

**BEFORE THE COMMISSIONERS APPOINTED BY  
THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER** Of clause 6 of the First Schedule of  
the Resource Management Act  
1991 (the **Act**)

**AND  
IN THE MATTER** Of the Queenstown Lakes District  
Council Proposed District Plan  
(Stage 3) (**PDP Stage 3**)

**SUBMITTER** **AURORA ENERGY LIMITED**  
**Original Submission 3153**

---

**SUBMISSIONS OF COUNSEL ON BEHALF OF AURORA ENERGY LIMITED WITH  
RESPECT TO STREAM 16: WĀHI TŪPUNA**

---

---

**GALLAWAY COOK ALLAN  
LAWYERS  
DUNEDIN**

Solicitor on record: Simon Peirce  
P O Box 143, Dunedin 9054  
Ph: (03) 477 7312  
Fax: (03) 477 5564  
Email: [simon.peirce@gallawaycookallan.co.nz](mailto:simon.peirce@gallawaycookallan.co.nz)

**SUBMISSIONS OF COUNSEL ON BEHALF OF AURORA ENERGY LIMITED WITH  
RESPECT TO STREAM 16: WĀHI TŪPUNA**

May it please the Commissioners:

1. Aurora Energy Limited (**Aurora**) owns and operates electricity distribution infrastructure that supplies electricity to more than 90,000 homes in the Queenstown Lakes, Dunedin and Central Otago Districts.
2. The maintenance of Aurora's network is carried out by its approved contractors in the Queenstown Lakes District: Connetics, Network Electrical Servicing Limited, Electronet, Neutral Inspection Services Limited and Delta Utility Services Limited.
3. Aurora is the primary electricity sub-transmission distributor in the Queenstown Lakes District and is the only provider with grid-exit points that enables a connection to Transpower's electricity transmission network. Aurora is the bridge between the transmission network which carries electricity from generation points and electricity retailers which charge customers for usage.
4. Unlike Transpower, Aurora does not enjoy the benefit of the National Policy Statement on Electricity Transmission (**NPSET**) which provides for the management, reverse sensitivity and operation of that infrastructure. The NPSET only applies to Transpower's infrastructure. Aurora must therefore engage in Regional Plan and District Plan processes seeking provisions which enable and provide for its network. Aurora's involvement in the District Plan process in the Queenstown Lakes District has sought to achieve the following three overarching objectives:
  - (a) Ensure that minimum safeguards are provided which ensure that adverse effects on its network, such as reverse sensitivity and land use activities in close proximity to its network are managed, but ideally avoided.
  - (b) Enable it to effectively upgrade, maintain and repair existing infrastructure to increase the resilience of the network, protect the public from health and safety risks that come with high voltage electricity infrastructure.
  - (c) Provide new electricity connections to customers.
5. Aurora has partly achieved the above objectives primarily through its participation in PDP Stage 1 and PDP Stage 2 Topic 26 Earthworks.

6. The nature of Aurora's network which sprawls across the Queenstown Lakes District by way of underground cables and Overhead Lines means that it has a considerable interest in the District Plan provisions, and particularly the rules, as there is a high likelihood that this will inhibit its ability to operate its network effectively to provide for the social, cultural and economic wellbeing of communities.
7. Aurora lodged a submission on Chapter 39 and Chapter 25 (Variation) to:
  - (a) Enable activities which are permitted under the PDP, but which would require resource consent as a restricted discretionary activity under PDP Stage 3;
  - (b) Clarify the adverse effects that are sought to be managed by way of requiring resource consent for activities in Wāhi Tūpuna mapped areas;
  - (c) Ensure that technical and operational constraints are considered in decision making;
  - (d) Provide for the resilience and reliability of Aurora's network by enabling maintenance and upgrading of existing infrastructure as well as new infrastructure within the definition of minor upgrading;
  - (e) Provide for the construction of underground cables and overhead lines within legal road.
8. The evidence of Joanne Dowd dated 19 June 2020 sets out how Aurora's network operates with a particular emphasis on its operations within Archaeological Hazard Areas (**AHAs**) which will be amended to include provisions specific to Wāhi Tūpuna mapped areas; the necessity of earthworks being located in close proximity to waterways; and its upgrade programme which is slated for the next 3 years as part of its Application to the Commerce Commission for Customised Price-Quality Path (**CPP**).
9. Counsel will cover the following in submissions:
  - (a) Key Issues for Aurora
  - (b) Council Functions and Statutory Obligations.
    - (i) Section 32 Evaluation.
    - (ii) Proposed Regional Policy Statement for Otago 2019.

- (iii) PDP Provisions for Operating, Maintaining and Upgrading Infrastructure.
- (c) Proposed Rules in PDP Stage 3.
  - (i) Issue 1: Earthworks in Proximity to Waterbodies.
  - (ii) Issue 2: Maximum Volume Threshold for Earthworks.
- (d) Summary of Relief Sought.
- (e) Conclusion.

### **Key Issues for Aurora**

10. There are two key issues for Aurora with respect to the rules in PDP Stage 3. Below is a summary of the key issues based on the rules of PDP Stage 3 as notified which led to Aurora lodging its submission (OS3153):

(a) **Issue 1: Setback from Waterbodies**

Building and structures in proximity to waterbodies (notified rules 39.5.1 to 39.5.3); and

(b) **Issue 2: Maximum Volume Threshold for Earthworks**

Maximum volume threshold for earthworks in Wāhi Tūpuna areas (including within formed roads) (notified variation to Chapter 25 Rules 25.5.2 and 25.5.7).

11. In opening, the Council has taken a different position on these rules in light of the evidence of Mr Michael Bathgate for Kā Rūnaka. This has resulted in a refined position on the following amendments to the above issues:

(a) **Issue 1:** Any earthworks within a Wāhi Tūpuna , except those identified in Rule 25.5.11 or in an urban environment shall be setback from waterbodies by 20 metres... (Rule 25.5.22)

(b) **Issue 2:** Maximum volume threshold for earthworks within 7 named Wāhi Tūpuna sites as noted in Rule 25.5.11.

(Refined position referred to as **Council Opening Version**)

12. Aurora lodged a submission in relation to Issues 1 and 2 seeking the following relief:



- (a) **Issue 1:** For activities that are permitted (or controlled) by Rules 30.5.5.1 to 30.5.5.4 be excluded from the setback requirements from waterbodies.
  - (b) **Issue 2:** To be exempt from the maximum volume threshold in relation to minor upgrading works and lines and supporting structures (Rules 30.5.5.1 and 30.5.5.2 respectively) and to delete the maximum volume threshold for roads within a Wāhi Tūpuna area.
13. The impetus of Aurora’s submission was to provide for a significant amount of network maintenance and upgrade which will provide for the resilience of the network. These works are outlined in the evidence of Ms Dowd<sup>1</sup> and form part of the CPP Application and investment strategy proposed to 2030.
14. PDP Stage 3 puts the works proposed as part of the CPP Application at risk of being unnecessarily delayed and increase administrative costs. Counsel’s primary submission is that the types of activities that Aurora undertakes as permitted (or controlled) activities are of a scale that can be appropriately excluded from requiring consent under PDP Stage 3 and any adverse effects can otherwise be addressed through processes and systems outside the District Plan. The outcome of PDP Stage 3 will have the effect of adding administrative costs and burden to both Council and Aurora without having a commensurate benefit to Ka Rūnaka.

### **Council Functions and Statutory Obligations**

15. As noted in Council’s opening the question of weight as between the PDP Strategic Direction Chapters, higher order planning instruments and part 2 of the RMA is a matter for the Panel’s discretion. The Environment Court in *Colonial Vineyard Limited v Marlborough District Council*<sup>2</sup> clarified the legal considerations in which the evidence on a plan change should be considered. The Environment Court updated the comprehensive summary of mandatory requirements under the Act, updated to reflect further case law and amendments to the Act in 2009. The comprehensive list is detailed at Appendix 1 of the Council’s opening. I will not attempt to reiterate that list but simply wish to refer to matter of particular relevance to Aurora’s submission.

---

<sup>1</sup> Evidence of Joanne Dowd dated 19 June 2020 at [17]-[25].

<sup>2</sup> *Colonial Vineyard Limited v Marlborough District Council* [2014] NZEnvC 55

16. The Panel must have regard to any proposed Regional Policy Statement when preparing and changing its District Plan and must give effect to any operative Regional Policy Statement and must also have regard to any matter of regional significance.<sup>3</sup> Aurora's. The Regional Policy Statement for Otago (**PRPS**) has been in a state of flux since it was first notified in 2015 but has since progressed through mediation and progressively become operative as consent orders have been issued. All provisions in the PRPS related to Aurora's network are operative. Therefore, the Panel must give effect to that document when considering the provisions in PDP Stage 3. The relevant provision of the PRPS will be discussed later in submissions.

### Section 32 Evaluation

17. Section 32 of the Act contains provisions which apply to where a proposal (an amending proposal) will amend an existing plan or change (existing proposal). For the purpose of the examination of reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving objectives and the reasons for decisions must relate to the provisions and objectives of the amending proposal *and* the objectives and policies of the existing proposal to the extent that the existing proposal objectives are relevant to the amending proposal objectives.
18. To put that into context, the notified provisions of Chapter 39 Wāhi Tūpuna and notified variation to Chapter 25 Earthworks are an *amending proposal* as they will have the effect of amending existing land use activities in Chapter 30. The Section 32 Evaluation for Wāhi Tūpuna "Sites of Significance to Maori" (**Section 32 Report**) does not assess the provisions of the amending proposal with the provisions of the existing proposal that are relevant to infrastructure. In my submission, the provisions of the PDP which have been agreed to through mediations on PDP Stage 1 is a relevant consideration to be evaluate the efficiency and effectiveness of PDP Stage 3 provisions.
19. The Section 32 Report does not assess the efficiency or effectiveness of PDP Stage 3 on the operation, maintenance and upgrading of Aurora's network despite Aurora being the primary electricity distribution network in the District. Aurora undertakes a significant amount of minor upgrading of its network on a day-to-day basis and enjoys the benefit of Rule 30.5.5.1 to do this as a permitted activity. The effect of PDP Stage 3

---

<sup>3</sup> Above n 2.

is that Aurora would be required to obtain resource consent where any of those minor upgrading works required earthworks.

20. It is submitted that requiring resource consent for minor upgrading would not be an efficient nor effective use of the Council resources given that earthworks consent is not required for the placement of new Lines and Supporting Structures or Underground cables which have much greater adverse effects. PDP Stage 3 is therefore unclear as to what outcome is sought in relation to earthworks for electricity distribution infrastructure.

### **Proposed Regional Policy Statement for Otago 2019**

21. A District Plan must give effect to any Regional Policy Statement (**RPS**).<sup>4</sup> The PRPS has almost entirely superseded the 1998 RPS with a final consent order being issued on 24 June 2020. Subject to any issues being raised in relation to that consent order then the 1998 RPS will be irrelevant for the purpose of deciding PDP Stage 3.
22. Consent orders on the PRPS on provisions relevant to Aurora's network, Electricity Distribution Infrastructure and Regionally Significant Infrastructure have issued and are now operative.<sup>5</sup> We summarise the key (operative) provisions of the PRPS with respect to Electricity Distribution Activities and Regionally Significant Infrastructure below:

#### **Objective 4.3 Infrastructure is managed and developed in a sustainable way**

##### **Issue:**

*Social and economic wellbeing depends on having adequate infrastructure. Failing to provide for its functional needs can result in adverse effects.*

*Aging and sub-standard infrastructure can present a risk to the community by threatening creates risks to health and access, and as a consequence, threatens community resilience and can constrain new infrastructure solutions.*

23. Aging infrastructure is a prominent risk to the resilience of the electricity distribution network in the Queenstown Lakes District. Aurora is working to address this issue by way of its planned investments throughout the duration of the AMP (up to 2030). The works required to improve the resilience of the network relate to existing infrastructure and can therefore be achieved as Minor Upgrading which is presently a permitted activity under Rule 30.5.5.1. The rules notified in PDP Stage 3 will have the effect of

<sup>4</sup> Resource Management Act 1991, section 75(3)(c).

<sup>5</sup> Resource Management Act 1991, section 86F.

requiring resource consent for Minor Upgrading that is undertaken in relation to waterbodies and within Wāhi Tūpuna areas. It is submitted that PDP Stage 3 does not give effect to Objective 4.3 as it cannot effectively and efficiently upgrade aging infrastructure which will create a risk to the community.

**Policy 4.3.3 Functional needs of infrastructure that has national or regional significance**

*Provide for the functional needs of infrastructure that has regional or national significance, including safety.*

24. Aurora’s electricity-subtransmission infrastructure is classified as Regionally Significant Infrastructure in the PRPS and so must be provided for in the District Plan. That has been partially provided for in PDP Stages 1 and 2 as Aurora’s infrastructure is now recognised as Regionally Significant Infrastructure in the PDP.<sup>6</sup> It is submitted that to provide for the functional needs of Aurora’s network some activities are appropriate to be undertaken without resource consent.
25. The evidence of Ms Dowd is that “Minor Upgrading” and other permitted or controlled activities are of such a scale that are appropriate to take place without requiring consent as a restricted discretionary activity. Additionally, Aurora has existing processes and methods outside the District Plan process which provide an opportunity for consultation with iwi and manawhenua values are considered.<sup>7</sup>

**Policy 4.4.4 Efficient transport of electricity**

Enable electricity transmission and distribution infrastructure activities that achieve all of the following:

- (a) Maintenance or improvement of the security and reliability of electricity supply;
- (b) Enhancement of the safety, efficiency and effectiveness of the infrastructure efficiency of transporting electricity; and
- (c) *Avoidance, remediation or mitigation of adverse effects from that activity.*

[Emphasis added]

<sup>6</sup> Topic 2 Subtopic 11 (Landscapes and Regionally Significant Infrastructure Draft Consent Order lodged with Environment Court.

<sup>7</sup> Evidence of Joanne Dowd dated 19 June 2020 at [26]-[34].

26. This policy provides that electricity distribution activities are enabled where activities achieve reliability, security of supply, safety, efficiency and effectiveness of infrastructure. The evidence of Ms Dowd is that the works anticipated by the CPP Application and Asset Management Plan are for the purpose of:
- (a) Addressing historical under-investment that has resulted in degraded infrastructure;
  - (b) Maintaining existing levels of infrastructure renewals;
  - (c) Growth and security investments to support growth and new electricity connections.
27. The principle reasons for adopting Policy 4.4.4 are, inter alia, to improve energy resilience. That goal is of primary importance to Aurora and what has shaped its involvement in PDP Stage 3.
28. The explanation to Policy 4.4.4. is that “people’s social and economic wellbeing, and their health and safety, is dependent on their energy needs being met by a sustainable, reliable and secure supply of energy”. It is submitted that the relief sought by Aurora is an appropriate way of providing for the outcomes sought by Policy 4.4.4.
29. The outcome of Aurora’s planned work, particularly over the next 3 years’ will ensure that the outcomes sought by Policy 4.4.4 are achieved and therefore are to be provided for in the District Plan. Most of these works can be undertaken as activities that fall under the definition of “Minor Upgrading” which Aurora’s submission seeks to exclude from the rules notified rules in Chapters 39 and the notified variation to Chapter 25.

#### **Policy 4.4.5 Electricity Distribution Infrastructure**

*Recognise and provide for electricity distribution infrastructure, by all of the following:*

- (a) *Recognising the functional needs of electricity distribution activities;*
- (b) *Restricting the establishment of activities that may result in reverse sensitivity effects;*
- (c) *Avoiding, remedying or mitigating adverse effects from other activities on the functional needs of that infrastructure;*

- (d) *Minimising adverse effects of new and upgraded electricity distribution infrastructure on existing land uses;*
- (e) *Identifying significant electricity distribution infrastructure and managing effects of potentially incompatible activities through methods such as corridors.*

[Emphasis added]

30. Method 4.1 provides that all objectives and policies of the PRPS must be considered and given effect to when preparing district plans. It is submitted that the District Plan, in giving effect to all provisions of the PRPS must strike a balance between providing for Aurora's network and protecting significant Wāhi Tūpuna values (Policy 2.2.2). It is submitted that the relief sought by Aurora is an appropriate way of giving effect to Policy 2.2.2, Objective 4.3 and Policies 4.3.3, 4.4.4 and 4.4.5.

### **PDP Provisions for Operating, Maintaining and Upgrading Infrastructure**

31. The parties involved in mediations on PDP Stage 1 have lodged joint memorandum and draft consent orders with the Environment Court on the following chapters of the PDP Chapters 3, 6 and 30.<sup>8</sup> For clarity, the provisions listed below do not include notations showing added or removed text and simply show the provision as decided by the parties. Emphasis is added in underline text.
32. The following provisions resulted from mediation on Topic 1 Subtopic 4 Regionally Significant Infrastructure:<sup>9</sup>

#### **Strategic Objective 3.2.1.9**

*Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs in a sustainable way.*

#### **Strategic Policy 3.3.36**

*Provide for the functional needs of regionally significant infrastructure while managing its adverse effects on the environment (relevant to S.O. 3.2.1.9).*

[Emphasis added]

<sup>8</sup> Topic 1, Subtopic 4; Topic 2, Subtopic 11 and Topic 17.

<sup>9</sup> Topic 1, Subtopic 4 Regionally Significant Infrastructure Draft Consent Order.

33. The following definition is to be added to Chapter 2:<sup>10</sup>
- (a) **Functional Needs** means the locational, operational, practical or technical needs of an activity, including development and upgrades.
34. It is submitted that the Panel must assess the provisions of PDP Stage 3 (i.e. the amending proposal) against the above strategic directions which seek to enable the efficient and effective operation, maintenance and upgrading of Aurora's network. It is submitted that the PDP provides for the functional needs of these types of activities by classifying activities that are to be provided for as permitted or controlled activities.
35. The joint memorandum of counsel on Topic 2: Subtopic 11 Landscapes and Regional Significant Infrastructure records agreement on the following policies in Chapter 6:
- Policy 6.3.35** Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that functional needs and/or the nature of the infrastructure may mean that this is not practicable in all cases. (3.2.1.9, 3.2.5.1, 3.2.6, 3.3.30, 3.3.36).
- Policy 6.3.36** In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects so as to maintain the values that contribute to the outstanding nature, and remedy or mitigate other adverse effects on those landscapes and features. (3.2.1.9, 3.2.5.1, 3.2.6, 3.3.25, 3.3.30, 3.3.36).
- Policy 6.3.37** In relation to Rural Character Landscapes and other amenity landscapes, locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that functional needs and/or the nature of the infrastructure may mean that this is not practicable in all cases. (3.2.1.9, 3.2.5.2, 3.2.6, 3.3.32, 3.3.36).
- Policy 6.3.38** In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the

---

<sup>10</sup> Ibid

landscape, such adverse effects shall be remedied or mitigated. (3.2.1.9, 3.2.5.2, 3.2.6, 3.3.32, 3.3.36).

36. These provisions strike a balance between providing for the functional needs of regionally significant infrastructure while also managing adverse effects of that infrastructure on the District's most sensitive landscapes. The goal in sensitive landscapes is to seek to avoid adverse effects but also recognises that this is not possible in all locations given the functional needs of infrastructure requires it to be located in a specific location/environment. Aurora's network is an example of infrastructure that necessarily sprawls across the District and may be required, for functional reasons, to pass through sensitive landscapes in order to provide a connection to remote areas.
37. The provisions of Chapter 30 of relevance to the Panel's determination on PDP Stage 3 are listed below.

**Objective 30.2.6** The operation, maintenance, development and upgrading of utilities supports the well-being of the community

**Policy 30.2.6.1** Provide for the operation, maintenance or upgrading of utilities to ensure their on-going viability and efficiency.

38. Chapter 30 gives effect to higher order strategic directions contained in Chapter 3 and the landscape provisions in Chapter 6. Objective 30.2.6 makes it plain that the operation, maintenance and upgrading of utilities supports the well-being of the community and that this should be provided for to ensure their ongoing viability and efficiency. The work that is slated for the next 3 years and which forms part of Aurora's CPP Application will give effect to Objective 30. Most of these works can occur as Minor Upgrading which is permitted under the PDP.
39. It is submitted that the permitted (and controlled) activity status for electricity distribution activities are informed by the policies in the PDP which seek to enable and provide for the operation, maintenance and upgrading of utilities. It is submitted that the Panel must consider the existing proposal (i.e. the policies in Chapters 3, 6 and 30 in relation to utilities) against the amending proposal which purports to require resource consent for otherwise permitted (or controlled) activities.



40. We summarise below the activities which are generally sought to be excluded from requiring resource consent on the basis that they are supported by existing policies in the PDP and PRPS and the scale of activities are of such a level that are not of concern to Kā Rūnaka.
41. Rule 30.5.5.1 provides for Minor Upgrading activities. The definition of Minor Upgrading has been amended through mediation on PDP Stage 1 a copy of which is attached to Ms Dowd's first brief of evidence on Streams 17 and 18 but is also attached to these submissions as Appendix 1 for ease of reference. The definition has been amended to include additional support structures that extend an additional overhead line as well as the replacement of an existing support structure to either increase the height to meet NZECP34 or replace like for like in close proximity to the existing pole.
42. Minor upgrading primarily relates to existing infrastructure where the effects on the environment are existing and includes inspecting, upgrading, maintaining and repairing underground cables and lines and supporting structures. It is unlikely that the maximum volume threshold rules PDP Stage 3 would require consent for minor upgrading of lines and supporting structures. The key concern for Aurora in this regard is minor upgrading of underground cables which are direct buried and require a much greater level of earthworks.<sup>11</sup>
43. The current permitted activity status for minor upgrading reflects that the cable is existing, and the works being done to those cables are to support the resilience of that infrastructure as opposed to installing any new works. The evidence of Ms Dowd records that these works are of a lesser scale than the installation of new cables which are provided for by Rule 30.5.5.3 but in either case the ground surface is reinstated to the state it was prior to the works proceeding. Ms Dowd therefore supports the addition of "minor upgrading" being added to Rule 25.3.2.8(b) as summarised later in these submissions.<sup>12</sup>
44. Rule 30.5.5.2 relates to overhead lines and supporting structures within legal road. As noted in the evidence of Ms Dowd at [40] a line (i.e. the conductor line itself) cannot be separated from the support structure in order to perform its function. It is the support structure itself that requires earthworks to be undertaken as opposed to the "line". Rule 30.5.5.2 provides that Aurora can undertake the installation of new lines without

---

<sup>11</sup> Evidence of Joanne Dowd dated 19 June 2020 at [42]-[44].

<sup>12</sup> Evidence of Joanne Dowd dated 19 June 2020 at [43]-[45].

resource consent provided they are within formed legal road. A significant proportion of Aurora's network is located within legal road and Aurora is permitted by section 24 of the Electricity Act to construct and maintain works within any road. It is submitted that the adverse effects on the land are existing by way of the road having been formed and the addition of the line places no additional burden on the land than what already exists.

45. Rule 30.5.5.3 provides for the installation of underground cables. This rule is related to entirely new infrastructure as opposed to minor upgrading. The activity is permitted provided that the ground surface is reinstated to the state it was prior to works commencing. The evidence of Ms Dowd explains the type of work that is anticipated by this rule and attaches a number of images depicting the earthworks that are required.<sup>13</sup>
46. Rule 30.5.5.4 relates to the construction of new overhead lines and requires resource consent as a controlled activity. Notably, this activity status only applies to areas outside of Outstanding Natural Landscapes and Outstanding Natural Features (**ONL/F**) which comprises 97% of the Queenstown Lakes District. New lines in ONL/Fs requires resource consent as a discretionary activity pursuant to Rule 30.5.5.5 in which the full scope of effects can be assessed, including the objectives and policies of Chapter 39.
47. Based on the nature of the above activities, it is neither efficient nor effective to require resource consent for activities that are otherwise permitted (or controlled) by Rules 30.5.5.1 to 30.5.5.3 given the scale of adverse effects that those rules contemplate and the policy support in the PRPS and PDP to enable them. Furthermore, it is counter-intuitive to require resource consent for "minor upgrading" when the placement of new underground cables or Lines and Support Structures (which involve a greater scale of works) are already excluded from the provisions on Chapter 25.
48. Taken together, the provisions of Chapter 3, 6 and 30 give effect to the PRPS and seek to enable the efficient and effective operation, maintenance and upgrading of infrastructure. It is submitted that this policy direction has resulted in the permitted activity status for Minor Upgrading, Lines and Supporting Structures within formed legal road and the installation of underground cables subject to reinstatement standards<sup>14</sup> in addition to the Controlled Activity status for Lines and Supporting Structures outside of ONL/Fs.

---

<sup>13</sup> Evidence of Joanne Dowd dated 19 June 2020 at

<sup>14</sup> Rules 30.5.5.1 to 30.5.5.3

### Proposed Rules in PDP Stage 3

#### Issue 1: Earthworks in Proximity to Waterbodies

49. The reason that Aurora lodged a submission on notified Rule 39.5.1-39.5.1 was on the basis that its infrastructure comes within the definition of a “structure” in the PDP. This is despite being excluded from the definition of “building” under section 9 of the Building Act 2002. It was not clear from the section 32 report or on the face of the notified Chapter 39 what concerns were sought to be avoided by capturing Aurora’s infrastructure in this way.
50. The evidence of Mr Bathgate for Kā Rūnaka is that his discussions with Manawhenua revealed they “are concerned as to whether any structure or building is changing what already exists within the receiving environment and making the area seem too modified and unnatural”.<sup>15</sup> It is submitted that the activities that are permitted by way of Rules 30.5.5.1 to 30.5.5.3 do not result in any change to what already exists in the environment and should remain permitted. The reason for this is that the adverse effects either already exist in the environment (i.e. overhead lines within roads and minor upgrading) or, in the case of underground cables, the adverse effects are temporary in nature and non-existent once the surface of the soil has been reinstated to the condition prior to works commencing.
51. The evidence of Michael Bathgate is that Kā Rūnaka ’s key concern with respect to earthworks in relation to waterbodies is the potential for sedimentation and its effects on wai maori.<sup>16</sup> The evidence of Ms Dowd is that once the works have been installed that there is no sedimentation into the waterbody. Furthermore, sedimentation would only occur in the event that the pole itself were located directly within the waterbody.<sup>17</sup>
52. Regardless, it is submitted that minor upgrading is essential to maintain the resilience of the network. Pole replacement in a waterbody is likely to occur in cases where an electricity supply serves an isolated community such as north of Glenorchy in the example used in Ms Dowds evidence.<sup>18</sup> It is submitted that where works on existing infrastructure within waterbodies is being undertaken as “minor upgrading” that there is

---

<sup>15</sup> Evidence of Michael Bathgate for Kā Rūnaka dated 29 May 2020 at [138]

<sup>16</sup> Evidence of Michael Bathgate dated 29 May 2020 at [76].

<sup>17</sup> Evidence of Joanne Dowd dated 19 June 2020 at [51].

<sup>18</sup> Evidence of Joanne Dowd dated 19 June 2020 at [54] and Attachment 3.

policy support in Chapters 3, 6 and 30 which the Panel for this to continue to occur as a permitted activity.

53. It is noted that effects from earthworks on waterbodies is a matter that is controlled by the Otago Regional Plan: Water Chapter 13 where the alteration of the bed of a lake or river is permitted subject to standards requiring that there be no increase in the scale of the infrastructure (relevant to the replacement of an existing pole) and that all reasonable steps are taken to minimise the release of sediment and there is no conspicuous change in the colour or visual clarity of the waterbody.<sup>19</sup> It is therefore submitted that the requirement for resource consent under the District Plan does not add any additional benefit to the environment other than what is required by the Regional Plan: Water. The provisions of PDP Stage 3 are therefore in conflict with the provisions of the Regional Plan: Water.

#### Issue 2: Maximum Volume Threshold for Earthworks

54. It is submitted that the starting point for considering Aurora's relief in relation to the maximum volume threshold for earthworks within Wāhi Tūpuna areas is by having regard to Rule 25.3.2.8 of the PDP.
55. Rule 25.3.2.8(b) relates to electricity distribution activities and has the effect of excluding the provisions of Chapter 25 from: "earthworks for the placement of underground electricity cables or lines". Therefore the placement of Aurora's underground electricity cables or lines are already excluded from the maximum volume threshold in Rules 25.5.7 and 25.5.11 as supported in Councils Opening.
56. The same issues exist with respect to Rule 25.3.2.8(b) discussed earlier in my submissions in that the rule does not expressly refer to "minor upgrading" which is permitted by Rule 30.5.5.1 of the PDP. It is submitted that because minor upgrading involves adverse effects that are of a lesser scale than the placement of cables and lines that makes it appropriate to similarly be excluded from the provisions of Chapter 25<sup>20</sup>
57. Finally, I add some concluding remarks with regard to the approach of the PDP and PPD Stage 3 on priority chapters and exclusions. It is submitted that there is an

---

<sup>19</sup> Otago Regional Plan Water, Chapter 13, Rule 13.5.1.

<sup>20</sup> Evidence of Joanne Dowd dated 19 June 2020 at [43].

inherent confusion in how the PDP treats electricity distribution infrastructure and earthworks that ought to have been considered in decision of PDP Stage 2 Earthworks but are now outside of scope to be dealt with.

58. Rule 30.3.3.3 (operative rule) states that:

The rules contained in this Chapter takes 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.

59. The effect of Rule 30.3.3.3(b) is that the provisions of Chapter 25 take precedence over Chapter 30. However, Rule 25.3.2.8 states that the provisions of Chapter 25 do not apply in relation to “Earthworks for the placement of underground electricity cables or lines. The effect of this is that with respect to Aurora’s network that Chapter 30 does indeed prevails over Chapter 25.

### **Works within Archaeological Hazard Areas**

60. Counsel’s primary submission is that the activities which Aurora seeks to exclude from requiring additional resource consent under PDP Stage 3 are of a scale that is acceptable to Kā Rūnaka. It is submitted that any residual concerns about adverse effects on manawhenua values are addressed by Aurora’s internal processes for managing works within Archaeological Hazard Areas. This is discussed in detail in the evidence of Ms Dowd.<sup>21</sup> It is submitted that there are no additional benefits to be gained by requiring resource consent for activities when Aurora is already engaging with local iwi.

### **Summary of Relief Sought**

61. The relief sought through Aurora’s submission has been refined considerably since its original submission was lodged in November 2019. The reasons for that are outlined in the evidence of Ms Dowd<sup>22</sup>. Since filing Ms Dowd’s evidence on 19 June and having had the benefit of reviewing Council’s Opening Submissions Aurora considers that its

<sup>21</sup> Evidence of Joanne Dowd dated 19 June 2020 at [27]-[34]

<sup>22</sup> Evidence of Joanne Dowd dated 19 June 2020 at [45].

relief can be refined even further. The refinement in relief is dependent on the rules regarding structures in proximity to waterbodies remaining in Chapter 25 (Rule 25.5.22 attached to Council's opening submissions). Counsel supports that approach on the basis that it applies a consistent approach to managing earthworks within and outside of Wāhi Tūpuna areas.

62. In summary, Aurora's relief on Stream 16 can be appropriately resolved by way of an amendment to Rule 25.3.2.8 as follows:

**Rule 25.3.2.8**

The provisions in this chapter ~~to~~ do not apply to the following activities in Chapter 30 Energy and Utilities:

- (a) Earthworks, buildings, structures and National Grid sensitive activities undertaken within the National Grid Yard;
- (b) Earthworks for the placement or minor upgrading of underground electricity cables or **Lines and Support Structures**.
- (c) Earthworks for the construction, alteration, or addition to underground lines.

[added text underlined, removed text ~~striketrough~~]

**highlighted** text proposed to be amended by way of Clause 16(2) Schedule 1]

63. The only amendment to Rule 25.3.2.8 from what was outlined in the Evidence of Ms Dowd is a change to refer to "Lines and Support Structures" as opposed to "Overhead Lines" as the terminology of referring to support structures is consistent with how Aurora's electricity distribution infrastructure is referred to in Chapter 30.
64. It is submitted that the relief sought with respect to Rule 25.3.2.8 is a refinement of its relief from its original submission where it sought "minor upgrading" (i.e. Rule 30.5.5.1) be excluded from requiring earthworks consent. Furthermore, and as discussed earlier, Rule 25.3.2.8 already excludes the placement of new underground cables and lines meaning that it is not necessary to have specific exclusions for these activities when they are located within proximity to waterbodies providing that these rules remain in Chapter 25 as opposed to Chapter 39.

65. It is submitted that the Panel is entitled to replace the word “lines” with “Lines and Supporting Structures” as outlined above as a minor amendment pursuant to clause 16(2) of the First Schedule of the Act. The Panel is entitled to make these types of amendments where such an alteration has a minor effect or may correct any minor errors.<sup>23</sup> The test for whether a correction is permitted by Clause 16(2) is whether the amendment affects (prejudicially or beneficially) the rights of some members of the public or is it neutral. If it is the latter then the correction is permitted by Clause 16(2).<sup>24</sup> It is submitted that the addition of the words “supporting structures” is a neutral addition to the rule on the basis that the rule is directed to excluding earthworks for the placement of lines, which, as the evidence of Ms Dowd outlines is only required for support structures.
66. The outcome of the change sought will not be to change the effect of the Rule 25.3.2.8(b) but rather to ensure consistency in terminology across Chapters 25 and 30. For the avoidance of doubt, the amendment to include the words “minor upgrading” is not a Clause 16(2) amendment and can be altered pursuant to Aurora’s submission.

## **Conclusion**

67. PDP Stage 3 fails to give effect to the provisions of the existing proposal (i.e. PDP as it exists currently) by requiring resource consent for operating, maintaining and upgrading Aurora’s electricity distribution network.
68. Aurora is required to operate, maintain and upgrade its electricity distribution network and has slated a significant amount of work over the next 3 years as part of its CPP Application and AMP. Those works will supporting the well-being of the community and provide for the ongoing viability and effectiveness of the network. Upgrades are required to both support the community and continue the viability of the network – they are not mutually exclusive.
69. Aurora supports moving the rules regarding earthworks in proximity to waterbodies from Chapter 39 (where they were placed in the notified version of PDP Stage 3) to
70. Providing for “minor upgrading” activities as a permitted activity is supported by the PRPS and PDP. It is logical to extend Rule 25.3.2.8 to include “minor upgrading” as it

---

<sup>23</sup> Resource Management Act 1991, Schedule 1, Clause 16(2).

<sup>24</sup> Re an Application by Christchurch CC (1996) 2 ELRNZ 431

involves a lesser scale of adverse effects than the placement of new underground cables and lines and supporting structures which are excluded from the provisions of Chapter 25.

71. Provided that the rules relating to works in proximity to waterbodies remains in Chapter 25 then Aurora's relief is resolved in its entirety by extending Rule 25.3.2.8 to include minor upgrading. The addition of the words "supporting structures" is a consequential amendment by way of clarity and will have no prejudice or benefit to the public.

**Dated this 10<sup>th</sup> day of July 2020**



**S R Peirce**

Counsel for Aurora Energy Limited



# Attachment 1 (From Evidence of Joanne Dowd dated 28 May)

## Topic 1 Subtopic 4: (Regionally Significant Infrastructure) Draft Consent Order Appendix 1

### APPENDIX 1

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

#### CHAPTER 2 - DEFINITIONS

##### Functional needs

Means the locational, operational, practical or technical needs of an activity, including development and upgrades.

##### **National Grid**

Means the network that transmits high-voltage electricity in New Zealand and that is, ~~at the notification of this Plan, was owned and~~ operated by Transpower New Zealand Limited, including:

- a. transmission lines; and
- b. electricity substations.

#### CHAPTER 3 – STRATEGIC DIRECTIONS

Strategic Issue 1: Economic prosperity and equity, including strong and robust town centres, and the social and economic wellbeing and resilience of the District's communities may be challenged if the District's economic base lacks diversification and supporting infrastructure.

SO 3.2.1.9 Infrastructure in the District that is operated, maintained, developed and upgraded efficiently and effectively to meet community needs in a sustainable way ~~and to maintain the quality of the environment.~~ (also elaborates on S.O. 3.2.2 following)

SP 3.3.36 Provide for the functional needs of regionally significant infrastructure while managing its adverse effects on the environment. (relevant to S.O. 3.2.1.9)

SP 3.3.37 Protect regionally significant infrastructure by managing the adverse effects of incompatible activities. (relevant to S.O. 3.2.1.9)

## CHAPTER 30 – ENERGY AND UTILITIES

30.2.8 Objective - The national significance of the National Grid is recognised by the facilitation of the ongoing operation, maintenance, development and upgrading of the National Grid, while subject to the adverse environmental effects on the environment of the National Grid, and on the National Grid, are network being managed.

### Policies

30.2.8.1 ~~Enabling the use and development of the National Grid by managing its adverse effects by:~~

- ~~a. only allowing buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;~~
- ~~b. avoiding Sensitive Activities within the National Grid Yard;~~
- ~~c. managing potential electrical hazards, and the adverse effects of buildings, structures and Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;~~
- ~~d. managing subdivision within the National Grid corridor so as to facilitate good amenity and urban design outcomes.~~

Recognise the benefits of the National Grid by:

- a. enabling the operation and maintenance of the National Grid;
- b. providing for the upgrade and development of the National Grid, while managing its adverse effects by:
  - i. seeking to avoid adverse effects on the values and attributes of the following:
    - A. Scheduled Significant Natural Areas, and those other areas that meet the criteria in Policy 33.2.1.8;
    - B. Outstanding Natural Landscapes and Features;

C. Rural Character Landscapes and other amenity landscapes;

D. Wahi Tupuna identified in the District Plan maps.

ii. where avoiding adverse effects on the values and attributes of the areas listed in (b)(i) above is not practicable, remedying or mitigating the adverse effects on those values and attributes;

iii. Avoiding, remedying or mitigating other adverse effects;

c. when considering the adverse effects on the upgrade and development of the National Grid, having regard to:

i. the extent to which measures to avoid, remedy or mitigate adverse effects may be constrained by functional needs;

ii. the extent to which adverse effects have been addressed through site, route or method selection;

iii. opportunities to reduce existing adverse effects;

iv. offsetting for residual adverse effects on indigenous biological diversity.

30.2.8.2

In the event of any conflict with:

a. the objectives and policies in Chapters 3, 6, 23, 24 and 33;

b. Objectives 7.2.6, 8.2.5 and 9.2.6; or

c. Policies 30.2.6.1 and 30.2.7.1;

Policy 30.2.8.1 takes precedence. The Assessment Matters (Landscape) in chapters 21 and 23 in this plan are relevant when implementing the policy.

30.2.8.3

Managing adverse effects on the National Grid by:

a. only allowing new or extended buildings, structures and earthworks in the National Grid Yard where they will not compromise the operation, maintenance, upgrade and development of the National Grid;

b. avoiding National Grid Sensitive Activities within the National Grid Yard and, to the extent reasonably possible, managing activities to avoid reverse sensitivity effects on the National Grid;

c. managing potential electrical hazards, and the adverse effects of buildings, structures and National

Grid Sensitive Activities on the operation, maintenance, upgrade and development of the Frankton Substation;

- d. managing subdivision within the National Grid Subdivision Corridor to avoid reverse sensitivity effects and to ensure that the National Grid is not compromised.

# Topic 2 Subtopic 11 ( Landscapes and Regional Significant Infrastructure Draft Consent Order Appendix 1)

## APPENDIX 1

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

### CHAPTER 2 - DEFINITIONS

#### Electricity Sub-transmission Infrastructure

Means electricity infrastructure which conveys electricity between:

- i. the National Grid and zone substations;
- ii. renewable energy generation sources and zone substations; or
- iii. zone substations.

#### **Regionally Significant Infrastructure**

Means:

- a. renewable electricity generation activities undertaken by an electricity operator; and
- b. the national grid; and
- c. electricity sub-transmission infrastructure; and
- d. significant electricity distribution infrastructure as shown on the District Plan Maps
- e. telecommunication and radio communication facilities; and
- f. state highways; and
- g. Queenstown and Wanaka airports and associated navigation infrastructure.

### CHAPTER 3 - STRATEGIC DIRECTION

#### **3.3 Strategic Policies**

- 3.3.25 Provide for non-residential development with a functional need to locate in the rural environment, ~~including regionally significant infrastructure where applicable~~, through a planning framework that recognises its locational constraints, while ensuring maintenance and enhancement of the rural environment. (relevant to S.O. 3.2.1.8, 3.2.1.9, 3.2.5.1 and 3.2.5.2).

## CHAPTER 6 – LANDSCAPES AND RURAL CHARACTER

6.3.3A: In relation to Regionally Significant Infrastructure, the policies in 6.3.35 to 6.3.38 take precedence in the event of any conflict with other policies in this Chapter. (3.2.1.9, 3.2.5.1, 3.2.5.2, 3.3.30, 3.3.32, 3.3.36)

### **Managing Regionally Significant Infrastructure**

6.3.35 Locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, while acknowledging that functional needs ~~location constraints~~ and/or the nature of the infrastructure may mean that this is not practicable ~~possible~~ in all cases. (3.2.1.9, 3.2.5.1, 3.2.6, ~~3.3.25~~, 3.3.30, 3.3.36).

[moved from 6.3.17, and amended]

6.3.36 In cases where it is demonstrated that regionally significant infrastructure cannot avoid adverse effects on Outstanding Natural Landscapes and Outstanding Natural Features, avoid significant adverse effects so as to maintain the values that contribute to the outstanding nature, and remedy or mitigate ~~minimise~~ other adverse effects on those landscapes and features. (3.2.1.9, 3.2.5.1, 3.2.6, ~~3.3.25~~, 3.3.30, 3.3.36).

[moved from 6.3.18, and amended]

6.3.37 In relation to Rural Character Landscapes and other amenity landscapes, locate, design, operate and maintain regionally significant infrastructure so as to seek to avoid significant adverse effects on the character of the landscape, while acknowledging that functional needs ~~location constraints~~ and/or the nature of the infrastructure may mean that this is not practicable ~~possible~~ in all cases. (3.2.1.9, 3.2.5.2, 3.2.6, ~~3.3.25~~, 3.3.32, 3.3.36).

[moved from 6.3.24, and amended]

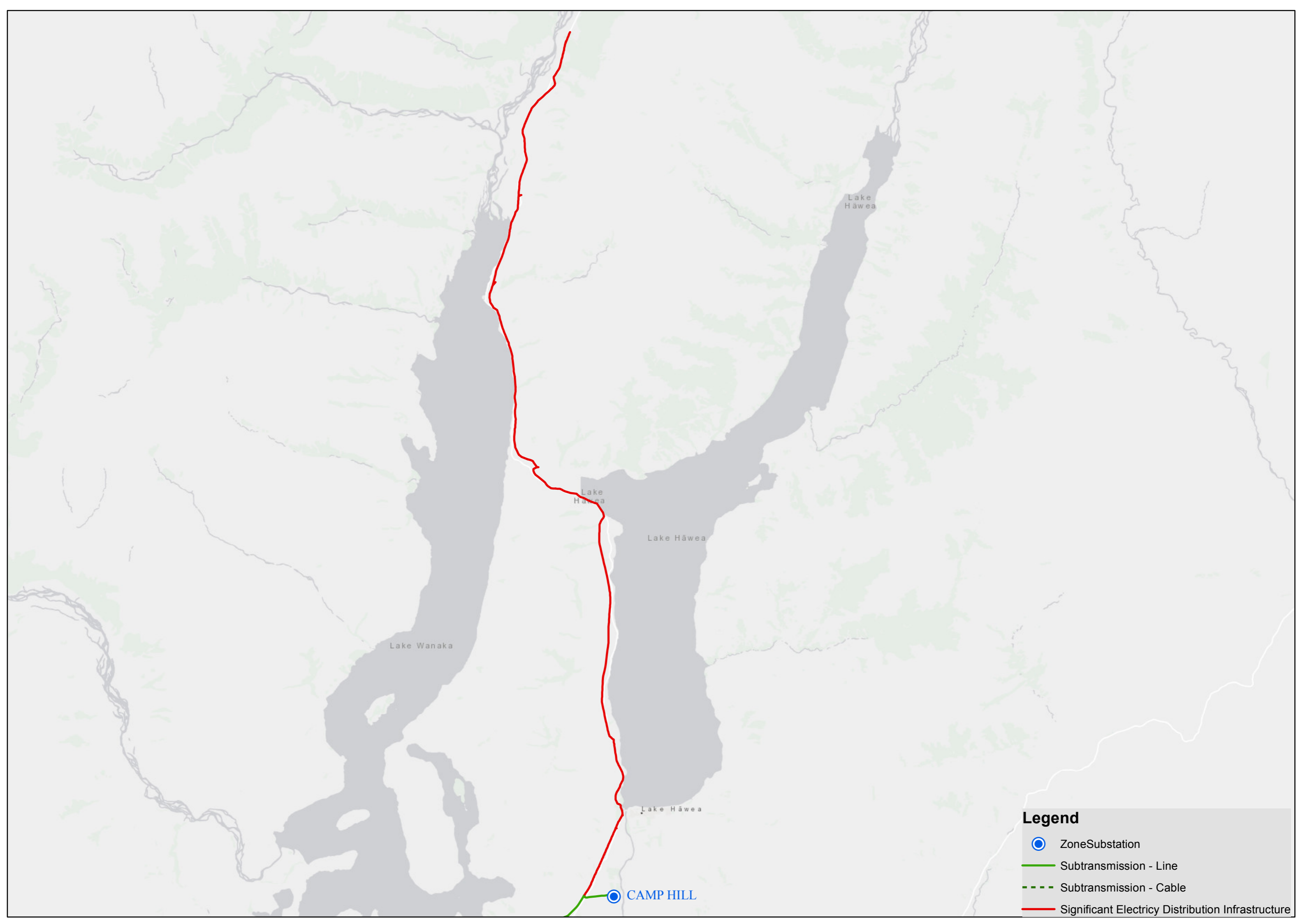
6.3.38 In cases where it is demonstrated that regionally significant infrastructure cannot avoid significant adverse effects on the character of the landscape, such adverse effects shall be remedied or mitigated ~~minimised~~. (3.2.1.9, 3.2.5.2, 3.2.6, ~~3.3.25~~, 3.3.32, 3.3.36).

[moved from 6.3.25, and amended]

## CONSEQUENTIAL CHANGES TO PLAN MAPS

1. Delete “Aurora Distribution Lines – For information only” from the District Plan Maps Legend
2. Add the following to the District Plan Maps Legend:
  - a. *“Electricity Sub-transmission Infrastructure”*
  - b. *“Significant Electricity Distribution Infrastructure”*
3. Amend the plan maps so that they show the Aurora infrastructure consistent with the attached maps):
  - 3.1 “Significant electricity distribution infrastructure” are the three following lines shown in **red** on the attached maps:
    - Wanaka to Treble Cone
    - Maungawera (near Camp Hill) to Makarora
    - Cardrona substation to the Cardrona Transformer at skifield base
4. ‘Electricity Sub-transmission Infrastructure’ are the balance of the lines shown in **green** on the attached maps.

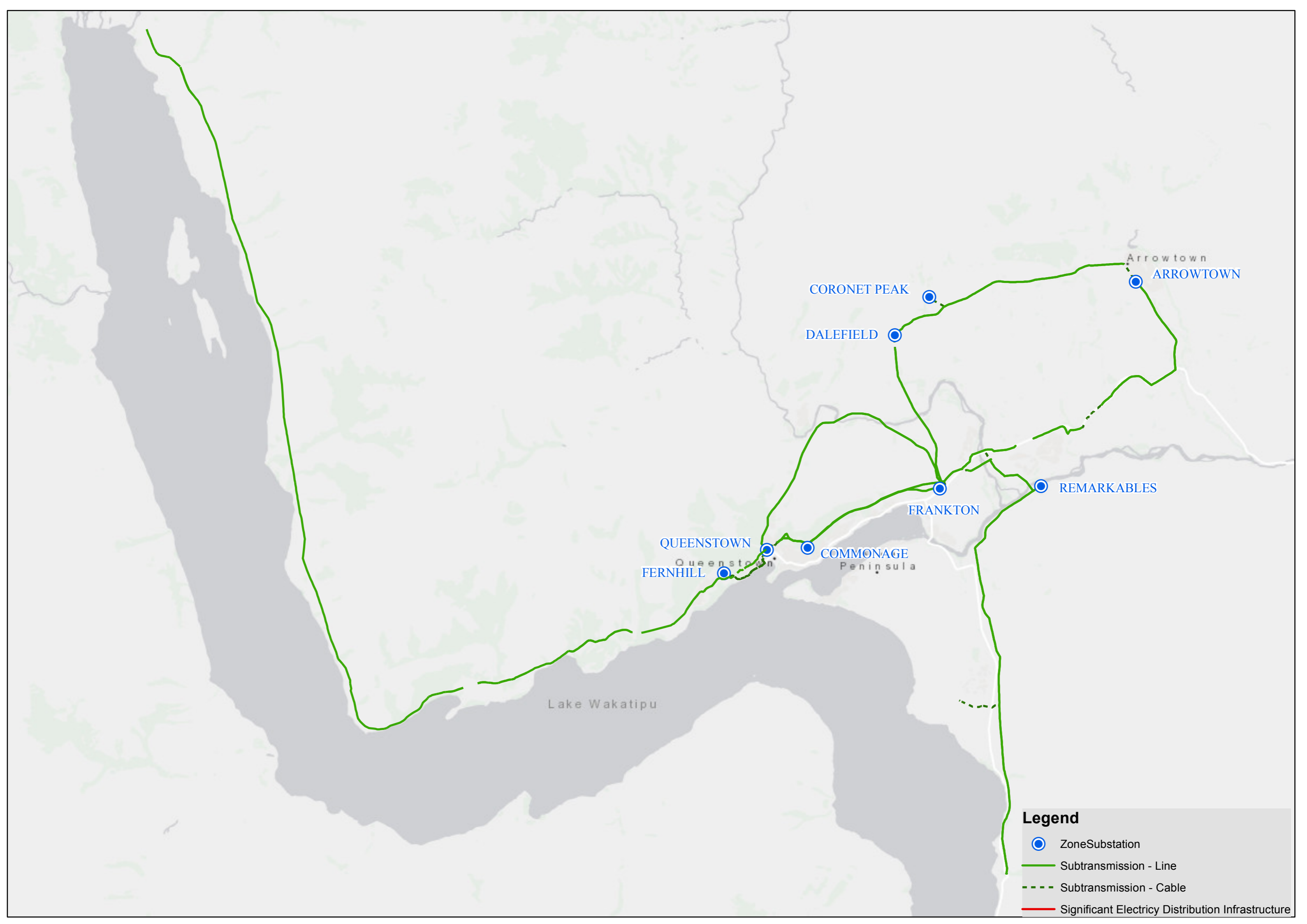


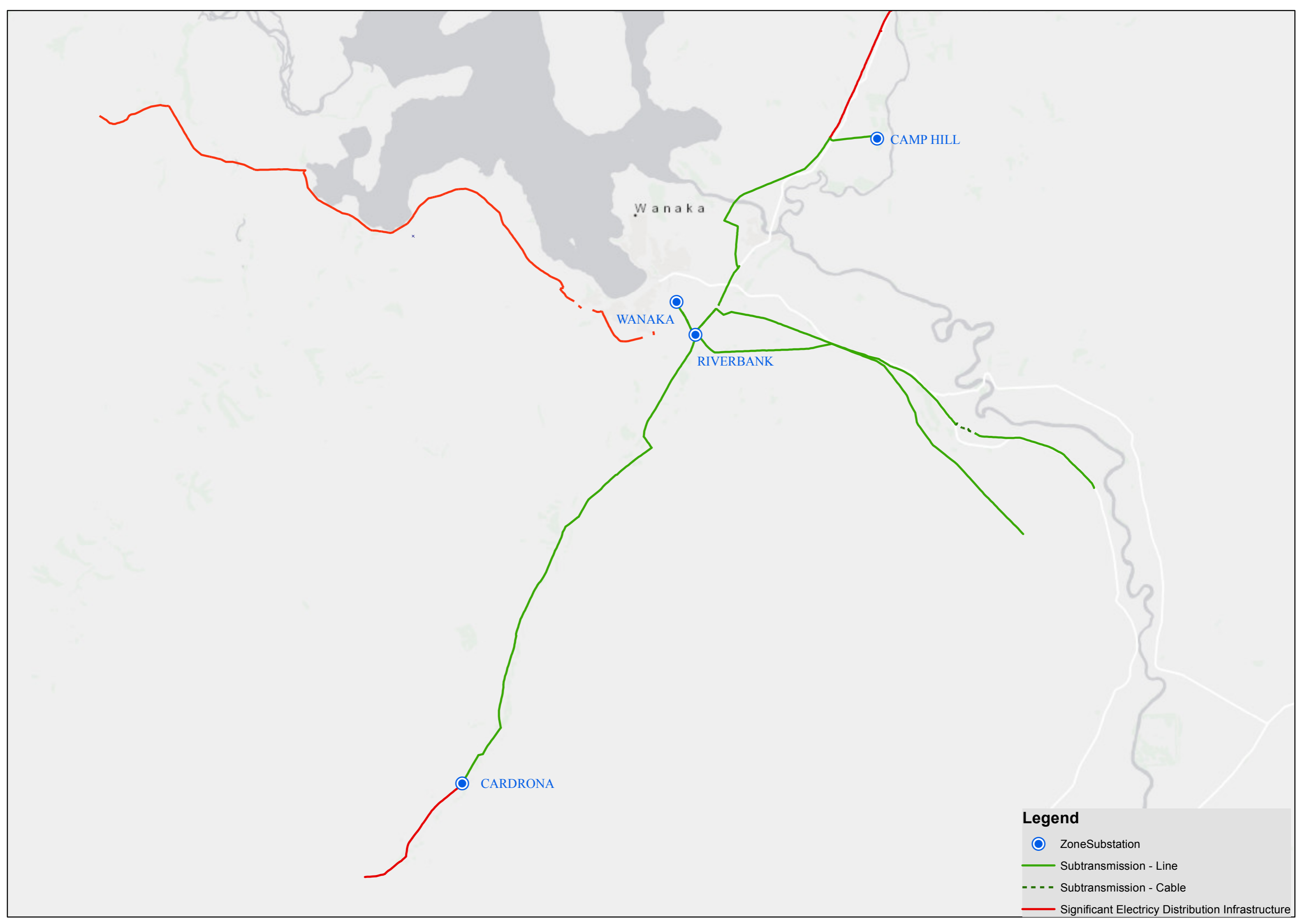


**Legend**

- ZoneSubstation
- Subtransmission - Line
- Subtransmission - Cable
- Significant Electricity Distribution Infrastructure







Wanaka

CAMP HILL

WANAKA

RIVERBANK

CARDRONA

**Legend**

- ZoneSubstation
- Subtransmission - Line
- Subtransmission - Cable
- Significant Electricity Distribution Infrastructure

# Topic 17 (Energy and Utilities) Draft Consent Order Appendix 1

## 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 2 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](http://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	<b>Renewable Energy Activities</b>	<b>Activity Status</b>
	housing plant and electrical equipment.	

30.4.2	<b>Renewable Energy Standards</b>	<b>Activity- Status Non- compliance Status</b>
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 5m<sup>2</sup> if solar panels on a flat roof.</p> <p>30.4.2.1.8 Not exceed 150m<sup>2</sup> 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 10m<sup>2</sup> 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	<b>Renewable Energy Standards</b>	<b>Activity- Status Non- compliance Status</b>
	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	<b>Non-Renewable Energy Activities</b>	<b>Activity Status</b>
30.4.3.1	Non-renewable Electricity Generation where either: a. the generation only supplies activities on the site on which it is located and involves either: i. standby generators associated with community, health care, and utility activities; or ii. generators that are part of a Stand-Alone Power System on sites that do not have connection to the local distributed electricity network <del>or</del> iii. <u>standby generators and generators within Ski Area Sub Zones.</u>  OR b. generators that supply the local distributed electricity network for a period not exceeding 3 months in any calendar year.  Note: Diesel Generators must comply with the provisions of Chapter 36 (Noise).	P
30.4.3.2	Non-Renewable Energy Activities which are not otherwise specified.	NC

### 30.5 Utility Rules

30.5.1	<b>General Utility Activities</b>	<b>Non- compliance Status Activity Status</b>
30.5.1.1	Buildings associated with a Utility Any building or cabinet or structure of 10m <sup>2</sup> 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. This rule does not apply to: a. masts for navigation or meteorology b. poles, antennas, and associated cabinets (cabinets up to 10m <sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication	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 <sup>2</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 10m<sup>2</sup> 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	Utilities and Buildings (associated with a Utility) which are not: 30.5.8.1 provided for in any National Environmental Standard; OR 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.	D

30.5.2	General Utilities - Standards	Non-compliance Status
30.5.2.1	Setback from internal boundaries and road boundaries 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. This rule does not apply to: a. poles, antennas, and associated cabinets (cabinets up to 10m <sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; b. lines and support structures for telecommunications.	D
30.5.2.2	Buildings associated with a Utility in Outstanding Natural Landscapes (ONL) and Outstanding Natural Features (ONF) Any building within an ONL or ONF must be less than 10m <sup>2</sup> in area and less than 3m in height. This rule does not apply to: a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m <sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; c. lines and support structures.	D
30.5.2.3	Height All buildings or structures must comply with the relevant maximum height provisions for buildings of the zone they are located in. This rule does not apply to: a. masts or poles for navigation or meteorology; b. poles, antennas, and associated cabinets (cabinets up to 10m <sup>2</sup> in area and 3m in height, exclusive of any plinth or other foundation), for telecommunication and radio communication; c. 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"> <li>a. <u>the effects on activities within the proposed National Grid Yard;</u></li> <li>b. <u>Landscape and visual effects;</u></li> <li>c. <u>the route, site and method selected;</u></li> <li>d. <u>the functional needs of the National Grid;</u></li> <li>e. <u>the benefits derived from sustainable, secure and efficient electricity transmission.</u></li> </ul>	
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 <del>A network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid,</del> 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 10m<sup>2</sup> 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	<b>National Grid Standards</b>	<b>Non-compliance Status</b>
	<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	<b>Electricity Distribution Activities</b>	<b>Non-compliance-Status Activity Status</b>
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	<b>Telecommunications, radio communication, navigation or meteorological communication activities</b>	<b>Activity Status</b>
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	<b>Telecommunications, radio communication, navigation or meteorological communication activities</b>	<b>Activity Status</b>
	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 1.5m<sup>2</sup> 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 1.5m<sup>2</sup> and 4m<sup>2</sup> 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"> <li>a. location;</li> <li>b. appearance, colour and visual effects.</li> </ul>	C
30.5.6.10	<p>Any antennas located in the following:</p> <ul style="list-style-type: none"> <li>a. any identified Outstanding Natural Feature;</li> <li>b. the Arrowtown Residential Historic Management Zone;</li> <li>c. Arrowtown Town Centre;</li> <li>d. Queenstown Special Character Area;</li> <li>e. Significant Natural Areas; and</li> <li>f. Heritage, Features and Heritage Overlay Areas.</li> </ul>	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 0.11m<sup>3</sup> and 2.5m<sup>3</sup> provided that the microcell is not located within a Heritage Precinct.</p> <p>Control is reserved to:</p> <ul style="list-style-type: none"> <li>a. appearance;</li> <li>b. colour; and</li> <li>c. visual effects.</li> </ul>	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 2.5m<sup>3</sup>.</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	<del>Setbacks from electricity transmission infrastructure National Grid Sensitive Activities are located outside of the National Grid yard.</del>	NC
--------	--	----

**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"> <li>impacts on the operation, maintenance, upgrade and development of the National Grid;</li> <li>the ability of future development to comply with NZECP34:2001;</li> <li>the location, design and use of any proposed building platform as it relates to the National Grid transmission line.</li> <li><u>the risk of electrical hazards affecting public or individual safety, and the risk of property damage.</u></li> <li><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></li> </ol>	RD
---------	--	----

- **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](http://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