 Provide for the operation, need for maintenance or upgrading of utilities ~~including regionally significant infrastructure to ensure their~~ on-going viability and efficiency ~~subject to managing adverse effects on the environment consistent with the objectives and policies in Chapters 3, 4, 5 and 6.~~
- 30.2.6.2 When considering the effects of proposed utility developments consideration must be given to alternatives, and also to how adverse effects will be managed through the route, site and method selection process, while taking into account the constraints due to the functional needs ~~locational, technical and operational requirements~~ of the utility and the benefits associated with the utility.
- 30.2.6.3 Ensure that the adverse effects of utilities on the environment are managed while taking into account the positive social, economic, cultural and environmental benefits that utilities provide, including:
- a. enabling enhancement of the quality of life and standard of living for people and communities;
 - b. providing for public health and safety;
 - c. enabling the functioning of businesses;
 - d. enabling economic growth;
 - e. enabling growth and development;
 - f. protecting and enhancing the environment;
 - g. enabling the transportation of freight, goods, people;
 - h. enabling interaction and communication.
- 30.2.6.4 Encourage the co-location of facilities where operationally and technically feasible.

30.2.6.5 Manage land use, development and/or subdivision in locations which could compromise the safe and efficient operation of utilities.

30.2.7 **Objective** - The adverse effects of utilities are managed having regard to functional needs and environmental values on the surrounding environments are avoided or minimised.

Policies

- 30.2.7.A Manage the adverse effects of regionally significant infrastructure by:
- a. seeking to avoid adverse effects on the values and attributes of the following:
 - i. Scheduled Significant Natural Areas, and those other areas that meet the criteria in Policy 33.2.1.8;
 - ii. Heritage features identified as Category 1 in the Schedule in Chapter 26;
 - iii. Wahi tupuna identified in the District Plan maps;
 - b. seeking to avoid significant adverse effects on the values and attributes of the following:
 - i. Special Character Areas identified on the District Plan maps including the Arrowtown Residential Historic Management Zone;
 - ii. Other Heritage features, settings, overlay areas or precincts that are not identified in (a.ii) above;
 - c. where avoiding adverse effects on the values and attributes of (a), or avoiding significant adverse effects on the values and attributes of (b), is not practicable because of the functional needs of the infrastructure:
 - i. in relation to (a.i), ensure that the adverse effects on the values and attributes are avoided, remedied or mitigated so that the significant nature of the area is maintained;
 - ii. in relation to (b.ii) ensure that adverse effects on the values and attributes are remedied or mitigated, or where this is not practicable, consider the extent to which the activity implements the policies of Chapter 26.
 - iii. remedy or mitigate the adverse effects on the values and attributes;
 - d. avoiding, remedying or mitigating other adverse effects.

Advice note: In relation to landscapes, Policies 6.3.3A and Policies 6.3.35 to 6.3.38 are relevant and apply to regionally significant infrastructure.

[drafting note – not part of the draft consent order, but the references in the Advice Note above may need to be deleted following the release of the Topic 2 interim decision.]

- 30.2.7.1 Manage the adverse effects of utilities on the environment by:
- a. for utilities other than regionally significant infrastructure, avoiding their location on sensitive sites, including heritage and special character areas, Outstanding Natural Landscapes and Outstanding Natural Features, and skylines and ridgelines and where avoidance is not practicable, avoid significant adverse effects and minimise other adverse effects on those sites, areas, landscapes or features;
 - b. encouraging co-location or multiple use of network utilities where this is efficient and practicable in order to avoid, remedy or mitigate adverse effects on the environment;
 - c. ensuring that redundant utilities are removed;
 - d. using landscaping and or colours and finishes to reduce visual effects;
 - e. integrating utilities with the surrounding environment; whether that is a rural environment or existing built form.
- 30.2.7.2 Require the undergrounding of new utilities servicing services in new areas of development, other than the National Grid, where technically feasible.
- 30.2.7.3 Encourage the replacement of existing overhead services other than the National Grid, with underground reticulation or the upgrading of the existing overhead services, where technically feasible.
- 30.2.7.4 Take account of economic and operational needs in assessing the location and external appearance of utilities.

30.2.8 Objective – included in Topic 1, Subtopic 4 consent order.

Policies

30.2.8.1 [Included in Topic 1, Subtopic 4 draft consent order.]

30.2.8.2 [Included in Topic 1, Subtopic 4 draft consent order.]

30.2.8.3 [Included in Topic 1, Subtopic 4 draft consent order.]

30.3 Other Provisions and Rules

30.3.1 District Wide

Attention is drawn to the following District Wide Chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural

		Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	31 Signs
32 Protected Trees	33 Indigenous Vegetation	34 Wilding Exotic Trees
35 Temporary Activities and Relocated Buildings	36 Noise	37 Designations
Planning Maps		

30.3.2 Information on National Environmental Standards and Regulations

- a. Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009:

Notwithstanding any other rules in the District Plan, the National Grid existing as at 14 January 2010 is covered by the Resource Management (National Environmental Standard for Electricity Transmission Activities) Regulations 2009 (NESETA) and must comply with the NESETA.

The provisions of the NESETA prevail over the provisions of this District Plan to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the Standard shall apply.

- b. Resource Management (National Environmental Standards for Telecommunications Facilities “NESTF”) Regulations 2016:

The NESTF 2016 controls a variety of telecommunications facilities and related activities as permitted activities subject to standards, including:

- i. cabinets in and outside of road reserve;
- ii. antennas on existing and new poles in the road reserve;
- iii. replacement, upgrading and co-location of existing poles and antennas outside the road reserve;
- iv. new poles and antennas in rural areas;
- v. antennas on buildings;
- vi. small-cell units on existing structures;
- vii. telecommunications lines (underground, on the ground and overhead) and facilities in natural hazard areas; and
- viii. associated earthworks.

All telecommunications facilities are controlled by the NESTF 2016 in respect of the generation of radiofrequency fields.

The NESTF 2016 and relevant guidance for users can be found at: <http://www.mfe.govt.nz/rma/legislative-tools/national-environmental-standards/national-environmental-standards> .

The provisions of the NESTF 2016 prevail over the provisions of this District Plan, to the extent of any inconsistency. No other rules in the District Plan that duplicate or conflict with the NESTF 2016 shall apply.

However, District Plan provisions continue to apply to some activities covered by the NESTF 2016, including those which, under regulations 44 to 52, enable rules to be more stringent than the NESTF, such as being subject to heritage rules, Significant Natural Areas, Outstanding Natural Features and Landscapes, and amenity landscape rules.

- c. New Zealand Electrical Code of Practice for Electrical Safe Distances. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by the NZECP 34(2001) (such as buildings, earthworks and conductive fences), including any activities that are otherwise permitted by the District Plan must comply with this legislation.

Advice Note: To assist plan users in complying with NZECP 34:2001 ~~these regulations~~, the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps.

For the balance of Aurora’s network plan users are advised to consult with Aurora’s network maps at www.auroraenergy.co.nz or contact Aurora directly for advice.

Compliance with this District Plan does not ensure compliance with NZECP 34:2001.

- d. Advice Note: Electricity (Hazards from Trees) Regulations 2003. Vegetation to be planted around electricity networks should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

30.3.3 Interpreting and Applying the Rules

- 30.3.3.1 A permitted activity must comply with all the rules listed in the Activity and Standards tables, and any relevant district wide rules.
- 30.3.3.2 Where an activity does not comply with a Standard listed in the Standards table, the activity status identified by the Non-Compliance Status column applies. Where an activity breaches more than one Standard, the most restrictive status applies to the Activity.
- 30.3.3.3 The rules contained in this Chapter take precedence over any other rules that may apply to energy and utilities in the District Plan, unless specifically stated to the contrary and with the exception of:

- a. 25 Earthworks;
- b. 26 Historic Heritage.

Note: Utilities can also be provided as designations if the utility operator is a requiring authority. Refer to Chapter 37 – Designations of the Plan for conditions and descriptions of designated sites.

30.3.3.4 The following abbreviations are used in the tables.

P	Permitted	C	Controlled
RD	Restricted Discretionary	D	Discretionary
NC	Non Complying	PR	Prohibited

30.4 Energy Rules

30.4.1	Renewable Energy Activities	Activity Status
30.4.1.1	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating (including any structures and associated buildings but excluding Wind Electricity Generation), other than those activities restricted by Rule 30.4.1.4.	P
30.4.1.2	Small and Community-Scale Distributed Wind Electricity Generation within the Rural Zone, Gibbston Character Zone and Rural Lifestyle Zone that complies with Rule 30.4.2.3 Control is reserved to the following: a. noise; b. visual effects; c. colour; d. vibration.	C
30.4.1.3	Renewable Electricity Generation Activities, limited to masts, drilling and water monitoring for the purpose of research and exploratory-scale investigations that are temporary. Discretion is restricted to: a. the duration of works and the research purpose; b. the location of investigation activities and facilities, including proximity to, and effects on, sensitive uses and environments; c. the height and scale of facilities and potential visual effects; d. environmental effects.	RD
30.4.1.4	Small and Community-Scale Distributed Electricity Generation and Solar Water Heating including any structures and associated buildings, which is either: a. Wind Electricity Generation other than that provided for in Rule 30.4.1.2. OR b. Located in any of the following sensitive environments: i. Arrowtown Residential Historic Management Zone; ii. Town Centre Special Character Areas; iii. Significant Natural Areas; iv. Outstanding Natural Landscapes; v. Outstanding Natural Features; vi. Heritage Features and Heritage Overlay Areas.	D
30.4.1.5	Renewable Electricity Generation Activities, other than Small and Community-Scale Distributed Electricity Generation, and including any new or additional building	D

30.4.1	Renewable Energy Activities	Activity Status
	housing plant and electrical equipment.	

30.4.2	Renewable Energy Standards	Activity- Status Non- compliance Status
30.4.2.1	<p>Small and Community-Scale Distributed Electricity Generation and Solar Water Heating must:</p> <p>30.4.2.1.1 Not overhang the edge of any building.</p> <p>30.4.2.1.2 Be finished in recessive colours: black, dark blue, grey or brown if Solar Electricity Generation cells, modules or panels.</p> <p>30.4.2.1.3 Be finished in similar recessive colours to those in the above standard if frames, mounting or fixing hardware. Recessive colours must be selected to be the closest colour to the building to which they form part of, are attached to, or service.</p> <p>30.4.2.1.4 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p>30.4.2.1.5 Not intrude through any recession planes applicable in the zone in which they are located.</p> <p>30.4.2.1.6 Not protrude more than a maximum of 0.5 m above the maximum height limit specified for the zone if solar panels on a sloping roof.</p> <p>30.4.2.1.7 Not protrude a maximum of 1.0 m above the maximum height limit specified for the zone, for a maximum area of 5m² if solar panels on a flat roof.</p> <p>30.4.2.1.8 Not exceed 150m² in area if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.9 Not exceed 2.0 metres in height if free standing Solar Electricity Generation and Solar Water Heating.</p> <p>30.4.2.1.10 Be located within an approved building platform where located in the Rural, Gibbston Character or Rural Lifestyle Zone.</p>	D
30.4.2.2	<p>Mini and Micro Hydro Electricity Generation must:</p> <p>30.4.2.2.1 Comply with Road and Internal Boundary Building Setbacks in the zone in which they are located.</p> <p>30.4.2.2.2 Not exceed 2.5 metres in height.</p> <p>30.4.2.2.3 Be finished in recessive colours consistent with</p>	D

30.4.2	Renewable Energy Standards	Activity- Status Non- compliance Status
	<p>the building it is servicing on site.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Water.</p>	
30.4.2.3	<p>Wind Electricity Generation must:</p> <p>30.4.2.3.1 Comprise no more than two Wind Electricity Generation turbines or masts on any site.</p> <p>30.4.2.3.2 Involve no lattice towers.</p> <p>30.4.2.3.3 Be set back in accordance with the internal and road boundary setbacks for buildings in the zone in which they are located. Any exemptions identified in the zone rules for accessory buildings do not apply.</p> <p>30.4.2.3.4 Not exceed the maximum height or intrude through any recession planes applicable in the zone in which they are located.</p> <p>30.4.2.3.5 Be finished in recessive colours with a light reflectance value of less than 16%.</p> <p>Notes: In the Rural and Gibbston Character Zones the maximum height shall be that specified for non-residential building ancillary to viticulture or farming activities (10m). The maximum height for a wind turbine shall be measured to the tip of blade when in vertical position. Wind turbines must comply with Chapter 36 (Noise).</p>	D
30.4.2.4	<p>Biomass Electricity Generation</p> <p>30.4.2.4.1 Biomass Electricity Generation fuel material shall be sourced on the same site as the generation plant, except where the generation plant is located in Industrial Zones (and Industrial Activities Areas within Structure Plans).</p> <p>30.4.2.4.2 Any outdoor storage of Biomass Electricity Generation fuel material shall be screened from adjoining sites and public places.</p> <p>30.4.2.4.3 Biomass Electricity Generation plant and equipment shall be located inside a Building.</p> <p>Note: Reference should also be made to the Otago Regional Council Regional Plan: Air</p>	D
30.4.2.5	<p>Buildings for renewable energy activities</p> <p>Any building housing plant and electrical equipment associated with Renewable Electricity Generation activities, unless permitted in the zone in which it located or approved by resource consent, shall:</p> <p>30.4.2.5.1 Not exceed 10m² in area and 2.5m in height.</p> <p>30.4.2.5.2 Be set back in accordance with the internal and</p>	D

30.4.2	Renewable Energy Standards	Activity- Status Non- compliance Status
	road boundary setbacks for accessory buildings in the zone in which it is located. 30.4.2.5.3 Be finished in recessive colours, consistent with the building it is servicing on site.	

30.4.3	Non-Renewable Energy Activities	Activity Status
30.4.3.1	<p>Non-renewable Electricity Generation where either:</p> <p>a. the generation only supplies activities on the site on which it is located and involves either:</p> <p>i. standby generators associated with community, health care, and utility activities; or</p> <p>ii. generators that are part of a Stand-Alone Power System on sites that do not have connection to the local distributed electricity network or</p> <p>iii. <u>standby generators and generators within Ski Area Sub Zones.</u></p> <p>OR</p> <p>b. generators that supply the local distributed electricity network for a period not exceeding 3 months in any calendar year.</p> <p>Note: Diesel Generators must comply with the provisions of Chapter 36 (Noise).</p>	P
30.4.3.2	Non-Renewable Energy Activities which are not otherwise specified.	NC

30.5 Utility Rules

30.5.1	General Utility Activities	Non- compliance Status Activity Status
30.5.1.1	<p>Buildings associated with a Utility</p> <p>Any building or cabinet or structure of 10m² or less in total footprint or 3m or less in height which is not located in the areas listed in Rule 30.5.1.4.</p> <p>This rule does not apply to:</p> <p>a. masts for navigation or meteorology</p> <p>b. poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication</p>	P

30.5.1	General Utility Activities	Non-compliance Status Activity Status
	c. lines and support structures.	
30.5.1.2	Flood Protection Works for the maintenance, reinstatement, repair or replacement of existing flood protection works for the purpose of maintaining the flood carrying capacity of water courses and/or maintaining the integrity of existing river protection works.	P
30.5.1.3	Buildings (associated with a Utility) The addition, alteration or construction of buildings greater than 10m ² in total footprint or 3m in height other than buildings located in the areas listed in Rule 30.5.1.4. This rule does not apply to: a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m ² in area and 3m in height, exclusive of any plinth or other foundation) for telecommunication and radio communication; c. line and support structures. Control is reserved to: a. location; b. external appearance and visual effects; c. associated earthworks; d. parking and access; e. landscaping.	C
30.5.1.4	Buildings (associated with a Utility) Any addition, alteration or construction of buildings in: a. any Significant Natural Areas; b. the Arrowtown Residential Historic Management Zone. This rule does not apply to: a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m ² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; c. lines and support structures, and associated <u>electricity cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation).</u>	D
30.5.1.5	Flood Protection Works not otherwise provided for in Rule <u>30.4.5.1.2</u> <u>30.5.1.2</u>	D
30.5.1.6	Waste Management Facilities	D
30.5.1.7	Water and Wastewater Treatment Facilities	D

30.5.1	General Utility Activities	Non-compliance Status Activity Status
30.5.1.8	<p>Utilities and Buildings (associated with a Utility) which are not:</p> <p>30.5.8.1 provided for in any National Environmental Standard;</p> <p>OR</p> <p>30.5.8.2 otherwise listed in Rules 30.5.1.1 to 30.5.1.7, 30.5.3.1 to 30.5.3.5, <u>30.5.3.7</u>, 30.5.5.1 to 30.5.5.8, or 30.5.6.1 to 30.5.6.13.</p>	D

30.5.2	General Utilities - Standards	Non-compliance Status
30.5.2.1	<p>Setback from internal boundaries and road boundaries</p> <p>Where the utility is a building, it must be set back in accordance with the internal and road boundary setbacks for accessory buildings in the zone in which it is located.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures for telecommunications. 	D
30.5.2.2	<p>Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF)</p> <p>Any building within an ONL or ONF must be less than 10m² in area and less than 3m in height.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> masts or poles for navigation or meteorology; poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures. 	D
30.5.2.3	<p>Height</p> <p>All buildings or structures must comply with the relevant maximum height provisions for buildings of the zone they are located in.</p> <p>This rule does not apply to:</p> <ol style="list-style-type: none"> masts or poles for navigation or meteorology; poles, antennas, and associated cabinets (cabinets up to 10m² in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; lines and support structures. 	D

30.5.3	National Grid Activities	Non-compliance- Status Activity Status
30.5.3.1	Minor Upgrading	P
30.5.3.2	Buildings, structures and activities that are not National Grid sSensitive aActivities within the National Grid Yard Corridor Subject to compliance with Rules 30.5.4.1 and 30.5.4.2.	P
30.5.3.3	Earthworks within the National Grid Yard Subject to compliance with Rule 30.5.4.2	P
30.5.3A	<u>Underground electricity cables</u> <u>The placement of underground electricity transmission cables provided the ground surface is reinstated to the state it was prior to works commencing.</u>	P
30.5.3.4	Buildings, structures and National Grid sensitive activities in the vicinity of the Frankton Substation Any building, structure or National Grid sensitive activity or storage or use of explosive or flammable Hazardous Substances* within 45m of the designated boundary of Transpower New Zealand Limited's Frankton Substation. Control is reserved to: a. the extent to which the design and layout (including underground cables, services and fencing) avoids adverse effects on the on-going operation, maintenance upgrading and development of the substation; b. the risk of electrical hazards affecting public or individual safety, and the risk of property damage; and c. measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects. <u>* Excludes storage or use of Hazardous Substances ancillary to Residential Activity.</u>	C
30.5.3.B	<u>Lines and Supporting Structures</u> <u>Erecting any lines or support structures for new overhead electricity transmission lines to convey electricity at a voltage of 110kV or less in all zones and outside of any Outstanding Natural Feature, Outstanding Natural Landscape or Scheduled Significant Natural Areas.</u> <u>Discretion is restricted to:</u>	RD

30.5.3	National Grid Activities	Non-compliance Status Activity Status
	<ul style="list-style-type: none"> a. <u>the effects on activities within the proposed National Grid Yard;</u> b. <u>Landscape and visual effects;</u> c. <u>the route, site and method selected;</u> d. <u>the functional needs of the National Grid;</u> e. <u>the benefits derived from sustainable, secure and efficient electricity transmission.</u> 	
30.5.3.5	<u>Substation, Lines and Supporting Structures Except as provided for in Rule 30.5.3.B, erecting any substation, lines, lattice towers or support structures for new overhead transmission lines to convey electricity (at a voltage of more than 110kV with a capacity over 100MVA) in all zones and in any Outstanding Natural Feature, Outstanding Natural Landscape or Scheduled Significant Natural Areas.</u>	D
30.5.3.6	<u>National Grid Sensitive Activities in the National Grid Yard</u>	NC

30.5.4	National Grid Standards	Non-compliance Status
30.5.4.1	<p>Buildings and Structures permitted within the National Grid Yard:</p> <p>30.5.4.1.X <u>Buildings and structures that meets the safe electrical clearance distances required by New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001);</u></p> <p>30.5.4.1.1 A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height.</p> <p>30.5.4.1.2 A network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid, excluding a building or structure for the reticulation and storage of water for irrigation purposes.</p> <p>30.5.4.1.3 Any new non-habitable building less than 2.5m high and 10m² in floor area and is more than 12m from a National Grid <u>transmission line support structure.</u></p> <p>30.5.4.1.4 Any non-habitable building or structure used for agricultural <u>or horticultural</u> activities provided that they are:</p>	NC

30.5.4	National Grid Standards	Non-compliance Status
	<p>a. less than 2.5m high;</p> <p>b. located at least 12m from a National Grid <u>transmission line</u> <u>Support</u> <u>Structure</u>;</p> <p>c. not a <u>wintering barn</u>, <u>produce packing facility</u>, milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse, or a structure associated with irrigation, or a factory farm.</p> <p>30.5.4.1.5 Alterations to existing buildings that do not alter the building envelope.</p> <p>30.5.4.1.6 An agricultural <u>or horticultural</u> structure where Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	
30.5.4.2	<p>Earthworks permitted within the National Grid Yard</p> <p>30.5.4.2.1 Earthworks within 6 metres of the outer visible edge of a National Grid <u>Transmission line</u> <u>Support</u> <u>Structure</u> must be no deeper than 300mm.</p> <p>30.5.4.2.2 Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid <u>Transmission line</u> <u>Support</u> <u>Structure</u> must be no deeper than 3 metres.</p> <p>30.5.4.2.3 Earthworks must not create an unstable batter that will affect a <u>National Grid transmission line</u> support structure.</p> <p>30.5.4.2.4 Earthworks must not result in a reduction in the existing conductor clearance distance below what is required by the NZECP 34:2001.</p> <p>The following earthworks are exempt from the rules above:</p> <p>30.5.4.2.5 Earthworks undertaken by network utility operators in the course of constructing or maintaining utilities providing the work is not associated with buildings or structures for the storage of water for irrigation purposes.</p> <p>30.5.4.2.6 Earthworks undertaken as part of agricultural <u>or horticultural</u> activities or domestic gardening.</p> <p>30.5.4.2.7 Repair, sealing, resealing of an existing road, footpath, farm track or driveway.</p> <p>Note: Refer to the Definitions for illustration of the National Grid Yard.</p>	NC
30.5.4.3	<p><u>Electric and magnetic fields</u></p> <p>30.5.4.3.1 <u>Electric and magnetic fields must not exceed</u></p>	NC

30.5.4	National Grid Standards	Non-compliance Status
	<u>the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric and magnetic fields (1Hz – 100kHz) (Health physics, 2010, 99(6); 818-836) and recommendations from the World Health Organisation Monograph Environmental Health Criteria (No 238, June 2007).</u>	

30.5.5	Electricity Distribution Activities	Non-compliance-Status Activity Status
30.5.5.1	Minor Upgrading	P
30.5.5.2	Lines and Supporting Structures The placement and upgrading of lines, poles and supporting structures within formed legal road.	P
30.5.5.3	Underground Electricity Cables The placement of underground electricity distribution cables provided the ground surface is reinstated to the state it was prior to works commencing.	P
30.5.5.4	Lines and Supporting Structures Except as otherwise stated in Rules 30.5.5.2 above, and 30.5.5.5 below new lines and associated above ground support structures including masts, poles or ancillary equipment, but excluding lattice towers, to convey electricity (at a voltage of equal to or less than <u>1100kV</u> at a capacity equal to or less than 100MV). Control is reserved to: a. location; b. route; c. height; d. appearance, scale and visual effects.	C
30.5.5.5	Lines and Supporting Structures Any line or support structure where it involves erecting any support structures for overhead lines to convey electricity (at a voltage of equal to or less than 110kV at a capacity of equal to or less than 100MVA) in any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.	D

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
30.5.6.1	Minor Upgrading	P
30.5.6.2	New Aerial Lines and Supporting Structures within formed road reserve; or	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
	New aerial telecommunication line/s on existing telecommunication or power structures including when located in sensitive environments identified in Rule 30.5.6.5.	
30.5.6.3	The construction, alteration, or addition to underground lines providing the ground surface is reinstated to the state it was prior to works commencing.	P
30.5.6.4	New Aerial Lines and Supporting Structures (outside formed road reserve) Not located in any of the sensitive environments identified by Rule 30.5.6.5 Control is reserved to: a. location; b. route; c. appearance, scale and visual effects.	C
30.5.6.5	New Aerial Lines and Supporting Structures Any line or support structure within any Outstanding Natural Feature or Outstanding Natural Landscape or Significant Natural Areas.	D
30.5.6.6	Poles With a maximum height no greater than: a. 18m in the High Density Residential (Queenstown – Flat Sites), Queenstown Town Centre, Wanaka Town Centre (Wanaka Height Precinct) or Airport Zones; b. 25m in the Rural Zone; c. 15m in the Business Mixed Use Zone (Queenstown); d. 13m in the Local Shopping Centre, Business Mixed Use (Wanaka) or Jacks Point zones; e. 11m in any other zone; and f. 8m in any identified Outstanding Natural Landscape. Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Character Landscape, poles must be finished in colours with a light reflectance value of less than 16%.	P
30.5.6.7	Poles Exceeding the maximum height for the zones identified in Rule 30.5.6.6 OR any pole located in a. any identified Outstanding Natural Feature; b. the Arrowtown Residential Historic Management Zone; c. Arrowtown Town Centre; d. Queenstown Special Character Area; e. Significant Natural Area; f. Sites containing a Heritage Feature; and g. Heritage Overlay Areas.	D
30.5.6.8	Antennas and ancillary equipment Provided that for panel antennas the maximum width is 0.7m, and for all other antenna types the maximum	P

30.5.6	Telecommunications, radio communication, navigation or meteorological communication activities	Activity Status
	<p>surface area is no greater than 1.5m² and for whip antennas, less than 4m in length.</p> <p>Where located in the Rural Zone within the Outstanding Natural Landscape or Rural Landscape Classification, antennae must be finished in colours with a light reflectance value of less than 16%.</p>	
30.5.6.9	<p>Antennas and ancillary equipment</p> <p>Subject to Rule 30.5.6.10 provided that for panel antennas the maximum width is between 0.7m and 1.0m, and for all other antenna types the surface area is between 1.5m² and 4m² and for whip antennas, more than 4m in length.</p> <p>Control is reserved to all of the following:</p> <ul style="list-style-type: none"> a. location; b. appearance, colour and visual effects. 	C
30.5.6.10	<p>Any antennas located in the following:</p> <ul style="list-style-type: none"> a. any identified Outstanding Natural Feature; b. the Arrowtown Residential Historic Management Zone; c. Arrowtown Town Centre; d. Queenstown Special Character Area; e. Significant Natural Areas; and f. Heritage, Features and Heritage Overlay Areas. 	D
30.5.6.11	<p>Small Cell Units</p> <p>Provided that the small cell unit is not located within a Heritage Precinct.</p>	P
30.5.6.12	<p>Microcells</p> <p>A microcell and associated antennas, with a volume of between 0.11m³ and 2.5m³ provided that the microcell is not located within a Heritage Precinct.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> a. appearance; b. colour; and c. visual effects. 	C
30.5.6.13	<p>Small Cell Units and Microcells</p> <p>30.5.6.13.1 A microcell and associated antennas, with a volume more than 2.5m³.</p> <p>OR</p> <p>30.5.6.13.2 A small cell unit located within a Heritage Precinct.</p>	D

30.6 Rules - Non-Notification of Applications

30.6.1 Any application for resource consent for the following matters does not require the written approval of other persons and will not be notified or limited-notified:

- 30.6.1.1 Controlled activities except for applications when within 45m of the designated boundary of Transpower New Zealand Limited’s Frankton Substation.
- 30.6.1.2 Discretionary activities for Flood Protection Works.
- 30.6.2 Rules – Notification
- 30.6.2.1 For any application for resource consent made under Rules 30.5.3.4, and 30.5.4, when deciding who is an affected person for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to Transpower New Zealand Limited.

Chapter 8 Medium Density Residential

- **Delete Rule 8.5.13**

8.5.13	Setbacks from electricity transmission infrastructure National Grid Sensitive Activities are located outside of the National Grid yard.	NC
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Chapter 23 Gibbston Character Zone

Amend 23.2.1.9:

Policy 23.2.1.9 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be minimised remedied or mitigated.

Chapter 27 Subdivision and Development

- **Amend Policy 27.2.2.8 and include new Policy 27.2.2.8A**

Policy 27.2.2.8 Manage subdivision ~~within the National Grid Corridor or near to~~ electricity distribution lines to facilitate good amenity and urban design outcomes, while ~~minimising potential adverse effects (including reverse sensitivity effects) on the National Grid and~~ avoiding, remedying or mitigating potential adverse effects (including reverse sensitivity effects) on electricity distribution lines.

Policy 27.2.2.8A Manage subdivision within the National Grid Subdivision Corridor to avoid reverse sensitivity effects on the National Grid and facilitate good amenity and design outcomes, to the extent reasonably

possible, and to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised.

- **Amend Rule 27.5.10:**

27.5.10	<p>Subdivision of land in any zone within the National Grid <u>Subdivision</u> Corridor except where any allotment identifies a building platform to be located within the National Grid Yard.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> impacts on the operation, maintenance, upgrade and development of the National Grid; the ability of future development to comply with NZECP34:2001; the location, design and use of any proposed building platform as it relates to the National Grid transmission line. <u>the risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u> <u>whether any proposed planting within the subdivision would result in the planting of trees or shrubs in the vicinity of the National Grid transmission lines and the potential for effects on the operation and security of the transmission lines.</u> 	RD
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- **Amend Rule 27.9.4.1(f):**

- 27.9.4.1 Assessment Matters in relation to Rule 27.5.10. (National Grid Subdivision Corridor)
- whether the allotments are intended to be used for residential or commercial activity;
 - the need to identify a building platform to ensure future buildings are located outside the National Grid Yard;
 - the ability of future development to comply with NZECP34:2001;
 - potential effects of the location and planting of vegetation on the National Grid;
 - whether the operation, maintenance and upgrade of the National Grid is restricted;
 - the extent to which Policy 27.2.2.8A is achieved.

- Amend Advice Note 27.11.3:

27.11.3 **New Zealand Electrical Code of Practice for Electrical Safe Distances**

27.11.3.1 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation.

To assist plan users in complying with NZECP 34:2001, the major distribution components of the Aurora network (the Electricity sub-transmission infrastructure and Significant electricity distribution infrastructure) are shown on the Planning Maps.

For the balance of Aurora’s network plan users are advised to consult with Aurora’s network maps at www.auroraenergy.co.nz or contact Aurora for advice.

**THE FOLLOWING RELIEF RESOLVES THE
AURORA ENERGY LIMITED APPEAL POINT SEEKING CORRIDOR PROTECTION FOR
ELECTRICITY SUB-TRANSMISSION INFRASTRUCTURE AND SIGNIFICANT ELECTRICITY
DISTRIBUTION INFRASTRUCTURE**

CHAPTER 7 – LOWER DENSITY SUBURBAN RESIDENTIAL

- Include advice note in section 7.3.2 ‘Interpreting and Applying the Rules’ as follows:

7.3.2.6A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34:2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- **Add matter of discretion to Rule 7.4.7 as follows:**
 - (j) Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road, any adverse effects on that infrastructure.

- **Amend Part 7.6 Rules - Non-Notification of applications as follows:**
 - 7.6.1** The following Restricted Discretionary activities shall not require the written approval of affected persons and shall not be notified or limited notified:

 - 7.6.1.1 Residential units pursuant to Rule 7.4.7, except where:
 - a. vehicle crossing or right of way access on or off a State Highway is sought;
 - b. in relation to the electricity distribution network and where Rule 7.4.7(j) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

CHAPTER 8 – MEDIUM DENSITY RESIDENTIAL

- **Include advice note in section 8.3.2 'Interpreting and Applying the Rules' as follows:**
 - 8.3.2.8A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- **Add matter of discretion to Rules 8.5.6 and 8.5.8 as follows:**
 - e. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road, any adverse effects on that infrastructure.

CHAPTER 9 – HIGH DENSITY RESIDENTIAL

- **Include advice note in section 9.3.2 ‘Interpreting and Applying the Rules’ as follows:**

9.3.2.5A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- **Add matter of discretion to Rules 9.4.5, 9.5.5 and 9.5.8**

- a. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road and any proposed building is located within 9.5 meters of that road boundary, any adverse effects on that infrastructure.

- **Include a new notification Rule 9.6.2.4 as follows:**

9.6.2.4 Where the matters of discretion include effects on the Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure, Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

CHAPTER 11 – LARGE LOT RESIDENTIAL

- **Include advice note in section 11.3.2 ‘Interpreting and Applying the Rules’ as follows:**

11.3.2.6A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

CHAPTER 12 – QUEENSTOWN TOWN CENTRE ZONE

- **Include advice note in section 12.3.2 ‘Interpreting and Applying the Rules’ as follows:**

12.3.2.4A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- **Add matter of discretion to Rule 12.4.6(j) as follows:**

(j) Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road, any adverse effects on that infrastructure.

- **Add new Rule to Part 12.6 Rules – Non-Notification of Applications, Rule 12.6.3.2**

12.6.3.2 In relation to the electricity distribution network and where Rule 12.4.6(j) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

CHAPTER 16 – BUSINESS MIXED USE

- **Include advice note in section 16.3.2 ‘Interpreting and Applying the Rules’ as follows:**

16.3.2.4A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- **Add matter of discretion to Rule 16.4.4 (k) as follows:**

(k) Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road and any proposed building is located

within 9.5m of that road boundary, any adverse effects on that infrastructure.

- **Add new Part 16.6 Rules – Non-Notification of Applications.**

16.6.3.2 In relation to the electricity distribution network and where Rule 16.4.4(k) is relevant, the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

CHAPTER 21 – RURAL ZONE

- **Add advice note at 21.3.3.4 as follows:**

21.3.3.4 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- **Add matter of discretion to Rules 21.5.2 and 21.7.1 as follows:**

d. Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road, any adverse effects on that infrastructure.

- **Add standard and matter of discretion to Rule 21.8.1 as follows:**

Standard:

21.8.1.8 Farm Buildings must be located a minimum distance of 10m either side from Electricity Sub-transmission Infrastructure lines or 5m from Significant Electricity Distribution Infrastructure lines as shown on the Plan maps. The setback distance shall be measured from the centre of the support structure.

Matter of discretion (Non-compliance status):

v. Where non-compliance is pursuant to Rule 21.8.1.8, maintaining access to the infrastructure for operation, maintenance and minor upgrading.

CHAPTER 22 – RURAL RESIDENTIAL AND RURAL LIFESTYLE

- Include advice note in section 22.3.2 'Interpreting and Applying the Rules' as follows:

22.3.2.10A Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

CHAPTER 25 - EARTHWORKS

- Include new advice note at 25.3.4.5

25.3.4.5 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances ("NZECP34:2001") is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

CHAPTER 27 – SUBDIVISION

- Amend Assessment Matters by adding the following:

27.9.3.1 (Urban Subdivision Activities)

- ...
- i. whether effects on electricity and telecommunication networks are appropriately managed. Where the site contains, or is adjacent to road containing Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps, consideration shall also be had to:
 - a. the effects on the operation, maintenance or minor upgrading of that infrastructure;
 - a. Whether the network operator or suitably qualified engineer has provided confirmation that subdivision design would ensure that future development achieves NZECP34:2001.

27.9.3.2 (Rural Residential and Rural Lifestyle Subdivision Activities)

- ...
- I. whether effects on electricity and telecommunication networks are appropriately managed. Where the site contains, or is adjacent to road containing Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps, consideration shall also be had to:
 - a. the effects on the operation, maintenance or minor upgrading of that infrastructure;
 - b. Whether the network operator or suitably qualified engineer has provided confirmation that subdivision design would ensure that future development achieves NZECP34:2001:

CHAPTER 38 – OPEN SPACE ZONE

- **Add advice note at 38.3.3.5 as follows:**

21.3.3.4 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities in relation to the NZECP34:2001.

CHAPTER 43 - MILLBROOK

- **Add matter of discretion to Rule 43.5.2. as follows:**

With respect to Rule 43.5.2(b), discretion is limited to the following:

The effects of the proposed building on the Electricity Sub-transmission Infrastructure as shown on the Plan Maps, including whether NZECP34:2001 can be complied with.

- **Add notification rule:**

43.6.2 Notwithstanding Rule 43.6.1 above, any application for resource consent where Rule 43.5.2(b) is relevant, Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Resource Management Act 1991

ANNEXURE 2

Topic 17: Earthworks draft consent order (Aurora Energy appeal)

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under clause 14 of Schedule 1 of the Act against decisions of the Queenstown Lakes District Council on Stage 1 of the Proposed Queenstown Lakes District Plan

BETWEEN **AURORA ENERGY LTD**
Appellant

AND **FEDERATED FARMERS
VODAFONE NEW ZEALAND LTD,
SPARK NEW ZEALAND TRADING
LTD, CHORUS NEW ZEALAND LTD
UNIVERSAL DEVELOPMENTS
LIMITED**
Section 274 Parties

AND **QUEENSTOWN LAKES DISTRICT
COUNCIL**
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge sitting alone under section 279
of the Act **IN CHAMBERS** at

CONSENT ORDER

Introduction

7. The Court has read and considered the notice of appeal from Aurora Energy Limited (**Aurora**)¹³ against decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown

¹³ ENV-2018-CHC-106.

Lakes District Plan (**PDP**), in particular the part of that appeal allocated into Topic 17, Energy and Utilities.

8. The parties as listed on the cover pages of this consent notice gave notice of their intention to become parties to the Aurora appeal under section 274 and participated in Environment Court assisted mediation on 6 to 9 August 2019.
9. The Court has considered the memorandum of the parties dated [] September 2019 in which the parties respectfully requested that the Court approve the provisions attached to that memorandum.
10. The Court is making this order under section 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
 - 10.1 all parties to the proceeding have executed the memorandum requesting this order; and
 - 10.2 all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

Order

11. Therefore, the Court orders, by consent, that the provisions of Chapter 25, Earthworks, of the Queenstown Lakes District Plan, as set out in **Appendix 1** are approved.

12. There is no order for costs.

DATED at this day of 2019

Environment Judge

APPENDIX 1

(amendments shown in underline and ~~strikethrough~~ text)

- Add new Assessment matter 25.8.4.6

25.8.4.6 Where earthworks are to be carried out within 9.5m of Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps, consideration shall be had to:

- a) The effects of earthworks on the operation, maintenance or minor upgrading of that infrastructure; and
- b) Whether the network operator or suitably qualified engineer has provided confirmation that earthworks proposed comply with the NZECP34:2001.

ANNEXURE 3

Topic 17: Wakatipu Basin draft consent order (Aurora Energy appeal)

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under clause 14 of Schedule 1 of the Act against decisions of the Queenstown Lakes District Council on Stage 1 of the Proposed Queenstown Lakes District Plan

BETWEEN **AURORA ENERGY LTD**
Appellant

AND **FEDERATED FARMERS**
VODAFONE NEW ZEALAND LTD,
SPARK NEW ZEALAND TRADING
LTD, CHORUS NEW ZEALAND LTD
UNIVERSAL DEVELOPMENTS
LIMITED
Section 274 Parties

AND **QUEENSTOWN LAKES DISTRICT**
COUNCIL
Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge sitting alone under section 279
of the Act **IN CHAMBERS** at

CONSENT ORDER

Introduction

13. The Court has read and considered the notice of appeal from Aurora Energy Limited (**Aurora**)¹⁴ against decisions by the Queenstown Lakes District Council (**Council**) on Stage 1 of the Proposed Queenstown Lakes District Plan (**PDP**), in particular the part of that appeal allocated into Topic 17, Energy and Utilities.
14. The parties as listed on the cover pages of this consent notice gave notice of their intention to become parties to the Aurora appeal under section 274 and participated in Environment Court assisted mediation on 6 to 9 August 2019.
15. The Court has considered the memorandum of the parties dated [] September 2019 in which the parties respectfully requested that the Court approve the provisions attached to that memorandum.
16. The Court is making this order under section 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
 - 16.1 all parties to the proceeding have executed the memorandum requesting this order; and
 - 16.2 all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

Order

17. Therefore, the Court orders, by consent, that the provisions of Chapter 24, Wakatipu Basin, and Chapter 27, Subdivision and Development, of

¹⁴ ENV-2018-CHC-106.

the Queenstown Lakes District Plan, as set out in **Appendix 1** are approved.

18. There is no order for costs.

DATED at this day of 2019

Environment Judge

APPENDIX 1

(amendments shown in underline and ~~strikethrough~~ text)

CHAPTER 24 – WAKATIPU BASIN

- **Add advice note at 24.3.3.4:**

24.3.3.4 Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (“NZECP34:2001”) is mandatory under the Electricity Act 1992. All activities, such as buildings, earthworks and conductive fences regulated by NZECP34: 2001, including any activities that are otherwise permitted by the District Plan must comply with this legislation. Chapter 30 Energy and Utilities part 30.3.3.2.c has additional information in relation to activities and obligations under NZECP34:2001.

- **Add new matter of discretion to Rules 24.4.7, 24.4.18, 24.5.2, 24.5.8 and 24.5.15:**

Where Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps is located within the adjacent road, any adverse effects on that infrastructure.

- **Amend Notification Rules at 24.6 by adding a new h.:**

h Rules 24.4.7, 24.4.18, 24.5.2, 24.5.8 and 24.5.15 in relation to the electricity distribution network, where the Council will give specific consideration to Aurora Energy Limited as an affected person for the purposes of section 95E of the Act.

- **Add Assessment Matter to 24.7.6(e):**

- e. Where Electricity Sub-transmission infrastructure or Significant Electricity Distribution Infrastructure is located in road adjacent to the subject site or within the subject site, consideration shall be had to:
 - c. The effects on the operation, maintenance or minor upgrading of that infrastructure.
 - d. Whether the network operator or suitably qualified engineer has provided confirmation that subdivision design would ensure that future development achieves NZECP34:2001.

CHAPTER 27 – SUBDIVISION AND DEVELOPMENT

- **Add new Assessment Matter to 27.9.3.3 as follows:**

27.9.3.3 Assessment Matters in relation to Rule 27.5.9 (Wakatipu Basin Rural Amenity Zone and Wakatipu Basin Lifestyle Precinct Subdivision Activities) by adding the following:

- za. Whether effects on electricity and telecommunication networks are appropriately managed. Where the site contains, or is adjacent to road containing Electricity Sub-transmission Infrastructure or Significant Electricity Distribution Infrastructure as shown on the Plan maps, consideration shall also be had to:
 - a. the effects on the operation, maintenance or minor upgrading of that infrastructure;
 - b. Whether the network operator or suitably qualified engineer has provided confirmation that subdivision design would ensure that future development achieves NZECP34:2001.