

RESOURCE MANAGEMENT ACT 1991

PROPOSED HOROWHENUA DISTRICT PLAN

HEARING OF SUBMISSIONS

DECISION OF HEARING PANEL

TOPIC: Report on District Plan
Utilities & Energy

HEARING PANEL: Dean Chrystal (Chair)
Cr Tony Rush
Cr Leigh McMeeken

HEARING DATE: 6th & 7th May 2013

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1.0 INTRODUCTION

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to the topic of Utilities and Energy.
- 1.2 A hearing into the submissions received on the topic of Utilities and Energy was held on the 6th and 7th May 2013.
- 1.3 The hearing was closed on the 13th September 2013.

Abbreviations

- 1.4 In preparing this decision we have used the following abbreviations:

Chorus	Chorus New Zealand Ltd
DoC	Director-General of Conservation
Genesis	Genesis Power Ltd
HAL	High Amenity Landscapes
HDC	Horowhenua District Council
Horizons	Horizons Regional Council
KCE Mangahao	KCE Mangahao Ltd
NPSET	National Policy Statement on Electricity Transmission
NPSREG	National Policy Statement on Renewable Electricity Generation
NZECF	New Zealand Electrical Code of Practice
NZWEA	New Zealand Wind Energy Association
Officer's report	Report evaluating the submissions prepared by Mr David McCorkindale for our assistance under s42A(1) of the RMA
ONFL	Outstanding Natural Features and Landscapes
Powerco	Powerco Ltd
Proposed Plan	Proposed Horowhenua District Plan
Rayonier	Rayonier New Zealand Ltd
RMA	Resource Management Act
Telecom	Telecom New Zealand Ltd
Todd	Todd Energy Ltd
The Act	Resource Management Act
Transpower	Transpower New Zealand Ltd
Vector	Vector Gas Ltd

2.0 OFFICER'S REPORT

- 2.1 We were provided with and had reviewed the Officer report prepared by David McCorkindale pursuant to s42A of the Act prior to the hearing commencing.
- 2.2 In his report Mr McCorkindale informed us that the relevant provisions within the Proposed Plan are largely contained within Part B Objectives and Policies - Chapter 12 (Utilities and Energy) and Part C Rules - Chapter 22 (Utilities and Energy), with some related provisions appearing in the Zone Rules, Assessment Criteria and General Provision chapters of the Proposed Plan. Mr McCorkindale noted that Chapter 12 is effectively a new chapter as the current Operative Plan does not have a policy chapter that specifically addressed both Utilities and Energy.

- 2.3 Mr McCorkindale in his report highlighted that a number of submissions were made in relation to the Utilities and Energy chapter. These submissions have supported some provisions requesting they be adopted as proposed, while others have requested changes to the wording or deletion of specific changes.
- 2.4 Mr McCorkindale summarised the key issues raised by submissions and provided a discussion on them. His main recommendations on the key issues raised in submissions had been:
- Generally retaining the policy framework for Network Utilities and Energy with appropriate amendments to provide greater clarity or to improve the relationship of the Plan with the RMA and National Policy Statements (NPSREG and NPSET)
 - Provision for minor upgrading of network utilities and existing renewable electricity generation or distribution facilities
 - Providing for the effects of visual intrusion and interruption from renewable electricity generation facilities on the Tararua Ranges to be minimised.
 - Clarification that the activity status for activities not meeting the permitted activity conditions in Chapter 22 would be Restricted Discretionary.
 - Increased height thresholds in the Industrial and Commercial zones for masts, pylons, towers, support structures, aerials and antennas.
 - Provision made for certain sized lightning rods to be excluded from building and structure height calculations.
 - Provision made for the Residential zone setbacks from boundaries and daylight setback envelope to apply to network utility structures located on sites next to a Residential zoned property.
 - Provision made for wind monitoring masts of up to 500mm maximum diameter as permitted activities (subject to other controls including a boundary set back based on the height of the mast).
 - Recognition of the positive, local, regional and national benefits derived from the use and development of renewable energy through inclusion in the Assessment Criteria for Wind Energy Facilities.
 - Provision made for the trimming, felling and removal of vegetation and non-notable trees to retain the operational efficiency of overhead wires or utility networks.
 - Inclusion of a new definition for National Grid Corridor that would replace the term 'Transmission Line Corridor' currently used in the Plan.

3.0 SUBMITTERS

Appearances

- 3.1 The following submitter made an appearance at the hearing:
- Rhea Dasent on behalf of Federated Farmers of New Zealand
 - Andrew Hoggard (Manawatu-Rangitikei President) on behalf of Federated Farmers of New Zealand
 - Penelope Tucker, on behalf of Manawatu-Wanganui Regional Council (Horizons Regional Council)
 - Lynette Wharfe, resource management consultant on behalf of Horticulture New Zealand
 - Ben Farrell, on behalf of New Zealand Wind Energy Association
 - Nicky McIndoe, Legal Counsel on behalf of Transpower New Zealand Ltd;
 - Mike Hurley, Environmental Advisor for Transpower New Zealand Ltd
 - Graham Spargo, planning consultant on behalf of Transpower New Zealand Ltd;

- Lorelle Barry, planning consultant on behalf of Todd Energy Ltd and KCE Mangahao Ltd
- Tom Anderson, planning consultant on behalf of Telecom
- Mary Barton, senior environmental planner with Chorus New Zealand Limited

3.2 In addition, written submissions for presentation at the hearing were received from:

- Georgina McPherson, planning consultant on behalf of Powerco
- Kellie Roland, Environmental Policy Manager at Genesis Power Limited
- Darryl McMillan, Vector Gas Limited

General Submitter Comments

1. Transpower New Zealand Ltd

3.3 Ms McIndoe took us through the various statutory requirements we needed to take account of including the modified Long Bay – Okura formula stemming from Environment Court decisions. She also referred to the objective and various policies of the NPSET.

3.4 Mr Hurley identified that Transpower owned and operated the National Grid, which transmits electricity throughout New Zealand. He said that there were 5 National Grid transmission lines in Horowhenua District, together with other infrastructure such a substation and switchyard and that these lines played a critical role in New Zealand’s electricity transmission network.

3.5 Mr Hurley said that Transpower was aware that a balance needed to be struck between competing issues associated with the use of the electricity transmission network. He said that only via planning tools such as District Plan rules can sustainable management of the both the transmission resource, and the environment they are located in, be achieved. He noted that the NPSET provides that use, development and protection of the transmission network needs to be managed in a way which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while sustaining the potential of the Grid to meet the reasonably foreseeable needs of future generations, and while also avoiding, remedying and mitigating adverse effects of activities on the environment. He said that it was important to note that full mitigation was not possible due to the scale, form, function and technical constraints of the infrastructure and that this was recognised in the NPSET.

2. Horticulture NZ

3.6 Ms Wharfe said that the NPSET had led to plan changes around the country where Transpower had sought an approach of corridor management which had the potential for significant effects on horticulture particularly where fruit is grown on support structures. She said that Horticulture NZ has been working with Transpower to seek a resolution to these issues.

3.7 Ms Wharfe said that Horticulture NZ generally supported Transpower basing its requirements on NZECP34:2001 and was intending to sign a Memorandum of Understanding between the parties recognising that position.

4.0 EVALUATION

Chapter 12 Introduction

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submissions
99.07	Transpower New Zealand Ltd	Include the following paragraphs to the 12 Introduction, Utilities Section as follows: <u>The Council is required to give effect to any National Policy Statement (NPS). The stated</u>	514.18 Todd Energy Ltd -Support

Sub No.	Submitter Name	Decision Requested	Further Submissions
		<p><u>objective of the NPSET is to “Recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:</u></p> <p><u>- Managing the adverse environmental effects of the network; and</u></p> <p><u>- Managing the adverse effects of other activities on the network”.</u></p> <p><u>The issues associated with electricity transmission are significant at a national, regional and local level and the benefits of the network must be recognised and provided for. Within the District, there is the potential for the development of new high voltage electricity transmission.</u></p>	<p>515.18 KCE Mangahao Ltd - Support</p> <p>516.06 Federated Farmers of New Zealand - Oppose</p>
100.00	New Zealand Wind Energy Association	<p>Amend Introduction, Energy (page 12-2) and substantiate the statement “the benefits and need for renewable energy is recognised”.</p> <p>Possible wording to the fifth paragraph includes:</p> <p>The benefits and need for renewable energy is recognised through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities.”</p>	

4.1 Transpower, supported by Todd Energy Ltd and KCE Mangahao, request that a statement be added indicating that Council is required to give effect to any National Policy Statement. Federated Farmers opposed the submission point considering that a balancing statement is required to identify that network utilities and the National Grid can also have adverse effects on surrounding land uses. Both Transpower and Federated Farmers suggested text that they considered to be appropriate.

4.2 The Reporting Officer noted that Transpower had specifically identified the NPSET, and he was conscious that there are other NPS’s that were relevant to this chapter. He was therefore sympathetic to the point made by Federated Farmers. He recommended that the suggested wording proposed by Transpower be added to the Introduction as a new 10th paragraph as follows:

“The Council is required to give effect to any National Policy Statement (NPS). The stated objective of the NPSET is to “recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- Managing the adverse environmental effects of the network; and
- Managing the adverse effects of other activities on the network”.

The issues associated with electricity transmission are significant at a national, regional and local level and the benefits of the network must be recognised and provided for. Within the District, there is the potential for the development of new high voltage electricity transmission.”

4.4 The Reporting Officer in the original Section 42A Report also recommended that a new 11th paragraph be added to the Introduction, with this paragraph supported by Federated Farmers. In response Mr Spargo noted that ‘balancing’ in section 5 of the RMA does not relate specifically to balancing ‘competing’ land uses. He suggested an amendment to the new paragraph which was supported by the Reporting Officer in the Supplementary S42A Report. The proposed new revised paragraph 11 read:

“It is recognised while network utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, many of which have been established long before the network utility. The sustainable management of natural and physical resources requires Council to achieve a balance between the effects of different land uses”.

4.5 We have reviewed the requested amendments and recommendations and consider them to be appropriate and address the differing views that the submitters raised. The submissions are accepted in part and we adopt the reasons and recommendations above as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.6 NZWEA supported the Introduction but requested that an amendment be included to the fifth paragraph of the Energy section to substantiate how the benefits of renewable energy would be recognised in the Plan.

4.7 The Reporting Officer said that the change proposed by NZWEA provided some additional clarification and may be helpful to Plan users. He accepted the wording proposed, subject to the inclusion of the words “where appropriate”. Mr Farrell however considered the term “where appropriate” to be ambiguous, unjustified and created uncertainty about how the Council was providing for renewable energy development. He also considered there was no proviso in the NPSREG that allowed Councils to limit their recognition of, and provision for, renewable energy.

4.8 The Reporting Officer in responding, acknowledged the submitter’s interpretation of the proposed qualifier “where appropriate”, and recommended the fifth paragraph under Energy be amended as follows and the submission be accepted:

“The benefits and need for renewable energy is recognised, and so is the need to effectively manage the potential for effects arising from energy related infrastructure through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities. Particularly where the local environment is sensitive to the scale and nature of energy generation facilities, for example adverse ecological, cultural and heritage, landscape and visual effects have the potential to be significant.

4.9 We have reviewed the amendment and recommendation and consider it to be appropriate. We therefore adopt the reasons and recommendations as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Issue 12.1 Network Utilities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.02	Michael White	Amend Issue 12.1 to manage light spill and glare of street and highway lighting networks.	511.06 HDC (Community Assets Department) - Oppose 525.18 Maurice and Sophie Campbell - Support
99.08	Transpower New	Retain Issue 12.1	

Sub No.	Submitter Name	Decision Requested	Further Submission
	Zealand Ltd		

4.10 M White, supported by M & S Campbell and opposed by HDC (Community Assets Department), sought that the Issue be amended to manage light spill and glare from the street and highway lighting networks. HDC (Community Assets Department) said that it was not practical or cost effective to retrofit existing services specifically for light spill and glare purposes; however consideration could be given to future new works on this matter.

4.11 The Reporting Officer considered that this Issue had been worded as a high level statement about adverse effects without referring to specific examples and that it would send the wrong message to include one example within this issue, as it could be perceived to be the main issue for the District. He considered the current wording provided some coverage of the issue the submitter raises, however recommended that additional text be added to the Issue Discussion for Issue 12.1 which would enable this example to be identified as follows:

“Therefore, in making provision for network utilities, their environmental effects must be balanced against the community’s need for the service or facility. An example of this challenge is the provision of street lighting which is required for public safety, yet the spill light from this can adversely affect the night environment. It is also recognised that there may be limited choice in locating utilities, given logistical or technical practicalities. Some level of adverse effects may need to be accepted to recognise the necessity for some utility services and facilities.”

4.12 We have reviewed the requested amendment and subsequent recommendation and associated wording and consider it to be appropriate. We therefore adopt that recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission in part.

4.13 The support for Issue 12.1 from Transpower is noted and accepted in part given the above amendment.

Issue for Discussion for Issue 12.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.11	Powerco	Retain the fourth paragraph of the issue discussion for 12.1 without modification.	
99.09	Transpower New Zealand Ltd	Amend the fourth paragraph of 12.1 Network Utilities, Issue Discussion as follows: For example, residential areas and areas containing outstanding natural features and landscapes would be vulnerable to the intrusion of large buildings or pylons.	528.24 Horizons Regional Council – Oppose
99.10	Transpower New Zealand Ltd	Retain paragraphs 5 and 6 of 12.1 Network Utilities, Issue Discussion (page 12-3).	

4.14 Transpower, opposed by Horizons, sought an amendment to the third paragraph of the Issue Discussion to remove the reference to outstanding natural features and landscapes.

4.15 The Reporting Officer considered that the words could be removed without the Plan losing any of its intent. He noted that the next sentence states that *“Areas with outstanding natural features and landscapes and areas of significant indigenous vegetation or habitats also need to be protected from inappropriate use and*

development of utilities” and was satisfied that this following sentence captures the key point, in relation to the protection of areas with outstanding natural features and landscapes, more so than the sentence Transpower seek to amend. He noted that the sentence to be amended would still be appropriate and technically correct in only referring to residential areas and recommended the submission be accepted and further submission rejected and the following wording adopted:

“For example, residential areas ~~and areas containing outstanding natural features and landscapes~~ would be vulnerable to the intrusion of large buildings or pylons”.

4.16 At the hearing Ms Tucker said she could support the amendment, however Mr Spargo sought an amendment to the next sentence in the third paragraph of the Issue Discussion in order to better align it with, and give effect to, Policy 7 of the National Policy Statement on Electricity Transmission (NPSET). The proposed amendment is as follows:

“Areas with outstanding natural features and landscape and areas of significant indigenous vegetation or habitats also need to be protected from inappropriate use and ~~should seek to be protected from development of utilities~~ should seek to avoid these.”

4.17 In the Memorandum from Counsel for Transpower, Ms McIndoe notes that Transpower’s general submission refers to the possibility of further relief being required to address concerns with the Proposed Plan, and considers that this provides scope for the relief sought.

4.18 In the Supplementary s42A Report, the Reporting Officer supported the proposed amendment.

4.19 We have reviewed the requested amendments and subsequent recommendations and associated wording and consider it to be appropriate. We therefore adopt that recommendations and reasons as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission and reject the further submission.

4.20 The support for the fourth paragraph of the issue discussion for Issue 12.1 from Powerco is noted however we also point to our previous decision which amended this paragraph and the submission is therefore accepted in part. The support for paragraphs 5 and 6 of the issue discussion for Issue 12.1 from Transpower is noted and accepted and the provisions approved.

Objective 12.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.02	Powerco	Retain Objective 12.1.1 without modification.	
78.00	Telecom New Zealand Ltd	Retain intent of Objective 12.1.1	
79.00	Chorus New Zealand Limited	Retain intent of Objective 12.1.1	
99.11	Transpower New Zealand Ltd	Amend Objective 12.1.1 Network Utilities as follows: To protect and provide for the establishment, operation, maintenance and upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment to the extent practicable.	512.04 Vector Gas Ltd - In-Part 516.09 Federated Farmers of New Zealand - Oppose

4.21 Transpower, supported in part by Vector and opposed by Federated Farmer, sought an amendment to Objective 12.1.1 to read *“To protect and provide for the establishment, operation, maintenance and*

upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment to the extent practicable."

4.22 The Reporting Officer agreed with adding the protection component to the Objective but did not support the qualifier that was requested for the end of this objective. He said that this sort of qualifier was not used within the Act and did not see it being helpful here. He noted that the further submission by Federated Farmers opposed the amendment on the basis that outright protection was unnecessary and acknowledged the tension raised between farming and network utility activities. However he considered that the Objective when read in its entirety was indeed appropriate for achieving sustainable management of natural and physical resources and responding to Issue 12.1.

4.23 The Reporting Officer recommended the submission be accepted in part and that the Objective be amended to read:

"To protect and provide for the establishment, operation, maintenance and upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment."

4.24 Ms Dasent opposed the recommendation because the word *protect* brings to mind Section 6 (of the RMA) matters, but there is no Section 6 matter directing that network utilities be protected. She referred to the NPSET saying that its wording did not include protection as an objective.

4.25 Mr Spargo, while supporting the above amendment and referring us to Policy 10 of the NPSET with regards to Federated Farmers concerns, sought the inclusion of an amendment to the Explanation and Reasons section to explain the Objective in the context of Transpower to give effect to Policies 3 and 4 of the NPSET as follows:

"In establishing the standards and in assessing resource consent applications, it is important to recognise the location of utilities is often dictated by operational and technical requirements. For example, constraints imposed on avoiding, remedying and mitigating adverse environmental effects of transmission activities are recognised under the NPSET (Policy 3). In addition, given the function and role of network utilities, some must be distributed throughout the District and in particular settlements"

4.26 In his Supplementary S42A Report, the Reporting Officer supports the proposed wording, as it provides a useful example of technical requirements that could apply and appropriately regards the policy direction in the NPSET.

4.27 We have reviewed the requested amendments and subsequent recommendations and associated wording and consider them to be appropriate. We note that the concerns expressed by Ms Dasent highlight the tension between in particular farmers and network utility operators. However we do not consider that the word *protect* is in any way related to Section 6 (of the RMA) in this context and consider it entirely appropriate that network utilities are given a reasonably supportive framework within the District Plan given their importance to community wellbeing and the effect to the national policy statement. We therefore adopt the recommendations and reasons as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. In doing so we have accepted in part the further submissions of Vector and Federated Farmers.

4.28 The support of Objective 12.1.1 by Powerco, Telecom and Chorus is noted however we refer to our decision above and have accepted in part these submissions.

Policy 12.1.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.03	Powerco	Retain Policy 12.1.2 without modification.	
78.01	Telecom New Zealand	Retain intent of Policy 12.1.2	

Sub No.	Submitter Name	Decision Requested	Further Submission
	Ltd		
79.01	Chorus New Zealand Ltd	Retain intent of Policy 12.1.2	

4.29 The support for Policy 12.1.2 from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Policy 12.1.2.

Policy 12.1.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.01	Michael White	Amend Policy 12.2.3 to manage light spill and glare of street and highway lighting networks.	525.17 Maurice and Sophie Campbell - Support
41.04	Powerco	Retain Policy 12.1.3 without modification.	
78.02	Telecom New Zealand Ltd	Retain intent of Policy 12.1.3	
79.02	Chorus New Zealand Ltd	Retain intent of Policy 12.1.3	
98.35	Horticulture NZ	Amend Policy 12.1.3 as follows: Avoid, remedy or mitigate the adverse environmental effects, including effects on primary production activities, arising from the establishment, construction, operation, maintenance and upgrading of network utilities.	505.04 Powerco - Oppose 506.56 Ernslaw One Ltd - Support 513.23 Rayonier New Zealand Ltd - Support 514.13 Todd Energy Ltd - Oppose 515.13 KCE Mangahao Ltd - Oppose 516.10 Federated Farmers of New Zealand - Support 518.04 Transpower New Zealand Ltd – In-Part
99.12	Transpower New Zealand Ltd	Amend Policy 12.1.3 as follows: To the extent practicable, avoid, remedy or mitigate the adverse environmental effects arising from the establishment, construction, operation, maintenance and upgrading of network utilities and where appropriate, consider the extent to which any adverse effects have been avoided, remedied or mitigated by a route, site and method selection process.	512.05 Vector Gas Ltd - Support 516.11 Federated Farmers of New Zealand - Oppose

4.30 M White, supported by M & S Campbell, sought that Policy 12.1.3 be amended to manage light spill and glare of street and highway lighting networks. The Reporting Officer said that Policy 12.1.3 was a general policy that has application to a wide range of network utilities and a wide range of potential environmental effects and did not focus on a particular network utility or set of environmental effects. He said that to include the focus on light spill and glare would unnecessarily narrow the focus and application of the policy and recommended that the submissions be rejected.

4.31 We have reviewed the requested amendment and subsequent recommendation and agree that the current wording of the policy can be applied to street and road lighting without specific reference. We therefore adopt the Reporting Officer's recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

- 4.32 Horticulture NZ requested that the policy be amended to specifically refer to adverse environmental effects on primary production activities. The submission was opposed by Powerco, Todd Energy, KCE Mangahao Ltd, opposed in-part by Transpower and supported by Ernslaw One, Rayonier NZ and Federated Farmers.
- 4.33 The Reporting Officer did not consider the amendment sought to be necessary, noting that primary production activities are already covered generically by the current wording of the policy and that it applied across all zones of the District. He did not consider it appropriate to single out one type of land use at this policy level. He said that it could just as easily be argued that Residential and Commercial activities should be explicitly included in the policy to ensure that the adverse effects on those activities are avoided, remedied or mitigated also. He therefore recommended that the submission and those supporting it be rejected and those opposing be accepted.
- 4.34 Ms Dasent expressed concern that generic wording will mean that primary production is not considered. She sought that the policy be reworded to include reference to “*effects on primary production activities*”.
- 4.35 Ms Wharfe said that the reason Horticulture NZ wanted recognition of effects on primary production was because it can be overlooked as being ‘open space’ so the effects are minimal. She said that if the Panel were not of a mind to make the changes sought then the following should be added to the Explanation and Reasons:
- “Many network utilities are located in the rural zone, often on privately owned land. Where this occurs there is a need to consider the effects of the network utility on the activities undertaken on the land such as primary production activities which can be constrained due to the location of the utility on the land. Such effects should be considered when considering the establishment, construction, operation, maintenance and upgrading of network utilities”.*
- 4.36 At the hearing Ms McIndoe said that Transpower opposed the Horticulture NZ amendment on the basis that it legitimised reserve sensitivity effects which Policy 10 of the NPSET requires policy makers to avoid.
- 4.37 In his right of reply the Reporting Officer said that he was generally supportive of recognition being given to the impacts on primary production activities in the Explanation and Principal Reasons rather than the policy. He said that it was appropriate that where a new or upgraded network utility requires resource consent then it would be appropriate to consider any adverse effects that the network utility would have on existing land use activities, including primary production activities. He recommended accepting in part the submissions and adding the following wording to the end of paragraph 2 of the Explanation and Principal Reasons:
- “It is recognised that many network utilities in the District are located in the Rural zone and often on privately owned land. In some circumstances the location of these network utilities can constrain the activities undertaken on the land. Where resource consent is required to establish, construct, operate, maintain and upgrade network utilities in the Rural zone, consideration should be given to the effects of the network utility on the existing activities undertaken on the land such as primary production.”
- 4.38 We have considered the revised wording proposed by the Reporting Officer and consider that it is an appropriate addition to the Explanation and Principal Reasons which clarifies the situation as far as consents for network utilities in rural areas are concerned. We consider it entirely appropriate that where such consents are required that consideration is given to their impact on surrounding activities. We do not consider this addition is at odds with Policy 10 of the NPSET, which we acknowledge is only about electricity transmission, as this wording is about consents associated with network utilities themselves. We therefore fail to see how it could be construed to legitimise reserve sensitivity effects. Indeed in our view other policies of the NPSET such as Policies 4 and 8 support this approach of considering adverse effects. Overall it is noted that this addition is wider than just electricity transmission and our decision is to adopt the revised wording of the Reporting Officer and accept in part all those submissions associated with this matter.
- 4.39 Transpower, supported by Vector Gas and opposed by Federated Farmers, sought the following amendment to Policy 12.1.3:

“To the extent practicable, Avoid, remedy or mitigate the adverse environmental effects arising from the establishment, construction, operation, maintenance and upgrading of network utilities and where appropriate, consider the extent to which any adverse effects have been avoided, remedied or mitigated by a route, site and method selection process.”

4.40 The Reporting Officer did not support the qualifier “To the extent practicable” saying that the RMA did not use such qualifiers when seeking that the environmental effects are avoided, remedied or mitigated. In terms of the second part of the relief sought he noted that Policy 4 of the NPSET requires decision makers to have regard to the extent which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection. While he accepted that this process can be a very effective approach to avoiding adverse environmental effects, he did not consider it should be referred to within a policy which has application to a wide range of network utilities not just electricity transmission utilities to which the NPSET applies. The Reporting Officer considered that it would be helpful to refer to this approach within the Explanation and Principal Reasons to indicate that this is one approach that could be used. He recommended that the following wording be added after the second paragraph of the Explanation and Principal Reasons and that the submission and further submission of Vector be accepted in-part and the further submission by Federated Farmers be accepted:

“In considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, the NPS on Electricity Transmission (2008) requires that Council must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.”

4.41 In his evidence, Mr Spargo noted that the wording of the paragraph recommended by the Reporting Officer provides a qualifier of sorts and supports the paragraphs inclusion into the Plan.

4.42 We have reviewed the requested amendment and subsequent reasoning and recommendation and agree that the addition of wording in the Explanation and Principal Reasons is the appropriate means of addressing this matter. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.43 The support of Powerco, Telecom and Chorus for retaining Policy 12.1.3 is noted and accepted.

Policy 12.1.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.05	Powerco	Retain Policy 12.1.4 without modification.	
78.06	Telecom New Zealand Ltd	Amend Policy 12.1.4 as follows: Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, heritage and cultural sites and buildings, Notable Trees, coasts, lakes, river and other waterways, and open space from the adverse effects of network utilities.	505.05 Powerco - Support
79.06	Chorus New Zealand Ltd	Amend Policy 12.1.4 as follows: Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, heritage and cultural sites and buildings, Notable Trees, coasts, lakes, river and other waterways, and open space from	

Sub No.	Submitter Name	Decision Requested	Further Submission
		the adverse effects of network utilities.	

4.44 Chorus and Telecom supported by Powerco requested that the reference to open space be removed from this policy on the basis that it was unclear what constituted open space and it was inconsistent with the provision of permitted network utilities in the Open Space zone.

4.45 The Reporting Officer noted that the term open space is defined in the Proposed Plan as follows:

***Open Space** means any public or private area of substantially unoccupied space or vacant land; and includes parks, reserves, playgrounds, landscaped areas, gardens, together with any ancillary seating and vehicle parking and pedestrian shelters and conveniences; but excludes any recreation facilities. It need not specifically be zoned as Open Space.*

4.46 The Reporting Officer was initially satisfied that it was appropriate to retain “open space” within this policy as it was signalling that some areas have a greater sensitivity to the adverse effects of network utilities and may warrant additional protection. He recommended that the submissions be rejected.

4.47 Ms McPherson said that the definition of open space appears to include almost any space that is not occupied by buildings, including land in both public and private ownership. She said that while some areas covered by the definition of ‘open space’ may indeed be sensitive to the adverse effects of network utilities, other areas are exactly where network utilities were typically located and could not be considered to have a greater sensitivity to the adverse effects of network utilities, which would warrant additional protection. She said it was not appropriate to impose the same policy approach to network utilities across such a broad range of ‘open space’ locations.

4.48 Ms McPherson went on to say that the broad scope of the term ‘open space’ cast doubt on the robustness of the policy and that the definition of ‘open space’ was so broad ranging that it was not entirely clear what the other spaces are that will not require additional protection from network utilities. She considered that given the broad scope and uncertainty associated with the term ‘open space’, such features should, at most, only be afforded additional protection from ‘significant adverse effects’, rather than ‘adverse effects’ in general.

4.49 In the Supplementary S42A Report, the Reporting Officer accepted the expert evidence from Powerco acknowledging the concerns regarding the potential for inherent conflict within the policy as different open space areas will have different levels of sensitivity. He said that on reflection not including the term ‘open space’ was going to provide greater certainty to the application of the policy. He recommended the following amendment to Policy 12.1.4:

“Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, heritage and cultural sites and buildings, Notable Trees, coasts, lakes, rivers and other waterways, ~~and open space~~ from the adverse environmental effects of network utilities.”

4.50 We have reviewed the amendment now proposed and agree with it. We therefore adopt the Reporting Officer’s latest recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We have also therefore accepted the submissions.

4.51 We note that Powerco also made a submission supporting the retention of Policy 12.1.4 without modification and note that given the above amendment this submission is accepted in part.

Policy 12.1.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.09	Michael White	Amend Policy 12.1.5 to manage light spill and glare of street and highway lighting networks.	525.25 Maurice and Sophie Campbell - Support
41.06	Powerco	Retain Policy 12.1.5 without modification.	

4.52 M White supported by M & S Campbell sought that Policy 12.1.5 be amended to manage light spill and glare of street and highway lighting networks. The Reporting Officer noted that Policy 12.1.5 was a general policy that has application to a wide range of network utilities and a wide range of potential effects that could compromise the health and safety of the community and did not focus on a particular network utility or set of environmental effects. He said that to include the focus on light spill and glare would unnecessarily narrow the focus and application of the policy and recommended that the submissions be rejected.

4.53 We have reviewed the requested amendment and subsequent recommendation and agree that the current wording of the policy can be applied to street and highway lighting without change. We therefore adopt the Reporting Officer's recommendation as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.54 The support for Policy 12.1.5 from Powerco is noted and accepted and the provisions approved. No amendments are proposed to Policy 12.1.5.

Policy 12.1.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.07	Powerco	Retain Policy 12.1.6 without modification.	
78.03	Telecom New Zealand Ltd	Retain intent of Policy 12.1.6	
79.03	Chorus New Zealand Ltd	Retain intent of Policy 12.1.6	
80.06	Todd Energy Ltd	Retain Policy 12.1.6	
92.06	KCE Mangahao Ltd	Retain Policy 12.1.6	
99.13	Transpower New Zealand Ltd	Retain Policy 12.1.6	

4.55 The support for Policy 12.1.6 from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Policy 12.1.6.

Policy 12.1.7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.08	Powerco	Retain Policy 12.1.7 without modification.	
91.01	HDC (Community Assets Department)	Amend Policy 12.1.7 as follows: Require services where practicable, to be underground in new areas of development within Urban areas and Greenbelt Residential areas.	526.02 Truebridge Associates Ltd - Oppose

- 4.56 HDC (Community Assets Department), opposed by Truebridge Associates Ltd, requested that Policy 12.1.7 be amended to read “*Require services where practicable, to be underground in new areas of development within Urban ~~areas~~ and Greenbelt Residential areas*”.
- 4.57 The Reporting Officer said that under the Operative Plan the structure had included Greenbelt Residential areas as part of the Urban framework and that the Proposed Plan separated the Urban and Greenbelt Residential out. He said that given that Greenbelt Residential areas are located adjacent to urban areas it is appropriate that the services (where practicable) be installed underground and therefore considered it appropriate and correct to have a separate reference in the policy for Greenbelt Residential areas. He recommended that the submission be accepted and the further submission rejected and that Policy 12.1.7 be amended to reflect the above wording.
- 4.58 We have reviewed the requested amendment and subsequent recommendation and agree that the revised wording of the policy is appropriate. We therefore adopt the Reporting Officer’s recommendation as our decisions pursuant to Clause 10(1) of Schedule 1 to the Act.
- 4.59 The support of Policy 12.1.7 by Powerco is noted; however we refer to our decision above and accept in part their submission.

Policy 12.1.8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.09	Powerco	Retain Policy 12.1.8 without modification.	
78.05	Telecom New Zealand Ltd	Retain intent of Policy 12.1.8	
79.05	Chorus New Zealand Ltd	Retain intent of Policy 12.1.8	

- 4.60 The support for Policy 12.1.8 from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Policy 12.1.8.

Policy 12.1.9

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.10	Powerco	Retain Policy 12.1.9 without modification.	
78.04	Telecom New Zealand Ltd	Retain intent of Policy 12.1.9	
79.04	Chorus New Zealand Ltd	Retain intent of Policy 12.1.9	
99.14	Transpower New Zealand Ltd	Amend Policy 12.1.9 as follows: Recognise the presence and function of existing network utilities, and their locational and operational requirements, by managing land use, development and / or subdivision in locations which could compromise their safe and efficient operation and maintenance subdivision and new land use activities adjacent to them, to ensure the long-term efficient and effective functioning of that utility.	

- 4.61 Transpower sought to amend Policy 12.1.9 to give effect to the NPSET. The amendment read:
 “Recognise the presence and function of existing network utilities, and their locational and operational requirements, by managing land use, development and / or subdivision in locations which could compromise their safe and efficient operation and maintenance ~~subdivision and new land use activities adjacent to them~~, to ensure the long-term efficient and effective functioning of that utility.”
- 4.62 The Reporting Officer noted that the amendment changed the focus of the policy from managing subdivision and new land use to managing existing subdivision, land use and development also. He said that existing development and land use would have existing use rights so the policy could not apply retrospectively. Nevertheless, he considered it was appropriate that in a situation where an existing activity constructs a new building or adds an addition to an existing building then the effects of these changes on the efficient and effective functioning of a network utility should be managed. He therefore recommended the amendment sought by Transpower be accepted.
- 4.63 We have reviewed the requested amendment and subsequent recommendation and agree that the revised wording of the policy is appropriate. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.
- 4.64 The support of Policy 12.1.7 by Powerco, Telecom and Chorus is noted however we refer to our decision above and accept their submissions in part.

New Policy 12.1.X

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.07	Todd Energy Ltd	Include a new Policy under Objective 12.1 to provide for positive guidance in relation to the establishment of utilities in High Amenity Landscapes.	
92.07	KCE Mangahao Ltd	Include a new Policy under Objective 12.1 to provide for positive guidance in relation to the establishment of utilities in High Amenity Landscapes.	

- 4.65 Todd Energy and KCE Mangahao both requested that an additional policy be added under Objective 12.1.1. They identified that there is currently no policy direction for utilities established in High Amenity Landscapes which are discussed within the Explanation and Principal Reason as follows:
“The effects of utilities can arise during construction or installation, maintenance or on-going operation, and can be most significant in sensitive areas such as residential or open space areas, or in outstanding natural features and landscapes and domains of high landscape amenity, ecological, heritage, or cultural value.”
- 4.66 The Reporting Officer noted that Policy 12.1.4 currently provides some direction for utilities within Outstanding Natural Features and Landscapes and he considered that an amendment to this Policy would be the most appropriate place to include reference to the domains of high landscape amenity. He recommended the submission be accepted in part and that the policy be amended to include a reference to domains of high landscape amenity, as follows:
“Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, domains of high landscape amenity, heritage and cultural sites and buildings, Notable Trees, coast, lakes, river and other waterways, and open space from the adverse environmental effects of network utilities”.
- 4.67 Ms Barry did not agree with this amendment stating that there was still no clear policy directive provided in terms of positive guidance for the establishment of utilities in domains of high landscape amenity. She said that the changes to the policy were more restrictive and sought the recommended amendment be rejected.

- 4.68 The Reporting Officer in his Supplementary S42A Report said that a new policy as sought would result in a policy that does not add any further direction or consideration than the existing policies (namely Policies 12.1.2 – 12.1.4). He noted that the rules for the domains of high landscape amenity provide for the establishment of network utilities up to certain heights, which was no different to the approach for all zones. He therefore considered there was little meaningful direction that could be given in a new policy without repeating existing policies. He said that his original recommended amendment to the policy recognises that there is a rule regime in place for managing the effects of network utilities in certain landscape domains and as such there is additional protection provided to these areas.
- 4.69 Ms Barry responded with additional wording to be added to the end of Policy 12.1.4 that reads:
“... network utilities except that it is acknowledged that network utilities may be located in ONFL’s and Domains of High Landscape Amenity. The adverse effects of these and, any mitigation measures proposed, will be determined on a case by case basis”.
- 4.70 In his right of reply the Reporting Officer did not support the amendment. He said that while he understood and appreciated that the submitter is trying to signal that network utilities can be sited within ONFL’s and Domains of High Landscape Amenity he did not consider that the policy currently sent a contrary message. He considered the proposed additional wording to be unnecessary and said that the Plan would become very long if it were necessary to have a policy giving direction and positive guidance about all the possible activities that can be located in certain areas.
- 4.71 We have reviewed the initial request, the Reporting Officer’s suggested amendment and the revised amendment of the submitter. We have also looked closely at the existing policy framework. We have reached a conclusion that both a new policy and the submitter’s suggested amendment to Policy 12.1.4 are unnecessary and would add nothing to the overall policy framework. Policy 12.1.4, with the amendment recommended by the Reporting Officer, essentially covers the new policy suggested while the addition proposed merely states the obvious in that network utilities are not prohibited from ONFL’s and Domains of High Landscape Amenity and applications are inherently considered on a case by case basis.
- 4.72 Our decision is therefore to adopt the revised wording of Policy 12.1.4 as proposed above by the Reporting Officer as we consider it clarifies that Domains of High Landscape Amenity are one of the sensitive areas to be considered. As a result the submissions are accepted in part.

Explanation & Principal Reasons for Objective 12.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
91.02	HDC (Community Assets Department)	Amend wording of the fourth paragraph of 12.1.1 Explanation and Principal Reasons as follows: ... Services such as power and telecommunications have traditionally been provided throughout the District by way of overhead servicing. However, overhead lines and structures associated with services can detract from visual amenity and be a crash hazard, therefore provision of new reticulation is required to be by way of underground reticulation. ...	526.03 Truebridge Associates Ltd – Oppose
99.15	Transpower New Zealand Ltd	Retain the last sentence of paragraph 4 in the 12.1.1 Explanation and Principal Reasons.	

Sub No.	Submitter Name	Decision Requested	Further Submission
		Some exceptions to under grounding of services will exist, such as high voltage transmission lines, as it is often not practical to underground these in terms of cost and operation.	
99.16	Transpower New Zealand Ltd	Amend the second sentence of final paragraph in the 12.1.1 Explanation & Principal Reasons as follows: In-Particular, it is important to protect the operation of network utilities from incompatible activities on adjacent sites.	

4.73 HDC (Community Assets Department), opposed by Truebridge Associates Ltd, sought an amendment to the fourth paragraph of the Explanation and Principle Reasons 12.1.1 as follows:

“Services such as power and telecommunications have traditionally been provided throughout the District by way of overhead servicing. However, overhead lines and structures associated with services can detract from visual amenity and be a crash hazard; therefore provision of new reticulation is required to be by way of underground reticulation.”

4.74 The Reporting Officer considered the change to be appropriate and provided additional context for someone reading or applying the Proposed Plan. He noted that the further submission made by Truebridge opposed all submission points made by HDC (Community Assets Department), but has failed to provide any reasoning behind opposing this amendment. He therefore recommended that the further submission be rejected and the submission accepted and that the wording be amended as above.

4.75 We have reviewed the requested amendment and subsequent recommendation and agree that the revised wording is appropriate. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

4.76 The support for the last sentence of paragraph 4 by Transpower is noted and accepted.

4.77 Transpower also sought an amendment to the second sentence in the final paragraph to read: *“In particular, it is important to protect the operation of network utilities from incompatible activities ~~on adjacent sites~~”*.

4.78 The Reporting Officer did not consider that the change was necessary, noting that ‘adjacent’ meant in the vicinity of, or as defined in the Collins Dictionary it can mean near or close to, and does not necessarily have to be adjoining or next to, although this can be the case. He said he was unable to identify examples that are likely to occur where an incompatible activity that is not adjacent would impact on the operation of a network utility and noted that in terms of consistency Policy 12.1.9 refers to “subdivision and new land use activities adjacent” in recognising the presence and function of established network utilities. He recommended that the submission be rejected.

4.79 Mr Spargo said there was little benefit of including the term “on adjacent sites” as it introduces potential for debate over its interpretation. He suggested that it is the effects of the incompatible activities that are of relevance in the context of the explanation and principal reasons, irrespective of how the site location is defined.

4.80 While we understand the Reporting Officer’s point in referring to Policy 12.1.9 we note that the wording of that policy which includes the word ‘adjacent’ has been deleted in our decision above. The issue of consistency therefore no longer exists and we consider there is no reason to retain the words “on adjacent sites”. Further we agree with Mr Spargo that it provides little benefit as the issue is about protecting network utilities from incompatible uses. Our decision is therefore to accept the submission and delete the words “on adjacent sites” from the sentence.

Methods for Issue 12.1 & Objective 12.1.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.12	Powerco	Retain the Methods for Issue 12.1 and Objective 12.1.1 without modification.	
80.08	Todd Energy Ltd	No specific relief requested: Inferred: Amend 12.1 Methods (bullet point 3 and 4) to describe when and why resource consents are required for assessing network utilities.	
92.08	KCE Mangahao Ltd	No specific relief requested. Inferred: Amend 12.1 Methods (bullet point 3 and 4) to describe when and why resource consents are required for assessing network utilities.	
99.17	Transpower New Zealand Ltd	Amend the Methods for Issue 12.1 & Objective 12.1.1 (page 12-6) as follows: - Promote the use of relevant Codes of Practice and industry guidelines - Designated network utilities and sites and the electricity transmission network will be identified on the Planning Maps	

4.81 Transpower requested the following amendments to the 6th and 7th methods:

- “Promote the use of relevant Codes of Practice and industry guidelines.”
- “Designated network utilities and sites and the electricity transmission network will be identified on the Planning Maps.”

4.82 The Reporting Officer considered the amendments requested to both of these methods to be acceptable as they reflect the intention of the methods and what is currently identified on the Planning Maps. He recommended that the submission be accepted.

4.83 Todd Energy and KCE Mangahao submitted that they considered the third and fourth bullet points to be unclear and inferred that the two methods should be amended.

4.84 The Reporting Officer recommend the submissions be accepted and the following amendments made to provide greater clarity and to improve the consistency and linkages between the supporting policies and these methods:

- “Resource consents will be required for network utility operations which do not comply with performance standards, or for heritage buildings and sites, ~~or~~ Outstanding Natural Features and Landscapes or landscapes and domains of High Landscape Amenity.”
- “Require network utilities, that do not comply with performance standards or that are located in sensitive areas including Outstanding Natural Features and Landscapes, landscapes and Domains of High Landscape Amenity, or heritage sites ~~which have variable effects or which may have adverse effects if located in some localities,~~ to be assessed through the resource consent process to consider the potential effects of the proposal and impose specific conditions if appropriate.”

4.85 Ms McPherson representing Powerco who had supported Methods of Issue 12.1 and Objective 12.1.1 said that while supporting the amendments to the 6th and 7th bullet points said she did not support the changes

recommended to bullet points 3rd and 4th bullet points. She said that the wording of the 3rd bullet point needed to be amended to achieve the intended outcome, which was to specify that resource consents will be required for network utility operations that are to be located on or within heritage buildings and sites, or Outstanding Natural Features and Landscapes etc. The method currently states that resource consents will be required for heritage buildings and sites, or Outstanding Natural Features and Landscapes etc themselves. She said that as a minimum, the bullet point should be amended to read:

- *Resource consents will be required for network utility operations which do not comply with performance standards or which are to be located on or within ~~for~~ heritage buildings and sites, or Outstanding Natural Features and Landscapes or landscapes and domains of High Landscape Amenity.*

4.86 Notwithstanding this, Ms McPherson said the wording recommended for the two bullet point's resulted in no substantive difference between them and therefore only one was required and she sought the deletion of the 3rd bullet point. She also recommended the 4th bullet point be amended as below considering the wording was confusing as the 'landscapes and Domains of High Landscape Amenity' are not clearly defined and that did not accurately reflect the rules relating to network utilities creating the potential for confusion and misinterpretation:

"Require network utilities, that do not comply with performance standards, including those that apply to network utilities ~~are located in sensitive areas including~~ Outstanding Natural Features and Landscapes, ~~landscapes and Domains of High Landscape Amenity, or heritage sites~~ or buildings, or within rural zoned parts of the Coastal Environment, Coastal Lakes, Manakau Downlands and Hill Country Landscape Domains to be assessed through the resource consent process to consider the potential effects of the proposal and impose specific conditions if appropriate."

4.87 In a written response to the supplementary evidence and other information raised in the hearing, Ms Barry said that Todd Energy and KCE Mangahao supported the proposed amendments to bullet-points 3 and 4, resulting in bullet-point 3 being deleted and the wording being included in bullet point 4.

4.88 In his Supplementary S42A Report, the Reporting Officer accepts this amendment as providing clarity to the intent and application of bullet point 4 and that the terminology and references are in accordance with those used throughout the Proposed Plan.

4.89 We have reviewed all the above requested amendments and subsequent recommendations and agree that the 3rd bullet point should be deleted and amalgamated into the 4th bullet point. We consider the scope to achieve this is provided by the Todd Energy and KCE Mangahao submissions. In terms of the revised wording of bullet points 6 and 7, while we consider they are appropriate we note that in terms of bullet point 7 that a consequential amendment is required stemming from a decision associated with the Rural Chapter which resulted in the words "electricity transmission network" being amended to "National Grid". We consider the same amendments is now required here for reasons of consistency and further that a subsequent amendment is required to the Planning Map Legend for the same reasons.

4.90 Our decision is therefore to adopt the recommended wording, apart from that referred to below, and reasoning above as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. The submission of Transpower is accepted and the remaining submissions, including Powerco's support, are accepted in part. The revised wording resulting from the consequential amendments is as follows:

Amend bullet point 7 to read:

"Designated network utilities and sites and the National Grid Corridor will be identified on the Planning Maps."

Amend the Planning Map Legend to read:

"National Grid Corridor (High Voltage Electricity Transmission Lines)"

Issue 12.2 Energy

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.09	Todd Energy Ltd	Amend Issue 12.2 so that it reflects the national importance provide for in national renewable energy policy by the following:Generating electricity from renewable resources can have environmental benefits compared to utilising non-renewable energy resources.... OR similar wording to achieve relief sought.	
92.09	KCE Mangahao Ltd	Amend Issue 12.2 so that it reflects the national importance provide for in national renewable energy policy by the following:Generating electricity from renewable resources can have environmental benefits compared to utilising non-renewable energy resources.... OR similar wording to achieve relief sought.	
100.01	New Zealand Wind Energy Association (NZWEA)	Amend Issue 12.2 by inserting the following statement: Like all districts in New Zealand the Horowhenua district needs to provide for the development of new renewable electricity facilities as a matter of national significance. The development of new electricity generation facilities can create adverse effects on the environment...	516.07 Federated Farmers of New Zealand - Oppose

4.91 Todd Energy and KCE Mangahao sought that the Issue be amended so that it has a stronger relationship to the NPS REG by replacing the word ‘can’ with ‘have’, as follows:

‘...Generating electricity from renewable resources ~~can~~ have environmental benefits compared to utilising non-renewable energy resources....

4.92 The Reporting Officer agreed that the Issue should recognise and strengthen the connection between the environmental benefits of renewable sources of energy compared to non-renewable resources. In his opinion the wording change requested does not help the readability of this Issue and could lead to confusion. He understood the point that is not currently clear in the Issue is the comparison of environmental benefits between electricity from renewable resources and those from non-renewable resources, however he could not categorically state that generating electricity from renewable resources always has greater environmental benefits than the use of non-renewables particularly in the short term. He therefore recommended the submissions be accepted in part and that the following amendment to the Issue be made to clarify this point:

“...Generating electricity from renewable resources can have greater environmental benefits compared to utilising non-renewable energy resources....”

- 4.93 We have reviewed the requested amendment and subsequent recommendation and agree that the Reporting Officer’s revised wording of the Issue is appropriate. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.
- 4.94 NZWEA, opposed by Federated Farmers, sought to include the following at the beginning of the Issue:
‘Like all districts in New Zealand the Horowhenua district needs to provide for the development of new renewable electricity facilities as a matter of national significance’.
- 4.95 The Reporting Officer said that whilst he agreed that Councils across New Zealand must provide for the development of renewable energy facilities, the words ‘as a matter of national significance’ are misleading in that someone reading the Plan could determine that this is a matter listed under section 6 of the Act but it is not. He said the Council must have regard to the benefits to be derived from the use and development of renewable energy as required under Section 7 but the need to provide for renewable energy is actually driven by the NPS on renewable energy. As such, he recommended the submissions be accepted in part and that the wording be included in the Plan albeit without reference to ‘matters of national significance’.
- 4.96 Mr Farrell considered the relief sought was entirely consistent with the requirements of the NPSREG and that the Reporting Officer had overstated concerns regarding potential for confusion between matters of national importance and matter of national significance. He said that if the Council was concerned about the potential confusion then an explanatory note could be provided in the Plan that explains the difference between ‘matters of national significance’ and ‘matters of national importance’.
- 4.97 The Reporting Officer in his Supplementary S42A Report suggested the following amendment to the Issue paragraph to provide the relief sought by the submitter while putting the NPSREG in context:
“Like all districts in New Zealand, the Horowhenua District is required under the NPS for Renewable Energy Generation to provide for the development of renewable electricity facilities as a matter of national significance. The development of new electricity generation facilities can create adverse effects on the environment, in particular, the scale and utilitarian nature of many facilities may cause adverse landscape and visual effects. Generating electricity from renewable resources can have greater environmental benefits compared to utilising non-renewable energy resources, as well as support economic and social well-being at a local, regional and national level”.
- 4.98 The amendment was supported by Ms Dasent for Federated Farmers.
- 4.99 We have reviewed the requested amendment and subsequent recommendation and agree that the Reporting Officer’s revised wording of the Issue addresses the concerns raised by Mr Farrell. We therefore adopt the above recommendation and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. We have therefore accepted in part the submissions.

Issue Discussion for Issue 12.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.10	Todd Energy Ltd	Rewrite the Energy Issue Discussion	
92.10	KCE Mangahao Ltd	Rewrite the Energy Issue Discussion	

- 4.100 Todd Energy and KCE Mangahao sought that the Issue Discussion be amended so it separates out the discussion for renewable energy from the discussion on efficient use of energy.
- 4.101 The Reporting Officer noted that under Section 7 of the RMA, there are two “other matters” on energy which the Council is required to have particular regard to in its District Plan, being:
 (ba) The efficiency of the end use of energy.

(j) The benefits to be derived from the use and development of renewable energy.

4.102 The Reporting Officer went on to say that the Issue Discussion sections of the Plan were intended to be an overview rather than in-depth discussions of the issues facing the District. He said that for energy, it was efficient to discuss renewable energy and energy efficiency together as they provide a complete picture of the energy issues in the Horowhenua. He considered the Issue Discussion appropriately outlines the issues relating to renewable energy in the Horowhenua, and by grouping it with energy efficiency; it did not lessen or conflict with other issues. He recommended the submissions be rejected.

4.103 Ms Barry said that the two subjects require separate discussion to set the ground for the policies that follow, as they set forth separate issues and considerations. She said that by combining the two subject’s recognition of the NPSREG had not been given.

4.104 In his Supplementary S42A report, the Reporting Officer responded to the issue of recognition of the NPSREG and a single discussion on energy by proposing the following paragraph be inserted as a new final paragraph and accepting in part the submissions:

“Energy efficiency and conservation go hand in hand with renewable energy. Passive energy approaches towards energy efficiency and conservation can be taken in relation to the built environment. These include orientation of buildings towards the sun to assist passive heating, cooling and natural lighting. Reductions in overall energy use can be made through provision of hot water through solar water heating. The success of these approaches is dependent on the initial layout of a subdivision or building development providing landowners with opportunities to implement these passive energy approaches. It is important that future developments consider energy efficient and conservation measures. 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.”

4.105 We consider the new paragraph adds to the understanding of this section by setting out in its own right the energy efficiency issue. We have therefore adopted the Reporting Officer’s recommended wording as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Objective 12.2.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.01	Genesis Power Ltd	Amend Objective 12.2.1 as follows: To recognise the need for, and provide for the development and use of renewable electricity generation infrastructure, where the adverse effects on the environment can be energy utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are avoided, remedied or mitigated.	
100.02	New Zealand Wind Energy Association (NZWEA)	Amend Objective 12.2.1 as follows: To recognise the need for, and provide for the development and use of energy utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are appropriately avoided, remedied or mitigated.	

Sub No.	Submitter Name	Decision Requested	Further Submission
99.19	Transpower New Zealand Ltd	Amend Objective 12.2.1 Energy as follows: To recognise the need for, and provide for the development, transmission and distribution and use of energy utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are avoided, remedied or mitigated.	501.09 Genesis Power Ltd - Support

4.106 Genesis sought that Objective 12.2.1 be reworded to be more concise and clearer in its meaning as follows:

~~“To recognise the need for, and provide for the development and use of renewable electricity generation infrastructure, where the adverse effects on the environment can be energy-utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are avoided, remedied or mitigated.”~~

4.107 Transpower, supported by Genesis, sought an amendment to Objective 12.2.1 to better give effect to the NPSET (policies 1, 2, 3 and 4) by inserting the words “transmission and distribution” to read: “To recognise the need for, and provide for the development, transmission and distribution and use of energy utilising renewable resources ...”.

4.108 NZWEA sought an amendment involving inserting the word ‘appropriately’ to read: “... while ensuring environmental effects are appropriately avoided, remedied or mitigated”.

4.109 The Reporting Officer agreed that the wording proposed by Genesis was much clearer and the intent of the objective easier to understand. He recommended that this submission be accepted. He went on to say that while he also agreed that the objective should refer to transmission and distribution as these were important aspects of utilities, this further amendment was not required as the term ‘infrastructure’ introduced by the submission from Genesis would include distribution and transmission. He therefore recommended the submission by Transpower and further submission by Genesis be accepted in part.

4.110 With regard to the submission from NZWEA, the Reporting Officer did not consider it appropriate or necessary to include the word ‘appropriately’ as a qualifier as it is unlikely that avoidance, remediation or mitigation would be inappropriate. He recommended that the submission from NZWEA be rejected.

4.111 We have reviewed the requested amendments and subsequent recommendations and agree that the revised wording of the policy put forward by Genesis is appropriate. We also agree that the addition of the word ‘appropriately’ into the policy is unnecessary. We therefore adopt the above recommendations and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

Policy 12.2.2

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.02	Genesis Power Ltd	Retain Policy 12.2.2 without modification.	

4.112 The support for Policy 12.2.2 from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Policy 12.2.2.

Policy 12.2.3

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.03	Genesis Power Ltd	Amend Policy 12.2.3 as follows: Provide for small domestic scale renewable electricity generation facilities where their adverse effects on the environment are not significant can be avoided, remedied or mitigated.	

4.113 Genesis sought an amendment to 12.2.3 as follows to achieve consistency with the RMA:

“Provide for small domestic scale renewable electricity generation facilities where their adverse effects on the environment ~~are not significant can be avoided, remedied or mitigated.~~”

4.114 The Reporting Officer considered the amendment to be consistent with the RMA and to be an acceptable change. He noted that while this amendment would make it a tougher test of ‘effects’ for a development proposal to be acceptable he considered that the policy still retains its original intent of being enabling as it signals effects can be avoided, remedied or mitigated. He recommended that the submission be accepted.

4.115 We have reviewed the requested amendment and the recommendation and agree that the amended wording better aligns with the RMA. We therefore adopt the Reporting Officer’s recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.4

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.04	Genesis Power Ltd	Delete Policy 12.2.4 in its entirety.	
80.12	Todd Energy Ltd	Amend Policy 12.2.4 so that it focuses on “significant” adverse effects, not all adverse effects.	
80.27	Todd Energy Ltd	Amend Policy 12.2.4 to qualify only significant adverse effects.	501.06 Genesis Power Ltd - Oppose
92.12	KCE Mangahao Ltd	Amend Policy 12.2.4 so that it focuses on “significant” adverse effects, not all adverse effects.	501.01 Genesis Power Ltd - Oppose
92.27	KCE Mangahao Ltd	Amend Policy 12.2.4 to qualify only significant adverse effects.	
100.03	New Zealand Wind Energy Association (NZWEA)	Amend Policy 12.2.4 as follows: Manage the establishment and development of new renewable electricity generation facilities to ensure the adverse effects on the environment are appropriately avoided, remedied or mitigated.	501.12 Genesis Power Ltd - Oppose

4.116 Genesis sought that Policy 12.2.4 be deleted in its entirety on the basis that it repeats Objective 12.2.1 and therefore is not needed.

4.117 The Reporting Officer said that Objective 12.2.1 “recognises and provides for the development and use” of renewable electricity generation infrastructure, whereas Policy 12.2.4 seeks to “manage the establishment and development” of such facilities. He said that the policy’s purpose is therefore different to the objective and recommended that the submission from Genesis be rejected.

4.118 We agree with the Reporting Officer that there is a clear difference between Policy 12.2.4 and Objective 12.2.1 and note that the policy is framed in a way to provide direction on the establishment of renewable

electricity generation facilities which in turn achieves the objective. We therefore adopt the above recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA.

- 4.119 Todd Energy and KCE Mangahao, opposed by Genesis, sought that the policy require only consideration of ‘significant’ adverse effects.
- 4.120 The Reporting Officer said that all adverse effects should be considered and the policy should not be limited to significant adverse effects only. He also questioned how ‘significant’ would be defined by the Council and that it may differ from the applicant, potentially opening up an application to a subjective debate. He recommended that the submissions be rejected.
- 4.121 Ms Barry said that the policy as worded would require that all adverse effects are avoided, remedied or mitigated. She said that in terms of defining significant it was up to the applicant to put a case forward and for the consent authority to determine whether the assessment was correct in terms of the RMA. In response to a suggestion from the Panel regarding the use of the qualifier ‘more than minor’ rather than ‘significant’ Ms Barry said in a written response that this was only relevant in terms of the s104D gateway test.
- 4.122 The Reporting Officer also considered this further in his right of reply saying that it was not the intent of the policy to capture every adverse effect (some of which maybe minor) to be avoided, remedied or mitigated. He said that on this basis he would support reference to adverse effects that were ‘more than minor’ and that the policy be reworded to read:
- “Manage the establishment and development of new renewable electricity generation facilities to ensure the adverse environmental effects ~~on the environment~~ that are more than minor are avoided, remedied or mitigated.”*
- 4.123 Firstly, we agree with the Reporting Officer and see no reason why in this instance the policy should be limited to “significant adverse effects”. While we accept that it is possible to establish a ‘significance’ test framework there would in our view need to be some justification for doing so and we have not been provided with that and nor are we aware of any reasoning for doing so. Notwithstanding this, we also accept that the policy should not be drafted in such a manner that it captures every adverse effect. Such a policy would certainly not achieve an objective which seeks to “Recognise the need for, and provide for the development and use of energy utilising renewable resources ...”. The conundrum here perhaps emphasises the difficulties faced when paraphrasing the RMA within a policy framework.
- 4.124 We therefore consider the use of ‘more than minor’ in the circumstances is the most effective approach as recommended by the Reporting Officer. We are not concerned by the use of similar (although not the same) phasing within the s104D gateway test and consider that its use here is within the context of a policy and not an assessment of effects on the environment, although we acknowledge comparison maybe well made. We therefore adopt the above recommended wording of the Reporting Officer as part of our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part all submissions.
- 4.125 NZWEA, opposed by Genesis, sought an amendment involving inserting the word ‘appropriately’ to read: “... ensure the adverse effects on the environment are appropriately avoided, remedied or mitigated.” They state that it is not always possible to fully avoid, remedy or mitigate adverse effects of renewable electricity generation activities.
- 4.126 The Reporting Officer said that words ‘avoided, remedied and mitigated’ provide for the management of effects without the need for any qualification and recommended that the submission be rejected and the further submission accepted.
- 4.127 We agree that the addition of the word ‘appropriately’ into the policy is unnecessary, however we note the revised wording we have now adopted above and consider that it may go some way towards addressing NZWEA’s concerns. We therefore adopt the above recommendations and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part both submissions.

Policy 12.2.5

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.05	Genesis Power Ltd	Amend Policy 12.2.5 to read: Recognise the contribution of renewable energy use and development to the well-being of the District, Region and Nation and the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent. Include Policy XX which reads: Recognise the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.	514.00 Todd Energy Ltd - Support 515.00 KCE Mangahao Ltd - Support
99.20	Transpower New Zealand Ltd	Retain Policy 12.2.5	
100.04	New Zealand Wind Energy Association (NZWEA)	Retain Policy 12.2.5	

4.128 Genesis, supported by Todd Energy Ltd and KCE Mangahao, sought that Policy 12.2.5 be split into two policies due to the diverse issues that the policy was addressing as follows:

~~“Recognise the contribution of renewable energy use and development to the well-being of the District, Region and Nation. and the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.~~

And a new Policy 12.2.X:

Recognise the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.”

4.129 The Reporting Officer supported the amendment saying that it resulted in two policies that were clear in their intent and had they remained combined as a single policy it would have been possible for one of the aspects the policy addresses to be overlooked in addressing the other. He therefore recommended the submissions be accepted and that as a result of the amendment the submissions in support from Transpower and NZWEA be accepted in part.

4.130 We have reviewed the requested amendment and the recommendations and agree that dividing the policy into two provides a better balance of issues. We therefore adopt the Reporting Officer’s recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.6

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.06	Genesis Power Ltd	Delete Policy 12.2.6 in its entirety.	514.01 Todd Energy Ltd - Support 515.01 KCE Mangahao Ltd – Support 528.10 Horizons Regional Council -

Sub No.	Submitter Name	Decision Requested	Further Submission
			Oppose
99.22	Transpower New Zealand Ltd	Amend Policy 12.2.6 as follows: To the extent practicable, avoid, remedy or mitigate, adverse effects on the environment from renewable electricity generation and distribution activities, specifically on those parts of the environment most sensitive to change.	501.10 Genesis Power Ltd - Oppose 516.12 Federated Farmers of New Zealand - Oppose
100.05	New Zealand Wind Energy Association (NZWEA)	Delete Policy 12.2.6.	501.13 Genesis Power Ltd - Support

4.131 Genesis, supported by Todd Energy and KCE Mangahao and opposed by Horizons, sought that Policy 12.2.6 be deleted in its entirety considering it repeated Objective 12.2.1 and sought to afford greater protection to parts of the environment most sensitive to change.

4.132 NZWEA, supported by Genesis, considered the policy duplicated Policy 12.2.4 and was therefore not necessary and should be deleted.

4.133 Transpower, opposed by Genesis and Federated Farmers, sought the following amendment:

“To the extent practicable, avoid, remedy or mitigate, adverse effects on the environment from renewable electricity generation and distribution activities, specifically on those parts of the environment most sensitive to change.”

4.134 The Reporting Officer agreed that in some respects, Policy 12.2.6 was a repeat of Objective 12.2.1 but that it also referred to ‘those parts of the environment most sensitive to change’ and was therefore more specific than the objective. He noted that there were further policies that referred to ONFL’s, which would be encompassed by this policy thus it could be considered duplication. However, he said that Policy 12.2.6 could apply to a wide range of areas, although he noted that it would be necessary for an applicant or Council to prove that an area was sensitive to change but this could include landscapes and domains of high landscape amenity. He therefore did not find it necessary to identify which parts of the environment were sensitive to change and did not consider there was a need to refer to the ‘extent practicable’ as this was determined through the application process. He recommended that Policy 12.2.6 remain as proposed and that submission from Genesis, NZWEA and Transpower and further submissions by Todd Energy, KCE Mangahao and Genesis be rejected and that the further submissions by Horizons, Genesis and Federated Farmers be accepted.

4.135 We have reviewed the requests sought and the recommendations and agree that the policy should remain unchanged. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.7

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.07	Genesis Power Ltd	Amend Policy 12.2.7 as follows: Avoid the development of renewable electricity generation facilities where they will adversely affect effects on the character and values of Outstanding Natural Features and Landscapes cannot be avoided, remedied or mitigated.	514.02 Todd Energy Ltd - Support 515.02 KCE Mangahao Ltd - Support 527.02 Director-General of the Department of Conservation – Oppose 528.11 Horizons Regional Council – Oppose
100.06	New Zealand Wind	Delete Policy 12.2.7	501.14 Genesis Power Ltd - In-Part

Sub No.	Submitter Name	Decision Requested	Further Submission
	Energy Association (NZWEA)	OR Amend Policy 12.2.7 as follows 12.2.7 Avoid the development of renewable electricity generation facilities where they will significantly adversely affect the character and values of Outstanding Natural Features and Landscapes. (Refer to Submission Point 100.07)	514.19 Todd Energy Ltd - Support 515.19 KCE Mangahao Ltd – Support

4.136 Genesis, supported by Todd Energy Ltd and KCE Mangahao Ltd and opposed by DoC and Horizons, sought that Policy 12.2.7 be amended as follows:

“Avoid the development of renewable electricity generation facilities where ~~they will adversely affect effects on~~ the character and values of Outstanding Natural Features and Landscapes cannot be avoided, remedied or mitigated.”

4.137 The submission notes that Plan Change 22 has adopted a non-complying activity status for activities within Outstanding Natural Landscapes and Features thus requiring an applicant to meet one of the two threshold tests in order for consent to be granted. It contends that in this context Policy 12.2.7 sets an inappropriate policy framework in that it seeks to avoid any development that generates adverse effects on the character and values of Outstanding Natural Features and Landscapes.

4.138 NZWEA, supported by Todd Energy and KCE Mangahao and in part by Genesis, sought that either the policy be deleted or the word ‘significantly’ be added to read: “... where they will significantly adversely affect the character ...” They contend that it would be virtually impossible for a wind farm proposal located in or near an ONFL or the Tararua Ranges to satisfy this policy and that given a non-complying status benefits could not be taken into account in the s104D gateway test.

4.139 The Reporting Officer considered the changes suggested by Genesis align the policy more closely to the intent of the RMA. He said that furthermore, there was some cross-over with Plan Change 22 which addresses outstanding natural landscapes and this policy would eventually be one of a suite of policies that sought to protect such areas. With regard to NZWEA’s concerns, the Reporting Officer said that whilst a non-complying activity must address Policy 12.2.7 it did not prevent the consideration of positive aspects/benefits of a proposal. He noted that the policy was likely to be one of many that must be considered and a proposal ‘must not be contrary to’ a policy rather than ‘meet’ a policy in terms of the gateway test. He further considered the addition of the word ‘significantly’ was inappropriate as it is a subjective word and unnecessary qualifier. He therefore recommended that the submissions from Genesis, Todd Energy and KCE Mangahao be accepted and those from DoC and Horizons (528.11) be rejected and that those from NZWEA, Todd Energy and KCE Mangahao be rejected and that from Genesis be accepted in-part.

4.140 Ms Tucker said that the change proposed would lead to an inconsistency with the relevant provisions of the One Plan and that the policy needed to first focus on avoiding adverse effects. She put forward the following wording which she considered gave better effect to Policy 7-7 of the One Plan:

Avoid significant adverse cumulative effects on the characteristics and values of Outstanding Natural Features and Landscapes. In all other cases:

(a) Avoid the adverse effects of renewable electricity generation facilities on the character and values of outstanding natural features and landscapes;

(b) Where avoidance is not reasonably practicable then the effects need to be remedied or mitigated.

4.141 We have given consideration to the two versions of the policy suggested. While we do not consider there is a need to refer to cumulative effects we are of the view that the remaining elements of Ms Tucker version, given its alignment to the One Plan, are the most appropriate. In saying that we do have some reservations with the phrase “*not reasonably practicable*” because we consider it is somewhat open to interpretation.

Nevertheless we have included it in the following revised policy wording given that it stems from the One Plan.

“Avoid adverse effects which are more than minor of renewable electricity generation facilities on the character and values of outstanding natural features and landscapes; or where avoidance is not reasonably practicable then the effects need to be remedied or mitigated.”

4.142 The submissions and further submissions associated with this policy are accepted in part.

Policy 12.2.8

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.08	Genesis Power Ltd	Delete Policy 12.2.8 in its entirety.	514.03 Todd Energy Ltd - Support 515.03 KCE Mangahao Ltd – Support 528.12 Horizons Regional Council – Oppose
80.13	Todd Energy Ltd	No specific relief requested. Inferred: Delete Policy 12.2.8	501.07 Genesis Power Ltd – Support
92.13	KCE Mangahao Ltd	No specific relief requested. Inferred: Delete Policy 12.2.8	501.02 Genesis Power Ltd – Support
100.07	New Zealand Wind Energy Association	Delete Policy 12.2.8 OR Amend Policy 12.2.8 as follows 12.2.8 Ensure development of renewable electricity generation facilities minimises visual do not interruption or intrusion of intrude views of the Tararua Ranges when viewed from public spaces within the Levin urban area. (Refer to Submission Point 100.06)	501.15 Genesis Power Ltd - In-Part 514.20 Todd Energy Ltd - Support 515.20 KCE Mangahao Ltd – Support 528.25 Horizons Regional Council – Oppose

4.143 Todd Energy and KCE Mangahao, supported by Genesis, oppose Policy 12.2.8 as being too restrictive and seek its deletion. Similarly, Genesis, supported by Todd Energy and KCE Mangahao and opposed by Horizons has sought the deletion of the policy on the basis that it essentially extends the Outstanding Landscape zone to encompass any property outside of the area, by requiring views from the Levin urban area of the ranges not to be interrupted. On this basis, they considered it to be onerous and did not give effect to the NPSREG.

4.144 NZWEA, supported by Todd Energy and KCE Mangahao, in part by Genesis and opposed by Horizons, also opposed Policy 12.2.8 saying that the desire for a wind farm to not ‘interrupt’ or ‘intrude’ views from public spaces or the Levin urban area is a particularly high threshold. They requested that the policy be deleted, or that it be amended to read as follows:

“Ensure development of renewable electricity generation facilities minimises visual do not interruption or intrusion of intrude views of the Tararua Ranges when viewed from public spaces within the Levin urban area.”

4.145 The Reporting Officer agreed the policy was very restrictive and was likely to be a significant barrier to renewable energy generation facilities as any wind turbine or other such facility was likely to interrupt a view of the Tararua Ranges from a public space in Levin. He said that the area of land that would be affected by the policy was relatively expansive and he agreed that the policy should be reworded to minimise effects on views rather than trying to prevent any development. He said that land between the Ranges and public open spaces in Levin were not identified as an ONFL’s and therefore should not be treated as such. He did however consider Policy 12.2.8 to be an important policy addressing a specific tension for the District and therefore recommended that it be retained but reworded as sought by NZWEA and that their submission be accepted

in part and the submissions from Genesis, Todd Energy and KCE Mangahao be rejected together with the further submissions from Todd Energy, KCE Mangahao and Genesis. He recommended the submission from Horizons be accepted.

4.146 Ms Tucker considered the use of the word '*minimises*' proposed by the Reporting Officer would be difficult to interpret and inconsistent with Policy 7-7(aa) of the One Plan. She suggested the following wording:

"Ensure development of renewable electricity generation facilities avoids as far as reasonably practical and otherwise remedies or mitigates visual ~~do not~~ interruption or intrusion of intrude views of the Tararua Ranges when viewed from public spaces within the Levin urban area."

4.147 Ms Roland said it was not clear from the explanation provided in the Officer's Report as to what the existing tension within the District was and that the re-worded policy continued to impose a higher effects threshold for renewable electricity generation facilities than otherwise promoted by the RMA. In addition, she considered that the amendments would have unintended consequences for the development of renewable energy generation infrastructure in the district, specifically when considering how views would actually be required to be minimised in the context of a windfarm development, through conditions of consent.

4.148 Ms Barry on the other hand supported the amended wording.

4.149 In his Supplementary S42A Report the Reporting Officer explained that the tension in the local context was the view of the Tararua Ranges, particularly those immediately behind Levin which are considered to be important and valued by the local community. He said that the local community would consider those views to be 'spoiled' and the natural values of this feature compromised if there were network utility structures or wind turbines sited on these Ranges.

4.150 We spent some time questioning this policy and considering its intended outcomes. We acknowledge the community desire to retain views of the Tararua Ranges from public spaces and the tension this creates with potential opportunities for wind generation in the area. We agree that the policy as presently worded is overly onerous and effectively creates a defacto landscape overlay area between the Ranges and Levin itself, which as we understand it was not the intent. Nevertheless, we consider it would be difficult not to have some interruption of the views of the Ranges from public places in Levin if turbines were placed on land between the ONFL and Levin.

4.151 We therefore agree that the appropriate approach is to minimise impacts on views of the Ranges from Levin rather than not interrupting them entirely as to do so would essentially mean that wind turbines would always be contrary to, or inconsistent with, this policy. In this context we note that such a proposition is not backed by rules to this extent, nor did any evidence suggest there should be such rules. We do not favour the wording suggested by Ms Tucker which seems to us to be overly wordy and containing qualifiers which will be difficult to interpret and assess against. We therefore consider the wording proposed by NZWEA as their alternative relief to be appropriate and we have adopted that as our decision and we have as a result accepted in part all submission on this issue.

4.152 To address NZWEA's concerns (expressed in a number of submission points) about the consideration of the positive benefits of renewable energy generation, the Reporting Officer noted that Policy 12.2.5 provided for the recognition of the "contribution of renewable energy use and development to the well-being of the District, Region and Nation". He said that this policy must be given due consideration along with all other relevant policies that seek to minimise adverse effects on the environment. As such, he felt that Policy 12.2.5 goes some way to addressing NZWEA's concerns and recommended that submission points 100.07, 501.15, 514.20, 515.20 and 528.25 be accepted in-part.

4.153 We agree with the Reporting Officer's assessment on this issue and adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.9

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.09	Genesis Power Ltd	Retain Policy 12.2.9 in its entirety.	514.04 Todd Energy Ltd - Support 515.04 KCE Mangahao Ltd - Support
100.08	New Zealand Wind Energy Association	Amend policy by substantiating how the plan provides for the identification and assessment of potential sites and renewable energy sources. OR Include Methods in the District Plan to give effect to Policy 12.2.9.	

4.154 NZWEA supported Policy 12.2.9 but could not identify the method which implemented the policy. They sought that the policy be amended by substantiating how the Plan provides for the identification and assessment of potential sites and renewable energy sources, or that additional Methods in the District Plan are included to give effect to Policy 12.2.9.

4.155 Genesis supported Policy 12.2.9 and was supported by Todd Energy and KCE Mangahao Ltd.

4.156 The Reporting Officer noted that Policy 12.2.9 states: *“Provide for the identification and assessment of potential sites and energy sources for renewable electricity generation”*. He said that it was not the purpose of the Council to identify sites that are suitable for renewable energy generation, but acknowledged that the Council could facilitate it by providing opportunities within the District. He noted that it was anticipated that energy companies would undertake this work and considered that the policy should be amended as follows to clarify this:

“Provide for the identification and assessment by energy generators and developers, of potential sites and energy sources for renewable electricity generation.”

4.157 With regard to the methods, the Reporting Officer said that the Proposed Plan identified under Methods for Issue 12.2 & Objective 12.2.1: District Plan, bullet point one: *“Rules to permit investigation and research of renewable energy sources and domestic-scale electricity generation equipment subject to minimum standards recognising the relevant locational, technical and operational requirements and environmental characteristics and amenities of different areas”*. In particular he noted wind monitoring masts are provided for in the Rural zone.

4.158 On the basis of the above the Reporting Officer recommended that the submissions from Genesis and NZWEA are accepted in part together with further submissions.

4.159 We have reviewed the request and the recommended amendment and agree that the revised wording of the policy is appropriate. Further we accepted that the Methods for Issues are already adequate. We therefore adopt the Reporting Officer’s recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.10

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.10	Genesis Power Ltd	Retain Policy 12.2.10 in its entirety.	514.05 Todd Energy Ltd Support 515.05 KCE Mangahao Ltd - Support
100.09	New Zealand Wind Energy Association (NZWEA)	Retain Policy 12.2.10	

4.160 The support for Policy 12.2.10 from the above submitters is noted and accepted and the provisions approved. No amendments are proposed to Policy 12.2.10.

Policy 12.2.11

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.11	Genesis Power Ltd	Retain Policy 12.2.11 in its entirety.	514.06 Todd Energy Ltd - Support 515.06 KCE Mangahao Ltd - Support
80.15	Todd Energy Ltd	Amend Policy 12.2.11 so that it clearly relates to reverse sensitivity. OR Inferred: Delete Policy 12.2.11	501.08 Genesis Power Ltd - In-Part
92.15	KCE Mangahao Ltd	Amend Policy 12.2.11 so that it clearly relates to reverse sensitivity. OR Inferred: Delete Policy 12.2.11	501.03 Genesis Power Ltd - In-Part
99.21	Transpower New Zealand Ltd	Amend Policy 12.2.11 as follows: Ensure that new land use, development and / or subdivision subdivisions and land use activities do not adversely affect the efficient operation, and maintenance and upgrading of existing renewable electricity generation or distribution facilities.	516.13 Federated Farmers of New Zealand – Oppose 501.11 Genesis Power Ltd - Support

4.161 Todd Energy and KCE Mangahao, supported in part by Genesis, sought that if the key focus of Policy 12.2.11 was reverse sensitivity this should be made more explicit.

4.162 Transpower, supported by Genesis and opposed by Federated Farmers, sought the policy be amended as follows to better give effect to the NPSET:

“Ensure that new land use, development and / or subdivision ~~subdivisions and land use~~ activities do not adversely affect the efficient operation, ~~and~~ maintenance and upgrading of existing renewable electricity generation or distribution facilities.”

4.163 Genesis, supported by Todd Energy and KCE Mangahao, sought that the policy be retained.

4.164 The Reporting Officer said that the policy was intended to ensure that development did not adversely affect the operation of existing renewable electricity generation or distribution facilities. He said that the placement of an activity or subdivision could adversely affect the operation of such facilities through reverse sensitivity i.e. complaints about health or noise issues, and that the relocation of the generation or distribution facilities is likely to be costly and a new site may be difficult to find. As such, he considered such facilities were important and fundamental to the health and well-being of the community and should be protected from reverse sensitivity effects.

4.165 The Reporting Officer agreed with the wording suggested by Transpower and considered it appropriate to include consideration of upgrading as this was provided for as a permitted activity in the Rural and Residential zones. He said that the Policy would not ‘permit’ upgrading but did ensure that development did not limit the ability of generation and distribution facilities to upgrade. He therefore recommended that the submission by Transpower be accepted and the amendment proposed made. The further submissions from Genesis and Federated Farmers were recommended to be accepted and rejected respectively. The submissions from Todd Energy, KCE Mangahao and Genesis and associated further submissions are recommended to be accepted in part given the above amendment.

- 4.166 Mr Spargo supported the reporting officer’s recommendation, stating that the wording provides an enabling framework for the upgrading of infrastructure. However, Ms Dasent disagreed stating that it was unreasonable to restrict legitimate activities, such as farming, on the premise that a future upgrade of a utility needs to be protected.
- 4.167 We have reviewed the recommended amendment and reasoning and agree that the revised wording of the policy is appropriate. We note that in relation to the concerns expressed by Ms Dasent that the provision only related to new land use, development and / or subdivision and is therefore not dissimilar to other situations where such development occurs. In this regard we consider the amendment provision strikes the correct balance. We therefore adopt the Reporting Officer’s recommendations and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Policy 12.2.12

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.10	Michael White	Amend Policy 12.2.12 to manage light spill and glare of street and highway lighting networks.	525.26 Maurice and Sophie Campbell - Support
44.12	Genesis Power Ltd	Delete Policy 12.2.12 from Chapter 12 and reinstate in Chapters 2, 5, 6, and 7.	

- 4.168 M White supported by M & S Campbell sought that Policy 12.2.12 manage light spill and glare of street and highway lighting networks.
- 4.169 The Reporting Officer noted that the policy had a general focus on energy efficiency rather than a direct focus on lighting but considered that the policy as currently worded would be supportive of the submitter’s approach towards light spill. He noted that all subdivision and development is subject to the Council’s Subdivision and Development Principles and Requirements (2012), which has adopted NZS 1158. This Standard manages lighting and the effects of lighting which may address the concerns of the submitter. On this basis the Reporting Officer considered the policy in its current form addressed the concerns of the submitter and recommended that submission and further submission be rejected.
- 4.170 We have reviewed the request and the recommendation and agree that the issues raised by the submitter are well covered in the Plan with reference to the Council’s Subdivision and Development Principles and Requirements (2012). We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.171 Genesis supported Policy 12.2.12 but considered that it did not appropriately respond to the identified issues within the Utilities and Energy Chapter, or support Objective 12.2.1. They sought that the policy be removed from Chapter 12 and reinstated in Chapters 2, 5, 6 and 7.
- 4.172 The Reporting Officer said that the format of the Plan includes Zone Chapters and district-wide chapters. The district-wide chapters apply across all five zones, while the Zone Chapters provide a targeted or specific response relevant to each zone. In this case he said that the policy in question was applicable across all zones and it was not anticipated that it would need to be worded differently between the zones. He considered it appropriate to have the policy appear once in the Utilities and Energy chapter rather than multiple times in the different Zone Chapters and recommended that the submission be rejected.
- 4.173 Ms Roland said the policy (along with Policies 12.2.13 and 12.2.14) should (but did not) describe how a particular objective is to be achieved: that is, a general course of action to be pursued to achieve certain environmental outcomes. Furthermore, she said the policy was not relevant to the energy generation and transmission industries generally but was more specifically relevant to residential, commercial and industrial

development within the District. She agreed that the policies were appropriately worded, however that their location within the Utilities and Energy chapter of the Proposed Plan posed a real risk of these policies being overlooked.

4.174 In the Supplementary S42A Report, the Reporting Officer, following further consideration, proposed an amendment to Objective 12.2.1 to clarify the linkage with Policy 12.2.12. The proposed amendment is as follows:

“To recognise and provide for the efficient use of energy and the development and use of renewable electricity generation infrastructure, where the adverse effects on the environment can be avoided, remedied or mitigated.”

4.175 We understand the concern raised by Genesis and consider the response by the Reporting Officer is a better outcome than moving the policy to another chapter(s) and we therefore agree that the Utilities and Energy Chapter is the appropriate location for the policy. We therefore adopt the Reporting Officer’s recommended revised wording as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act. The submission is therefore accepted in part.

Policy 12.2.13

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.13	Genesis Power Ltd	Delete Policy 12.2.13 from Chapter 12 and reinstate in Chapters 2, 5, 6, and 7.	

4.176 Genesis supported Policy 12.2.13 but considered that it did not appropriately respond to the identified issues within the Utilities and Energy Chapter, or support Objective 12.2.1. They sought that the policy be removed from Chapter 12 and reinstated in Chapters 2, 5, 6 and 7.

4.177 This matter has already been covered in the discussion and evaluation above on Policy 12.2.12 and we note that our decision was to adopt the rewording proposed to Objective 12.2.1 considering it to be a better outcome than moving the policy to another chapter(s). On this basis we therefore accept in part the Genesis submission.

4.178 Notwithstanding the above we have made a consequential amendment to the policy as described below under the evaluation of Policy 12.2.14.

Policy 12.2.14

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.14	Genesis Power Ltd	Delete Policy 12.2.14 from Chapter 12 and reinstate in Chapter 10.	

4.179 Genesis supported Policy 12.2.14 but considered that it did not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor support Objective 12.2.1. They sought that the policy be removed from Chapter 12 and reinstated in Chapter 10.

4.180 The Reporting Officer said that while he understood the issue raised, the reason for including Policy 12.2.14 in the Utilities and Energy chapter was because reducing the need and length of vehicle trips and reducing the use of private motor vehicles saves energy in the form of petrol or diesel, this was not clear in the wording of the policy. He agreed that the policy did not respond appropriately to the identified issues and should at least refer to the reduction in energy consumption. He considered that because the policy was

over-arching, it was correctly located in the Utilities and Energy Chapter, however that it should be amended as follows and the submission accepted in part:

“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.”

4.181 Ms Roland said the policy should (but did not) describe how a particular objective is to be achieved: that is, a general course of action to be pursued to achieve certain environmental outcomes. Furthermore, she said the policy was not relevant to the energy generation and transmission industries generally but was more specifically relevant to residential, commercial and industrial development within the District. She agreed that the policies were appropriately worded, however that their location within the utilities and energy chapter of the Proposed Plan posed a real risk of these policies being overlooked.

4.182 We firstly acknowledge again that in part this matter has already been covered in the discussion and evaluation above on Policy 12.2.12 and we note that our decision was to adopt the rewording proposed to Objective 12.2.1 considering it to be a better outcome than moving the policy to another chapter. We have also reviewed the recommended amendment to the policy proposed by the Reporting Officer and agree that the revised wording is appropriate and have adopted his recommendation and reasoning in this regard as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act. On this basis we therefore accept in part the Genesis submission.

4.183 As a consequential amendment we consider the same additional wording should be added to Policy 12.2.13 as follows for reasons of consistency:

“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.”

New Policy 12.2.X

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.11	Todd Energy Ltd	Include a new Policy under Objective 12.2.1 to provide for positive guidance in relation to the consideration of wind energy facility development and the tension between suitable locations and their values.	501.05 Genesis Power Ltd - Support 503.07 NZWEA - Support
92.11	KCE Mangahao Ltd	Include a new Policy under Objective 12.2.1 to provide for positive guidance in relation to the consideration of wind energy facility development and the tension between suitable locations and their values.	501.00 Genesis Power Ltd - Support 503.08 NZWEA - Support

4.184 Todd Energy and KCE Mangahao, supported by Genesis and NZWEA, sought the inclusion of a new policy to provide clearer positive guidance to wind energy facility development. They considered that while it was accepted that effects and responses need to be assessed on a case by case basis, further policy guidance in relation to weighing up the factors should be provided.

4.185 The Reporting Officer considered it was unnecessary to have a policy that provides positive guidance in relation to the consideration of wind energy facility development and the tension between suitable locations and their values. He said that these are matters that are considered through the resource consent process and a policy would need to be worded to provide for a wide range of activities and locations. He also noted

that the Plan provided some guidance through the proposed policies i.e. managing effects on outstanding natural landscapes and providing for the consideration of the benefits of renewable energy generation. He recommended that the submissions be rejected.

4.186 Ms Barry commented that the Horowhenua district was a unique location which was suitably placed and recognised for wind energy facility development, perhaps more so than any other district and as such there was a need to recognise this unique situation in the Proposed Plan.

4.187 In his Supplementary S42A Report the Reporting Officer said that while he understood there were areas in the District that were better suited to wind energy generation, he did not consider it necessary for the Proposed Plan to specifically identify these locations at a policy level. He drew comparison with other activities within the district such as forestry and market gardening that were better suited to particular parts of the district but which the Proposed Plan did not indicate where these were or their appropriateness or not. He noted that the policy and rule framework signaled that wind energy facilities are anticipated in the Rural Zone and considered it would not be efficient or effective to add a policy to specifically refer to locations or areas of the District where such facilities should be encouraged as there were a number of factors which would influence this outcome.

4.188 In a written response to a request from the Panel Ms Barry provided the following new policy:

“To recognise the need, and provide for the development, of wind energy activities/facilities within the District, while ensuring environmental effects are avoided, remedied or mitigated.”

4.189 As part of our evaluation we have reviewed the suggested new policy against the existing provisions and we consider that the sentiments it contains are already embodied within those existing provisions. In this regard we note that Objective 12.2.1, as amended, begins with *“To recognise and provide for the development and use of renewable electricity generation infrastructure”*. Further, Policy 12.2.5, as amended, requires an assessment to *“Recognise the contribution of renewable energy use and development to the well-being of the District, Region and Nation”*, while Policy 12.2.9 as amended is too *“Provide for the identification and assessment by energy generators and developers, of potential sites and energy sources for renewable electricity generation”*.

4.190 On the basis of the above we see no need to add an additional policy along the lines proposed by the submitters and we have therefore rejected these submissions.

Explanation & Principal Reasons for Objective 12.2.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
100.10	New Zealand Wind Energy Association (NZWEA)	Amend 6th paragraph of the 12.2 Explanation & Principal Reasons as follows: As with other network utilities, the District Plan...	

4.191 NZWEA sought to amend the sixth paragraph of the Explanation and Principal Reasons for Objective 12.2.1 so that it reads:

“As with ~~other~~ network utilities, the District Plan...”

4.192 NZWEA considered that this would help distinguish renewable electricity generation activities from network utilities. However the Reporting Officer said that the entire paragraph is intended to refer to utilities in general, not just ‘network utilities’ and to refer to the latter would be limiting the explanation and reasons in a way not intended by the policy. He recommended that the submission be rejected.

4.193 We have reviewed the requested amendment and the recommendation and agree with the conclusion of the Reporting Officer. We therefore adopt the Reporting Officer’s recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Methods for Issue 12.2 & Objective 12.2.1

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
80.14	Todd Energy Ltd	Include Methods and any other provisions required to support Policies 12.2.9 and 12.2.10 and providing for the identification and assessment of potential sites for renewable energy generation (including wind energy facilities) and In-particularly how they will be implemented.	
92.14	KCE Mangahao Ltd	Include Methods and any other provisions required to support Policies 12.2.9 and 12.2.10 and providing for the identification and assessment of potential sites for renewable energy generation (including wind energy facilities) and In-particularly how they will be implemented.	
100.11	New Zealand Wind Energy Association	<p>Amend Methods 12.2 12.1, District Plan, fourth bullet point as follows:</p> <p>Resource consents will be required for new renewable electricity generation facilities, with more stringent activity status within Outstanding Natural Features and Landscapes and Domains of High Landscape Amenity. to ensure that Assessment of environmental effects are properly assessed through the resource consent process, and impose conditions to avoid, remedy or mitigate adverse effects as appropriate.</p> <p>Include an additional Method 12.2 12.1 Long Term Plan and Annual Plan as a seventh bullet point as follows:</p> <p>The council may develop an infrastructure strategy that, among other things, signals community interest in preferred locations for potential renewable electricity generation.</p>	<p>514.21 Todd Energy Ltd - Support</p> <p>515.21 KCE Mangahao Ltd -Support</p> <p>527.11 Director General of the Department of Conservation – Oppose</p> <p>528.26 Horizons Regional Council - Oppose</p>

4.194 Todd Energy and KCE Mangahao identified that there was no explanation or provision in the Proposed Plan to achieve Policies 12.2.9 and 12.2.10.

- 4.195 The Reporting Officer said that it was not the purpose or intent of the Proposed Plan to identify suitable sites for renewable energy generation and assessment would occur as part of a consent process. He noted that the Explanation and Reasons included the following *“In recognition of the benefits of renewable electricity, investigation into renewable energy sources is provided for in the District Plan. Investigations include the evaluation of prospective sites or sources, and also of emerging technologies and methods”*. He said that these investigations are intended to be undertaken by the generators and developers not the Council. He therefore recommended that the submissions be rejected.
- 4.196 Ms Barry contended that one of the main functions of a district plan was to identify area (zones) for development including potential development, and supply the rules around these. She said that if the District Plan was unable to give direction as to appropriate land uses in appropriate locations, what other method would provide this in a district wide sense.
- 4.197 In the Supplementary S42A Report, the Reporting Officer said that the Rural zone policy and rule frameworks, aside from the ONFL areas, provide for network utilities as permitted activities subject to compliance with certain standards. He considered this framework to be effective in the Proposed Plan in signalling where this activity is anticipated.
- 4.198 In her written response to supplementary evidence, Ms Barry provided examples of other district plans where potential development areas are proposed to be identified. She suggested that the same method of highlighting areas for future wind farm potential to be included within the district plan.
- 4.199 We accept that the District Plan could identify areas as potential locations for renewable energy generation. However in order to do so we would expect some form of high level assessment both in terms of the wind resource and the potential environmental impacts to inform such identification. We believe that is what Policy 12.2.9 is aiming at. At present we have no relevant information before us in which to make such a judgement. Further we consider the industry would need to be involved identifying such areas. Finally, we acknowledge the comments of the Reporting Officer regarding the provisions within the Rural zone. We have therefore on this basis rejected these submissions.
- 4.200 NZWEA, supported by Todd Energy and KCE Mangahao and opposed by Horizons and DoC, sought an amendment to the fourth bullet point of the Methods under the heading District Plan and the inclusion of an additional method under the heading Long Term and Annual Plan as follows:

District Plan

...

- ~~“Resource consents will be required for new renewable electricity generation facilities, with more stringent activity status within Outstanding Natural Features and Landscapes and Domains of High Landscape Amenity. to ensure that Assessment of environmental effects are properly assessed through the resource consent process, and impose conditions to avoid, remedy or mitigate adverse effects as appropriate”.~~

Long Term Plan and Annual Plan

...

- The Council may develop an infrastructure strategy that among other things signals community interest in preferred locations for potential renewable electricity generation

- 4.201 In terms of the first matter, NZWEA have concerns over the more stringent non-complying activity status within the ONFL and domains of high landscape amenity which they contend would make it impossible to establish a wind farm. They consider a more appropriate method for achieving this policy would be to ensure

that renewable electricity generation activities are provided for as discretionary activities while ensuring the objectives and policies in the Proposed Plan clearly signal the desire to protect these sensitive areas from development.

- 4.202 The Reporting Officer, in the Supplementary S42A Report, considered that the method as currently written accurately reflected the current approach and actual framework in the Proposed Plan. He said that until such time that the framework changes the method should remain as notified.
- 4.203 In relation to the second matter, NZWEA suggests that Council prepare a non-statutory renewable energy strategy or infrastructure strategy, which among other things, highlights locations where people in the community think potential renewable electricity generation activities might be appropriate.
- 4.204 The Reporting Officer said that while the method was only suggesting that Council may develop a Strategy rather than actually committing Council to undertake the preparation of such a Strategy, he was not convinced of the need for the Council to prepare a Strategy of this kind and he was not aware that the Council and community see renewable electricity generation being a hot issue that warrants this action. He noted that the cost of such a Strategy would be ultimately borne by the ratepayers, with the Strategy potentially being of greater benefit to renewable electricity operators than Council or the community. In other words he said that if there was no further renewable electricity generation facilities established in Horowhenua the Council and community would not have lost anything by not preparing a Strategy.
- 4.205 Notwithstanding the above, the Reporting Officer said that given that the method would not commit the Council to preparing the Strategy he could be persuaded to include it. Council would at some point in time need to make a decision if it wanted to commit resources to preparing this Strategy. He noted that even without the method, Council would still have the opportunity to prepare a Strategy if there was a need or desire to do so. He invited further comment from NZWEA.
- 4.206 The Reporting Officer recommended that the submissions by NZWEA and further submissions by Todd Energy and KCE Mangahao be rejected and the further submissions by Horizons and DoC be accepted.
- 4.207 In a written response to the Supplementary S42A Report, Ms Barry supported NZWEA's submission by identifying the preparation of an infrastructure strategy as being in line with the directions from central government on renewable energy provided by the National Policy Statement for Renewable Electricity Generation (NPSREG). NZWEA did not respond further.
- 4.208 At the hearing Ms Tucker supported the views of the Reporting Officer saying they gave effect to Policy 7-7 of the One Plan.
- 4.209 We have reviewed the requested amendments from NZWEA. On the first point we agree with the Reporting Officer that the method accurately reflects the current approach and actual framework within the Proposed Plan, particularly in relation to ONFL's and Domains of High Landscape Amenity and we see no value or purpose in altering it as was sought.
- 4.210 On the second point we are of the view that such a strategy if it were to be produced is largely the responsibility of the energy industry not the Council and we do not consider it appropriate to commit the Council financially to it. Notwithstanding this, we considered the sentiments of the method have some merit. We therefore consider that rather than signal it under the Long Term Plan and Annual Plan heading, thus committing the Council to financial expenditure it be made a method under a new heading 'Other Processes' and worded as follows:
- "Work with the Energy Industry to develop an infrastructure strategy that among other things signals community interest in preferred locations for potential renewable electricity generation."
- 4.211 Our decision is therefore to adopt the above wording and accept in part all submissions.

Chapter 12 – New Objective

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.18	Transpower New Zealand Ltd	Include a new Objective that provide for the following: To protect the operation of network utilities from inappropriate land use, development and / or subdivision activities.	516.08 Federated Farmers of New Zealand - Oppose

4.212 Transpower, opposed by Federated Farmers, sought that a new objective be added to Chapter 12 to give effect to Policies 10 and 11 of the NPSET relating to the protection of the electricity transmission network from inappropriate land use, development and/or subdivision activities.

4.213 The Reporting Officer had earlier recommended (and we adopted) that Objective 12.1.1 be amended to include reference to protection. He therefore considered that this amendment addressed the submission by Transpower. He also considered other policies clearly signalled the intent of the Proposed Plan to protect the operation of network utilities from inappropriate land use, including the amended Policy 12.1.9 which explicitly addressed the impact of land use, development or subdivision in locations which could compromise the safe and efficient operation and maintenance of network utilities. The Reporting Officer was therefore satisfied that the matter was already addressed in the Plan. He recommended that the submissions point be accepted in-part.

4.214 We have reviewed the requested amendment and the recommendation and agree with the conclusion of the Reporting Officer that the matter is now covered by amendments to other provisions. We therefore adopt the Reporting Officer's recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Chapter 12 – General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
26.08	Horowhenua Astronomical Society Inc	Amend Chapter 12 to ensure Council manages street and road lighting networks in a way that minimises impacts on the environment, both directly through minimising light spill and glare, and through improving the energy efficiency and effectiveness of the network.	
29.14	Allen Little	No specific relief requested.	
80.05	Todd Energy Ltd	Amend Chapter 12 to ensure that the introduction, objectives and policies reflect existing and proposed renewable electricity generation project more strongly and clearly.	
92.05	KCE Mangahao Ltd	Amend Chapter 12 to ensure that the introduction, objectives and policies reflect existing and proposed renewable electricity generation project more strongly and clearly.	
101.64	Director-General of	Retain as notified.	503.02 NZWEA - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
	Conservation (DoC)		

- 4.215 The Horowhenua Astronomical Society sought that Chapter 12 be amended to ensure Council manages street and road lighting networks in a way that minimises impacts on the environment, both directly through minimising light spill and glare, and through improving the energy efficiency and effectiveness of the network.
- 4.216 The Reporting Officer said that under Rule 24.1.1 all subdivision and development was subject to the Council’s Subdivision and Development Principles and Requirements (2012), which has adopted NZS 1158. He said that this Standard manages lighting and the effects of lighting and may address the concerns of the submitter. He considered that this Subdivision and Development chapter of the Plan was the most appropriate place to address specific controls needed to manage street and road lighting networks. He therefore considered that the submitter’s concerns are already addressed in the Proposed Plan and recommended that this submission be accepted in-part.
- 4.217 We have reviewed the requested amendment and the recommendation and agree with the conclusion of the Reporting Officer that the matter is already addressed. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.218 A Little submitted that the community must learn to practice energy efficiency and avoid wastage of resources such as electricity.
- 4.219 The Reporting Officer noted that the submitter did not identify any specific relief to the Proposed Plan to address this concern. He said that Chapter 12 already contained a policy (12.2.12) that had an energy efficiency focus and that while it did not specifically target electricity reticulation it was applicable to this form of network utility. He therefore considered that the submitter’s concerns were already addressed in the Proposed Plan and recommend that this submission be accepted in-part.
- 4.220 We have reviewed the requested amendment and the recommendation and agree with the conclusion of the Reporting Officer that the matter is already addressed. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.221 Todd Energy and KCE Mangahao opposed the lack of clarity in Chapter 12 in assessing and providing a policy framework for utilities and energy. They sought that Chapter 12 be amended to ensure that the introduction, objectives and policies reflect existing and proposed renewable electricity generation project more strongly and clearly.
- 4.222 The Reporting Officer considered that the Plan provided an appropriate response in the Horowhenua context to the matter of utilities and energy. He said that Energy is discussed generically within the chapter referring to both renewable energy and energy efficiency. He also considered that the policies (including recommended amendments) provided clarity, recognised existing electricity generation infrastructure and the need for these facilities to be able to continue to operate, be maintained and upgraded. Considering that the Plan addresses the submitter’s point he recommended that the submission be accepted in-part.
- 4.223 Ms Barry said that Todd Energy and KCE Mangahao sought explicit reference to the Mangahao Power Station and its continued operation as a key contributor to national renewable energy generation within the Introduction section.
- 4.224 In response in the Supplementary S42A Report, the Reporting Officer proposed additional text to be added to the Issue Discussion for Issue 12.2 to make specific reference to the Mangahao Power Station, as follows:
- “... The Mangahao Power Station located east of Shannon is currently the District’s only renewable energy facility. This facility contributes to the national renewable energy generation and its continued operation will be important in responding to the challenge of meeting the national target of 90% of electricity in New Zealand being from renewable sources by 2025.”*

4.225 We agree that the wording proposed by the Reporting Officer is appropriate given that the Mangahao Power Station is the only current renewable energy facility within the district. We therefore adopt the Reporting Officer’s recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and have accepted in part the submissions.

4.226 DoC, opposed by NZWEA, generally supported the provisions in Chapter 12 and sought they be retained as notified. Given that there are a number of changes recommended to the provisions of Chapter 12 and that some of the submission points by NZWEA in relation to Chapter 12 have been accepted, we have accepted in part these submissions.

Rule 15.1 (i) Permitted Activity Rule – Residential Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.15	Powerco	Retain Rule 15.1(i)	

4.227 The support for Rule 15.1(i) from the above submitter is noted and accepted and the provisions approved. No amendments are proposed to Rule 15.1(i).

Rule 15.7.5(a) Subdivision of Lane – Residential Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.36	Powerco	Amend Rule 15.7.5(a)(iv) as follows The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, street lighting, telecommunications and electricity and, where applicable, gas.	

4.228 Powerco sought that Rule 15.7.5(a)(iv) be amended to read:

“The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, street lighting, telecommunications and electricity and, where applicable, gas”.

4.229 The Reporting Officer supported the inclusion of a reference to gas and recommended that the submission be accepted.

4.230 We have reviewed the requested amendment and recommendation and agree that the revised wording of the rule is appropriate. We therefore adopt the Reporting Officer’s recommendation as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Rule 16.1 (m) Permitted Activity Rule – Industrial Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.16	Powerco	Retain Rule 16.1(m) without modification	

4.231 The support for Rule 16.1(m) from the above submitter is noted and accepted and the provisions approved. No amendments are proposed to Rule 16.1(m).

Rule 17.1 (o) Permitted Activity Rule – Industrial Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.17	Powerco	Retain Rule 17.1(o) without modification	

4.232 The support for Rule 17.1(o) from the above submitter is noted and accepted and the provisions approved. No amendments are proposed to Rule 17.1(o).

Rule 19.1 (k) Permitted Activity Rule – Rural Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.18	Powerco	Retain Rule 19.1(k) without modification.	
80.16	Todd Energy Ltd	Amend Rule 19.1(k)(iv) to provide certainty about the scope of upgrading by reference to increased footprint, height or other specific parameters.	517.21 Horticulture NZ - Oppose
92.16	KCE Mangahao Ltd	Amend Rule 19.1(k)(iv) to provide certainty about the scope of upgrading by reference to increased footprint, height or other specific parameters.	
96.28	Federated Farmers of New Zealand	Amend Rule 19.1(k) by classifying that construction and upgrading of network utilities is a discretionary activity.	506.15 Ernslaw One Ltd - Support 507.10 Chorus - Oppose 508.10 Telecom - Oppose 513.15 Rayonier New Zealand Ltd - Support 514.11 Todd Energy Ltd - Oppose 515.11 KCE Mangahao Ltd - Oppose 517.20 Horticulture NZ - Support 518.05 Transpower New Zealand Ltd – In-Part
98.36	Horticulture NZ	Amend Rule 19.1(k)(i) as follows: (k) The following network utilities and electricity generation activities: (i) The construction, operation, maintenance and minor upgrading of network utilities. (ii) Wind monitoring masts. (iii) Domestic scale renewable energy device. (iv) The operation, maintenance, refurbishment, enhancement and upgrading of an existing energy generation facility, except where significant external modification is involved.	514.14 Todd Energy Ltd - Oppose 515.14 KCE Mangahao Ltd - Oppose 518.06 Transpower New Zealand Ltd – In-Part
99.23	Transpower New Zealand Ltd	Retain Rule 19.1(k).	

4.233 Todd Energy, opposed by Horticulture NZ, and KCE Mangahao consider the use of the word ‘significant’ within the rule for external modification to existing energy generation facilities was inappropriate for a permitted activity as it required a judgement to be made in its interpretation. They sought that Rule

19.1(k)(iv) be amended to provide certainty about the scope of upgrading by reference to increased footprint, height or other specific parameters.

- 4.234 The Reporting Officer agreed that Rule 19.1(k)(iv) was unclear as the term 'significant external modification' was subjective and it is not obvious what was meant by the term. He recommended that the rule be amended to refer to 'minor upgrading' and that the reference to 'significant external modification' be removed. He said that the term 'minor upgrading' was subject to the standards in Chapter 22, although it appeared that these mainly related to the upgrading or replacement of lines rather than buildings. He noted there were other standards under Chapter 22 that relate to the height and size of buildings and any upgrading of buildings would need to comply with these. He said that the submitters may wish to suggest some appropriate standards along the lines of what a 'minor upgrade' would mean in the context of the existing energy generation facilities, such as a building that did not increase in floor area by more than 10m². He therefore recommended that the submissions be accepted in part.
- 4.235 This change was supported by Ms Wharfe.
- 4.236 Ms Barry supported the inclusion of a reference in the rule to the minor upgrading of buildings being not more than an increase of 15% in floor area. She said that this has been based on discussions with architects and what in their view would constitute a minor upgrade.
- 4.237 In the Supplementary S42A Report, the Reporting Officer noted the feedback and supported the 15% threshold proposed by Ms Barry.
- 4.238 We have considered the above amendments proposed to Rule 19.1(k) and agree with the suggested changes which are detailed below. We therefore adopt the Reporting Officer's recommendations and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.239 Federated Farmers opposed Rule 19.1(k) and the permitted status for the construction and upgrading of network utilities. They considered it to be entirely inappropriate as it did not take into account the adverse effects that this can create and were concerned that the Rule displays an insufficient understanding of the adverse impacts created by the construction or upgrading that burden the owners of the land that infrastructure is located on. The submission was supported by Ernslaw One Ltd, Rayonier and Horticulture NZ and opposed by Chorus, Telecom, Todd Energy and KCE Mangahao and in part by Transpower.
- 4.240 The Reporting Officer understood the submitter's concerns but noted that the construction and upgrading of utilities was subject to other rules in the Plan in relation to the applicable zone which includes standards that limit the height and size of towers, poles and associated buildings. He said that the Council had a duty to provide for utilities as they were vital to the well-being of the District including the farming community. He said that the rules did not provide for any utility operator to construct a pole or generating facility on private land, and that this and the issue of access was subject to legislation outside of the Proposed Plan. He recommended that the submission be rejected, together with further submissions in support, while those in opposition be accepted and that of Transpower be accepted in part.
- 4.241 Ms Dasent made reference to Federated Farmers' concerns with construction and upgrading of network utilities. She went on to support the amendment proposed by Horticulture NZ (see below) and recommended by the Reporting Officer to introduce the word 'minor' into Rule 19.1(k)(i), saying that this addressed their concerns about carte blanche upgrading at any scale as a permitted activity.
- 4.242 Ms Wharfe said that if construction is included as a permitted activity then at the very least there should be a caveat that other provisions in the Plan may require resource consent. She said that if no construction could take place without consent then 'construction' should be deleted from Rule 19.1 k)(i).
- 4.243 Horticulture NZ, supported by Transpower and opposed by Todd Energy and KCE Mangahao, identified that clauses (k) and (m) of Rule 19.1 both refer to upgrading of network utilities, but that clause (m) specifically refers to 'minor upgrading'. They considered clause (k) should be consistent with this approach and amended accordingly.

4.244 The Reporting Officer agreed with Horticulture NZ that Rule 19.1(k) should refer to minor upgrading to ensure it was consistent with Rule 22.1.10. He recommended that this submission is accepted and Rule 19.1(k) is amended accordingly and that the further submission by Todd Energy and KCE Mangahao be rejected while Transpower's be accepted in part.

4.245 In dealing with the submissions of Federated Farmers and Horticulture NZ we note that Ms Dasent (Federated Farmers) is now supporting the amendment proposed by Horticulture NZ to introduce the word 'minor' into the construction clause (i.e. Rule 19.1(k)(i)). We agree that this is appropriate and indeed provides consistency with other clauses within Rule 19.1. We also have some sympathy for the point made by Ms Wharfe and propose as a consequential amendment that an additional note be added at the end of the rule referring users to the provisions within Chapter 22. We have therefore accepted the submission by Horticulture NZ and the further submission by Transpower and rejected the further submissions by Todd Energy and KCE Mangahao in related to that submission. In terms of the Federated Farmers submission, given the amendments now proposed we have accepted in part all those submissions related to this point. The amendments to Rule 19.1(k) are shown in full below:

“(k) The following network utilities and electricity generation activities:

- (i) The construction, operation, maintenance and minor upgrading of network utilities.
- (ii) Wind monitoring masts.
- (iii) Domestic scale renewable energy device.
- (iv) The operation, maintenance, refurbishment, enhancement and minor upgrading of an existing energy generation facility ~~except where significant external modification is involved.~~ including an increase in floor area of up to 15% of the existing gross floor area.

Notes

...

- The Rules associated with Network Utilities are contained within Chapter 22.”

4.246 Transpower supported Rule 19.1(k) and sought that it be retained. In his evidence, Mr Spargo supported the proposed addition of “minor” upgrading within Rule 19.1(k)(i). We have therefore accepted in part this submission given this and other changes. Powerco also supported Rule 19.1(k), however given the modifications we have adopted the submission is also accepted in-part.

Rule 19.4.6 Network Utilities and Electricity Generation

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.26	Transpower New Zealand Ltd	Retain Rule 19.4.6	
80.17	Todd Energy Ltd	Retain Rule 19.4.6(b) which provides for wind energy facilities as discretionary activities in the Rural Zone.	

4.247 The support for Rule 19.4.6 from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Rule 19.4.6.

Rule 19.6.24 (b) Network Utilities and Energy

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
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Sub No.	Submitter Name	Decision Requested	Further Submission
99.28	Transpower New Zealand Ltd	Amend 19.6.24 Network Utilities and Energy as follows: (a) All network utilities and structures associated with network utilities shall comply with the permitted activity conditions in Chapter 22. (b) All other relevant conditions in this part of the District Plan shall also apply to any new network utility or associated structure.	

4.248 Transpower sought an amendment to Rule 19.6.24 as follows to ensure that the maintenance, replacement and minor upgrading of network utility activities and infrastructure is not required to comply with the Rural Zone District Plan provisions:

“(b) All other relevant conditions in this part of the District Plan shall also apply to any new network utility or associated structure.”

4.249 The Reporting Officer agreed in part pointing out that the notes section in Chapter 22 provides for minor upgrading that does not need to comply with any conditions other than Rule 22.1.10 Maintenance, Replacement and Upgrading Network Utilities. He said therefore Rule 19.6.24(b) only relates to new network utilities and major upgrades. He recommended that the rule be amended as below to reflect this and the submission be accepted in part:

“All other relevant conditions in this part of the District Plan shall also apply to any new or major upgrade of any network utility or associated structure.”

4.250 Mr Spargo agreed with the intent of the amendment but not the terminology. He considered the intent of the rule was to capture those activities not able to achieve compliance with the permitted activity conditions for ‘minor upgrades’. He said that non-compliance with those standards does not mean the upgrade is a ‘major upgrade’, but rather, the upgrade is not a minor one. He proposed the following amendment to enable upgrades that do not fit within the permitted activity conditions:

“All other relevant conditions in this part of the District Plan shall also apply to any new utilities or major upgrade of any network utility or associated structure which are not able to meet the permitted activity conditions under Rule 22.1.10.”

4.251 In his Supplementary S42A Report the Reporting Officer supported the proposed amendment saying that it better describes the intent and application of these rules.

4.252 We have considered the above discussion and proposed amendments to Rule 19.6.24(b) and agree with the suggested change by Mr Spargo shown above. We therefore adopt his wording and reasoning as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Rule 20.1 (f) Permitted Activity Rule – Open Space Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.19	Powerco	Retain Rule 20.1(f)) without modification	

4.253 The support for Rule 20.1(f) from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Rule 20.1(f).

Chapter 22 - Introduction

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.40	Powerco	Retain without modification the first paragraph of the introduction to Chapter 22.	
99.34	Transpower New Zealand Ltd	Retain the last paragraph to 22 Introduction without modification.	

4.254 The support for the Chapter 22 Introduction from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Chapter 22 – Introduction.

Rule 22.1 Conditions for Permitted Activities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
25.08	Michael White	Amend Rule 22.1 to include performance rules around the provision of lighting systems associated with the development of subdivisions. These rules should avoid or minimise impacts on the environment, reduce energy and maintenance costs over the life of the lighting system and provide effective lighting services.	525.24 Maurice and Sophie Campbell - Support

4.255 M White, supported by M & S Campbell, sought that Rule 22.1 be amended to include performance rules around the provision of lighting systems associated with the development of subdivisions that required developers to provide lighting that complies with the general objectives of AS/NZS 1158 to limit light spill and glare, and with the Sustainable Procurement Guidelines.

4.256 The Reporting Officer noted that all subdivision and development is subject to the Council's Subdivision and Development Principles and Requirements (2012), which has adopted NZS 1158. He said that this Standard manages lighting and the effects of lighting and may address the concerns of the submitter. On the basis that the Proposed Plan already addresses the relief requested albeit in a different part of the Plan (Chapter 24), he recommended that the submissions be accepted in-part.

4.257 We have reviewed the requested amendment and recommendation and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Rule 22.1.1 Gas Pressure

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.41	Powerco	Retain Rule 22.1.1 without modification.	

4.258 The support for Rule 22.1.1 from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Rule 22.1.1.

Rule 22.1.2 Electricity Voltage

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
98.46	Horticulture NZ	Delete Rule 22.1.2.	514.15 Todd Energy Ltd - Oppose 515.15 KCE Mangahao Ltd - Oppose 516.23 Federated Farmers of New Zealand - Support 518.12 Transpower New Zealand Ltd - Oppose
99.35	Transpower New Zealand Ltd	Retain Rule 22.1.2 without modification.	517.36 Horticulture NZ - Oppose

- 4.259 Horticulture NZ, supported by Federated Farmers and opposed by Todd Energy, KCE Mangahao and Transpower, sought that Rule 22.1.2 be deleted as it provided for new electricity lines up to 110kV as a permitted activity. They contended such an approach means that landowners affected by the new line have no ability to comment or submit on the proposed new lines.
- 4.260 The Reporting Officer said that he understood the submitter’s concern about landowners being consulted prior to lines being established across their land. However, he said that whilst the Proposed Plan provides for this activity, it does not mean that the utility company can undertake this work without consultation with the relevant landowners. He noted that the Proposed Plan was about managing effects on the environment and people, whilst there is other legislation that deals with access to private land that any utility company must comply with. He also noted that this provision (albeit with slightly amended wording) had been carried over from the Operative Plan. He recommended that the submission and further submission of Federated Farmers be rejected and further submissions in opposition be accepted.
- 4.261 Transpower, opposed by Horticulture supported Rule 22.1.2 and sought that it be retained without modification. The Reporting Officer recommended that submission be accepted and the further submission rejected.
- 4.262 Ms Dasent disputed the Reporting Officer’s reasoning stating that although there is other legislation about access onto private land, there is no platform for affected landowners to let their concerns be known to the Council when a new 110kV line is built, so the Council can take into account the effects when making a decision on a resource consent application. She said there needs to be a process where the Council can assess the level of adverse effects and make a decision, and recommend conditions to address the effects.
- 4.263 Ms Wharfe said that by providing for new lines up to 110kV as a permitted activity meant that effects could not be considered even if a land owner was adversely effected such as via amenity effects on views.
- 4.264 Mr Spargo supported the Reporting Officer, noting that there is other legislation dealing with landownership matters, and seeks that the rule is retained.
- 4.265 We struggle with the contentions of Horticulture NZ and Federated Farmers on this issue who seemed to us in the main to be confusing the role of private property rights and the Proposed Plan. The point here is that the Council has, through its evaluations in preparing the Proposed Plan, decided that new electricity lines up to 110kV have no adverse effects. Neither Horticulture NZ nor Federated Farmers provided much in the way of evidence to the contrary. We note that Rule 22.1.2 is in that regard no different from Rule 22.1.1 which allows for gas pipelines up to a certain pressure.
- 4.266 What the submitters actually seem to be more concerned about is that by making such electricity lines a permitted activity lines companies will be able to establish on their land as of right and without discussion. This is clearly an incorrect assumption – no one can establish such an activity on private land (or any other land) without the owner’s consent. If a land owner does not want an electricity line on their land they have a

right to say no. Should a lines company or Transpower pursue such a route via designation then there is regulatory process to follow which involves submissions etc.

- 4.267 On the basis of the above we have accepted the submissions of Transpower, Todd Energy and KCE Mangahao and rejected the submissions of Horticulture NZ and Federated Farmers.

Rule 22.1.4 (a) Sites Adjoining the Residential Zone

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.13	Telecom New Zealand Ltd	Amend Rule 22.1.4(a) as follows : (a) Notwithstanding any other conditions, where it is proposed to locate any network utility structure on a site adjoining the Residential Zone, the performance conditions of the adjoining Residential Zone shall apply in relation to the height and location of any network utility structure.	
79.13	Chorus New Zealand Ltd	Amend Rule 22.1.4(a) as follows : (a) Notwithstanding any other conditions, where it is proposed to locate any network utility structure on a site adjoining the Residential Zone, the performance conditions of the adjoining Residential Zone shall apply in relation to the height and location of any network utility structure.	

- 4.268 Telecom and Chorus sought that Rule 22.1.4(a) be amended by removing the reference to height and location and adding reference to the daylight setback envelope (Note: the submissions were incorrectly summarised). They argue that rather than applying the height rules for the adjoining zone, it is more appropriate to apply the residential height in relation to boundary (daylight) and set back controls.

- 4.269 The Reporting Officer said that this change would provide for network utility structures on sites adjoining Residential zoned properties to have a greater height than provided for by the current wording by relying on the setback controls and daylight envelope (i.e. the higher the structure the further away from the boundary the structure would need to be sited). He considered this to be an effective approach to managing the adverse effects on the amenity of the neighbouring property while balancing the potential need for a network utility structure to be higher than the height threshold of the Residential zone. He recommended that the submissions be accepted and that Rule 22.1.4 be amended as follows:

“Notwithstanding any other conditions, where it is proposed to locate any network utility structure on a site adjoining the Residential Zone, the performance conditions of the adjoining Residential Zone in relation to setbacks from boundaries and daylight setback envelope shall apply ~~in relation to the height and location of~~ any network utility structure.”

- 4.270 We have reviewed the requested amendment and recommendation and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Rule 22.1.5 (a) Undergrounding of Services

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.42	Powerco	Retain Rule 22.1.5(a) without modification.	
99.36	Transpower New Zealand Ltd	Retain the Note under 22.1.5(a) without modification	

4.271 The support for Rule 22.1.5(a) from the above submitters is noted and accepted and the provision approved. No amendments are proposed to Rule 22.1.5(a).

Rule 22.1.5 (c) Undergrounding of Services

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.43	Powerco	Retain Rule 22.1.5(c) without modification.	

4.272 The support for Rule 22.1.5(c) from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Rule 22.1.5(c).

Rule 22.1.6 Undergrounding Services - Reinstatement

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.44	Powerco	Retain Rule 22.1.6 without modification.	

4.273 The support for Rule 22.1.6 from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Rule 22.1.6.

Rule 22.1.8 Height of Network Utility Masts, Pylons, Towers Aerials & other Structures

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.14	Telecom New Zealand Ltd	Amend Rule 22.1.8 by exempting lightning rods from the maximum height limit. Refer to Submission Point 78.15 for relief sought to Chapter 26 and the definition of 'building'.	
78.16	Telecom New Zealand Ltd	Amend Rule 22.1.8 as follows: (a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements: (i) 13.5 metres in the Residential Zone and Open Space Zone. (ii) 13.5 15 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin. (iii) 20 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin. (iv) 20 25 metres in the Industrial Zone.	
79.14	Chorus New Zealand Ltd	Amend Rule 22.1.8 by exempting lightning rods from the maximum height limit. Refer to Submission Point 78.15 for relief sought to Chapter 26 and the definition of 'building'.	

Sub No.	Submitter Name	Decision Requested	Further Submission
79.16	Chorus New Zealand Ltd	Amend Rule 22.1.8 as follows: (a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements: (i) 13.5 metres in the Residential Zone and Open Space Zone. (ii) 13.5 15 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin. (iii) 20 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin. (iv) 20 25 metres in the Industrial Zone.	

4.274 Telecom and Chorus sought Rule 22.1.8 be amended by exempting lighting rods from the maximum height limit. Both submitters also considered that the heights for masts, pylons, towers, support structure, aerials, antennas etc were unnecessarily restrictive in the Commercial Zone (outside the pedestrian overlay area) and the Industrial Zone. They sought to increase the height in the Commercial zone from 13.5m to 15m and in the Industrial zone from 20m to 25m.

4.275 With regards to lightning rods the Reporting Officer agreed that given their usual height and dimensions they could be exempt from the height provisions. However, he considered that the rule should set specific standards rather than applying a generic exemption. He therefore recommended that these submissions be accepted in part and the amendment below be made.

4.276 In terms of the heights of ancillary structures the Reporting Officer said that the Commercial and Industrial zones tended to contain large buildings that are not necessarily tall but are large in scale and visually dominating. As such, he considered that utilities are more likely to 'blend' with the buildings and activities in these zones and the impact of an increased height limit is less likely to adversely affect anticipated amenity values than if they were established in the Residential or Rural zone. He therefore recommended that the height limits in the Commercial and Industrial zones were increased as sought by the submitters and that the submissions be accepted.

4.277 We have reviewed the requested amendments and recommendations and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and have amended Rule 22.1.8 to read:

"(a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements:

(i) 13.5 metres in the Residential Zone and Open Space Zone.

(ii) ~~13.5~~ 15 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin.

(iii) 20 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin.

(iv) ~~20~~ 25 metres in the Industrial Zone.

This maximum height is not to be exceeded by the support structure, aerial or antenna mounting or the aerial or antenna whether affixed to the land, a building or an existing mast, tower or pole, except for lightning rods where they do not exceed:

• 1 square metre in area on any one side or

• 2m above the building or structure to which it is attached or

- 600mm in diameter.

Rule 22.1.8(b)(i) Height of Network Utility Masts, Pylons, Towers Aerials & other Structures

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.17	Genesis Power Ltd	Retain Rule 22.1.8(b)(i)	

4.278 The support for Rule 22.1.8(b)(i) from the above submitter is noted and accepted and the provision approved. No amendments are proposed to Rule 22.1.8(b)(i).

Rule 22.1.8(b)(ii) Height of Network Utility Masts, Pylons, Towers Aerials & other Structures

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.18	Genesis Power Ltd	Amend Rule 22.1.(b)(ii) as follows: (ii) Maximum Diameter 250mm 500mm.	
100.13	New Zealand Wind Energy Association (NZWEA)	Amend 22.1.8(b) so that the permitted diameter is changed from 250mm to 500mm. All wind monitoring masts shall comply with the following conditions: (i) Maximum Height: 80 metres. (ii) Maximum Diameter: 250500mm. (iii) Minimum Setback: 500 metres from all boundaries. (iv) Equipment: Limited to instrumentation necessary to record and log wind direction and speed.	

4.279 Genesis and NZWEA both sought that the maximum diameter of a wind monitoring masts be increased from 250mm to 500mm considering that the 250mm maximum diameter prescribed by the rule may preclude the use of typical wind monitoring structures which have a width greater than 250mm.

4.280 The Reporting Officer said that the increased maximum diameter suggested by the submitters was considered reasonable. He noted that the rule was intended to provide for these types of monitoring masts not preclude them, and therefore recommended that the submissions be accepted and that Rule 22.1.8(b)(ii) be amended as follows:

“(ii) Maximum Diameter: ~~250~~500mm.”

4.281 Mr Farrell concurred with the amendments proposed by the Reporting Officer.

4.282 We have reviewed the requested amendments and recommendations and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Rule 22.1.8(b)(iii) Height of Network Utility Masts, Pylons, Towers Aerials & other Structures

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.19	Genesis Power Ltd	Amend Rule 22.1.8(b)(iii) to read:	503.06 NZWEA -

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>(iii) Minimum Setback: 500 metres from all boundaries 25 metres from the notional boundary of any site, not owned by the owner of the site on which the wind monitoring mast is to be located. Sub-sequential Amendment to the definition of “site” as follows: an area of land comprised wholly of one (1) computer freehold register certificate of title; or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; or an area of land held in one (1) computer freehold register.</p> <p>Sub-sequential Amendment to the definition of “notional boundary” as follows: with regard to the measurement of noise, the legal boundary of the property site on which any rural dwelling is located or a line 20m from the dwelling whichever point is closer to the dwelling.</p>	<p>In-Part</p> <p>514.07 Todd Energy Ltd - Support</p> <p>515.07 KCE Mangahao Ltd - Support</p>

4.283 Genesis, supported by NZWEA (in part), Todd Energy and KCE Mangahao, opposed Rule 22.1.8(b)(iii) contending that it imposed an arbitrary setback of 500m from all boundaries. They said that often wind farms comprise of multiple computer freehold registers and as such the rule has the potential to default the erection of a wind monitoring device to a Discretionary Activity. Further, they considered the 500m setback to be excessive. They considered that any offset required should be from the notional boundary of the site as this was where the amenity was likely to be affected. The following amendment was suggested to address this concern:

“(iii) Minimum Setback: 500 metres from all boundaries-25 metres from the notional boundary of any site, not owned by the owner of the site on which the wind monitoring mast is to be located.”

4.284 The submitters suggested a sub-sequential amendment to the definition of “site” as follows:

“an area of land comprised wholly of one (1) computer freehold register certificate of title; or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; or an area of land held in one (1) computer freehold register.”

4.285 The submitters also suggested a sub-sequential amendment to the definition of “notional boundary” as follows:

“with regard to the measurement of noise, the legal boundary of the property site on which any rural dwelling is located or a line 20m from the dwelling whichever point is closer to the dwelling.”

4.286 The Reporting Officer acknowledged that the setback distance was significant and that wind monitoring masts can have a functional requirement to be tall, and therefore the Proposed Plan permits them up to 80m in height. In principle, he supported the approach of applying setback from dwellings on neighbouring properties under separate ownership rather than from property boundaries. He said that the effects on amenity from wind monitoring masts, primarily visual dominance from the height of these structures as well as noise, is experienced from dwellings rather than land use for primary production purposes. However, he

did not agree that 25m was sufficient distance to minimise these effects. He considered that given the height of these masts may vary depending on location and functional requirements, an effective and efficient approach could be that the setback distance relates to the height of the structure (i.e. the taller the structure, the larger the setback distance). He therefore recommended that the setback distance from dwellings on properties under separate ownership be equivalent to the height of the structure.

4.287 In terms of the subsequent change to the definition of 'notional boundary' the Reporting Officer did not accept the proposed amendment necessitated reference to the notional boundary. He did however agree with the changes suggested to the definition of site to refer to 'computer freehold register' instead of certificate of title, reflecting a change in terminology. Overall, he recommended that the submission point from Genesis be accepted in part together with the further submissions from NZWEA, Todd Energy and KCE Mangahao and that the following amendments be made:

Amend Rule 22.1.8(b)(iii) to read:

"(iii) Minimum Setback: 500 metres from all boundaries Equal to the height of the wind monitoring mast from any residential dwelling unit on a site under separate ownership."

Amend the definition of "site" as follows:

"an area of land comprised wholly of one (1) computer freehold register ~~certificate of title~~; or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; or an area of land held in one (1) computer freehold register."

4.288 Ms Roland supported the amendments on the basis that the rule specified the notional boundary of any dwelling on a separate lot in separate ownership as the appropriate means to calculate the setback from. Furthermore, she considered it appropriate to use the height of the structure to determine the necessary setback from a notional boundary.

4.289 Firstly, while we agree that the definition of site requires amendment we note that as a result of decisions stemming from the Definition Hearing a further adjustment to this definition was made. We have therefore adopted that definition, as shown below, and accepted in part the submissions:

*"**Site** means an area of land ~~comprised wholly of~~ held in one (1) computer register (certificate of title); or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; ~~or an area of land held in one (1) computer register.~~"*

4.290 Turning to the setback matter, we consider the primary potential effect here is one of visual amenity although we also note that noise could be a factor. We agree that the 500m separation distance is excessive and requires amendment. In considering this issue we have canvassed a number of setback options, including looking at the provisions of other plans. While we agree that any setback should be from a site in separate ownership we had some concerns with the proposed setback from a residential dwelling and being equal to the height of the wind monitoring mast. We consider the amenity effects from even a 30-40m high tower with its various guy wires being only 30-40m from a house could have a significant effect on someone's amenity. While we accept that there is a reasonable likelihood that most masts will be well clear of residential dwellings there is a potential that within the District such masts and dwellings could be within relatively close proximity.

4.291 For the above reasons we consider the setback of wind monitoring masts should be from the boundary of a site in a separate ownership and further that any guy wires should be anchored outside the standard boundary setback for that zone. We have therefore adopted the following amendment to Rule 22.1.8(b)(iii) and accepted in part the submissions:

Minimum Setback: 500 metres from all boundaries Equal to the height of the wind monitoring mast from any boundary of a site under separate ownership and subject to any guy wires being anchored outside the building setback requirements for the zone.

Rule 22.1.10 Maintenance, Replacement and Upgrading Network Utilities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.45	Powerco	Amend Rule 22.1.10(a) as follows The maintenance and replacement of the following utilities: (i) Existing transformers and lines above ground for conveying electricity at all voltages and capacities. (ii) Existing telecommunication lines. (iii) Existing telecommunication and radiocommunication facilities. (iv) Existing buildings and depots. (v) Existing weather radar. (vi) Existing river protection works. (vii) Existing gas transmission and distribution facilities.	512.00 Vector Gas Ltd - Support
42.00	Vector Gas Ltd	Amend Rule 22.1.10 as follows: ...(vii) Existing gas pipelines and associated above ground station sites.	
80.19	Todd Energy Ltd	No specific relief requested. Inferred: Retain Rule 22.10	514.09 Todd Energy Ltd - In-Part 515.09 KCE Mangahao Ltd – In-Part
92.19	KCE Mangahao Ltd	No specific relief requested. Inferred: Retain Rule 22.10	514.10 Todd Energy Ltd - In-Part 515.10 KCE Mangahao Ltd – In-Part
99.37	Transpower New Zealand Ltd	Retain Rule 22.1.10 (a) and (b) and Include a new subclause as follows ... (c) The trimming, felling and removal of vegetation and trees i) The trimming, felling and removal of vegetation and non-notable trees to retain the operational efficiency of existing network utilities. ii) The trimming and removal of branches likely to compromise the operational efficiency of overhead wires or utility networks	
91.06	HDC (Community Assets Department)	Amend Rule 22.1.10(a) to add a new subclause referring to Council network utilities. (a) The maintenance and replacement of the following utilities: (i) existing transformers and lines above ground for conveying electricity at all voltages and capacities. ... (vii) Council Network Utilities.	511.14 HDC (Community Assets Department) – In-Part 526.07 Truebridge Associates – Oppose
98.47	Horticulture NZ	Amend Rule 22.1.10(b) so that the following is provided for: Re-number point ii) as ix) with the requirement regarding increase in	

Sub No.	Submitter Name	Decision Requested	Further Submission
		voltage part of the minor upgrading of re-conductoring the line with higher capacity conductors. After 'operating at a reduced voltage' add and 'will not increase the separation distances required by NZECP 34.2001	
96.38	Federated Farmers of New Zealand	Delete Rule 22.1.10(b) And Amend rules to make: Minor upgrading and upgrading of network facilities are a discretionary activity.	506.22 Ernslaw One Ltd - Support 507.11 Chorus - Oppose 508.11 Telecom - Oppose 514.12 Todd Energy Ltd - Oppose 515.12 KCE Mangahao Ltd - Oppose

4.292 Vector Gas sought an amendment to Rule 22.1.10(a) to undertake necessary routine planned maintenance work and emergency repair work and to enable it to maintain its asset in a safe and efficient manner. They requested that a new clause be added to this rule to read:

"...(vii) Existing gas pipelines and associated above ground station sites."

4.293 Powerco sought a similar amendment to this rule:

"...(vii) Existing gas transmission and distribution facilities."

4.294 The Reporting Officer considered the requested amendments to be appropriate, as gas pipelines should be treated no differently to the other network utilities referred to in this rule. He said that while the wording suggested differed between the two submissions they had the same intent. He noted that Vector made a further submission in support of the Powerco submission and therefore recommended the Powerco wording be used for the amendment and that their submission and Vector's supporting further submission be accepted and Vector's submission be accepted in part.

4.295 In evidence tabled by Vector Gas, they have indicated that the amendments proposed by the Reporting Officer give effect to the relief sought.

4.296 We have reviewed the requested amendments and recommendation and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

4.297 Todd Energy and KCE Mangahao support Rule 22.1.10 however they submitted there is no apparent provision for energy activities. Both submitters made further submissions on these submissions to be clear that the relief sought is for clarification of the intended purpose of this chapter in relation to energy.

4.298 The Reporting Officer was unclear as to what the submitters meant when they refer to 'energy activities' and assumed that it could be energy generation facilities and a concern that minor upgrading of these is not provided for. He said that in his opinion the effects of extending a generation facility are likely to be significantly greater than the addition of an overhead line.

4.299 In evidence, Ms Barry considered the inclusion of the wording "*including generation and distribution utilities for renewable sources of energy*" in the Rule heading would clarify the issue.

4.300 In his supplementary report, the Reporting Officer said that while the suggested amendment was of little benefit if it led to greater clarity he supported the it, recommending that the submission be accepted and the following amendment made, which we note was accepted by Ms Barry:

Rule 22.1.10 Maintenance, Replace and Upgrading Network Utilities including generation and distribution utilities for renewable sources of energy.

- 4.301 We have reviewed the requested amendments and recommendation and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.302 Transpower supported Rule 22.1.10(a) and (b) but sought an amendment to include an additional clause to the rule enabling the trimming, felling and removal of vegetation and trees where that vegetation and / or tree represent an operational risk to the network utility. They contended the relief was sought in order to give effect to Policies 2, 3 and 5 of the NPSET. The submitter also requested relief to the provisions in Chapter 19 relating to the trimming, felling and removal of vegetation. They considered it appropriate to reference a permitted activity condition to this effect in the Utilities section, rather than dispersed throughout other chapters of the Plan (e.g. Rule 19.6.27). In the event relief to this effect is accepted, Transpower sought Rule 19.6.27(c) ii) be deleted.
- 4.303 The submitter requested the following amendment be added to Rule 22.1.10:
- “(c) The trimming, felling and removal of vegetation and trees
- i) The trimming, felling and removal of vegetation and non-notable trees to retain the operational efficiency of existing network utilities.
- ii) The trimming and removal of branches likely to compromise the operational efficiency of overhead wires or utility networks.”
- 4.304 The Reporting Officer agreed that it was appropriate to include rules that provide for the trimming, felling and removal of non-notable trees and vegetation. He noted that it was vital to the operation of lines and network facilities that this work occur without undue delay but also with consideration of any adverse effects on the environment. He said that this matter is also managed under the Electricity (Hazards from Trees) Regulations 2000 but considered that rules in the Proposed Plan removed any ambiguity around such activities. He recommended that the rule be amended and the submission from Transpower be accepted in part as some changes are recommended to the wording suggested.
- 4.305 In evidence Mr Spargo said he did not believe the Reporting Officer’s assessment of the relief sought addresses the full suite of issues raised in Transpower’s submission. He said the intent of the submission on sub-clause (c) (ii) was to provide for the trimming and removal of specific branches of notable trees where they may compromise the effective operation of overhead wires or utility providers. He therefore sought specific reference to “notable trees” in subclause 22.1.10(c)(ii).
- 4.306 The Reporting Officer noted a similar issue was raised in the Natural Features and Values hearings, and a recommendation made to the Hearing Panel on a related point for Rule 19.6.27. He said that for consistency with this recommendation and to address the submitter’s concerns the following amendments be made:
- “(c) The trimming, felling and removal of vegetation and trees
- i) The trimming, felling and removal of vegetation and non-notable trees to retain the operational efficiency of existing network utilities.
- ii) The trimming and removal of branches of notable trees likely to compromise the effective operational efficiency of overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.”
- 4.307 Notwithstanding this amendment, the Reporting Officer questioned the need for the amendment given that the recommendation to the Natural Features and Values Hearings Panel was that the same rule wording be

adopted in all zones. He said that this wording set out below had a broader focus than just network utilities and therefore considered it more appropriate for the rule to sit within the zone chapters rather than just Chapter 22

“The removal of branches interfering with buildings, structures, overhead wires or utility networks, but only to the extent that they are touching those building or structures, or ~~interfering with~~ likely to compromise the effective operation of those overhead wires or utility networks and only where the work is carried out by, or under the supervision of a qualified arborist who has advised the Council in advance of the work to be carried out.”

4.308 We have reviewed the requested amendments and recommendation and agree with the Reporting Officer noting that the Natural Features and Values Hearings adopted the above recommended wording and applied it to each on the zone chapters. On this basis we do not consider any amendment to the Proposed Plan resulting from this submission is necessary. We have however accepted in part the submission given the amendments that have been made elsewhere appear to address Transpower’s main concerns.

4.309 HDC (Community Assets Department), opposed by Truebridge, sought an amendment so that Council network utilities are referred to in the rule. The rule does not currently specify Council network utilities and could imply that these utilities should be treated differently to those that are already listed in this rule. The submitter sought the following amendment to Rule 22.1.10(a):

“(vii) Council Network Utilities.”

4.310 The Reporting Officer considered the change to be acceptable as Council network utilities should be treated no differently to those that are already listed in this rule. He recommended that the submission be accepted and further submission be rejected and that a new clause be added to the rule as suggested above.

4.311 We have reviewed the requested amendments and recommendation and agree with the Reporting Officer. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

4.312 The Reporting Officer noted that HDC (Community Assets Department) made a further submission that sought a further amendment so that the new clause would read “(vii) Council Network Utilities and Utility Treatment Plants”. While he considered the intent of the change to be acceptable, in his opinion this additional change was not within scope and goes beyond what was originally sought. For procedural reasons he recommended that the further submission be rejected. We agree with that approach.

4.313 Horticulture NZ supported the description of ‘minor upgrading’ in Rule 22.1.10(b), however said that clause (ii), the re-conductoring of the line with higher capacity conductors, was linked to an increase in voltage which is included at the end of the description and the two should be linked. In addition, they said minor upgrading should not increase the separation distances required in NZECP 34:2001 therefore impacting on adjacent landowners. To address this concern Horticulture NZ sought to amend Rule 22.1.10(b) by renumbering clause (ii) as (ix) with the requirement regarding increase in voltage part of the minor upgrading of re-conductoring the line with higher capacity conductors and at the end of the rule after ‘operating at a reduced voltage’ add ‘and will not increase the separation distances required by NZECP 34.2001’.

4.314 The Reporting Officer noted an increase from 66kV line to 110kV line would increase the setback distances required under NZCEP 34:2001, but said that this would only affect future activities and would not require existing activities/buildings to relocate. He also noted that new electricity lines and associated transformers are provided for as permitted up to and including 110kV; therefore it seemed appropriate to provide for upgrading of lines etc to 110kV. He therefore recommended that Rule 22.1.10(b) remain unchanged and the submission from Horticulture NZ be rejected.

- 4.315 Ms Wharfe said that it was incorrect to say that this would only affect future activities because NZECP34 applies to existing activities and would therefore apply where there was an increase in voltage. She said that while Transpower considered the obligation for the increased setback would be theirs there was no certainty that distribution companies would take the same position. She considered the change proposed by Horticulture NZ should be implemented.
- 4.316 At the hearing, Mr Spargo supported the Reporting Officer's recommendation that Rule 22.1.10(b) is retained as it gives effect to Policy 5 of the NPSET.
- 4.317 While we understand the concerns of Horticulture NZ and Ms Wharfe as we have already discussed elsewhere in this decision lines up to 110kV are permitted. It would therefore seem inconsistent not to allow upgrades to this level. The matter of compliance with NZECP34 in this instance falls, we consider, with the operator of the lines not the land owner. Our decision is therefore to reject the submission.
- 4.318 Federated Farmers, supported by Ernslaw One but opposed by Chorus, Telecom, Todd Energy, KCE Mangahao and Transpower New Zealand Ltd, opposed Rule 22.1.10(b) saying it gave a definition for minor upgrading, which meant that large scale activities that can have significant adverse effects are inappropriately provided for as permitted. They considered that rules that allows upgrading activities on land owned by farmers will have a direct impact on those farmers and therefore need to be considered during a resource consent process and avoided, remedied, or mitigated by conditions
- 4.319 The Reporting Officer noted the discussion above in relation to the submission from Horticulture NZ but also added that established activities have existing use rights, and providing for limited upgrading is important to ensure the efficient and on-going operation of utility networks that are vital to the community of Horowhenua. He said that whilst such facilities can be established on and cross private property, this is subject to private agreement between the property owner and the utility operator and was not a matter for consideration under the RMA. He also noted that a rule in the Proposed Plan permitting the establishment or upgrading of a utility does not override any other legislation or agreement required between the utility operator and private land owners. He recommended that the submission from Federated Farmers and further submission from Ernslaw One be rejected and the further submissions from Chorus, Telecom, Todd Energy and KCE Mangahao be accepted.
- 4.320 Ms Dasent said that it must be remembered that often network utilities can be located on land that is not owned by the network utility company, but by a private landowner. She said that the rule displayed an insufficient understanding of the adverse impacts that burden the owners of the land that infrastructure is located on and that a resource consent process was needed. Ms Dasnet also responded to the Reporting Officer's contention that the Proposed Plan does not override any other legislation or agreement required between the utility operator and private land owners. She said that although they would prefer negotiations to be solely between a utility operator and landowner the fact that the Proposed Plan has forayed into this topic by providing rules for such, means that all adverse effects now need to be considered by the Council, and not just selective effects.
- 4.321 Mr Spargo supported the Reporting Officer's recommendation that Rule 22.1.10(b) is retained as it gave effect to Policies 2, 3 and 5 of the NPSET.
- 4.322 As referred to above we have to some extent covered this matter earlier in our decision. We are of the view that this issue is in the main about private property rights. Federated Farmers have not identified to us any potential adverse environmental effects that persuade us that amendments to the rules are necessary. Their concern seems to be based around access to private property associated with the upgrading of facilities. While we accept that such activity may well cause disruption to the landowner that is not a reason to require a resource consent. A resource consent should only be required where there is the potential for an adverse environmental effect. We consider it is not for the Council to act as arbitrator between private land owners and network utility operators over access issues.

4.323 For the above reasons we have rejected the submission from Federated Farmers and further submission from Ernslaw One and accepted the further submissions from Chorus, Telecom, Todd Energy and KCE Mangahao.

Chapter 22 – X New Rule

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
78.17	Telecom New Zealand Ltd	Include a new permitted activity standard in Rule 22.1 Conditions for Permitted Activities, that provides for masts and attached antennas to exceed the permitted height limits in Rule 22.1.8 by an additional 5m in Commercial, Industrial and Rural Zones, where the antennas of more than one network utility operator are co-located on the same mast.	
79.17	Chorus New Zealand Ltd	Include a new permitted activity standard in Rule 22.1 Conditions for Permitted Activities, that provides for masts and attached antennas to exceed the permitted height limits in Rule 22.1.8 by an additional 5m in Commercial, Industrial and Rural Zones, where the antennas of more than one network utility operator are co-located on the same mast.	
78.18	Telecom New Zealand Ltd	Include a new permitted activity standard in Rule 22.1 Conditions for Permitted Activities, that provides for antennas and ancillary support structures and equipment mounted on buildings as permitted activities provided they do not exceed the height of the part of the building to which they are attached by more than the following limits: Residential and Open Space Zones: 3m All Other Zones: 5m	
79.18	Chorus New Zealand Ltd	Include a new permitted activity standard in Rule 22.1 Conditions for Permitted Activities, that provides for antennas and ancillary support structures and equipment mounted on buildings as permitted activities provided they do not exceed the height of the part of the building to which they are attached by more than the following limits: Residential and Open Space Zones: 3m All Other Zones: 5m	
100.14	New Zealand Wind Energy Association (NZWEA)	Include new rules to provide for wind farm activities: 22.1.11 Wind farms (a) The construction, operation, maintenance and upgrading of a new wind farm in the rural zone outside any ONFL is a restricted discretionary activity. Council’s discretion is restricted	501.16 Genesis Power Ltd - Support 516.24 Federated Farmers of New

Sub No.	Submitter Name	Decision Requested	Further Submission
		<p>to:</p> <p>i. the matters contained in the national policy statement for renewable electricity generation;</p> <p>ii. effects on peoples amenity values, particularly noise and visual amenity;</p> <p>iii. effects on other infrastructure;</p> <p>iv. effects on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;</p> <p>v. effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna; and</p> <p>vi. effects on maintaining public access to and along the coastal marine area, lakes and rivers.</p> <p>(b) The development of any new wind farm outside the rural zone or within an ONFL is a discretionary activity.</p> <p>Or Alternatively</p> <p>Amend the matters for discretion to those listed in 25.7.13 (Refer to relief sought under this provision)</p>	<p>Zealand</p> <p>- In-Part</p> <p>527.12 Director-General of Conservation (DoC) – Oppose</p> <p>528.27 Horizons Regional Council – Oppose</p>
100.15	New Zealand Wind Energy Association (NZWEA)	<p>Include a new permitted activity standard to provide appropriate limits for wind farm sound as follows:</p> <p>22.1.12 Wind farm noise Permitted Activity...</p> <p>Wind Farm Noise received outside a High Amenity Area Wind turbine sound received outdoors at the boundary of any Urban Area or at the notional boundary of any Noise Sensitive Activity is a permitted activity provided:</p> <p>i. At any wind speed wind farm sound levels (LA90(10 min)) shall not exceed the background sound level by more than 5 dB, or a level of 40 dB LA90(10 min), whichever is the greater.</p> <p>ii. Noise is measured and assessed in accordance with NZS6808:2010.</p>	

4.324 Telecom and Chorus sought that in order to encourage co-location solutions that minimise the required bulk of structures to support more than one network; the rules (in selected zones) should provide for an additional height allowance to incentive such solutions. They suggested that a permitted activity standard be added to Rule 22.1 that provides for masts and attached antennas to exceed the permitted height limits in Rule 22.1.8 by an additional 5m in Commercial, Industrial and Rural Zones, where the antennas of more than one network utility operator are co-located on the same mast.

4.325 Based on the reasoning in the submission, the Reporting Officer did not find it appropriate to provide for an increased height limit to encourage co-location and suggested that the submitters address the matter further at the hearing.

- 4.326 Mr Anderson said that for co-location to work, separation between the different telecommunication network operator's antennas on a single mast is required. This was because each telecommunication network requires different radiofrequencies along a spectrum. He said that Telecom had advised that the minimum required vertical separation between different operator's antennas to meet required radiofrequency isolation to avoid interference is 1.5m. This was measured from the top of one operator's antenna to the bottom of the other operator's antenna.
- 4.327 Mr Anderson went on to describe Telecom's criteria for selecting a mobile telecommunication site which included providing customers with a high quality service while minimising environmental impacts and gaining the most economic solution to assist in reducing costs for users of the network. In his experience of the site selection process, an option that was able to comply with the permitted activity provisions of the Proposed Plan had significantly more 'weight' compared to an option which required resource consent, primarily due to cost. As such, co-location as a permitted activity becomes more attractive as an option for Telecom and other operators and acts as an incentive to pursue the option.
- 4.328 In the Supplementary S42A Report, the Reporting Officer acknowledged that the environmental effects of an additional 5m height for structures would be less than additional masts of 20m within close proximity of each other. He proposed that an amendment to Rule 22.1.8(a) is made as follows:
- "(vii) 25 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin and Rural Zone where antennas of more than one network utility operator are co-located on the same mast."*
- 4.329 We consider the proposed amendment is appropriate and could result in a more efficient use of resources than constructing two similar masts and is without any significant environmental impact. We therefore adopt the Reporting Officer's recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and the submissions are accepted.
- 4.330 Telecom and Chorus sought that a new permitted activity standard be added to Rule 22.1, providing for antennas and ancillary support structures and equipment mounted on buildings provided they do not exceed the height of the part of the building to which they are attached by more than the following limits, Residential and Open Space Zones: 3m and All Other Zones: 5m.
- 4.331 The Reporting Officer noted that at present the only provision dealing with antennas on buildings is an exemption from the definition of 'Height' for antennas, masts and other support structures that do not measure more than 2m in a horizontal plane, or more than 1.5m above the height of the building. He said it was preferable to provide for allowance for antennas on buildings within the rules section rather than a definition, where the allowances for antennas and associated equipment above buildings can be varied depending on zone sensitivity. He considered a 1.5m allowance to be unrealistic for networks that use vertically orientated panel antennas.
- 4.332 The Reporting Officer said that antennas are currently controlled by rules managing their dimension and height: although the height rule appears to only relate to antennas on masts or poles. He considered it appropriate to amend Rule 22.1.8 to make it clear that the height limits apply to antennas on buildings as well as masts rather than providing for specific exemptions. He recommend the following be included at the end of Rule 22.1.8 and that the submissions from Telecom and Chorus be accepted in part:
- "This maximum height is not to be exceeded by the support structure, aerial or antenna mounting or the aerial or antenna whether affixed to the land, a building or an existing mast, tower or pole"*.
- 4.333 We have reviewed the requested amendment and recommendation and agree with the Reporting Officer's conclusion. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

- 4.334 NZWEA, supported by Genesis and opposed by Federated Farmers in part, DoC and Horizons sought that a new rule be included in Chapter 22 to provide specifically for wind farm activities or alternatively, amend the matters for discretion to those listed in 25.7.13. They considered that in order to provide for the national significance of wind farm activities the District Plan should simply classify 'wind farms' as either permitted, controlled, restricted discretionary or discretionary activities and that there is no need for wind farms to be subject to other rules in the District Plan.
- 4.335 The Reporting Officer agreed and advised that wind farms were specifically provided for as Discretionary Activities under Rule 19.4.6. He recommended that the submission be accepted in part together with the further submissions.
- 4.336 We have reviewed the requested amendment and recommendation and agreed that wind farm activity is already provided for within the rules. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.337 NZWEA sought that a new permitted activity standard be included in Chapter 22 to provide noise limits for wind farm sound. They argued that in order to provide for the national significance of wind farms the District Plan should set a permitted noise limit for wind farm sound, in accordance with NZS6808:2010.
- 4.338 The Reporting Officer said that the Proposed Plan did not contain any specific rule or standard that applies to noise from wind turbines and that this was not surprising given that the establishment of a wind farm was proposed to be a discretionary activity where a case-by-case assessment of wind farm noise would be made. Advice from Nigel Lloyd of Acousafe Noise Control Solutions (discussed in more detail in relation to clause 25.7.13) said that wind farms were best left as discretionary activities where the provisions of NZS6808 can be applied.
- 4.339 The Reporting Officer went on to say that given the special audible characteristics of wind farm noise and the many variables which influence assessment and compliance with this standard (e.g. location, wind farm design, proximity to dwellings), he did not consider it appropriate to use NZS6808:2010 as a permitted activity noise standard. Compliance with this standard was most effectively assessed through the resource consent process to consider these variables and special audible characteristics. He recommended that the submission from NZWEA be rejected.
- 4.340 Mr Farrell said that in his experience applicants, submitters, noise experts and decision makers involved in wind farm proposals exert significant time and resources debating the application of NZS6808:2010 and health effects that might be attributed to wind turbine noise. In his opinion much of this could be substantially reduced if the District Plan provided appropriate statutory guidance on the matter. He accepted a permitted activity status was not necessary, however considered that the District Plan should manage wind turbine noise through codifying NZS6808:2010 and providing some guidance about health effects that might be attributed to wind turbine noise. He noted that the Environment Court had repeatedly determined that NZS6808:2010 was the appropriate tool for managing wind farm noise and drew our attention to a recent Clutha District Council Decision which had addressed the same issue and provided for a policy which required consideration of the standard in assessing any wind farm application.
- 4.341 Mr Farrell recommend that, as an alternative to the permitted noise limit sought by NZWEA, the Proposed Plan be amended to include a new policy as follows:
- With respect to the assessment of wind farm noise effects during both the assessment of any resource consent application and the ongoing operation of wind farms, to:*
- (a) *Require that wind farm sound be predicted, measured and assessed in accordance with NZS 6808:2010 Acoustics – Wind Farm Noise; and*
- (b) *Recognise that compliance with this standard will ensure that noise and health effects associated with wind farms will be no more than minor; but*

(c) *Acknowledging that non-compliance with the standard in certain circumstances does not necessarily mean that noise and health effects are significant.*

4.342 Mr Farrell said that in his opinion introducing this policy would make the District Plan less uncertain and more effective; it will make wind farm consenting processes simpler and more efficient, and will provide direction about how to safeguard people's health in turbines of wind turbine noise. He also considered this was within the scope of the NZWEA submission.

4.343 The Reporting Officer, in his Supplementary S42A Report notes that noise is only one of a number of potential effects that may arise from a wind energy facility and considered giving prominence to a single potential effect inappropriate. He said that these matters were more effectively addressed through an assessment matter referring to the same NZS standard. Notwithstanding this, in response to the issues raised by NZWEA, he proposed the following minor amendment to Assessment Criteria 25.7.13(e) to include reference to "any special audible characteristics":

"The actual or potential noise effects of the construction, development and operation of the wind energy facilities, including particular consideration of any ~~the~~ special audible characteristics, and the proximity to and effect on settlements or dwellings, and the ability to meet NZS 6808:2010 Acoustics – Wind Farm Noise."

4.344 In his supplementary evidence, Mr Farrell responded to issues raised in the hearing and proposes a replacement of Clause 25.7.13(e) as an alternative to a new policy. The proposed wording of the replacement clause was:

"With respect to the assessment of wind farm noise effects during both the assessment of any resource consent application for a wind farm, and the ongoing operation of wind farms, Council will:

(i) Require that wind turbine sound be predicted, measured and assessed in accordance with NZS 6808:2010 Acoustics – Wind Farm Noise (or any superseding standard); and

(ii) Recognise that compliance with this standard will ensure that wind turbine noise and associated health effects will be no more than minor; and

(iii) Acknowledge that non-compliance with the standard does not necessarily mean that wind turbine noise and associated health effects will be significant."

4.345 In a right of reply the Reporting Officer said he remained content with the wording of the current assessment criteria as per his recommended amendment. He considered that the currently worded assessment criteria was adequate in identifying that noise from wind energy facilities needs to be considered and assessed in terms of its ability to meet NZS 6808:2010 Acoustic – Wind Farm Noise. He did not consider it appropriate for the assessment criteria to state that compliance with the standard would ensure that the noise and health effects would be no more than minor as suggested in (b). He said that while the standard is designed to ensure that noise and health effects are no more than minor, he considered it appropriate that the assessment criteria allow the level of effects to be determined based on the effects themselves. He felt that a case by case approach was the preferred approach rather than a generic approach to this activity and its associated noise effects.

4.346 The Reporting Officer also did not support the wording "or any superseding standard" and noted that the Quality Planning website advises against this practice of using words such as "or any replacement standard" or "or any subsequent corresponding successor" after the reference to the document. He reminded us that Clause 31 of Schedule 1 (of the Act) requires that there be a variation or plan change for an amendment to an externally referenced document to have effect through the Plan. On this basis he said it was not appropriate to simply expect an updated version of NZS6808:2010 to apply to the Proposed Plan without that updated standard or document having gone through a First Schedule process.

4.347 We have reviewed the proposed assessment criteria proposed by Mr Farrell and like the Reporting Officer have concerns with the way it is worded. In our view sub-clauses (ii) and (iii) are not appropriate in an assessment criterion as they seem to be attempting to pre-judge the determination of any application. In our view the present assessment criteria is sufficient to ensure that an assessment against NZS6808:2010 is made. We therefore adopt the Reporting Officer's recommended wording and accept in part the submission.

Chapter 22 – General Matters

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.15	Genesis Power Ltd	<p>Include statement within Chapter 22 clarifying the activity status of those activities not complying with the permitted activity criteria.</p> <p>Include new Controlled Activity rule for wind monitoring masts not complying with Rule 22.1.8(b).</p> <p>Rule XX</p> <p>Any wind monitoring mast not complying with Condition 22.1.8 is a controlled activity. Control is reserved over:</p> <ul style="list-style-type: none"> i. The scale and bulk of the wind monitoring mast in relation to the site; ii. The built characteristic of the locality; iii. The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site; iv. Effects on landscape values; v. Effects on amenity values; vi. Duration of consent sought. 	
44.16	Genesis Power Ltd	<p>Include all rules relating to Utilities and Energy in Chapter 22.</p> <p>Include new Rule in Chapter 22 which provides for the development and on-going use of renewable energy infrastructure as a Discretionary Activity.</p>	<p>514.07 Todd Energy Ltd</p> <p>- Support</p>
78.12	Telecom New Zealand Ltd	<p>Delete all Network Utility Rules and Standards within the Utilities and Energy Chapter.</p> <p>Add a new standalone network utilities chapter.</p>	
79.12	Chorus New Zealand Ltd	<p>Delete all Network Utility Rules and Standards within the Utilities and Energy Chapter.</p> <p>Add a new standalone network utilities chapter.</p>	
80.18	Todd Energy Ltd	<p>No specific relief requested.</p> <p>The submitter seeks clarification of the intended purpose of Chapter 22 in relation to energy.</p> <p>Inferred: Amend Chapter 22 Utilities and Energy, or another Chapter in the District</p>	

Sub No.	Submitter Name	Decision Requested	Further Submission
		Plan so it better provides for energy activities.	
92.18	KCE Mangahao Ltd	No specific relief requested. The submitter seeks clarification of the intended purpose of Chapter 22 in relation to energy. Inferred: Amend Chapter 22 Utilities and Energy, or another Chapter in the District Plan so it better provides for energy activities.	

4.348 Genesis considered that it was unclear in Chapter 22 what activity status an activity defaults to if it does not meet the permitted activity standard. They said the plan appeared to be silent in this regard. They said that if it was the intention for activities not complying with the permitted activity criteria to default to a discretionary activity, it is proposed that a new controlled activity provision is applied to wind monitoring masts. Genesis suggested a new Controlled Activity rule for wind monitoring masts not complying with Rule 22.1.8(b).

4.349 The Reporting Officer agreed that it was not clear what status an activity defaults to if it cannot meet the Conditions of Chapter 22. He considered it appropriate that activities default to a restricted discretionary activity status as controlled was not considered stringent enough and did not provide the ability to decline the proposal if the adverse effects were unacceptable. He recommended that the submission be accepted in part and a new matter included under Condition 22.1 to read:

“(a) Any activities not meeting the Permitted Activity Conditions shall be Restricted Discretionary Activities, with the exercise of the Council’s discretion being restricted to the matter(s) specified in the assessment matters in 25.7.12.”

4.350 Ms Roland supported the amendment to Rule 22.1.

4.351 We have reviewed the request by Genesis and generally agree with the Reporting Officer’s amendment. We do however consider that for consistency reasons with other parts of the Proposed Plan the word “meeting” should be replaced with “complying with”. Other than that minor amendment we adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

4.352 Genesis, supported by Todd Energy, also considers that for completeness, all rules pertaining to Utilities and Energy should be included within Chapter 22 using the example of Rule 19.4.6(b) which provides for wind energy facilities in the Rural Zone as a discretionary activity. Furthermore, they note that the plan does not specifically provide for other forms of renewable electricity generation and it would be helpful if this matter was addressed in Chapter 22.

4.353 The Reporting Officer said that the Plan was set out so that all activities that are permitted or listed as requiring resource consent in a zone are included in the relevant chapter i.e. wind monitoring masts are provided for in the Rural Chapter but the conditions they must meet are included in Chapter 22. He said that the conditions apply across the District and are therefore included in one section whereas the status of activities differs between the zones. He did not find it appropriate to duplicate rules in several chapters and therefore recommended that the submissions be rejected.

4.354 We agree with the Reporting Officer in terms of the way the Plan is set up and adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

- 4.355 Telecom and Chorus opposed the current rule framework and raised the same concern over the format of the Proposed Plan and how the document provides for network utilities rules and standards. They sought that all rules for network utilities be contained in a standalone chapter, to enable a ‘one stop shop’ approach and allow for greater confidence in determining how a proposal fits the Proposed Plan provisions.
- 4.356 Similar to the above comments the Reporting Officer explained that the format of the rules and standards of the Proposed Plan was based on five zone chapters and three district-wide chapters, which included Utilities and Energy (Chapter 22). He said that the district-wide chapters only set out permitted activity standards which apply across all five zones. The Zone Chapters provide the mechanics to identify the relevant activity status and any consent requirements within each zone. He recommended that the submissions be rejected.
- 4.357 Again we agree with the Reporting Officer in terms of the way the Plan is set up and adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.358 Todd Energy and KCE Mangahao considered there was a lack of provision for “renewable sources of energy” in Chapter 22. They infer that Chapter 22 Utilities and Energy be amended or that another Chapter in the Proposed Plan be added so the Plan better provides for energy activities.
- 4.359 The Reporting Officer was unsure what the submitters meant when they referred to ‘energy’ and ‘energy activities’. He said that if this was the generation of energy then that was provided for in Chapter 22 and the zone chapters of the Plan. If they were referring to energy consumption and efficiency he said that this was not generally managed through the Proposed Plan. He therefore invited the submitters to address the matter further at the hearing.
- 4.360 Ms Barry said that Chapter 22 seems to focus on general utilities and would benefit from the inclusion of the wording “*including generation and distribution utilities for renewable sources of energy*” within the text. She said the specific inclusion of the words “*renewable sources of energy*” would promote both clarity and reflect national policy documents such as the NPSREG.
- 4.361 In his Supplementary S42A Report, the Reporting Officer said he was still uncertain (other than the amendment to Rule 22.1.10 heading) how the additional words would provide greater clarity and he suggested the submitter specify sections within Chapter 22 where this wording would fit. He recommended the submissions be accepted in part on the basis of the amendment to Rule 22.1.10 heading.
- 4.362 There was no further response from the submitters on this matter and therefore we have adopted the recommendation and reasoning of the Reporting Officer as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act

Rule 25.7.12 Assessment Criteria – Network Utilities and Wind Monitoring Masts

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.49	Powerco	Retain Assessment Criteria 25.7.12 without modification.	
42.02	Vector Gas Ltd	Amend Assessment Criteria 25.7.12 as follows: ...(g) The extent to which a proposed activity will affect the efficient and effective operation of district significant infrastructure. Such consideration will be based on advice provided by the infrastructure manager.	501.18 Genesis Power Ltd - In-Part
44.23	Genesis Power Ltd	Amend Assessment Criteria 25.7.12(f) as	

Sub No.	Submitter Name	Decision Requested	Further Submission
		follows: With respect to network utilities, Wwhether alternative locations, routes or other options are economically, operationally, physically or technically practicable.	
99.43	Transpower New Zealand Ltd	Amend assessment criteria 25.7.12 a) as follows: (a) The size and scale of proposed structures and whether they are appropriate and necessary for their function in keeping with the size and scale of any existing development	
99.44	Transpower New Zealand Ltd	Retain assessment criteria 25.7.12 (b) and (f).	

4.363 Vector Gas, supported in part by Genesis, sought an amendment to Assessment Criteria 25.7.12 to ensure that consideration was given to other activities such as land use that had the potential to adversely affect the safe and effective operation of significant infrastructure such as gas transmission pipelines. They requested a new clause be added to 25.7.12 that reads:

“(g) The extent to which a proposed activity will affect the efficient and effective operation of district significant infrastructure. Such consideration will be based on advice provided by the infrastructure manager.”

4.364 The Reporting Officer said that this set of assessment criteria apply to the effects of network utilities, not the effects of other activities on network utilities. He therefore did not support the new assessment criteria requested. However given that district significant infrastructure is most typically located in the Rural zone, he saw merit in adding the criterion to the Assessment Criteria for Land Use Consents in the Rural Zone, under the heading General 25.2.1. This he said would address the concerns of the submitter by ensuring that the effects on the efficient and effective operation of district significant infrastructure are taken into account when considering land use consent applications for activities in the Rural zone. He recommended that the submissions be accepted in part.

4.365 Genesis questioned the words “Such consideration will be based on advice provided by the infrastructure manager” and sought clarification. To address this concern the Reporting Officer recommended an amendment to the wording provided by Vector, so that the assessment criteria reads:

“The extent to which a proposed activity will affect the efficient and effective operation of district significant infrastructure. Consideration will be given to ~~based on advice provided by the manager of the~~ potentially affected infrastructure manager.”

4.366 In evidence tabled by Vector Gas, they indicated that the amendments proposed by the Reporting Officer give effect to the relief sought.

4.367 We have considered the proposed additional criterion and consider the approach and wording put forward by the Reporting Officer is appropriate. We therefore adopt his recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and the submissions are accepted in part.

4.368 Genesis sought an amendment to Assessment Criteria 25.7.12(f) to include wind monitoring masts which they said are located in the most operationally and technically practicable location on a site to obtain the necessary wind speed and direction data. They suggested amending Assessment Criteria 25.7.12(f) to read as follows:

“With respect to network utilities, ~~W~~whether alternative locations, routes or other options are economically, operationally, physically or technically practicable.”

- 4.369 The Reporting Officer accepted the point made that for wind monitoring masts their location is driven by their purpose. He therefore supported the amendment requested and recommended that the submission be accepted.
- 4.370 We have considered the proposed amendment to the criterion and consider it is appropriate. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.371 Transpower sought an amendment to Assessment Criteria 25.7.12(a) to require an assessment of the development / activity on the operation, maintenance, upgrading or development of the electricity transmission network as well as appropriately assess network utility activities in general. They suggested the following amendment:
- “(a) The size and scale of proposed structures and whether they are appropriate and necessary for their function ~~in keeping with the size and scale of any existing development~~”
- 4.372 The Reporting Officer saw the functional consideration to be part of the next assessment criterion 25.7.12(b) which reads *“The protection of the environment while recognising technical and operational necessity which may result in adverse effects”*. On this basis he did not consider it beneficial to amend 25.7.12(a) as requested. He also considered that such an amendment would lose some its intended focus which is on how the structures relate to the surrounding environment. For instance the size of a tall network utility structure in a Commercial area with tall buildings is likely to be visually more acceptable than the same size structure in an Open Space or Residential area where the typical built height is much lower. He therefore recommended that the submission be rejected.
- 4.373 Mr Spargo provided support for the retention of Assessment Criteria 25.7.12(a) in accordance with the recommendation from the Reporting Officer.
- 4.374 We have considered the amendment sought and agree that it is unnecessary. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.375 Transpower supported Assessment Criteria 25.7.12 (b) and (f) in the context of giving effect to the NPSET. The support is noted however given that criterion 25.7.12(f) has been amended there submission is accepted in part.
- 4.376 Powerco supports Assessment Criteria 25.7.12. The support is noted however given that criterion 25.7.12(f) has been amended there submission is accepted in part.

Rule 25.7.13 Assessment Criteria – Wind Energy Facilities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
44.25	Genesis Power Ltd	Delete Assessment Criteria 25.7.13(a)(ii) in its entirety.	514.08 Todd Energy Ltd - Support 515.08 KCE Mangahao Ltd - Support
44.26	Genesis Power Ltd	Amend Assessment Criteria 25.7.13(b) as follows: The ecological impact of the proposal, including the extent of disruption to vegetation and habitat, any impacts on waterways,	527.03 DoC - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
		and the likely effect on birds and other fauna.	
44.27	Genesis Power Ltd	Amend Assessment Criteria 25.7.13(i) as follows: The positive local, regional and national benefits to be derived from the use and development of renewable energy infrastructure.	
100.17	New Zealand Wind Energy Association (NZWEA)	Amend Assessment Criteria 25.7.13 as follows: Wind Farms Energy Facilities (a) The landscape and visual effects of the proposal, including: (i) The extent to which the proposal will adversely affect rural character, views from residences, key public places, including roads, and recreation areas. (ii) The visibility of the proposal, including the number of turbines and their height. (iii) The extent to which the proposal will adversely affect the natural character of the Coastal Environment, water bodies, and Outstanding Natural Features and Landscapes. (iv) The extent to which any aspects of the proposal can be sited underground. (b) The ecological impact of the proposal, including the extent of disruption to vegetation and habitat, any impacts on waterways, and the likely effect on birds and other fauna. (c) The effects on heritage, cultural, geological and archaeological values and sites. (d) The effects of traffic and vehicle movements. (e) The actual or potential noise effects of the construction, development and operation of the wind farm energy facilities, In-Particular including particular consideration of the special audible characteristics, and the proximity to and effect on settlements or dwellings, and the ability to comply with meet NZS 6808:2010 Acoustics – Wind Farm Noise. (f) The extent to which the proposal will adversely affect amenity values of the surrounding environment, including the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker. (g) The effects extent of any earthworks, including the construction of access tracks, roads and turbine platforms. (h) The cumulative effects of the proposal.	527.13 Director-General of Conservation (DoC) - Oppose

Sub No.	Submitter Name	Decision Requested	Further Submission
		(i) The benefits to be derived from the proposal renewable energy. (j) Mitigation and rehabilitation works. (k) Operational and technical considerations.	

- 4.377 Genesis, supported by Todd Energy and KCE Mangahao, sought the deletion of Assessment Criterion 25.7.13(a)(ii) contending that the effects of a wind farm should be considered based on the information supplied in an application and balanced with a broad judgement of effects of the development accordingly. NZWEA also requested the deletion of the criterion.
- 4.378 The Reporting Officer noted that this particular criterion refers to “*The visibility of the proposal, including the number of turbines and their height*”, which he considered was a very important consideration in the assessment of Wind Energy Facilities. He said that there would be parts of the District where potential sites could have very little visibility beyond the site boundaries. He considered it to be an appropriate assessment criterion when included as part of the suite of criteria that has been set out in 25.7.13. He therefore recommended that the submissions be rejected.
- 4.379 Ms Roland accepted that the visual effects of a wind farm development are an integral consideration as to its appropriateness. However, she noted that Assessment Criteria 25.7.13(a)(ii) refers to the visibility of a proposal, with specific reference to the number of turbines and their height. She said that whether something is visible or not does not mean that there is an effect. Ms Roland went on to say that the number, location, design and height of wind turbines within a proposed wind farm are closely linked to resource availability and economies of scale, countered by a comprehensive effects assessment. The ability to remove wind turbines, or reduce their overall height as part of the assessment of an activity has the potential to undermine the feasibility of a project. She considered Assessment Criterion 25.7.13(a) was sufficiently broad to allow a comprehensive assessment of the actual and potential visual effects of a development to be undertaken, without the need to include criterion (ii).
- 4.380 In the Supplementary S42A Report, the Reporting Officer acknowledged that visibility did not necessarily mean that this was an adverse effect. However, he recommended retaining the criterion to ensure that a clear signal is sent to potential applicants and decision makers that the visual component of the development is important and will form part of the assessment.
- 4.381 We consider the assessment criterion referred to is entirely appropriate within the context of the suite of criteria provided within Clause 25.7.13. We would have thought that the height and number of turbines is a relevant consideration in any wind farm application. Aside from noise these aspects are in our view key environmental issues for most wind farm assessments in terms of district plans. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.
- 4.382 Genesis sought an amendment to Assessment Criteria 25.7.13(b) to delete reference to “any impacts on waterways” contending that the management of waterways is a Regional Council function. This submission was opposed by DoC on the basis that the NPS for Freshwater Management (2011) directs that an integrated approach is required and hence this provision as part of 25.7.13(b) was appropriate.
- 4.383 The Reporting Officer said that the Council as a territorial authority does have responsibilities in terms of waterways, including managing activities on the surface of water and access to water bodies. He was of the opinion that the reference to waterways in this Assessment Criteria was appropriate and that the submission be rejected and the further submission accepted.

4.384 Ms Roland said that it was not clear how the assessment criterion will actually assist in achieving the function of NPS for Freshwater Management in the context of a resource consent application, specifically as the Council was limited in its ability to impose conditions which specifically address water quality. She said that in the context of landuse activities, the management of freshwater bodies is generally linked to earthworks and that other than in specified areas such as Outstanding Natural Features and Landscapes there were no restrictions on earthworks identified on land in the Rural zone generally. She suggested the following rewording of Assessment Criterion 25.7.13(b):

The ecological impact of the proposal, including the extent of the disruption to vegetation and habitat, any impacts on waterways located within a Specific Landscape Domain, Heritage Setting, Coastal Outstanding Natural Feature and Landscape, and the likely effect on birds and other fauna.

4.385 In his Supplementary S42A Report, the Reporting Officer stated that the proposed amendments confuse the matter as it could imply that it is only the earthworks impacts on waterways in these specific locations that would be considered. He recommended retaining the wording as proposed to ensure that the provision addresses other works and activities that may adversely affected waterways.

4.386 We have considered the amendment sought and have some sympathy with the Genesis submission regarding the “impacts on waterways” wording although we accept there may be rare occasions where land use matters in this regard need to be considered. We do not however consider the rewording proposed by Ms Roland is helpful as it seems to us to rather narrow the focus of the criterion. We consider the focus should be on ecological values per se and consider that by including specific matters it has become confused. We have therefore decided to accept in part the submissions and modify the criterion to read:

“The ecological impact of the proposal on the habitats of flora and fauna, ~~including the extent of the disruption to vegetation and habitat, any impacts on waterways, and the likely effect on birds and other fauna.~~”

4.387 Genesis sought amendment to Assessment Criteria 25.7.13(i) to recognise the positive, local, regional and national benefits of an activity in the assessment of the development and use of renewable energy infrastructure. They sought the following amendment to Assessment Criteria 25.7.13(i):

“The positive local, regional and national benefits to be derived from the use and development of renewable energy infrastructure.”

4.388 The Reporting Officer noted that Section 7(j) of the RMA refers to “the benefits to be derived from the use and development of renewable energy”. He considered that it would be appropriate to bring consistency to the assessment criteria and recommended the submission be accepted in-part and that the following wording be used which is a slight variation to the wording requested:

“The positive local, regional and national benefits to be derived from the use and development of renewable energy infrastructure.”

4.389 We have considered the amendment sought and agree with the slight amendment proposed by the Reporting Officer. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

4.390 NZWEA, opposed by DoC, supported the provision of specific assessment criteria for wind farm proposals subject to the deletion or amendment of some of the proposed assessment matters, which they considered were too stringent and/or not necessary as follows:

“Wind Farms Energy Facilities

(a) The landscape and visual effects of the proposal, including:

- (i) The extent to which the proposal will adversely affect rural character, views from residences, key public places, including roads, and recreation areas.
- ~~(ii) The visibility of the proposal, including the number of turbines and their height.~~
- (b)
- (e) The actual or potential noise effects of the construction, development and operation of the wind farm energy facilities, ~~In-Particular including particular consideration of the special audible characteristics, and the proximity to and effect on settlements or dwellings, and the ability to comply with meet NZS 6808:2010 Acoustics – Wind Farm Noise.~~
- (f) The extent to which the proposal will adversely affect amenity values of the surrounding environment, ~~including the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker.~~
- (g) The effects extent of any earthworks, ~~including the construction of access tracks, roads and turbine platforms.~~
- (h)
- (i) The benefits to be derived from the proposal renewable energy.
- (j)
- (k)”

4.391 The Reporting Officer said that the first amendment sought was to change the term ‘Wind Energy Facilities’ to ‘Wind Farm’. He noted that NZWEA had also requested an amendment to the definition of ‘Wind Energy Facilities’. He did not consider amending ‘Wind Energy Facilities’ to ‘Wind Farm’ to be acceptable noting that the NPSREG does not refer to Wind Farms, the term Wind Energy Facility is however used. He did not support this change.

4.392 The Reporting Officer supported the removal of the word “adversely” from 25.7.13(a)(i). In doing so he noted that it does give the assessment criteria a wider focus requiring applicants and the consent authority to address all effects (i.e. not just the adverse effects) on rural character, views from residences, key public places, including roads and recreation areas.

4.393 The Reporting Officer noted that he had already addressed and recommended against deleting 25.7.13(a)(ii).

4.394 In terms of (e) the Reporting Officer noted that he had already indicated he did not support the replacing ‘Wind Energy Facilities’ with ‘Wind Farm’. The second part of the change seeks to remove the reference to “particular consideration of the special audible characteristics, and the proximity to and effect on settlements or dwellings”. He said that Council’s noise adviser Nigel Lloyd of Acousafe Consulting and Engineering Ltd had commented “It was found in the Turitea Wind Farm Hearing before the Board of Inquiry that there is considerable discretion required in the assessment process for wind farms using NZS6808:2010”. He also advised that:

“wind farms are best left as discretionary activities where the provisions of NZS6808 can be applied. This requirement is adequately set out in Assessment Criteria 25.7.13(e). NZWEA seeks to delete reference to a particular consideration being given to special audible characteristics in 25.7.13(e). West Wind wind farm exhibited three different types of special audible characteristics at start-up which finally took six months to fully identify and correct. The presence of these characteristics aggravated the situation for neighbours and complaints reduced considerably once they had been corrected. It has since been recognised that wind farms need to be designed to avoid special audible characteristics and that tests should be undertaken during the commissioning of the wind farms to ensure that the actual design is appropriate. Resource consent conditions were included by the Environment Court for Mill Creek wind farm and by the Board of Inquiry for

Turitea wind farm and these go beyond the requirements of NZS6808. I recommend that the NZWEA submission be rejected in respect of the changes they seek to the noise provisions.”

- 4.395 The Reporting Officer concurred with the advice provided by Mr Lloyd and considered that the current assessment criterion to be appropriate as it identifies that particular consideration would be given to the special audible characteristics, while also allowing applicants to demonstrate their ability to assess and then to meet NZ 6808:2010. He therefore did not support the changes requested to 25.7.13(e).
- 4.396 We note here that a change has already been made to this criterion as a result of an earlier decision.
- 4.397 The amendment to (f) to remove the word “adversely” was supported by the Reporting Officer, who noted that it gave the assessment criteria a wider focus requiring applicants and the consent authority to address all effects (i.e. not just the adverse effects). He did not however support the second part of the amendment requested to (f) considering the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker to be relevant and important considerations that nearby residents would want to know are going to be assessed.
- 4.398 The Reporting Officer supported replacing ‘extent’ with ‘effects’ in (g) however did not support the remaining changes requested. He considered it helpful to signal the type of earthworks that would be considered as part of this assessment criterion.
- 4.399 In terms of the amendment to (i), the Reporting Officer noted the amendment recommended above in relation to the Genesis submission and considered it to be an appropriate response to this submission point also.
- 4.400 Overall the Reporting Officer recommended the submission be accepted in-part.
- 4.401 Mr Farrell considered Clause 25.7.13(e) should be amended as sought by NZWEA because the clause, as proposed, duplicated some of the assessment matters covered by NZS6808:2010 and this duplication would not benefit any party. He noted that NZS6808:2010 requires an assessment of noise effects on potentially affected settlements and dwellings and an assessment of special audible characteristics. He considered that clause 25.7.13(e), as proposed, implies that all wind turbines will have special audible characteristics, which in his opinion was an overstatement. He considered Mr Lloyd’s statements slightly misleading and, in respect of the relief sought considered the example of special audible characteristics at West Wind should not be used as a reason for rejecting NZWEAs submission because West Wind was based on an earlier version of NZS6808, NZS6808:2010 was updated after West Wind was constructed to address, among other things, special audible characteristics, and the special audible characteristics at West Wind were only temporary, occurring during the wind turbine commissioning stage of the project development.
- 4.402 For three of these matters (Clauses 25.7.13(a)(ii), 25.7.13(e) and 25.7.13(i)) we have already previously made decisions and we therefore do not intend to traverse them again. We agree with the Reporting Officer in relation to not using the term Wind Farm, noting that this is discussed in more detail below, and with the deletion of the word ‘adversely’ in Clause 25.7.13(a)(i). We also agree with the Reporting Officer’s response the Clause 25.7.13(f) to again delete the word ‘adversely’ but retain the remainder of the clause. We see no harm at all in referring to those effects set out in (f) as they are all well established issues associated with wind farm applications. Finally, in relation to Clause 25.7.13(g) we agree with the replacement of the word ‘extent’ with ‘effects’ but consider the remainder of the clause should be left unchanged. Again we see no harm in referring to the forms of earthworks set out in (g) as they are all generally associated with wind farm applications.
- 4.403 Overall, we therefore agree with the Reporting Officer’s recommendations and adopt them as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the Act. The specific changes to the Clause 25.7.13 associated with this NZWEA submission are set out below and the submission is accepted in part:

- (a) The landscape and visual effects of the proposal, including:
 - (i) ...
 - (ii) The extent to which the proposal will ~~adversely~~ affect the natural character of the Coastal Environment, water bodies, and Outstanding Natural Features and Landscapes.
- (b) ...
- (c) The extent to which the proposal will ~~adversely~~ affect amenity values of the surrounding environment, including the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker.
- (d) The ~~extent~~ effects of any earthworks, including the construction of access tracks, roads and turbine platforms.

Chapter 26 Definitions – Domestic Scale Renewable Energy Device

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
100.18	New Zealand Wind Energy Association (NZWEA)	Retain the definition of Domestic Scale Renewable Energy Device as proposed.	

4.404 The support for the definition of Domestic Scale Renewable Energy Device from the above submitter is noted and accepted and the definition approved.

Chapter 26 Definitions – Network Utility

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
41.50	Powerco	Retain the definition of Network Utility without modification.	
100.19	New Zealand Wind Energy Association (NZWEA)	Amend the definition of Network Utility as follows: Network Utility includes any: (a) aerial or mast or antennae or dish antennae; (b) tower or pole, including any wind turbine; (c) pole-mounted street light;	

4.405 NZWEA sought that the reference to “including any wind turbine” be deleted from the definition of Network Utility. They considered that electricity generators are not necessarily "network utility operators" under the RMA and that the District Plan could appropriately capture wind turbines in other definitions (either Domestic Scale Renewable Energy Devices or Wind Farm) rather than as part of the Network Utility definition.

4.406 The Reporting Officer noted that the words “including any wind turbine” were added to the definition for network utility as part of Plan Change 22. He said that due to Plan Change 22 not being operative at the time the Proposed Plan was notified this aspect of the network utility definition was not subject to the review and was shown in a grey highlight. While he was sympathetic to the point that the submitter had made, he did not consider there was scope to make the amendment requested which would need to be addressed as part of a future plan change seeking to ensure an appropriate alignment and fit between the current plan changes and the Proposed Plan. He recommended that this submission be rejected.

4.407 We agree with the Reporting Officer’s comments with regards this matter and Plan Change 22 and adopt his recommendation as our decisions pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

4.408 The support for the definition from Powerco is noted and their submission accepted.

Chapter 26 Definitions – Wind Energy Facilities

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
100.20	New Zealand Wind Energy Association (NZWEA)	Amend definition of Wind Energy Facility as follows: Wind Farm Energy Facilities means the land, buildings, turbines, structures, substations, underground cabling, earthworks, access tracks and roads associated with the generation of electricity by wind force and the operation, maintenance and upgrading of the wind farm energy facility. This does not include domestic scale renewable energy device or any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.	501.17 Genesis Power Ltd - Support

4.409 NZWEA, supported by Genesis, sought that the term ‘Wind farms’ should be used instead of ‘Wind Energy Facilities’, that the word “force” be deleted and that “maintenance and upgrading” be introduced into the definition.

4.410 While appreciating NZWEA’s desire for wind energy facilities to be seen as a farming activity in a similar way to a typical rural primary production activity the Reporting Officer considered the proposed change created some issues of consistency. He said that neither the RMA nor the NPSREG refers to wind farms, but that the term ‘wind energy facility’ is used within the NPSREG. He also said the term wind farm gives the impression of a group of wind turbines (more than one or two), whereas the term “wind energy facility” is sufficiently neutral in that it could be used in reference to a single wind turbine or a group of them.

4.411 In terms of the other two changes the Reporting Officer supported the removal of “force” and the addition of “maintenance” but did not support the inclusion of the term “upgrading”. He said that upgrading of a wind energy facility could cover a very wide range of works with varying levels of environmental effects. He did not consider it appropriate to include the reference here but rather have upgrading addressed through the rule framework (22.1.10). He recommended that the two minor changes be made to the current definition as follows and that the submissions be accepted in part:

“Wind Energy Facilities means the land, buildings, turbines, structures, substations, underground cabling, earthworks, access tracks and roads associated with the generation of electricity by wind ~~force~~ and the operation, and maintenance of the wind energy facility. This does not include domestic scale renewable energy device or any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.”

4.412 Mr Farrell considered the terms “wind farm” and “wind energy facility” to be largely synonymous. However, in his experience, the most common and plainer of the two terms is “wind farm”. In response to the Reporting Officer’s comments he said he was not aware of any national or regional level statutory RMA document that binds or uses either term “wind farm” or “wind energy facility”. He said that there was

inconsistency across New Zealand on this point and NZWEA, which represents the New Zealand wind energy industry, is attempting to promote a nationally consistent approach by encouraging use of the term “wind farm” in its submissions on district plans throughout New Zealand. Additionally, NZWEA uses the term “wind farm” in all its material and NZWEA will soon be publishing a wind farm development guidelines document which will include a definition for “wind farm”.

- 4.413 In response to expert evidence, the Reporting Officer remains of the view that the term ‘wind farm’ implies a group of wind turbines, where ‘wind energy facility’ provides for a single wind turbine or group.
- 4.414 We have reviewed the requested amendments and agree with the amendments to the definition itself proposed by the Reporting Officer. In terms of the title change we were not convinced of the need to change from ‘wind energy facility’ to ‘wind farm’. While we understand the point being made by NZWEA the fact that the NPSREG refers to the term ‘wind energy facility’ is somewhat telling. If consistency in wording is to be sought and obtained within the industry then we would have thought that started with what is essentially its primary document the NPS, not individual district plans. In our view differences in terminology between the NPS and Proposed Plan can only lead to confusion and establish grounds for differing interpretations. We therefore agree with the amendments proposed by the Reporting Officer to the definition and adopt his recommendation as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act.

Chapter 26 Definitions – New Definition “Critical Infrastructure”

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.06	Transpower New Zealand Ltd	Include a definition of the term “critical infrastructure” as follows: Critical infrastructure: means infrastructure necessary to provide services which, if interrupted, would have a serious effects on the people within the district or a wider population, and which would require immediate reinstatement. Critical infrastructure includes infrastructure for electricity substations and the electricity transmission network.	516.27 Federated Farmers of New Zealand - Oppose

- 4.415 Transpower, opposed by Federated Farmers, identified that the term “critical infrastructure” was not defined in the Proposed Plan and requested that the following definition be provided which aligns with the One Plan:
“Critical infrastructure: means infrastructure necessary to provide services which, if interrupted, would have a serious effects on the people within the district or a wider population, and which would require immediate reinstatement. Critical infrastructure includes infrastructure for electricity substations and the electricity transmission network.”
- 4.416 The Reporting Officer said that the Proposed Plan had tried to avoid including definitions for terms that do not appear in the Proposed Plan. He appreciated the importance of critical infrastructure and that this was a term used within the One Plan and he considered this was the most helpful place for the definition given its direct relevance to the application of the One Plan. He recommended that the submission be rejected and that further submission be accepted.
- 4.417 In his erratum, Mr Spargo notes that the phrase ‘critical infrastructure’ is used within the Plan, including in Policy 8.1.8 and within the Explanation and Principal Reasons.
- 4.418 In his right of reply the Reporting Officer said there appeared to be only two references to the term in the Proposed Plan, one of which in the Explanation and Reasons to Objective 8.1.1 was followed by a list of

examples, and he was not convinced a definition was needed. He did however, note and consider whether the list of examples covered the matter that Transpower sought to be included in their definition i.e. “electricity substations and the electricity transmission network” and noted that “electricity transmission network” was not included. He therefore recommended the following amendment be made to the 4th paragraph of the Explanation and Reasons to Objective 8.1.1:

“Preferably, lifeline and critical infrastructure and services (e.g. electricity substations and transmission networks, public water supply/treatment plants, public wastewater treatment plants, strategic road and rail networks and health care institutions/hospitals) should be placed at minimal risk from natural hazards, and therefore some form of control on the location of such services within areas of significant risks is necessary. The presence of hazardous facilities or substances within natural hazard areas may also cause additional adverse effects during an event, and therefore need to be managed.”

4.419 We note that in a response to a query we made regarding this amendment Ms Tucker said that she saw no issue in including “transmission networks” as an example of critical infrastructure as recommended by the Reporting Officer. Having therefore considered the request by Transpower we see little need in the circumstances for a definition of critical infrastructure to be included in the Plan and consider the response by the Reporting officer to be appropriate. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and accept in part the submissions.

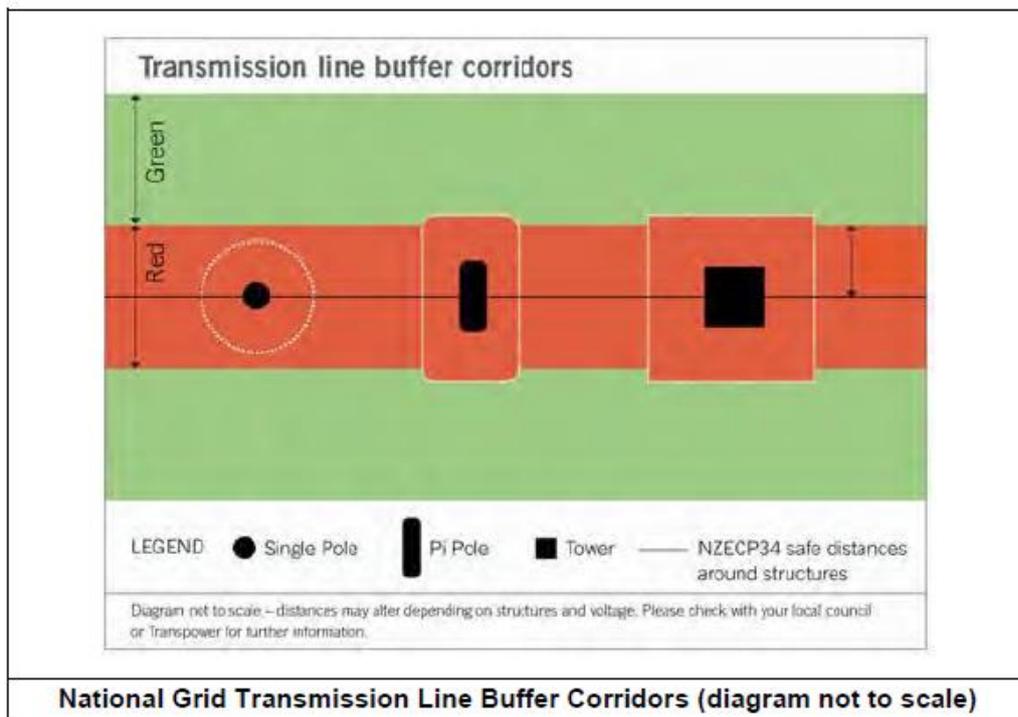
Chapter 26 Definitions – New Definition “National Grid Corridor”

Submissions Received

Sub No.	Submitter Name	Decision Requested	Further Submission
99.48	Transpower New Zealand Ltd	<p>Include a definition for the term “National Grid Corridor” as follows: National Grid Corridor: means a corridor either side of the assets used or owned by Transpower NZ Limited as part of the National Grid. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the electricity transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span as depicted on the diagram below: [refer to Transpower’s diagram in full submission] The corridor widths of the National Grid corridor are: For a 220kV Electricity Transmission Line a 12m red zone corridor and green zone of an additional 25m for a total corridor width of 37m either side of the centreline For a 110kV Electricity Transmission Line a 10m red zone corridor and green zone of an additional 6m for a total corridor width of 16m either side of the centreline</p>	<p>516.28 Federated Farmers of New Zealand - Oppose</p> <p>517.41 Horticulture NZ – In-Part</p>

4.420 Transpower, opposed by Federated Farmers and in part by Horticulture NZ, identified that the term “Transmission Line Corridor” was used in the Proposed Plan but was not defined and that a definition was required for implementation purposes. Transpower considered a more appropriate term would be “National Grid Corridor” and suggested the definition below. Transpower also noted the term “National Grid” was used elsewhere in the Proposed Plan and that use of the term will be appropriate for consistency:

“National Grid Corridor: means a corridor either side of the assets used or owned by Transpower NZ Limited as part of the National Grid. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the electricity transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span as depicted on the diagram below:



The corridor widths of the National Grid corridor are:

For a 220kV Electricity Transmission Line a 12m red zone corridor and green zone of an additional 25m for a total corridor width of 37m either side of the centreline

For a 110kV Electricity Transmission Line a 10m red zone corridor and green zone of an additional 6m for a total corridor width of 16m either side of the centreline.”

- 4.421 Federated Farmers opposition is on the basis that setback distances and a nominal corridor are already provided for by NZEC34:2001 and there is no need for a corridor that is any wider than 12 metres in the Proposed Plan.
- 4.422 The Reporting Officer said that he was supportive of firstly using the term ‘National Grid Corridor’ in place of the term ‘Transmission Line Corridor’ and secondly considered there to be merit in adding a definition for ‘National Grid Corridor’ to the Proposed Plan.
- 4.423 He said that a definition of National Grid Corridor that identified what it was and how the centre line is identified would be a helpful and a worthwhile addition to the Plan. He did not consider that it would be appropriate to include the references to the corridor widths as part of this definition because there had been a deliberate effort to avoid including standards/thresholds within the definitions. He said the corridor widths were appropriately located in the Zone Rule chapters of the Plan (e.g. Rule 19.6.14). He considered the

diagram helped improve the understanding of the definition and in particular where setback distances should be taken from.

- 4.424 The Reporting Officer noted that in supporting the change in terminology, it was necessary to make consequential amendments to other parts of the Proposed Plan where the term Transmission Line Corridor has been used. He therefore recommended that the submissions be accepted in part and that a new definition be added for National Grid Corridor as below and that any references to the Transmission Line Corridor be replaced:

“National Grid Corridor: means a corridor either side of the assets used or owned by Transpower NZ Limited as part of the National Grid. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the electricity transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span as depicted on the diagram below.”

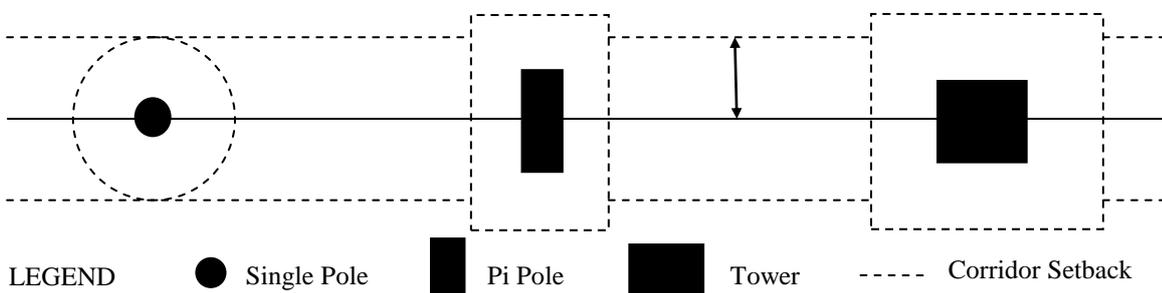


Diagram not to scale.

Amend Rule 19.6.14 Heading and replace the term “Transmission Line Corridor with “National Grid Corridor”.

- 4.425 Mr Spargo supported the Reporting Officer’s recommendation for the insertion of the definition without the inclusion of separation distances.
- 4.426 Ms Wharfe said that to clarify the intent of the definition there should at the very least be a reference as to where the setback distances can found in the Plan and when the corridor would apply – such as subdivision and for some buildings.
- 4.427 We have considered the inclusion of the definition and consider it to be appropriate. We do not consider it is necessary to provide further information to plan users as to where the definition applies or where provisions can be found. That is not done for other definitions. We therefore adopt the Reporting Officer’s recommendation and reasoning as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the Act and accept in part the submissions.

5.0 DECISION

5.1 For all of the foregoing reasons we resolve the following:

1. That pursuant to clause 10 of the Schedule 1 to the Resource Management Act 1991 the Utilities and Energy sections of the Proposed Horowhenua District Plan be approved including the amendments set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as listed in Appendix B to this decision.



Dean Chrystal



Cr Leigh McMeeken



Cr Tony Rush

Dated 23 September 2013

APPENDIX A: Proposed Plan as amended by Hearing Decisions

Chapter 8 Natural Hazards

Amend the 4th paragraph of the Explanation and Reasons to Objective 8.1.1 to read:

Preferably, lifeline and critical infrastructure and services (e.g. electricity substations and transmission networks, public water supply/treatment plants, public wastewater treatment plants, strategic road and rail networks and health care institutions/hospitals) should be placed at minimal risk from natural hazards, and therefore some form of control on the location of such services within areas of significant risks is necessary. The presence of hazardous facilities or substances within natural hazard areas may also cause additional adverse effects during an event, and therefore need to be managed.

Chapter 12 Utilities and Energy

Include a new 10th paragraph to the Utilities section of the Introduction to read:

The Council is required to give effect to any National Policy Statement (NPS). The stated objective of the NPSET is to "Recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- Managing the adverse environmental effects of the network; and
- Managing the adverse effects of other activities on the network.

The issues associated with electricity transmission are significant at a national, regional and local level and the benefits of the network must be recognised and provided for. Within the District, there is the potential for the development of new high voltage electricity transmission."

Include a new 11th paragraph to the Utilities section of the Introduction to read:

It is recognised while network utilities can have national, regional and local benefits, they can also have adverse effects on surrounding land uses, many of which have been established long before the network utility. The sustainable management of natural and physical resources requires Council to achieve a balance between the effects of different land uses.

Amend the fifth paragraph of the Energy section of the Introduction to read:

~~The benefits and need for renewable energy is recognised, and so is the need to effectively manage the potential for effects arising from energy related infrastructure through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities. Particularly where the local environment is sensitive to the scale and nature of energy generation facilities, for example adverse ecological, cultural and heritage, landscape and visual effects have the potential to be significant.~~

Amend the third paragraph of the Issue Discussion for Issue 12.1 to read:

Some areas of the District have higher levels of amenity and other environmental characteristics than others. Certain utilities may not therefore be appropriate in those locations due to the nature of their effects. For example, residential areas ~~and areas containing outstanding natural features and landscapes~~ would be vulnerable to the intrusion of large buildings or pylons. Areas with outstanding natural features and landscapes and areas of significant indigenous vegetation or habitats also need to be protected from inappropriate use and development of utilities should seek to avoid these. In some instances, locational factors may determine the exact position of a utility, but as a general principle, network utility operators will be encouraged to locate utilities in areas with characteristics similar to the utility or in a manner which will have few adverse effects on the environment.

Amend the fourth paragraph of the Issue Discussion for Issue 12.1 to read:

Therefore, in making provision for network utilities, their environmental effects must be balanced against the community's need for the service or facility. An example of this challenge is the provision of street lighting which is required for public safety, yet the spill light from this can adversely affect the night environment. It is also recognised

that there may be limited choice in locating utilities, given logistical or technical practicalities. Some level of adverse effects may need to be accepted to recognise the necessity for some utility services and facilities.

Amend Objective 12.1.1 to read:

To protect and provide for the establishment, operation, maintenance and upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment.

Amend Policy 12.1.4 to read:

“Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, domains of high landscape amenity, heritage and cultural sites and buildings, Notable Trees, coast, lakes, river and other waterways, ~~and open space~~ from the adverse environmental effects of network utilities”.

Amend Policy 12.1.7 to read:

Require services where practicable, to be underground in new areas of development within Urban areas and Greenbelt Residential areas.

Amend Policy 12.1.9 to read:

Recognise the presence and function of existing network utilities, and their locational and operational requirements, by managing land use, development and / or subdivision in locations which could compromise their safe and efficient operation and maintenance ~~subdivision and new land use activities adjacent to them~~, to ensure the long-term efficient and effective functioning of that utility.

Add to the end of the paragraph 2 of the Explanation and Principal Reasons:

It is recognised that many network utilities in the District are located in the Rural zone and often on privately owned land. In some circumstances the location of these network utilities can constrain the activities undertaken on the land. Where resource consent is required to establish, construct, operate, maintain and upgrade network utilities in the Rural zone, consideration should be given to the effects of the network utility on the existing activities undertaken on the land such as primary production.

Add a new paragraph after the 2nd paragraph of the Explanation and Principal Reasons 12.1.1 to read:

In considering the environmental effects of new transmission infrastructure or major upgrades of existing transmission infrastructure, the NPS on Electricity Transmission (2008) requires that Council must have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection.

Amend the third paragraph of the Explanation and Principal Reasons 12.1.1 to read:

In establishing the standards and in assessing resource consent applications, it is important to recognise the location of utilities is often dictated by operational and technical requirements. For example, constraints imposed on avoiding, remedying and mitigating adverse environmental effects of transmission activities are recognised under the NPSET (Policy 3). In addition, given the function and role of network utilities, some must be distributed throughout the District and in particular settlements.

Amend the fourth paragraph of Explanation and Principle Reasons 12.1.1 as follows:

Services such as power and telecommunications have traditionally been provided throughout the District by way of overhead servicing. However, overhead lines and structures associated with services can detract from visual amenity and be a crash hazard, therefore provision of new reticulation is required to be by way of underground reticulation. It is also

Amend the sixth paragraph of Explanation and Principle Reasons 12.1.1 as follows:

There are a number of large scale utilities within the District and to protect the adjoining activities and the ongoing operation of the utilities, various degrees of control will be implemented. In particular, it is important to protect the

operation of network utilities from incompatible activities on adjacent sites. The continued ability for network utilities ...

Amend Methods for Issue 12.1 & Objective 12.1.1 (bullet points 3, 4, 6 and 7) to read:

- ~~• Resource consents will be required for network utility operations which do not comply with performance standards, or for heritage buildings and sites, or Outstanding Natural Features and Landscapes.~~
- Require network utilities that do not comply with performance standards, including those that apply to network utilities, which have variable effects or which may have adverse effects if located in Outstanding Natural Features and Landscapes, heritage sites or buildings, or within Rural zoned parts of the Coastal Environment, Coastal Lakes, Manakau Downlands and Hill Country Landscape Domains, some localities, to be assessed through the resource consent process to consider the potential effects of the proposal and impose specific conditions if appropriate.
- Promote the use of relevant Codes of Practice and industry guidelines.
- Designated network utilities and sites including the National Grid will be identified on the Planning Maps.

Amend Issue 12.2 to read:

Like all districts in New Zealand, the Horowhenua District is required under the NPS for Renewable Energy Generation to provide for the development of renewable electricity facilities as a matter of national significance. The development of new electricity generation facilities can create adverse effects on the environment, in particular, the scale and utilitarian nature of many facilities may cause adverse landscape and visual effects. Generating electricity from renewable resources can have greater environmental benefits compared to utilising non-renewable energy resources, as well as support economic and social well-being at a local, regional and national level.

Add to the end of the fourth paragraph of the Issue Discussion the following:

... . The Mangahao Power Station located east of Shannon is currently the District's only renewable energy facility. This facility contributes to the national renewable energy generation and its continued operation will be important in responding to the challenge of meeting the national target of 90% of electricity in New Zealand being from renewable sources by 2025.

Add new paragraph to the end the Issue Discussion:

Energy efficiency and conservation go hand in hand with renewable energy. Passive energy approaches towards energy efficiency and conservation can be taken in relation to the built environment. These include orientation of buildings towards the sun to assist passive heating, cooling and natural lighting. Reductions in overall energy use can be made through provision of hot water through solar water heating. The success of these approaches is dependent on the initial layout of a subdivision or building development providing landowners with opportunities to implement these passive energy approaches. It is important that future developments consider energy efficient and conservation measures. 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.

Amend Objective 12.2.1 to read:

To recognise ~~the need for,~~ and provide for the efficient use of energy and the development and use of renewable electricity generation infrastructure, where the adverse effects on the environment can be energy-utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are avoided, remedied or mitigated.

Amend Policy 12.2.3 to read:

"Provide for small domestic scale renewable electricity generation facilities where their adverse effects on the environment are not significant can be avoided, remedied or mitigated."

Amend Policy 12.2.4 to read:

Manage the establishment and development of new renewable electricity generation facilities to ensure the adverse environmental effects on the environment that are more than minor are avoided, remedied or mitigated.

Amend Policy 12.2.5 to read:

Recognise the contribution of renewable energy use and development to the well-being of the District, Region and Nation. ~~and the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.~~

Include a new Policy 12.2.X:

Recognise the technical, locational and operational requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.

Amend Policy 12.2.7 to read:

Avoid adverse effects which are more than minor ~~the development~~ of renewable electricity generation facilities ~~where they will adversely affect on~~ the character and values of outstanding natural features and landscapes; or where avoidance is not reasonably practicable then the effects need to be remedied or mitigated.

Amend Policy 12.2.8 to read:

Ensure development of renewable electricity generation facilities minimises visual ~~do not~~ interruption or intrusion of ~~intrude~~ views of the Tararua Ranges when viewed from public spaces within the Levin urban area.

Amend Policy 12.2.9 to read:

Provide for the identification and assessment by energy generators and developers, of potential sites and energy sources for renewable electricity generation.

Amend Policy 12.2.11 to read:

Ensure that new land use, development and / or subdivision ~~subdivisions and land use~~ activities do not adversely affect the efficient operation, ~~and~~ maintenance and upgrading of existing renewable electricity generation or distribution facilities.

Amend Policy 12.2.13 to read:

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.

Amend Policy 12.2.14 to read:

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.

Add a new heading and method to the Methods for Issue 12.2 & Objective 12.2.1 as follows:

Other Processes

- Work with the Energy Industry to develop an infrastructure strategy that among other things signals community interest in preferred locations for potential renewable electricity generation.

Chapter 15 Residential Zone

Amend Rule 15.7.5(a)(iv) to read:

The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, street lighting, telecommunications and electricity and, where applicable, gas.

Chapter 19 Rural Zone

Amend Rule 19.1(k) and add a Note as follows:

“(k) The following network utilities and electricity generation activities:

- (i) The construction, operation, maintenance and minor upgrading of network utilities.
- (ii) Wind monitoring masts.

(iii) Domestic scale renewable energy device.

(iv) The operation, maintenance, refurbishment, enhancement and minor upgrading of an existing energy generation facility, except where significant external modification is involved, including an increase in floor area of up to 15% of the existing gross floor area

Notes

...

- The Rules associated with Network Utilities are contained within Chapter 22.

Amend Rule 19.6.14 Heading and replace the term “Transmission Line Corridor with “National Grid Corridor”.

Amend Rule 19.6.24(b) to read:

All other relevant conditions in this part of the District Plan shall also apply to any new network utilities or upgrade of any network utility or associated structure which are not able to meet the permitted activity conditions under Rule 22.1.10.

Chapter 22 Utilities & Energy

Amend Rule 22.1.4 to read:

Notwithstanding any other conditions, where it is proposed to locate any network utility structure on a site adjoining the Residential Zone, the performance conditions of the adjoining Residential Zone in relation to setbacks from boundaries and daylight setback envelope shall apply ~~in relation to the height and location of any network utility structure.~~

Amend Rule 22.1.8 to read:

(a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic scale renewable energy device shall not exceed the following maximum height requirements:

- (i) 13.5 metres in the Residential Zone and Open Space Zone.
- (ii) ~~13.5~~ 15 metres in the Commercial Zone, except in the Pedestrian Area Overlay in Levin.
- (iii) 20 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin.
- (iv) ~~20~~ 25 metres in the Industrial Zone.

This maximum height is not to be exceeded by the support structure, aerial or antenna mounting or the aerial or antenna whether affixed to the land, a building or an existing mast, tower or pole, except for lightning rods where they do not exceed:

- 1 square metre in area on any one side or
- 2 metres above the building or structure to which it is attached or
- 600mm in diameter.

(v)...

- (vii) 25 metres in the Commercial Zone in the Pedestrian Area Overlay in Levin and Rural Zone where antennas of more than one network utility operator are co-located on the same mast.

Amend Rule 22.1.8(b) to read:

All wind monitoring masts shall comply with the following conditions:

- (i) Maximum Height: 80 metres.
- (ii) Maximum Diameter: ~~250~~500mm.
- (iii) Minimum Setback: ~~500 metres from all boundaries~~ Equal to the height of the wind monitoring mast from any boundary of a site under separate ownership and subject to any guy wires being anchored outside the building setback requirements for the zone.
- (iv) Equipment: Limited to instrumentation necessary to record and log wind direction and speed.

Amend Rule 22.1.10(a) to read:

Rule 22.1.10 Maintenance, Replace and Upgrading Network Utilities including generation and distribution utilities for renewable sources of energy

(a)

(vii) Existing gas transmission and distribution facilities.

(viii) Council Network Utilities.

Include a new Restricted Discretionary Activity Rule 22.2

Rule 22.2 Restricted Discretionary Activities

22.2.1 The following activities shall be Restricted Discretionary Activities:

(a) Any activities not complying with the Permitted Activity Conditions in Rule 22.1 shall be Restricted Discretionary Activities, with the exercise of the Council's discretion being restricted to the matter(s) specified in the assessment matters in 25.7.12.

Chapter 25 Assessment Criteria

Include a new assessment criterion under 25.2.1 General that reads:

The extent to which a proposed activity will affect the efficient and effective operation of district significant infrastructure. Consideration will be given to advice provided by the manager of the potentially affected infrastructure.

Amend Assessment Criteria 25.7.12(f) to read:

With respect to network utilities, ~~W~~whether alternative locations, routes or other options are economically, operationally, physically or technically practicable.

Amend Assessment Criteria 25.7.13 to read:

- (a) The landscape and visual effects of the proposal, including:
- (i) The extent to which the proposal will adversely affect rural character, views from residences, key public places, including roads, and recreation areas.
 - (ii) The visibility of the proposal, including the number of turbines and their height.
 - (iii) The extent to which the proposal will ~~adversely~~ affect the natural character of the Coastal Environment, water bodies, and Outstanding Natural Features and Landscapes.
 - (iv) The extent to which any aspects of the proposal can be sited underground.
- (b) The ecological impact of the proposal on the habitats of flora and fauna,~~including the extent of the disruption to vegetation and habitat, any impacts on waterways, and the likely effect on birds and other fauna.~~
- (c) The effects on heritage, cultural, geological and archaeological values and sites.
- (d) The effects of traffic and vehicle movements.
- (e) The actual or potential noise effects of the construction, development and operation of the wind energy facilities, including particular consideration of any ~~the~~ special audible characteristics, and the proximity to and effect on settlements or dwellings, and the ability to meet NZS 6808:2010 Acoustics – Wind Farm Noise.
- (f) The extent to which the proposal will ~~adversely~~ affect amenity values of the surrounding environment, including the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker.
- (g) The ~~extent~~ effects of any earthworks, including the construction of access tracks, roads and turbine platforms.

- (h) The cumulative effects of the proposal.
- (i) The positive local, regional and national benefits to be derived from the use and development of renewable energy.
- (j) Mitigation and rehabilitation works.
- (k) Operational and technical considerations.

Chapter 26 Definitions

Amend the definition of “Site” in Chapter 26 to read:

Site means an area of land ~~comprised wholly of~~ held in one (1) computer register (certificate of title); or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; ~~or an area of land held in one (1) computer register.~~

Amend the definition of “Wind Energy Facilities” in Chapter 26 to read:

Wind Energy Facilities means the land, buildings, turbines, structures, substations, underground cabling, earthworks, access tracks and roads associated with the generation of electricity by wind ~~force~~ and the operation and maintenance of the wind energy facility. This does not include domestic scale renewable energy device or any cabling required to link the wind energy facility to the point of entry into the electricity network, whether transmission or distribution in nature.

Include a new definition in Chapter 26 Definitions for “National Grid Corridor” to read:

National Grid Corridor: means a corridor either side of the assets used or owned by Transpower NZ Limited as part of the National Grid. The measurement of setback distances from National Grid electricity lines shall be taken from the centre line of the electricity transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span as depicted on the diagram below.

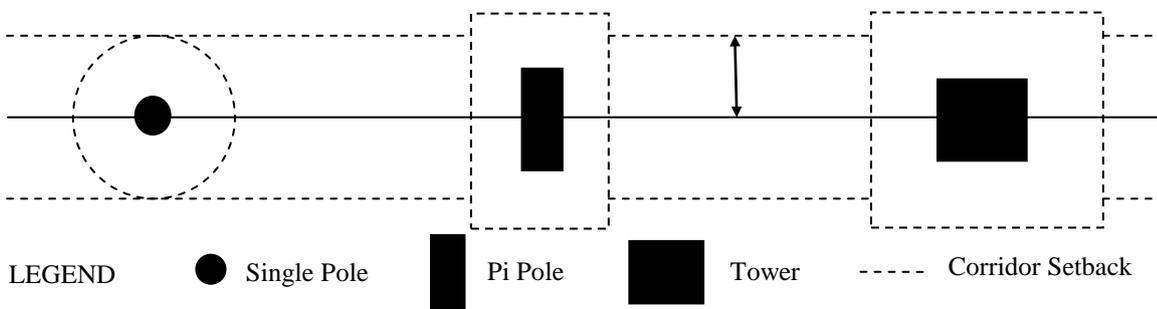


Diagram not to scale.

Planning Maps

Amend the Planning Map Legend to read:

National Grid Corridor (High Voltage Electricity Transmission Lines)

APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Hearing Panel Decision
99.07		Transpower New Zealand Ltd		Accept In-Part
	514.18	Todd Energy Ltd	Support	Accept In-Part
	515.18	KCE Mangahao Ltd	Support	Accept In-Part
	516.06	Federated Farmers of New Zealand	Oppose	Accept In-Part
100.00		NZWEA		Accept
25.02		Michael White		Accept In-Part
	511.06	HDC (Community Assets Department)	Oppose	Accept In-Part
	525.18	Maurice & Sophie Campbell	Support	Accept In-Part
99.08		Transpower New Zealand Ltd		Accept In-Part
41.11		Powerco		Accept In-Part
99.09		Transpower New Zealand Ltd		Accept
	528.24	Horizons Regional Council	Oppose	Reject
99.10		Transpower New Zealand Ltd		Accept
41.02		Powerco		Accept In-Part
78.00		Telecom New Zealand Ltd		Accept In-Part
79.00		Chorus New Zealand Ltd		Accept In-Part
99.11		Transpower New Zealand Ltd		Accept In-Part
	512.04	Vector Gas Ltd	In-Part	Accept In-Part
	516.09	Federated Farmers of New Zealand	Oppose	Accept In-Part
41.03		Powerco		Accept
78.01		Telecom New Zealand Ltd		Accept
79.01		Chorus New Zealand Ltd		Accept
25.01		Michael White		Reject
	525.17	Maurice & Sophie Campbell	Support	Reject
41.04		Powerco		Accept
78.02		Telecom New Zealand Ltd		Accept
79.02		Chorus New Zealand Ltd		Accept
98.35		Horticulture NZ		Accept In-Part
	505.04	Powerco	Oppose	Accept In-Part
	506.56	Ernslaw One Ltd	Support	Accept In-Part
	513.23	Rayonier New Zealand Ltd	Support	Accept In-Part
	514.13	Todd Energy Ltd	Oppose	Accept In-Part
	515.13	KCE Mangahao Ltd	Oppose	Accept In-Part
	516.10	Federated Farmers of New Zealand	Support	Accept In-Part
	518.04	Transpower New Zealand Ltd	In-Part	Accept In-Part
99.12		Transpower New Zealand Ltd		Accept In-Part

	512.05	Vector Gas Ltd	Support	Accept In-Part
	516.11	Federated Farmers of New Zealand	Oppose	Accept
41.05		Powerco		Accept In-Part
78.06		Telecom New Zealand Ltd		Accept
	505.05	Powerco	Support	Accept
79.06		Chorus New Zealand Ltd		Accept
25.09		Michael White		Reject
	525.25	Maurice & Sophie Campbell	Support	Reject
41.06		Powerco		Accept
41.07		Powerco		Accept
78.03		Telecom New Zealand Ltd		Accept
79.03		Chorus New Zealand Ltd		Accept
80.06		Todd Energy Ltd		Accept
92.06		KCE Mangahao Ltd		Accept
99.13		Transpower New Zealand Ltd		Accept
91.01		HDC (Community Assets Department)		Accept
	526.02	Truebridge Associates Ltd	Oppose	Reject
41.08		Powerco		Accept In-Part
41.09		Powerco		Accept
78.05		Telecom New Zealand Ltd		Accept
79.05		Chorus New Zealand Ltd		Accept
41.10		Powerco		Accept In-Part
78.04		Telecom New Zealand Ltd		Accept In-Part
79.04		Chorus New Zealand Ltd		Accept In-Part
99.14		Transpower New Zealand Ltd		Accept
80.07		Todd Energy Ltd		Accept In-Part
92.07		KCE Mangahao Ltd		Accept In-Part
91.02		HDC (Community Assets Department)		Accept
	526.03	Truebridge Associates Ltd	Oppose	Reject
99.15		Transpower New Zealand Ltd		Accept
99.16		Transpower New Zealand Ltd		Accept
41.12		Powerco		Accept In-Part
80.08		Todd Energy Ltd		Accept In-Part
92.08		KCE Mangahao Ltd		Accept In-Part
99.17		Transpower New Zealand Ltd		Accept
80.09		Todd Energy Ltd		Accept In-Part
92.09		KCE Mangahao Ltd		Accept In-Part
100.01		NZWEA		Accept In-Part
	516.07	Federated Farmers of New Zealand	Oppose	Accept In-Part

80.10		Todd Energy Ltd		Accept In-Part
92.10		KCE Mangahao Ltd		Accept In-Part
44.01		Genesis Power Ltd		Accept
100.02		NZWEA		Reject
99.19	501.09	Transpower New Zealand Ltd Genesis Power Ltd	Support	Accept In-Part Accept In-Part
44.02		Genesis Power Ltd		Accept
44.03		Genesis Power Ltd		Accept
44.04		Genesis Power Ltd		Reject
80.12		Todd Energy Ltd		Accept In-Part
80.27	501.06	Todd Energy Ltd Genesis Power Ltd	Oppose	Accept In-Part Accept In-Part
92.12	501.01	KCE Mangahao Ltd Genesis Power Ltd	Oppose	Accept In-Part Accept In-Part
92.27		KCE Mangahao Ltd		Accept In-Part
100.03	501.12	NZWEA Genesis Power Ltd	Oppose	Accept In-Part Accept In-Part
44.05	514.00 515.00	Genesis Power Ltd Todd Energy Ltd KCE Mangahao Ltd	Support Support	Accept Accept Accept
99.20		Transpower New Zealand Ltd		Accept In-Part
100.04		NZWEA		Accept In-Part
44.06	514.01 515.01 528.10	Genesis Power Ltd Todd Energy Ltd KCE Mangahao Ltd Horizons Regional Council	Support Support Oppose	Reject Reject Reject Accept
99.22	501.10 516.12	Transpower New Zealand Ltd Genesis Power Ltd Federated Farmers of New Zealand	Oppose Oppose	Reject Accept Accept
100.05	501.13	NZWEA Genesis Power Ltd	Support	Reject Reject
44.07	514.02 515.02 527.02 528.11	Genesis Power Ltd Todd Energy Ltd KCE Mangahao Ltd DoC Horizons Regional Council	Support Support Oppose Oppose	Accept In-Part Accept In-Part Accept In-Part Accept In-Part Accept In-Part
100.06	501.14 514.19	NZWEA Genesis Power Ltd Todd Energy Ltd	In-Part Support	Accept In-Part Accept In-Part Accept In-Part

	515.19	KCE Mangahao Ltd	Support	Accept In-Part
44.08		Genesis Power Ltd		Accept In-Part
	514.03	Todd Energy Ltd	Support	Accept In-Part
	515.03	KCE Mangahao Ltd	Support	Accept In-Part
	528.12	Horizons Regional Council	Oppose	Accept In-Part
80.13		Todd Energy Ltd		Accept In-Part
	501.07	Genesis Power Ltd	Support	Accept In-Part
92.13		KCE Mangahao Ltd		Accept In-Part
	501.02	Genesis Power Ltd	Support	Accept In-Part
100.07		NZWEA		Accept In-Part
	501.15	Genesis Power Ltd	In-part	Accept In-Part
	514.20	Todd Energy Ltd	Support	Accept In-Part
	515.20	KCE Mangahao Ltd	Support	Accept In-Part
	528.25	Horizons Regional Council	Oppose	Accept In-Part
44.09		Genesis Power Ltd		Accept In-Part
	514.04	Todd Energy Ltd	Support	Accept In-Part
	515.04	KCE Mangahao Ltd	Support	Accept In-Part
100.08		NZWEA		Accept In-Part
44.10		Genesis Power Ltd		Accept
	514.05	Todd Energy Ltd	Support	Accept
	515.05	KCE Mangahao Ltd	Support	Accept
100.09		NZWEA		Accept
44.11		Genesis Power Ltd		Accept In-Part
	514.06	Todd Energy Ltd	Support.	Accept In-Part
	515.06	KCE Mangahao Ltd	Support	Accept In-Part
80.15		Todd Energy Ltd		Accept In-Part
	501.08	Genesis Power Ltd	In-Part	Accept In-Part
92.15		KCE Mangahao Ltd		Accept In-Part
	501.03	Genesis Power Ltd	In-Part	Accept In-Part
99.21		Transpower New Zealand Ltd		Accept
	516.13	Federated Farmers of New Zealand	Oppose	Reject
	501.11	Genesis Power Ltd	Support	Accept
25.10		Michael White		Accept In-Part
	525.26	Maurice & Sophie Campbell	Support	Accept In-Part
42.12		Genesis Power Ltd		Accept In-Part
44.13		Genesis Power Ltd		Accept In-Part
44.14		Genesis Power Ltd		Accept In-Part
80.11		Todd Energy Ltd		Reject
	501.05	Genesis Power Ltd	Support	Reject

	503.07	NZWEA	Support	Reject
92.11		KCE Mangahao Ltd		Reject
	501.00	Genesis Power Ltd	Support	Reject
	503.08	NZWEA	Support	Reject
100.10		NZWEA		Reject
80.14		Todd Energy Ltd		Reject
92.14		KCE Mangahao Ltd		Reject
110.11		NZWEA		Accept In-Part
	514.21	Todd Energy Ltd	Support	Accept In-Part
	515.21	KCE Mangahao Ltd	Support	Accept In-Part
	527.11	DoC	Oppose	Accept In-Part
	528.26	Horizons	Oppose	Accept In-Part
99.18		Transpower New Zealand Ltd		Accept In-Part
26.08		Horowhenua Astronomical Society Inc		Accept In-Part
29.14		Allen Little		Accept In-Part
80.05		Todd Energy Ltd		Accept In-Part
92.05		KCE Mangahao Ltd		Accept In-Part
101.64		DoC		Accept In-Part
	503.02	NZWEA	Oppose	Accept In-Part
41.15		Powerco		Accept
41.36		Powerco		Accept
41.16		Powerco		Accept
41.17		Powerco		Accept
41.18		Powerco		Accept In-Part
80.16		Todd Energy Ltd		Accept In-Part
	517.21	Horticulture NZ	Oppose	Accept In-Part
92.16		KCE Mangahao Ltd		Accept In-Part
96.28		Federated Farmers of New Zealand		Accept In-Part
	506.15	Ernslaw One Ltd	Support	Accept In-Part
	507.10	Chorus	Oppose	Accept In-Part
	508.10	Telecom	Oppose	Accept In-Part
	513.15	Rayonier New Zealand Ltd	Support	Accept In-Part
	514.11	Todd Energy	Oppose	Accept In-Part
	515.11	KCE Mangahao Ltd	Oppose	Accept In-Part
	517.20	Horticulture NZ	Support	Accept In-Part
	518.05	Transpower New Zealand Ltd	In-Part	Accept In-Part
98.36		Horticulture NZ		Accept
	514.14	Todd Energy	Oppose	Reject
	515.14	KCE Mangahao Ltd	Oppose	Reject

	518.06	Transpower New Zealand Ltd	In-Part	Reject
99.23		Transpower New Zealand		Accept In-Part
99.26		Transpower New Zealand Ltd		Accept
80.17		Todd Energy Ltd		Accept
99.28		Transpower New Zealand Ltd		Accept In-Part
41.19		Powerco		Accept
41.40		Powerco		Accept
99.34		Transpower New Zealand Ltd		Accept
25.08		Michael White		Accept In-Part
	525.24	Maurice & Sophie Campbell	Support	Accept In-Part
41.41		Powerco		Accept
98.46		Horticulture NZ		Reject
	514.15	Todd Energy Ltd	Oppose	Accept
	515.15	KCE Mangahao Ltd	Oppose	Accept
	516.23	Federated Farmers of New Zealand	Support	Reject
	518.12	Transpower New Zealand Ltd	Oppose	Accept
99.35		Transpower New Zealand Ltd		Reject
	517.36	Horticulture NZ	Oppose	Accept
78.13		Telecom New Zealand Ltd		Accept
79.13		Chorus New Zealand Ltd		Accept
41.42		Powerco		Accept
99.36		Transpower New Zealand Ltd		Accept
41.43		Powerco		Accept
41.44		Powerco		Accept
78.14		Telecom New Zealand Ltd		Accept
78.16		Telecom New Zealand Ltd		Accept
79.14		Chorus New Zealand Ltd		Accept
79.16		Chorus New Zealand Ltd		Accept
44.17		Genesis Power Ltd		Accept
44.18		Genesis Power Ltd		Accept
100.13		NZWEA		Accept
44.19		Genesis Power Ltd		Accept In-Part
	503.06	NZWEA	In-Part	Accept In-Part
	514.07	Todd Energy Ltd	Support	Accept In-Part
	515.07	KCE Mangahao Ltd	Support	Accept In-Part
41.45		Powerco		Accept
	512.00	Vector Gas Ltd	Support	Accept
42.00		Vector Gas Ltd		Accept In-Part
80.19		Todd Energy Ltd		Accept

	514.09	Todd Energy Ltd	In-Part	Accept
	515.09	KCE Mangahao Ltd	In-Part	Accept
92.19		KCE Mangahao Ltd		Accept
	514.10	Todd Energy	In-Part	Accept
	515.10	KCE Mangahao Ltd	In-Part	Accept
99.37		Transpower New Zealand Ltd		Accept In-Part
91.06		HDC (Community Assets Department)		Accept
	511.14	HDC (Community Assets Department)	In-Part	Reject
	526.07	Truebridge Associates Ltd	Oppose	Reject
98.47		Horticulture NZ		Reject
96.38		Federated Farmers of New Zealand		Reject
	506.22	Ernslaw One Ltd	Support	Reject
	507.11	Chorus	Oppose	Accept
	508.11	Telecom	Oppose	Accept
	514.12	Todd Energy Ltd	Oppose	Accept
	515.12	KCE Mangahao Ltd	Oppose	Accept
	518.13	Transpower New Zealand Ltd	Oppose	Accept
78.17		Telecom New Zealand Ltd		Accept
79.17		Chorus New Zealand Ltd		Accept
78.18		Telecom New Zealand Ltd		Accept In-Part
79.18		Chorus New Zealand Ltd		Accept In-Part
100.14		NZWEA		Accept In-Part
	501.16	Genesis Power Ltd	Support	Accept In-Part
	516.24	Federated Farmers Of New Zealand	In-Part	Accept In-Part
	527.12	Director General of Conservation (DoC)	Oppose	Accept In-Part
	528.27	Horizons Regional Council	Oppose	Accept In-Part
100.15		NZWEA		Accept In-Part
44.15		Genesis Power Ltd		Accept In-Part
44.16		Genesis Power Ltd		Reject
	514.07	Todd Energy Ltd	Support	Reject
78.12		Telecom New Zealand Ltd		Reject
79.12		Chorus New Zealand Ltd		Reject
80.18		Todd Energy Ltd		Accept In-Part
81.18		KCE Mangahao Ltd		Accept In-Part
41.49		Powerco		Accept In-Part
42.02		Vector Gas Ltd		Accept In-Part
	501.18	Genesis Power Ltd	In-Part	Accept In-Part
44.23		Genesis Power Ltd		Accept
99.43		Transpower New Zealand Ltd		Reject

99.44		Transpower New Zealand Ltd		Accept In-Part
44.25	514.08	Genesis Power Ltd		Reject
	515.08	Todd Energy Ltd	Support	Reject
		KCE Mangahao Ltd	Support	Reject
44.26	527.03	Genesis Power Ltd		Accept In-Part
		DoC	Oppose	Accept In-Part
44.27		Genesis Power Ltd		Accept In-Part
100.17	527.13	NZWEA		Accept In-Part
		DoC	Oppose	Accept In-Part
100.18		NZWEA		Accept
41.50		Powerco		Accept
100.19		NZWEA		Reject
100.20	501.17	NZWEA		Accept In-Part
		Genesis Power Ltd	Support	Accept In-Part
99.06	516.27	Transpower New Zealand Ltd		Accept In-Part
		Federated Farmers	Oppose	Accept In-Part
99.48	516.28	Transpower New Zealand Limited		Accept In-Part
	517.41	Federated Farmers of New Zealand	Oppose	Accept In-Part
		Horticulture NZ	In-Part	Accept In-Part