



Section 42A Report to the District Plan Review Hearing Panel

Proposed Horowhenua District Plan Utilities and Energy

April 2013



Hearing Date: 6-7 May 2013
Report Prepared by: David McCorkindale
Report Number: 12.01

NOTE TO SUBMITTERS

Submitters should note that the hearings on the Proposed District Plan have been organised according to topic. A total of 14 hearings are scheduled to hear submissions on each of the 14 topics. The topic which is the subject of this report is Utilities and Energy.

It is very likely that submitters who have made submission points in relation to Utilities and Energy may have also made submission points on other parts of the Proposed Plan. This report only addresses those submission points that are relevant to the subject of this report.

The hearings of submissions to the Proposed District Plan are being collectively heard by a Panel of eight commissioners. The appointed commissioners include a mix of local Councillors and independent commissioners. In most cases each hearing will be heard by a panel of three commissioners selected from the eight panel members. This does mean that different commissioners will be sitting on different hearings. It therefore will require submitters to ensure that when speaking at a hearing that they keep to their submission points that have been covered by the Planning Report for that hearing.

To assist submitters in finding where and how their submissions have been addressed in this report, a submitter index has been prepared and can be found at the very end of the report. The index identifies the page number(s) of where the submitter's submission points have been addressed in the report.

Submitters may also find the table contained in Section 6.2 of this report helpful as it identifies the Reporting Officer's recommendation to the Hearing Panel on every submission point and further submission point addressed in this report.

EXECUTIVE SUMMARY

The Horowhenua District Plan has been operative for over thirteen years (since 13th September 1999). During this time Council has undertaken a number of plan changes although the majority have been of a minor technical nature. In 2009 Council publicly notified three substantive plan changes that sought to address Rural Subdivision, Urban Growth and Outstanding Natural Features and Landscapes. A significant portion of the Operative District Plan has not been reviewed or modified since becoming operative in 1999. The Council in fulfilling its statutory duties has undertaken a review of those parts of the District Plan that have not been subject of a plan change after 2008.

This report focuses on the topic of Utilities and Energy. 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. Chapter 12 is effectively a new chapter as the current Operative Plan did not have a policy chapter that specifically addressed both Utilities and Energy. The Operative Plan has been silent on Energy.

While Plan Change 22 (Outstanding Natural Features and Landscapes) did review some of the rules in relation to the network utilities in the rural areas and specifically the areas of Outstanding Natural Features and Landscapes, the majority of the provisions within the Operative District Plan have largely not been the subject of any plan change or review process since the District Plan became operative (September 1999).

The Proposed District Plan was publicly notified for submissions on 14 September 2012. The period for further submissions closed 20 December 2012. Through the public notification process a number of submissions were received supporting and opposing the Proposed Plan provisions. 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.

The purpose of this report is to summarise the key issues raised in submissions and to provide advice to the District Plan Review Hearings Panel on the issues raised. All submission points have been evaluated in this report, with specific recommendations for each point raised within each submission. These recommendations include amendments to the Proposed Plan, including refinements to the wording of some provisions. Whilst recommendations are provided, it is the role of the District Plan Review Hearing Panel to consider the issues, the submissions received, the evidence presented at the hearing, and the advice of the reporting planner for Council before making a decision. The District Plan Review Hearing Panel has full delegated authority from the Council to make its decision. That decision is binding on Council subject to any appeals.

The District Plan Review Hearings Panel in making its decisions will determine whether to accept, reject or accept in part, the submissions received, and as a consequence, any amendments to be made to the Proposed Plan.

The officer's recommendations on the key issues raised in the submissions include:

- 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, 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 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

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1. Introduction

1.1 Qualifications

My full name is David Bruce McCorkindale. I hold a Bachelor of Resource and Environmental Planning (Honours) degree from Massey University, Palmerston North, New Zealand. I have over 12 years of experience as a planner. This has included working as a Resource Management Planner at the Horowhenua District Council for four and a half years before working as a Development Control Planner in the United Kingdom for the London Borough of Lewisham and the Watford Borough Council. I returned to the Horowhenua District Council in January 2008 to work as Senior Planner before taking on my current role of Project Manager (District Plan Review). I have been involved with and responsible for the review of the Horowhenua District Plan since the review project commenced in November 2009.

I have been involved with the Council-initiated Plan Changes 20 – 23 to the Horowhenua District Plan which have been undertaken since 2008. I have an understanding of the District Plan Review processes and requirements, a thorough understanding in the implementation and workability of district plans from a plan administration point of view, as well as knowledge and understanding of the significant resource management issues in the Horowhenua district.

1.2 Purpose

The purpose of this report is to assess the Proposed District Plan in terms of the relevant statutory considerations and obligations, taking into account those issues raised in submissions, and an analysis of the appropriateness and effectiveness of the proposed provisions in providing for Utilities and Energy in the Horowhenua District. I provide my findings and recommendations to the Hearings Panel in accordance with Section 42A of the Resource Management Act.

1.3 Outline

This report considers submissions and further submissions which were received on 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 Horowhenua District Plan (referred to in this report as “the Proposed Plan”). This report has been prepared in accordance with Section 42A of the Resource Management Act (“the RMA”) to assist the Hearings Panel with its consideration of submissions received in respect of the provisions in these parts of the Proposed Plan.

This report is structured according to the following format:

- An overview of the Proposed Plan
- Statutory Requirements
- Analysis of Submissions
- Recommended Amendments to Proposed Plan

The report discusses each submission or groups of similar submissions and includes a recommendation from the report writer on each submission that has received, **but the recommendation is not the decision of the Horowhenua District Council** (“the Council”).

Following consideration of all the submissions and supporting evidence, if any, presented by the submitters and further submitters at the hearing, the Hearings Panel will make a decision on the

submissions. The decision report prepared by the Hearing Panel will include the Hearing Panel's decision to accept, accept in part, or reject individual submission points, and any amendments to the Proposed Plan. All recommendations in this report are subject to consideration of any further evidence provided by submitters at the hearing.

The amendments to the Proposed Plan arising from the reporting planner's recommendations discussed throughout this report are listed in full in Section 6.2. The suggested amendments are set out in the same style as the Proposed District Plan.

The Analysis of Submissions section has been structured by grouping submission points according to individual provisions in the Proposed Plan. As far as possible, the individual submission points are listed in order to match the contents of each Plan provision. The submission points relating to text or maps are listed first.

Each submission and further submission has been given a unique number (e.g. 58). Further submissions follow the same number format although they start at the number 500, therefore any submitter number below 500 relates to an original submission and any submitter number of 500 or higher relates to a further submission.

In addition to the submission number, each submission point (relief sought) has been given a unique number (e.g. 01). When combined with the submitter number, the submission reference number reads 58.01, meaning submitter number 58 and submission point number 01. A similar numbering system has been used for further submissions.

This report contains selected text from the Proposed Plan itself, either when changes have been requested by a submitter or where a change is recommended by Council officers or advisers. Where changes to the text are recommended in this report the following protocols have been followed:

- New additional text is recommended is shown as underlined (i.e. abcdefghijkl)
- Existing text is recommended to be deleted is shown as struck-out (i.e. ~~abcdefghijkl~~)

2. Proposed Horowhenua District Plan

2.1 Background

In November 2009, Council resolved to undertake a full review of its Operative District Plan. Under Section 79 of the RMA, the Council is required to commence a review of its District Plan provisions which have not been reviewed in the previous 10 years. The Council has notified 23 District Plan changes since the District Plan was made operative in September 1999. These Plan Changes addressed a wide range of issues, with the most recent Plan Changes including rural subdivision, urban growth, outstanding natural features and landscapes, and financial contributions. Whilst these Plan Changes covered a number of the provisions in the District Plan, many other provisions had not been changed or reviewed. Accordingly, the Council decided to do a full review of the rest of the District Plan, including the earlier Plan Changes. This review did not cover the most recent Plan Changes 20 – 22, which were not operative at the time the Proposed Plan was notified.

Chapter 12 of the Proposed Plan contains Issues, Objectives, Policies, Methods, Anticipated Environmental Results and associated explanations for Utilities and Energy. Chapter 22 of the Proposed Plan contains the rules and standards for Utilities and Energy with rules for Network Utilities and Energy also appearing throughout the zone chapters (15-20). The Operative Plan is

currently silent on Energy and does not contain any policy direction or provisions addressing this topic. Chapters 12 and 22 of the Proposed Plan are effectively updated and revised versions of Section 12 (Network Utilities) and 22 (Network Utilities) in the Operative Plan following a review of the existing provisions and the inclusion of provisions relating to Energy.

2.2 Consultation & Process

As outlined in the Section 32 Report associated with the Proposed Plan, general and targeted consultation has been undertaken for the District Plan Review from 2009. The general consultation was undertaken in two phases: 1. Survey and 2. Discussion Document (refer to the Section 32 Report for further details on the consultation approach and process).

Below is a summary of issues raised during this consultation relating to the District Plan:

- Giving effect to and referencing national policy statements and standards.
- Providing for the ongoing maintenance, operation and upgrading of existing network utilities.
- Protection of major infrastructure from reverse sensitivity effects.
- Integration of land use planning and infrastructure.

2.2.1 Late Submissions

No late submissions were received which raised matters relating to the topic of Utilities and Energy.

3. Statutory Requirements

3.1 Resource Management Act 1991

In preparing a District Plan, HDC must fulfil a number of statutory requirements set down in the Resource Management Act, including:

- Part II, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
- Section 31, Functions of Territorial Authorities;
- Section 32, Duty to consider alternatives, assess benefits and costs;
- Section 72, Purpose of district plans
- Section 73, Preparation and change of district plans;
- Section 74, Matters to be considered by territorial authorities;
- Section 75, Contents of district plans

Below I have summarised the key matters from the above requirements which are particularly relevant to this report. Section 75(1)(a)-(c) of the RMA sets out the items the contents of a District Plan “must” state *“the objectives for the district; and the policies to implement the objectives; and the rules (if any) to implement the policies”*. Part B, Chapter 12 (Utilities and Energy) provides for the objectives and policies with respect to utilities and energy and the use and development of natural and physical resources in the Horowhenua District. The zone chapters 15-20 provide for the associated rules for each zone. The rules contained in Chapter 22 take precedence over any other zone rules that may apply to utilities (unless specifically stated).

The RMA sets out in Section 31 the functions of territorial authorities. The key function for district and city council’s is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. *“Natural and physical resources”* includes structures and therefore network utilities.

Section 5: managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 7 of the RMA requires the Council to have particular regard to the following matters,

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

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

All of the above matters contribute to the consideration of providing for network utilities and energy and balancing amenity related issues.

The relevant aspects of the above matters have been considered in the analysis of the submissions in Section 4 of this report.

3.2 Proposed Amendments to Resource Management Act

Central government has initiated a reform of the Resource Management Act (RMA) with a focus on reducing delays and compliance costs. The reform is being undertaken in two phases. Phase 1 focused on streamlining and simplifying the RMA, including changes to the preparation of district plans. Phase 2 focuses on more substantive issues concerning freshwater, aquaculture, urban design, infrastructure and the Public Works Act. Work on Phase 1 commenced late in 2008, while work on Phase 2 commenced in mid-2009.

The Phase 1 work culminated in the Resource Management (Simplifying and Streamlining) Amendment Act 2009, which came into force in October 2009. In respect of the Horowhenua District Plan and the Proposed Plan, the main effect of this Amendment Act have been process related to the further submission process, ability for simplified decision reports and notices, and changes when rules have effect.

In terms of Phase 2, in December 2012 the Resource Management Reform Bill was introduced to Parliament for its first reading and was referred to the Local Government and Environment Committee for submissions and consultation. In terms of District Plan Reviews and Proposed District Plans, this Bill propose changes in relation to the analysis that underpins District Plans including greater emphasis on the need for quantitative assessment of costs and benefits and the need to consider regional economic impact and opportunity costs. It is noted this Bill includes transitional provisions which state these new assessment and decision-making requirements do not apply to proposed plans after the further submission period has closed (refer Schedule 2, Clause 2 of the Bill).

Central government is also considering further changes to the RMA. In late February 2012 the government released a discussion document on proposals it is considering to change the RMA. The proposed reform package identifies six proposals:

Proposal 1: Greater national consistency and guidance

Proposal 2: Fewer resource management plans

Proposal 3: More efficient and effective consenting

Proposal 4: Better natural hazard management

Proposal 5: Effective and meaningful iwi/Maori participation

Proposal 6: Working with councils to improve practice

Part of Proposal 1 could result in Sections 6 and 7 of the current RMA being combined into a consolidated set of principles (list of matters) that decision-makers would be required to recognise and provide for. This would have the effect of removing the current hierarchy between Sections 6 and 7, and by doing so the Government hopes it will support more balanced decision-making. It is worth noting that all the current matters of national importance (Section 6) are proposed to be part of the set of principles while five matters from Section 7 would potentially be deleted. The Government see this as the best method of reflecting the need to use resources in a way that safeguards the life-supporting capacity of ecosystems and allows for the needs of future generations.

At the time of writing this report, there have been no other announcements or research relating to the subject of this report.

3.3 Local Government Act 2002

The Local Government Act 2002 (LGA) is designed to provide democratic and effective local government that recognises the diversity of New Zealand communities. It aims to accomplish this by giving local authorities a framework and power to decide what they will do and how. To balance this empowerment, the legislation promotes local accountability, with local authorities accountable to their communities for decisions taken.

The LGA also provides local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions. Section 14 of the LGA sets out the principles of local government with one of the principles stating:

(h) in taking a sustainable development approach, a local authority should take into account—

(i) the social, economic, and cultural interests of people and communities; and

(ii) the need to maintain and enhance the quality of the environment; and

(iii) the reasonably foreseeable needs of future generations

The above role and principle generally align with the overall purpose and principles of the Resource Management Act.

There are no other specific provisions in the LGA relevant to the subject matter of this report.

3.4 New Zealand Coastal Policy Statement 2010

Under Section 75(3)(b) of the Resource Management Act, a District Plan must give effect to any New Zealand Coastal Policy Statement.

Policy 6 includes the following in relation to activities in the Coastal Environment

In relation to the coastal environment:

- (a) Recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities
- (g) Take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations

Policy 25 is in relation to subdivision, use and development in areas of coastal hazard risk. The policy refers to infrastructure and states:

In areas potentially affected by coastal hazards over at least the next 100 years:

- (d) encourage the location of infrastructure away from areas of hazard risk where practicable;

3.5 National Environmental Standards

3.5.1 National Environmental Standard for Telecommunication Facilities (NESTF) (2008)

National Environmental Standards are effectively rules that apply nation-wide. Regional and district plans generally cannot provide alternative rules that are either more lenient or restrictive.

The NESTF provide nationalised standards relating to radiofrequency (the maximum exposure levels; and the principles and methods of measurement), referring to the New Zealand Standard 2772.

The NESTF also provides nationalised standards for telecommunication facilities (and the support structures) that are located within road reserve. The standards do not provide nationalised methods for facilities within a residential, commercial, rural or industrial zone, other than the radio frequency limits and measures.

3.5.2 National Environmental Standards for Electricity Transmission Activities (Regulations 2009)

The NESET regulations only apply to certain activities relating to existing transmission lines. All other electricity transmission activities and any new transmission activities are be considered and managed through the District Plan.

3.6 National Policy Statements

Under Section 75(3)(a) of the Resource Management Act, a District Plan must give effect to any National Policy Statement (NPS).

3.6.1 National Policy Statement on Electricity Transmission (March 2008)

The NPSET identifies electricity transmission as a matter of national importance and sets out one Objective and 14 Policies to be given effect to in regional and district plans.

In summary, the direction for the Utilities and Energy Chapter is:

- to ensure the benefits of secure and efficient electricity transmission are recognised and provided for;
- to ensure the breadth of considerations relating to environmental effects of transmission structures and operation are recognised in policy to be part of the decision making for consents or designations;
- to manage reverse sensitivity effects on the electricity transmission network;
- to identify an appropriate buffer corridor for the national grid (guidance is provided in Transpower's Corridor Management Policy); and
- to identify the national grid on the planning maps (whether they are designated or not).

3.6.2 National Policy Statement on Renewable Electricity Generation – NPS REG (April 2011)

NPS REG identifies renewable electricity generation activities as a matter of national importance and sets out one Objective and 14 Policies. The policy direction is to be given effect to in regional and district plans.

In summary, the direction provided by the NPS REG is:

- To ensure the national, regional and local benefits of renewable electricity generation are recognised and provided for, and acknowledging NZ's target for generation from renewable sources and the requirement of the significant developments to meet this target;
- To acknowledge the range of constraints to renewable electricity development projects and that these are factored into decision making;
- To have regard to offsetting measures or environmental compensation;
- To manage reverse sensitivity effects on existing renewable electricity generation activities;
- To provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation activities, where applicable given the energy resources in the District;
- To provide for small scale renewable electricity generation activities; and
- To provide for the identification and assessment of potential sites and energy sources.

3.7 Operative Regional Policy Statement & Proposed One Plan

Under Section 74(2) of the Resource Management Act, the Council shall have regard to any proposed regional policy statement, in this case, the Horizons Regional Council Proposed One Plan. In addition, under Section 75(3)(c) of the Resource Management Act, a District Plan must give effect to any Regional Policy Statement. The Operative Manawatu-Wanganui Regional Policy Statement became operative on 18 August 1998. The Proposed One Plan (incorporating the Proposed Regional Policy Statement) was publicly notified on May 2007 and decisions on submissions notified in August 2010. In total 22 appeals were received, with some resolved

through mediation while others were heard by the Environment Court. Interim decisions were issued by the Environment Court in August 2012 with final decisions expected in early 2013. In addition, Federated Farmers of NZ Inc and Horticulture NZ have appealed these interim decisions to the High Court in relation to non-point source discharges and run-off (nutrient management).

Given the very advanced nature of the Proposed One Plan in the plan preparation process and that all matters relevant to the District Plan Review are beyond challenge, the Proposed One Plan is considered the primary Regional Policy Statement and should be given effect to by the Proposed District Plan.

Chapter 3 of the Proposed One Plan contains the regions significant resource management issues, objectives, policies and methods relating to infrastructure and energy. Network utility and energy matters are considered as part of the wider infrastructure provisions. The relevant objectives and policies are listed below:

Objective 3-1: Infrastructure and other physical resources of regional or national importance

To have regard to the benefits of infrastructure and other physical resources of regional or national importance by enabling their establishment, operation, maintenance and upgrading.

Objective 3-1A: Energy

An improvement in the efficiency of the end use of energy and an increase in the use of renewable energy resources within the Region.

Objective 3-1B: The strategic integration of infrastructure with land use

Urban development occurs in a strategically planned manner which allows for the adequate and timely supply of land and associated infrastructure.

Policy 3-1: Benefits of infrastructure and other physical resources of regional or national importance

(a) The Regional Council and Territorial Authorities must recognise the following infrastructure as being physical resources of regional or national importance:

.....

- (i) facilities for the generation of more than 1 MW of electricity and its supporting infrastructure where the electricity generated is supplied to the electricity distribution and transmission networks*
- (ia) the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders (6.6kV and above) and all associated substations and other works to convey electricity*
- (ib) pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas*
- (iii) the road and rail networks as mapped in the Regional Land Transport Strategy*
- (iv) the Palmerston North and Wanganui airports*
- (v) the RNZAF airport at Ohakea*
- (vi) telecommunications and radiocommunications facilities*
- (vii) public or community sewage treatment plants and associated reticulation and disposal systems*
- (viii) public water supply intakes, treatment plants and distribution systems*
- (ix) public or community drainage systems, including stormwater systems*
- (x) the Port of Wanganui.*

(aa) *The Regional Council and Territorial Authorities must recognise the following facilities and assets as being physical resources of regional or national importance:*

*(i) solid waste facilities including landfills, transfer stations and resource recovery facilities that deal with municipal waste**

(ii) flood protection schemes

(iii) New Zealand Defence Force facilities.

(b) The Regional Council and Territorial Authorities must, in relation to the establishment, operation, maintenance, or upgrading of infrastructure and other physical resources of regional or national importance, listed in (a) and (aa), have regard to the benefits derived from those activities.

(c) The Regional Council and Territorial Authorities must achieve as much consistency across local authority boundaries as is reasonably possible with respect to policy and plan provisions and decision-making for existing and future infrastructure.

Policy 3-2: Adverse effects of other activities on infrastructure and other physical resources of regional or national importance

The Regional Council and Territorial Authorities must ensure that adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable, including by using the following mechanisms:

(a) ensuring that current infrastructure, infrastructure corridors and other physical resources of regional or national importance, are identified and had regard to in all resource management decision-making, and any development that would adversely affect the operation, maintenance or upgrading of those activities is avoided as far as reasonably practicable,

(b) ensuring that any new activities that would adversely affect the operation, maintenance or upgrading of infrastructure and other physical resources of regional or national importance are not located near existing such resources or such resources allowed by unimplemented resource consents or other RMA authorisations,

(ba) ensuring that there is no change to existing activities that increases their incompatibility with existing infrastructure and other physical resources of regional or national importance, or such resources allowed by unimplemented resource consents or other RMA authorisations,

(c) notifying the owners or managers of infrastructure and other physical resources of regional or national importance of consent applications that may adversely affect the resources that they own or manage,

(d) ensuring safe separation distances are maintained when establishing rules and considering applications for buildings, structures and other activities near overhead electric lines and conductors e.g., giving effect to the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001), prepared under the Electricity Act 1992, and the Electricity (Hazards from Trees) Regulations 2003 prepared under the Electricity Act 1992,

(da) ensuring safe separation distances are maintained when establishing rules and considering applications for buildings, structures and other activities near transmission gas pipelines e.g., giving effect to the Operating Code Standard for Pipelines - Gas and Liquid Petroleum (NZS/AS 2885) and the Gas Distribution Networks (NZS 5258:2003), the latter promulgated under the Gas Act 1992,

(e) ensuring that any planting does not interfere with existing infrastructure, e.g., giving effect to the Electricity (Hazards from Trees) Regulations 2003 promulgated under the Electricity Act 1992 and Section 6.4.4 External Interference Prevention of the Operating Code Standard for Pipelines - Gas and Liquid Petroleum (NZS/AS 2885), and

(f) ensuring effective integration of transport and land use planning and protecting the function of the strategic road and rail network as mapped in the Regional Land Transport Strategy.

Policy 3-3: Adverse effects of infrastructure and other physical resources of regional or national importance on the environment

In managing any adverse environmental effects arising from the establishment, operation, maintenance and upgrading of infrastructure or other physical resources of regional or national importance, the Regional Council and Territorial Authorities must:

- (a) allow the operation, maintenance and upgrading of all such activities once they have been established, no matter where they are located,*
- (b) allow minor adverse effects arising from the establishment of new infrastructure and physical resources of regional or national importance, and*
- (c) avoid, remedy or mitigate more than minor adverse effects arising from the establishment of new infrastructure and other physical resources of regional or national importance, taking into account:
 - (i) the need for the infrastructure or other physical resources of regional or national importance,*
 - (ii) any functional, operational or technical constraints that require infrastructure or other physical resources of regional or national importance to be located or designed in the manner proposed,*
 - (iii) whether there are any reasonably practicable alternative locations or designs, and*
 - (iv) whether any more than minor adverse effects that cannot be adequately avoided, remedied or mitigated by services or works can be appropriately offset, including through the use of financial contributions.**

Policy 3-3A: The strategic integration of infrastructure with land use

Territorial Authorities must proactively develop and implement appropriate land use strategies to manage urban growth, and they should align their infrastructure asset management planning with those strategies, to ensure the efficient and effective provision of associated infrastructure.

Policy 3-4: Renewable energy

- (a) The Regional Council and Territorial Authorities must have particular regard to:
 - (i) the benefits of the use and development of renewable energy resources including:
 - (A) contributing to reduction in greenhouse gases,*
 - (B) reduced dependency on imported energy sources,*
 - (C) reduced exposure to fossil fuel price volatility, and*
 - (D) security of supply for current and future generations,**
 - (ii) the Region's potential for the use and development of renewable energy resources, and*
 - (iii) the need for renewable energy activities to locate where the renewable energy resource is located.**
- (aa) The Regional Council and Territorial Authorities must give preference to the development of renewable energy generation and use of renewable energy resources over the development and use of non-renewable energy resources in policy and plan development and decision-making, except with regard to providing for security of supply in "hydro dry" years.*
- (b) The Regional Council and Territorial Authorities must generally not restrict the use of small domestic-scale renewable energy production for individual domestic use.*

Policy 3-5: Energy efficiency

- (a) The Regional Council and Territorial Authorities must have particular regard to the efficient end use of energy in consent decision-making processes for large users of energy.*
- (b) Territorial Authority decisions and controls on subdivision and housing, including layout of the site and layout of the lots in relation to other houses/subdivisions, must encourage energy-efficient house design and access to solar energy.*

(c) Territorial Authority decisions and controls on subdivision and land use must ensure that sustainable transport options such as public transport, walking and cycling can be integrated into land use development.

Essentially the Proposed One Plan is directing the acknowledgement of key network utilities in the Horowhenua and to recognise the benefits to the community (business, individuals) derived from the assets (Policy 3-1). The protection of these assets from reverse sensitivity effects is also directed in Policy 3-2, and Policy 3-3 sets up a framework for how to manage the effects of upgraded and new infrastructure.

3.8 Operative Horowhenua District Plan

As noted above, Operative Horowhenua District Plan has been operative for over 13 years (since 13th September 1999). The Operative Plan is currently silent on energy, while

Since the Plan became operative there have been 23 plan changes notified. The majority of these plan changes have been relatively minor technical amendments and have not been included changes to the provisions relating to utilities or energy, the exceptions are the following plan changes:

Plan Change 3: Dwellings near High Voltage Transmission Lines (Operative August 2000)

Plan Change 8: Natural Features (Operative January 2005)

Plan Change 14: Radio Frequency Radiation (Operative January 2005)

These plan changes made changes to the network utility provision. These provisions have formed part of this review.

Proposed Plan Change 22 (Outstanding Natural Features and Landscapes) was notified in September 2009. This plan change was a review of the existing Outstanding Landscape provisions in the Operative Plan. Plan Change 22 (as notified) included provisions that related to network utilities in Outstanding Natural Features and Landscapes and High Amenity Landscapes. The decision on Plan Change 22 was publicly notified on 7 September 2012 (just prior to the notification of the Proposed Plan). Five appeals were lodged with the Environment Court in relation to the decision. Council officers are currently involved in mediation on these appeals. As Proposed Plan Change 22 was not operative at the time the Proposed Plan was notified the provisions have not been subject of this review. While the policy framework is contained in Chapter 3 Natural Features of the Proposed Plan (not relevant to this report), but several rules are contained in Chapter 22 (Utilities and Energy) these changes are shown as 'grey' highlighted text, and this highlighted text is not open for submission.

Proposed Plan Changes 20 (Rural Subdivision) and Plan Change 21 (Urban Growth & Greenbelt Residential) were notified in January 2009. While these two plan changes were not specifically focussed on network utilities, they both did make changes to zone related provisions for network utilities. These changes are identified in Chapters 18 (Greenbelt Residential Zone) and 19 (Rural Zone) and are shown as 'grey' highlighted text. This highlighted text is not open for submission.

4. Analysis of Submissions

4.1 Chapter 12 Introduction

4.1.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.07	Transpower New Zealand Ltd	In-Part	<p>Transpower supports many of the specific network utility provisions and the retention of many of these provisions is sought.</p> <p>The District Plan is required to give effect to a National Policy Statement. Transpower considers the introductory section to the Utilities section (12-1) would benefit from a statement to this effect. This would be consistent with the statement regarding the need to give effect to the NPS: Renewable Electricity Generation in the Energy section of Chapter 12.</p>	<p>Include the following paragraphs to the 12 Introduction, Utilities Section as follows:</p> <p><u>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:</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>514.18 Todd Energy Ltd -Support</p> <p>515.18 KCE Mangahao Ltd - Support</p> <p>516.06 Federated Farmers of New Zealand - Oppose</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
100.00	New Zealand Wind Energy Association	Support	NZWEA supports this introduction section subject to one amendment. The introduction states <i>“the benefits and need for renewable energy is recognised”</i> but this is not substantiated.	Amend Introduction, Energy (page 12-2) and substantiate the statement <i>“the benefits and need for renewable energy is recognised”</i> . Possible wording to the fifth paragraph includes: The benefits and need for renewable energy is recognised <u>through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities.”</u>	

Two submissions were made in relation to the Introduction of Chapter 12. The submission from Transpower (which attracted three further submissions) seeks an amendment to the Utilities section of the Introduction to specify that Council is required to give effect to the any National Policy Statement.

The submission point made by NZWEA supports the Introduction but seeks an amendment to substantiate how the benefits of renewable energy are recognised in the Proposed Plan.

4.1.2 Discussion & Evaluation

1. Transpower (99.07) support in-part the Introduction but request that a statement be added to the Introduction that indicates that Council is required to give effect to any National Policy Statement. The submission point is supported by Todd Energy Ltd (514.18) and KCE Mangahao (515.18). Federated Farmers (516.06) oppose the submission point as they consider that a balancing statement is required to identify that network utilities and the national grid can also have adverse effects on surrounding land uses. The RMA does not seek to elevate or prioritise one land use over another, but rather seeks sustainable management and management of effects. Both Transpower and Federated Farmers have suggested text that they consider to be appropriate.
2. Transpower have specifically identified the NPSET, I am conscious that there are other NPSs that are relevant to this chapter. I note that the NPS REG has been specifically identified with its stated objective under the Energy section of this Introduction. I am sympathetic to the point made by Federated Farmers and agree that it is about finding a balance between land uses.

3. I recommend 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. I also recommend that a new 11th paragraph be added that reads:
5. “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 competing land uses”.
6. I consider the amendments outlined above to address the differing views that the submitters raised. I therefore recommend that submissions points 99.07, 514.18, 515.18 be accepted and the further submission 516.06 be accepted-part.
7. NZWEA supports the Introduction but has requested that an amendment be included to the Energy section of the Introduction to substantiate how the benefits of renewable energy would be recognised in the Plan. The change provides some additional clarification and may be helpful to Plan users.
8. I accept the wording as proposed by the submitter, subject to the inclusion of the words “where appropriate”. The recommended wording would read “The benefits and need for renewable energy is recognised where appropriate through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities.”
9. Given that I have recommended an addition to the submitter’s suggested wording I therefore recommend that submission point 100.00 be accepted in-part.

4.1.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
99.07		Transpower New Zealand Ltd		Accept
	514.18	Todd Energy Ltd	Support	Accept
	515.18	KCE Mangahao Ltd	Support	Accept

	516.06	Federated Farmers of New Zealand	Oppose	Accept In-Part
100.00		NZWEA		Accept In-Part

4.1.4 Recommended Amendments to the Plan Provisions

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 competing land uses”.

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

“The benefits and need for renewable energy is recognised where appropriate through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities.”

4.2 Issue 12.1 Network Utilities

4.2.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
25.02	Michael White	In-Part	The submitter seeks the inclusion of street and highway lighting as a network utility that should be managed in such a way as to negate adverse effects on the night environment with reference to AS/NZS 1158.	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 -

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
					Support
99.08	Transpower New Zealand Ltd	In-Part	Transpower supports Issue 12.1 which recognises the need to both enable and protect network utilities.	Retain Issue 12.1	

Two submissions were made in relation to Issue 12.1. The submission by White (25.02) sought an amendment to Issue 12.1 so that it managed light spill and glare from the street and highway lighting networks. Two further submissions (one in support and one in opposition) were received on this submission point.

The submission point made by Transpower was in support of the Issue.

4.2.2 Discussion & Evaluation

- White (25.02) seeks that the Issue be amended to manage light spill and glare from the street and highway lighting networks. The submitter believes that street and highway lighting as a network utility should be managed in such a way to negate adverse effects on the night environment with reference to AS/NZ 1158. The further submission by HDC (Community Assets Department) (511.06) has opposed this point on the basis that it is not practical or cost effective for existing services, however consideration could be given to future new works. The submitter has requested a change to the Issue. I consider that this Issue has been worded as a high level statement without referring to specific examples within this issue. I consider that it would send the wrong message to include one example within this issue, as this could be perceived to be the main issue for the District. I consider the current wording does provide some coverage (at a high level) of the issue the submitter raises, that being balancing the provision and need of network utilities against the environment effects caused by the network utility. So this example is not overlooked, I would be prepared to recommend that some additional text be added to the Issue Discussion for Issue 12.1 which would enable this example to be identified. I therefore recommend that the following text be added to the fourth paragraph of the Issue Discussion 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.”

- I therefore recommend that submission points 25.02 and 525.18 be accepted in-part. Given that Issue 12.1 has remain unchanged I recommend that submission point 511.06 be accepted.
- Transpower (99.08) support Issue 12.1 and have requested that it be retained. The support for this Issue is noted. I recommend that this submission point be accepted.

4.2.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
25.02		Michael White		Accept In-Part
	511.06	HDC (Community Assets Department)	Oppose	Accept
	525.18	Maurice & Sophie Campbell	Support	Accept In-Part
99.08		Transpower New Zealand		Accept

4.2.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Issue 12.1.

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.”

4.3 Issue Discussion for Issue 12.1

4.3.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.11	Powerco	Support	Submitter supports the fourth paragraph of the issue discussion for 12.1.	Retain the fourth paragraph of the issue discussion for 12.1 without modification.	
99.09	Transpower New Zealand Ltd	In-Part	The Issue Discussion under Issue 12.1 Network Utilities includes a statement to the effect that pylons would intrude into outstanding natural features and landscapes (and residential areas). Transpower seeks the deletion of the explanatory sentence as it relates to outstanding natural landscapes. The inference of the sentence is to preclude pylon (inferred as including high voltage electricity transmission pylons) development whereas the consideration of this issue would need to be assessed under the	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

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			policy framework provided by the District Plan.		
99.10	Transpower New Zealand Ltd	Support	In considering such development, the decision maker must recognise and provide for the development of the electricity transmission network and appreciate there may be locational constraints. This is consistent with Policy 2 of the NPSET.	Retain paragraphs 5 and 6 of 12.1 Network Utilities, Issue Discussion (page 12-3).	

Three submissions were made on the Issue Discussion for Issue 12.1. Two submissions sought that specific paragraphs of the Issue Discussion be retained as notified. The submission point by Transpower (99.09) seeks an amendment to the wording of the third paragraph. Horizons have opposed this submission point.

4.3.2 Discussion & Evaluation

1. Transpower (99.09) seek an amendment to the third paragraph (I note that their summarised submission incorrectly refers to the fourth paragraph) to remove the reference “For example, residential areas ~~and areas containing outstanding natural features and landscapes~~ would be vulnerable to the intrusion of large buildings or pylons”. Horizons 528.24 has made a further submission in opposition stating that they consider that the sentence is not inappropriate as simply highlights an issue that may affect Outstanding Natural Features and Landscapes and does not pre-empt proper assessment of proposals under the District Plan policy framework.
2. While I agree with Horizons in that the words do not pre-empt a proper assessment I have considered the matter and accept that these words could be removed without the Plan losing any of its intent. The next sentence in the Proposed Plan 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”. I am 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. The sentence to be amended would still be appropriate and technically correct in only referring to residential areas. I therefore recommend that submissions point 99.09 be accepted and submission point 528.24 be rejected.
3. Powerco (41.11) supports the fourth paragraph of the Issue Discussion and seeks that is be retained without modification. The support is noted. Having recommended an amendment to the fourth paragraph to address submission point 25.02 in the previous section of this report, I recommend that this submission point be accepted in-part. I do not consider the amendment previously recommended would create any difficulties for Powerco.
4. Transpower (99.10) support the Issue Discussion and seek that paragraphs 5 and 6 be retained. The support is noted. I recommend that this submission point be accepted.

4.3.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.11		Powerco		Accept In-Part
99.09	528.24	Transpower New Zealand Ltd Horizons Regional Council	Oppose	Accept Reject
99.10		Transpower New Zealand Ltd		Accept

4.3.4 Recommended Amendments to the Plan Provisions

Amend the third paragraph of the Issue Discussion 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. 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.”

4.4 Objective 12.1.1

4.4.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.02	Powerco	Support	Submitter supports Objective 12.1.1	Retain Objective 12.1.1 without modification.	
78.00	Telecom New Zealand Ltd	Support	Supports Objective 12.1.1 as it provides a good balance of recognising the importance of utilities to the community and their locational and technical requirement, whilst ensuring that the adverse effects are managed.	Retain intent of Objective 12.1.1	
79.00	Chorus New Zealand Limited	Support	Supports Objective 12.1.1 as it provides a good balance of recognising the importance of utilities to the community and their locational and technical requirement, whilst ensuring that the adverse effects are managed.	Retain intent of Objective 12.1.1	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.11	Transpower New Zealand Ltd	Support	Transpower supports the intent of Objective 12.1.1 Network Utilities and seeks its retention subject to any amendments which recognises the need to protect network utilities and that there may, in certain circumstances, be adverse effects associated with the establishment operation, maintenance and upgrading of network utilities. This would be consistent with the issue identified (12.1).	Amend Objective 12.1.1 Network Utilities as follows: To <u>protect and</u> provide for the establishment, operation, maintenance and upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment <u>to the extent practicable.</u>	512.04 Vector Gas Ltd - In-Part 516.09 Federated Farmers of New Zealand - Oppose

Four submissions were made in relation to Objective 12.1.1, three of these submissions are in support, while the fourth submission seeks an amendment to protect network utilities and recognise that in certain circumstance there would be adverse effects arising from network utilities. Two further submissions were made in relation to this submission point.

Objective 12.1.1 currently reads:

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

4.4.2 Discussion & Evaluation

1. Transpower (99.11) seek an amendment to Objective 12.1.1. The change sought has been opposed by Federated Farmer (516.09) while Vector (512.04) support in-part the submission point agreeing that the Objective should include protection of network utilities.
2. Transpower are requesting 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 to the extent practicable.”
3. While I agree with adding the protection component to the Objective I do not support the qualifier that has been requested for the end of this objective. This sort of qualifier is not used within the RMA and I do not see it being helpful here. The further submission by Federated Farmers opposes the amendment on the basis that outright protection is unnecessary. I acknowledge the tension raised between the farming and network utility activities, however I consider that the Objective when read in its entirety is indeed appropriate for achieving sustainable management of natural and physical resources and responding to Issue 12.1
4. I therefore recommend 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.”

5. I recommend that submission points 99.11 and 512.04 be accepted in-part and submission point 516.09 be rejected.
6. Powerco (41.02), Telecom (78.00) and Chorus (79.00) all support Objective 12.1.1. Powerco requested that the Objective be retained as notified. The support is noted. Given the minor wording change recommended above, I recommend that the submission point by Powerco (41.02) be accepted in-part, and that submission points 78.00 and 79.00 be accepted.

4.4.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.02		Powerco		Accept In-Part
78.00		Telecom New Zealand		Accept
79.00		Chorus New Zealand Limited		Accept
99.11		Transpower New Zealand Ltd		Accept In-Part
	512.04	Vector Gas Ltd	In-Part	Accept
	516.09	Federated Farmers of New Zealand	Oppose	Reject

4.4.4 Recommended Amendments to the Plan Provisions

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.”

4.5 Policy 12.1.2

4.5.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.03	Powerco	Support	Submitter supports Policy 12.1.2	Retain Policy 12.1.2 without modification.	
78.01	Telecom New Zealand Ltd	Support	Supports Policy 12.1.2 as it provides a good balance of recognising the importance of utilities to the community and their locational and technical requirement, whilst ensuring that the adverse effects are managed.	Retain intent of Policy 12.1.2	
79.01	Chorus New Zealand Ltd	Support	Supports Policy 12.1.2 as it provides a good balance of recognising the importance of	Retain intent of Policy 12.1.2	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			utilities to the community and their locational and technical requirement, whilst ensuring that the adverse effects are managed.		

Three submissions were made in support of Policy 12.1.2.

4.5.2 Discussion & Evaluation

1. Powerco (41.03), Telecom (78.01) and Chorus (79.01) each made submissions points supporting the retention of Policy 12.1.2 without modification. The support for the policy is noted. I recommend that these submission points be accepted.

4.5.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.03		Powerco		Accept
78.01		Telecom New Zealand Ltd		Accept
79.01		Chorus New Zealand Ltd		Accept

4.5.4 Recommended Amendments to the Plan Provisions

No amendments are recommendation to Policy 12.1.2.

4.6 Policy 12.1.3

4.6.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
25.01	Michael White	In-Part	The submitter seeks the inclusion of street and highway lighting as a network utility that should be managed in such a way as to negate adverse effects on the night environment with reference to AS/NZS 1158.	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	Support	Submitter supports Policy 12.1.3	Retain Policy 12.1.3 without modification.	
78.02	Telecom New Zealand Ltd	Support	Supports Policy 12.1.3 as it provides a good balance of recognising the importance of	Retain intent of Policy 12.1.3	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			utilities to the community and their locational and technical requirement, whilst ensuring that the adverse effects are managed.		
79.02	Chorus New Zealand Ltd	Support	Supports Policy 12.1.3 as it provides a good balance of recognising the importance of utilities to the community and their locational and technical requirement, whilst ensuring that the adverse effects are managed.	Retain intent of Policy 12.1.3	
98.35	Horticulture NZ	In-Part	<p>While provision of network utilities is important to the district, doing so should not unreasonably compromise existing land use activities, particularly primary production activities in the Rural Zone.</p> <p>Horticulture NZ is concerned about the use of the term 'upgrading' which is not defined in the Plan. 'Minor upgrading' is described in Rule 22.1.10 b). The scale and nature of upgrading can have significant impact.</p> <p>Policy 12.1.3 seeks that network utilities avoid, remedy or mitigate adverse effects on the environment. Horticulture NZ seeks that the policy explicitly list adverse effects on primary production activities.</p>	<p>Amend Policy 12.1.3 as follows:</p> <p>Avoid, remedy or mitigate the adverse environmental effects, <u>including effects on primary production activities</u>, arising from the establishment, construction, operation, maintenance and upgrading of network utilities.</p>	<p>505.04 Powerco - Oppose</p> <p>506.56 Ernslaw One Ltd - Support</p> <p>513.23 Rayonier New Zealand Ltd - Support</p> <p>514.13 Todd Energy Ltd - Oppose</p> <p>515.13 KCE Mangahao Ltd - Oppose</p> <p>516.10 Federated Farmers of New Zealand - Support</p> <p>518.04 Transpower New Zealand Ltd – In-Part</p>
99.12	Transpower New Zealand Ltd	Support	Policy 4 of the NPSET requires decision makers to have regard to the extent to which any adverse effects have been avoided, remedied or mitigate by the route, site and method selection. This should be recognised in the policy framework. Transpower has	<p>Amend Policy 12.1.3 as follows:</p> <p><u>To the extent practicable,</u> Aavoid, remedy or mitigate the adverse environmental effects</p>	<p>512.05 Vector Gas Ltd - Support</p> <p>516.11 Federated Farmers of New Zealand - Oppose</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			developed the ACRE2 model to identify and secure the most suitable location for new and replacement transmission infrastructure (such as lines, substations and switching stations). An amendment to Policy 12.1.3 is sought to recognise this.	arising from the establishment, construction, operation, maintenance and upgrading of network utilities <u>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.</u>	

Six submission points were made in relation to Policy 12.1.3. Powerco, Telecom and Chorus all support the retention of this policy. The submission point by White seeks that the policy be amended to manage light spill and glare from street and highway lighting networks. Horticulture New Zealand and Transpower both seek different amendments to this policy to accommodate their concerns. Further submissions were received in these last two submission points.

4.6.2 Discussion & Evaluation

1. White (25.01) supported by Campbell (525.17) seeks that Policy 12.1.3 be amended to manage light spill and glare of street and highway lighting networks. Policy 12.1.3 is a general policy that has application to a wide range of network utilities and a wide range of potential environmental effects. The policy does not focus on a particular network utility or set of environmental effects. To include the focus on light spill and glare within this policy as requested by White would in my opinion unnecessarily narrow the focus and application of the policy. I believe that the current wording of the policy can be applied to street and road lighting and that any adverse environmental effects should be avoided, remedied or mitigated. I therefore recommend that submission points 25.01 and 525.17 be rejected.
2. Horticulture NZ (98.35) has requested that the policy be amended to specifically refer to adverse environmental effects on primary production activities. The submission point has been opposed by Powerco (505.04), Todd Energy (514.13), KCE Mangahao Ltd (515.13), opposed in-part by Transpower (518.04) and supported in full by Ernslaw One (506.56), Rayonier NZ (513.23) and Federated Farmers (516.10).
3. I do not consider the amendment sought to be necessary. Primary production activities are already covered generically by the current wording of Policy 12.1.3. The Policy applies across all zones of the District so I do not consider it appropriate to single out one type of land use at this policy level. 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. I therefore recommend that submission points 98.35, 506.56, 513.23 and 516.10 be rejected. I recommend that submission points 505.04, 514.13, 515.13 and 518.04 be accepted.
4. Transpower (99.12) have requested 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.”

5. The submission point is supported by Vector Gas (512.05) and opposed by Federated Farmers (516.11).
6. I do not support the qualifier “To the extent practicable” requested by the submitter for the start of this policy. The RMA does not use such qualifiers when seeking that the environmental effects are avoided, remedied or mitigated.
7. The second part of the relief sought refers to the route, site and method selection process. 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 I accept that this process can be a very effective approach to avoiding adverse environmental effects, I do not consider that this approach should be referred to within the policy. The policy has application to a wide range of network utilities not just electricity transmission utilities to which the NPSET applies. I consider 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. I therefore recommend that the following wording be added after the second paragraph of the Explanation and Principal Reasons 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.”
8. I therefore recommend that submission points 99.12 and 512.05 be accepted in-part and the submission point by Federated Farmers (516.11) be accepted.
9. Powerco (41.04), Telecom (78.02) and Chorus (79.02) all support the retaining Policy 12.1.3. The support for this policy is noted. As no changes have been recommended to this policy I recommend that these submission points be accepted.

4.6.3 (Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
25.01	525.17	Michael White Maurice & Sophie Campbell	Support	Reject Reject
41.04		Powerco		Accept
78.02		Telecom New Zealand Ltd		Accept
79.02		Chorus New Zealand Ltd		Accept
98.35	505.04	Horticulture NZ Powerco	Oppose	Reject Accept

	506.56	Ernslaw One Ltd	Support	Reject
	513.23	Rayonier New Zealand Ltd	Support	Reject
	514.13	Todd Energy Ltd	Oppose	Accept
	515.13	KCE Mangahao Ltd	Oppose	Accept
	516.10	Federated Farmers of New Zealand	Support	Reject
	518.04	Transpower New Zealand Ltd	In-Part	Accept
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

4.6.4 Recommended Amendments to the Plan Provisions

Amend the second paragraph of the Explanation and Principal Reasons 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.”

4.7 Policy 12.1.4

4.7.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.05	Powerco	Support	Submitter supports Policy 12.1.4	Retain Policy 12.1.4 without modification.	
78.06	Telecom New Zealand Ltd	Oppose	Opposes Policy 12.1.4 as the additional protection afforded to ‘open space’ in this policy is unclear in terms of what constitutes open space, and it is unnecessary and inconsistent with the provision of permitted network utilities in the Open Space Zone. Placement of network utilities in open space areas is often an appropriate environmental response to deploying infrastructure with minimum impact on communities.	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	Oppose	Opposes Policy 12.1.4 as the additional protection afforded to	Amend Policy 12.1.4 as follows:	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			'open space' in this policy is unclear in terms of what constitutes open space, and it is unnecessary and inconsistent with the provision of permitted network utilities in the Open Space Zone. Placement of network utilities in open space areas is often an appropriate environmental response to deploying infrastructure with minimum impact on communities.	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.	

Three submissions were made on Policy 12.1.4. Chorus and Telecom made the same submission points and sought that the reference to 'open space' in this policy be removed.

Powerco made a submission in support of retaining Policy 12.1.4 without modification. They also made a further submission on the Telecom submission point (which could be argued to override their original submission point).

Policy 12.1.4 currently reads:

“Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, 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.”

4.7.2 Discussion & Evaluation

1. Chorus (79.06) and Telecom (78.06) supported by Powerco (505.05) requested that the reference to open space be removed from this policy. The submitters argue that it is unclear what constitutes open space and it is inconsistent with the provision of permitted network utilities in the Open Space zone.
2. 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.*
3. I am satisfied that it is appropriate to retain “open space” within this policy. The policy is signalling that some areas have a greater sensitivity to the adverse effects of network utilities and may warrant additional protection. I note the submitter’s comments that network utilities are often placed in open space areas to minimise the impact on communities. I consider that the policy is both appropriate and relevant as currently worded. I recommend that submission points 78.06, 79.06 and 505.05 be rejected
4. Powerco (41.05) made a submission point supporting the retention of policy 12.1.4 without modification. I also note that the submitter made a further submission to the submission

point (78.06) which would support a change to this policy. The support for Policy 12.1.4 is noted. I recommend that submission point 41.05 be accepted.

4.7.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.05		Powerco		Accept
78.06	505.05	Telecom New Zealand Ltd Powerco	Support	Reject Reject
79.06		Chorus New Zealand Ltd		Reject

4.7.4 Recommended Amendments to the Plan Provisions

No amendments are recommended for Policy 12.1.4.

4.8 Policy 12.1.5

4.8.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
25.09	Michael White	In-Part	The submitter seeks the inclusion of street and highway lighting as a network utility that should be managed in such a way as to negate adverse effects on the night environment with reference to AS/NZS 1158.	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	Support	Submitter supports Policy 12.1.5	Retain Policy 12.1.5 without modification.	

Two submission points were made in relation to Policy 12.1.5. Powerco support the Policy and seek that it be retained without modification. White (25.09) seeks that the policy be amended to manage light spill and glare of street and highway lighting networks. This submission point was supported by Campbell (525.25).

Policy 12.1.5 currently reads:

“Ensure the establishment, operation, maintenance and upgrading of network utilities does not compromise the health and safety of the community.”

4.8.2 Discussion & Evaluation

- White (25.09) supported by Campbell (525.25) seeks that Policy 12.1.5 be amended to manage light spill and glare of street and highway lighting networks. Policy 12.1.5 is 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. The policy does not focus on a particular network utility or set of environmental effects. To include the focus on light spill and glare within this policy as requested by White would in my opinion unnecessarily narrow the focus and application of the policy. I believe that the current wording of the policy can be applied to street and highway lighting and that this network utility should not compromise the health and safety of the community. I therefore recommend that Policy 12.1.5 be retained unchanged and that the submission points 25.09 and 525.25 be rejected.

2. Powerco (41.06) support the retention of Policy 12.1.5 without modification. The support for this policy is noted. I recommend that submission point 41.06 be accepted.

4.8.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
25.09		Michael White		Reject
	525.25	Maurice & Sophie Campbell	Support	Reject
41.06		Powerco		Accept

4.8.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 12.1.5.

4.9 Policy 12.1.6

4.9.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.07	Powerco	Support	Submitter supports Policy 12.1.6	Retain Policy 12.1.6 without modification.	
78.03	Telecom New Zealand Ltd	Support	Supports Policy 12.1.6 as it provides a good balance of recognising the importance of utilities to the community and their locational and technical requirement, whilst ensuring that the adverse effects are managed.	Retain intent of Policy 12.1.6	
79.03	Chorus New Zealand Ltd	Support	Supports Policy 12.1.6 as it provides a good balance of recognising the importance of utilities to the community and their locational and technical requirement, whilst ensuring that the	Retain intent of Policy 12.1.6	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			adverse effects are managed.		
80.06	Todd Energy Ltd	Support	The recognition that the location of utilities is often dedicated by operational requirements is strongly supported.	Retain Policy 12.1.6	
92.06	KCE Mangahao Ltd	Support	The recognition that the location of utilities is often dedicated by operational requirements is strongly supported.	Retain Policy 12.1.6	
99.13	Transpower New Zealand Ltd	Support	In considering such development, the decision maker must recognise and provide for the development of the electricity transmission network and appreciate there may be locational constraints. This is consistent with Policy 2 of the NPSET.	Retain Policy 12.1.6	

Six submissions were made in support of Policy 12.1.6.

4.9.2 Discussion & Evaluation

1. Powerco (41.07), Telecom (78.03), Chorus (79.03), Todd Energy Ltd (80.06), KCE Mangahao Ltd (92.06) and Transpower (99.13) all made submission points in support of retaining Policy 12.1.6. The support for this policy is noted. I recommend that all of these submission points be accepted.

4.9.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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

4.9.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 12.1.6.

4.10 Policy 12.1.7

4.10.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.08	Powerco	Support	Submitter supports Policy 12.1.7	Retain Policy 12.1.7 without modification.	
91.01	HDC (Community Assets Department)	In-Part	Greenbelt residential is urban in nature but provides larger areas of open space which should not be cluttered with overhead servicing.	Amend Policy 12.1.7 as follows: Require services where practicable, to be underground in new areas of development within <u>Urban areas and Greenbelt Residential areas.</u>	526.02 Truebridge Associates Ltd - Oppose

Two submission points were received in relation to Policy 12.1.7. Powerco support the policy without modification. HDC (Community Assets Department) have requested a minor change to include reference to Greenbelt Residential areas.

4.10.2 Discussion & Evaluation

- HDC (Community Assets Department) (91.01) support Policy 12.1.7 but request that it be amended to read “Require services where practicable, to be underground in new areas of development within Urban areas and Greenbelt Residential areas”. Under the Operative Plan the structure of the Plan had included Greenbelt Residential areas as part of the Urban framework. The Proposed Plan separates the Urban and Greenbelt out. Given that Greenbelt Residential areas are located adjacent the urban areas, I consider it appropriate that the services (where practicable) be installed underground. It is therefore considered appropriate and correct to have a separate reference in the policy for Greenbelt Residential areas. I recommend that submission point 91.01 be accepted and that Policy 12.1.7 be amended to reflect the wording above suggested by the submitter. I recommend that further submission point 526.02 be rejected.
- Powerco (41.08) support Policy 12.1.7 and seek that it be retained without modification. The support is noted. I do not consider the amendment recommended above creating any difficulties for Powerco, but as this has resulted in a change being recommended to Policy 12.1.7 I recommend that the submission point 41.08 be accepted in-part.

4.10.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
99.13		HDC (Community Assets Department)		Accept
	526.02	Truebridge Associates Ltd	Oppose	Reject

41.08		Powerco		Accept In-Part
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4.10.4 Recommended Amendments to the Plan Provisions

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”.

4.11 Policy 12.1.8

4.11.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.09	Powerco	Support	Submitter supports Policy 12.1.8	Retain Policy 12.1.8 without modification.	
78.05	Telecom New Zealand Ltd	Support	Supports the provision for co-location as set out in Policy 12.1.8.	Retain intent of Policy 12.1.8	
79.05	Chorus New Zealand Ltd	Support	Supports the provision for co-location as set out in Policy 12.1.8.	Retain intent of Policy 12.1.8	

Three submissions were received in support of the Policy 12.1.8.

4.11.2 Discussion & Evaluation

1. Powerco (41.09), Telecom (78.05) and Chorus (79.05) all made submission points in support of retaining Policy 12.1.8. The support for this policy is noted. I recommend that the submission points be accepted.

4.11.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.09		Powerco		Accept
78.05		Telecom New Zealand Ltd		Accept
79.05		Chorus New Zealand Ltd		Accept

4.11.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 12.1.8.

4.12 Policy 12.1.9

4.12.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.10	Powerco	Support	Submitter supports Policy 12.1.9	Retain Policy 12.1.9 without modification.	
78.04	Telecom New Zealand Ltd	Support	Supports Policy 12.1.9 as it provides a good balance of recognising the importance of utilities to the community and their locational and technical requirement, whilst ensuring that the adverse effects are managed.	Retain intent of Policy 12.1.9	
79.04	Chorus New Zealand Ltd	Support	Supports Policy 12.1.9 as it provides a good balance of recognising the importance of utilities to the community and their locational and technical requirement, whilst ensuring that the adverse effects are managed.	Retain intent of Policy 12.1.9	
99.14	Transpower New Zealand Ltd	In-Part	Transpower acknowledge the intent of Policy 12.1.9 but considers the provision requires strengthening to give effect to the NPSET. An amendment is sought to manage land use, subdivision and also development" which could compromise the safe and efficient functioning of network utilities. Transpower considers this gives effect to the NPSET	Amend Policy 12.1.9 as follows: Recognise the presence and function of existing network utilities, and their locational and operational requirements, by managing <u>land use, development and / or subdivision in locations which could compromise their safe and efficient operation and maintenance</u> subdivision and new land use activities adjacent to them , to ensure the long-term efficient and effective functioning of that utility.	

Four submission points were made in relation to Policy 12.1.9. Powerco, Telecom and Chorus all support the retention of the policy. Transpower support in-part the policy but seek an amendment to give effect to the NPSET.

Policy 12.1.9 currently reads:

“Recognise the presence and function of established network utilities, and their locational and operational requirements, by managing subdivision and new land use activities adjacent to them, to ensure the long-term efficient and effective functioning of that utility.”

4.12.2 Discussion & Evaluation

1. Transpower (99.14) acknowledge the intent of Policy 12.1.9 but seek an amendment to give effect to NPSET. The amendment would 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.”

2. The amendment requested by Transpower seeks that all forms of land use, development and subdivision would be managed changing the focus of the policy from managing subdivision and new land use to managing existing subdivision, land use and development also. I note that existing development and land use would have existing use rights so the policy would not apply retrospectively. I consider it appropriate that in the 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. I therefore support the amendment sought by Transpower. I recommend that submission point 99.14 be accepted.
3. Powerco (41.10), Telecom (78.04) and Chorus (79.04) all support the retention of Policy 12.1.9. The support is noted. I note that the above recommendation supports a change to this policy. I consider the intent of the policy is largely unchanged and is likely to still be acceptable to these submitters. I recommend that submission points 41.10, 78.04, and 79.04 be accepted in-part.

4.12.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
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

4.12.4 Recommended Amendments to the Plan Provisions

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.”

4.13 New Policy 12.1.X

4.13.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.07	Todd Energy Ltd	Support	There is no policy direction for utilities to be established in High Amenity Landscapes (HAL), although there is for ONFLs. The Explanation and Principal Reasons refer to HALs but policy is required to provide positive guidance in relation to utilities and High Amenity Landscapes.	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	Support	There is no policy direction for utilities to be established in High Amenity Landscapes (HAL), although there is for ONFLs. The Explanation and Principal Reasons refer to HALs but policy is required to provide positive guidance in relation to utilities and High Amenity Landscapes.	Include a new Policy under Objective 12.1 to provide for positive guidance in relation to the establishment of utilities in High Amenity Landscapes.	

Two submission points were made in support of adding a new policy to the policies under Objective 12.1.1.

4.13.2 Discussion & Evaluation

1. Todd Energy (80.07) and KCE Mangahao (92.07) have both requested that an additional policy be added to the policy suite under Objective 12.1.1. The submitters have identified that there is currently no policy direction for utilities established in High Amenity Landscapes. High Amenity Landscapes 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.*”
2. Policy 12.1.4 currently provides some direction for utilities within Outstanding Natural Features and Landscapes. I consider that an amendment to this Policy would be the most appropriate place to include reference to the domains of high landscape amenity. (I note that while the submitters have referred to High Amenity Landscapes, this term is no longer relevant to the Plan. The decision on Plan Change 22 now refers to domains of high landscape amenity instead of the term previously used in this Plan Change of High Amenity Landscapes).

3. Policy 12.1.4 currently reads:

“Provide additional protection for sensitive areas such as Outstanding Natural Features and Landscapes, 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. I recommend that it 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”.

5. This policy reflects the approach of the Proposed Plan (principally through Plan Change 22), that while network utilities in these ‘sensitive’ areas can be provided an additional level of protection is provided which is reflect in the Plan through specific rules for these areas such as the domains of high landscape amenity.

6. I therefore recommend that submission points 80.07 and 92.07 be accepted in-part.

4.13.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
80.07		Todd Energy Ltd		Accept In-Part
92.07		KCE Mangahao Ltd		Accept In-Part

4.13.4 Recommended Amendments to the Plan Provisions

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”.

4.14 Explanation & Principal Reasons for Objective 12.1.1

4.14.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
91.02	HDC (Community Assets Department)	In-Part	Improving safety for road users has its benefits.	Amend wording of the fourth paragraph of 12.1.1 Explanation and Principal Reasons as follows:	526.03 Truebridge Associates Ltd - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				... 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 <u>and be a crash hazard,</u> therefore provision of new reticulation is required to be by way of underground reticulation. ...	
99.15	Transpower New Zealand Ltd	Support	The Proposed Plan recognises the impracticality of under grounding high voltage transmission lines and this statement is supported by Transpower. Undergrounding of such infrastructure can be cost prohibitive and constrained by operational limitations.	Retain the last sentence of paragraph 4 in the 12.1.1 Explanation and Principal Reasons. 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	In-Part	An amendment is sought to manage land use, subdivision and also “development” which could compromise the safe and efficient functioning of network utilities. Transpower considers this gives effect to the NPSET.	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.	

Three submission points were made in relation to the Explanation and Principle Reasons 12.1.1. Two submission points seek minor wording amendments. The third submission point seeks that retention of a particular sentence.

4.14.2 Discussion & Evaluation

1. HDC (Community Assets Department) (91.02) seeks an amendment to the fourth paragraph of the Explanation and Principle Reasons 12.1.1 as follows:

2. “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.”
3. I consider the change to be appropriate and provide additional context for someone reading or applying the Proposed Plan. A further submission made by Truebridge (526.03) opposed all submission points made by HDC (Community Assets Department). Truebridge has failed to provide any reasoning behind opposing this amendment. I therefore recommend that further submission point 526.03 be rejected, submission point 91.02 be accepted and that the current wording be amended to reflect the submitter’s request.
4. Transpower (99.15) seek to retain the last sentence of paragraph which reads “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”. The support is noted. I recommend that submission point 99.15 be accepted.
5. Transpower (99.16) seek an amendment to the second sentence in the final paragraph. The amendment would make this sentence read “In-Particular, it is important to protect the operation of network utilities from incompatible activities ~~on adjacent sites~~”.
6. I do not consider that the change requested is necessary. I understand ‘adjacent’ to mean in the vicinity of, or as defined in the Collins Dictionary it can mean near or close to, it does not necessarily have to be adjoining or next to, although I note this can be the case. I have not been able 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. The submitter has not provided any examples to assist my analysis and evaluation. I note 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. For these reasons I am not convinced that amending the wording of this sentence is necessary. I therefore recommend that the submission point 99.16 be rejected.

4.14.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
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		Reject

4.14.4 Recommended Amendments to the Plan Provisions

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.”

4.15 Methods for Issue 12.1 & Objective 12.1.1

4.15.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.12	Powerco	Support	Submitter supports the Methods for Issue 12.1 and Objective 12.1.1.	Retain the Methods for Issue 12.1 and Objective 12.1.1 without modification.	
80.08	Todd Energy Ltd	In-Part	Bullet points 3 and 4 in Methods (page 12-5) refer to the need for resource consent for network utilities with “variable effects of which may have adverse effects if located in some localities”. The meaning is not clear.	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	In-Part	Bullet points 3 and 4 in Methods (page 12-5) refer to the need for resource consent for network utilities with “variable effects of which may have adverse effects if located in some localities”. The meaning is not clear.	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	In-Part	The methods to address the network utility issue and achieve the objective include the application of rules and standards of NESs. The specific reference to the NESETA is supported in this context as is the promotion of relevant Codes of Practice. The electricity transmission network needs to be included on the Planning Maps to give effect to Policy 12 of the NPSET, regardless of whether it is designated or not. . Transpower can provide GIS data free of charge to assist with the implementation of this Policy.	Amend the Methods for Issue 12.1 & Objective 12.1.1 (page 12-6) as follows: - Promote the use of relevant Codes of Practice <u>and industry guidelines</u> - Designated network utilities and sites <u>and the electricity transmission network</u> will be identified on the Planning Maps	

Five submission points were made in relation to the Methods for Issue 12.1 and objective 12.1.1. Powerco support the Methods and seek that they be retained without modification.

Todd Energy and KCE Mangahao seek that methods (District Plan bullet points 3 and 4) be amended to describe when and why resource consents are required for assessing network utilities.

Transpower supports in-part the Methods and seek that the methods (District plan bullet points 6 and 7) be amended.

NZWEA opposes the Methods and seeks an amendment to method (District Plan bullet point 3 – I note that the Summary of Submissions incorrectly referred to bullet point 4) and the inclusion of an additional method under the hearing Long Term and Annual Plan.

4.15.2 Discussion & Evaluation

1. Transpower (99.17) have requested the following amendments to the 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.”

2. I consider 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. I therefore support the amendments and recommend that submission point 99.17 be accepted.

3. Todd Energy (80.08) and KCE Mangahao (92.08) have submitted stating that they consider the following two methods (third and fourth bullet points) to be unclear:

“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, 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. The submitters have inferred that methods should be amended. I recommend the following amendments 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.”

5. I therefore recommend that submission points 80.08 and 92.08 to be accepted.

6. Powerco (41.12) support the Methods of Issue 12.1 and Objective 12.1.1 and seek that they be retained without modification. The support for these methods is noted. As some of the methods have been recommended to be amended, I recommend that submission point 41.12 be accepted in-part.

4.15.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.12		Powerco		Accept In-Part
80.08		Todd Energy Ltd		Accept
92.08		KCE Mangahao Ltd		Accept
99.17		Transpower New Zealand Ltd		Accept

4.15.4 Recommended Amendments to the Plan Provisions

Amend the Methods (bullet points 3, 4, 5 and 6) 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 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.”

“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.”

4.16 Issue 12.2 Energy

4.16.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.09	Todd Energy Ltd	In-Part	Issue 12.2 requires a stronger introductory statement given the national renewable energy policy.	Amend Issue 12.2 so that it reflects the national importance provide for in national renewable energy policy by the following:	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p>....Generating electricity from renewable resources can have environmental benefits compared to utilising non-renewable energy resources....</p> <p>OR similar wording to achieve relief sought.</p>	
92.09	KCE Mangahao Ltd	In-Part	Issue 12.2 requires a stronger introductory statement given the national renewable energy policy.	<p>Amend Issue 12.2 so that it reflects the national importance provide for in national renewable energy policy by the following:</p> <p>....Generating electricity from renewable resources can have environmental benefits compared to utilising non-renewable energy resources....</p> <p>OR similar wording to achieve relief sought.</p>	
100.01	New Zealand Wind Energy Association (NZWEA)	Support	NZWEA supports the issue but considers the issue should acknowledge the need for Horowhenua to provide for renewable electricity generation as a matter of national significance.	<p>Amend Issue 12.2 by inserting the following statement:</p> <p><u>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.</u> The development of new electricity generation facilities can create adverse effects on the environment...</p>	516.07 Federated Farmers of New Zealand - Oppose

Three submission points were made in relation to Issue 12.2. The submission points are generally in support of the Issue subject to additional wording being included.

Issue 12.2 currently reads:

“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 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.”

4.16.2 Discussion & Evaluation

1. Todd Energy (80.09) and KCE Mangahao (92.09) seek that the Issue be amended so that it has a stronger relationship to the NPS 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....’

2. I agree that the Issue should recognise and strengthen the connection between the environmental benefits of renewable sources of energy compared to non-renewable resources. In my opinion the wording change requested does not help the readability of this Issue and could lead to confusion. I understand 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. I therefore recommend the following amendment to the Issue to clarify this point.

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

3. I do not consider that I can categorically state that generating electricity from renewable resources always has greater environmental benefits than the use of non-renewables particularly in the short term. As I have recommended different wording to the submitter’s but have sought to address their concern I recommend that the submission points 80.09 and 92.09 be accepted in-part.
4. NZWEA (100.01) opposed by a further submission from Federated Farmers (516.07) seeks to include the following ‘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’.
5. Whilst I agree that Councils across New Zealand must provide for the development of renewable energy facilities, the words ‘as a matter of national significance’ are misleading. Someone reading the Plan could determine that this is a matter listed under section 6 of the Act (Matters of National Importance) but it is not. 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, I accept in part the submission from NZWEA (100.01) and recommend that it be included in the Plan albeit with some amendment. I therefore reject submission point 516.07.

4.16.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
80.09		Todd Energy Ltd		Accept In-Part

92.09		KCE Mangahao Ltd		Accept In-Part
100.01	516.07	NZWEA Federated Farmers of New Zealand	Oppose	Accept In-Part Accept In-Part

4.16.4 Recommended Amendments to the Plan Provisions

Amend Issue 12.2 as follows:

“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. The development of new electricity generation facilities can create adverse effects on the environment...”

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

Consolidated Amendments

“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. 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.”

4.17 Issue Discussion for Issue 12.2

4.17.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.10	Todd Energy Ltd	In-Part	<p>The Issue Discussion deals with renewable energy generation and design for efficient use. These two subjects require separate discussion to set the ground for the policies that follows, as they are separate issues and considerations. This would provide the opportunity for a focused discussion of renewable energy resource which would be more consistent with the national policy direction.</p> <p>The commissioners on Plan Change 22 recommended a 'Renewable</p>		

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			Energy' section of the proposed District Plan to give appropriate emphasis in accordance with national policy, Rewriting the Energy Issue Discussion would assist here.		
92.10	KCE Mangahao Ltd	In-Part	<p>The Issue Discussion deals with renewable energy generation and design for efficient use. These two subjects require separate discussion to set the ground for the policies that follows, as they are separate issues and considerations. This would provide the opportunity for a focused discussion of renewable energy resource which would be more consistent with the national policy direction.</p> <p>The commissioners on Plan Change 22 recommended a 'Renewable Energy' section of the proposed District Plan to give appropriate emphasis in accordance with national policy, Rewriting the Energy Issue Discussion would assist here.</p>		

Two submission points were made in relation to the Issue Discussion for Issue 12.2. The submission points seek that the Issue Discussion provide a focussed discussion on renewable energy and in doing so separate out the discussion from design for efficient use of energy.

4.17.2 Discussion & Evaluation

1. Todd Energy (80.10) and KCE Mangahao (92.10) seek that the Issue Discussion be amended so it separates out the discussion for renewable energy from the discussion on efficient use of energy.
2. 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.*
3. The Issue Discussion sections of the Proposed Plan are intended to be an overview rather than in-depth discussion of the issues facing the District. There are many aspects to a range of issues in the Proposed Plan, and depending on the nature and significance of the issues in the Horowhenua District, issues have been grouped or separated. For energy, it is efficient to discuss renewable energy and energy efficiency together as it provides a complete picture

of the energy issues in the Horowhenua. I consider the Issue Discussion appropriately outlines the issues relating to renewable energy in the Horowhenua, and by grouping it with energy efficiency, it does not lessen or conflict with other issues. Therefore, it is recommended that the submissions from Todd Energy (80.10) and KCE Mangahao (92.10) be rejected.

4.17.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
80.10		Todd Energy Ltd		Reject
92.10		KCE Mangahao Ltd		Reject

4.17.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Issue 12.2.

4.18 Objective 12.2.1

4.18.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.01	Genesis Power Ltd	In-Part	Objective 12.2.1 generally gives effect to the Renewables NPS however it would benefit from being reworded to be clearer in its meaning and more concise.	Amend Objective 12.2.1 as follows: To recognise the need for , and provide for the development and use of <u>renewable electricity generation infrastructure, where the adverse effects on the environment can be energy utilising renewable resources</u> 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)	Support	NZWEA supports the plans direction to avoid, remedy or mitigate adverse effects. However, it is not always possible to fully avoid, remedy or mitigate adverse	Amend Objective 12.2.1 as follows: To recognise the need for, and provide for the development and use of	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			effects of renewable electricity generation activities. Insertion of the term 'appropriately' into the objective would address this issue.	energy utilising renewable resources through appropriately sited and designed renewable electricity generation activities, while ensuring environmental effects are <u>appropriately avoided</u> , remedied or mitigated.	
99.19	Transpower New Zealand Ltd	support	The Proposed Plan recognises that facilities for the distribution of generated electricity to the grid may also be necessary and that transmission activities may generate environmental effects. This is supported, subject to amendments sought to better give effect to the NPSET (Policies 1, 2, 3 and 4).	Amend Objective 12.2.1 Energy as follows: To recognise the need for, and provide for the development, <u>transmission and distribution</u> 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

Three submission points were made in relation to Objective 12.2.1. All three generally support the current objective subject to different wording amendments.

4.18.2 Discussion & Evaluation

- Genesis (44.01) consider that Objective 12.2.1 generally gives effect to the NPS REG but that it would benefit from being reworded to be more concise and clearer in its meaning. The submitter has suggested the following wording

“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.”

- Transpower (99.19) seek an amendment to Objective 12.2.1 to better give effect to the NPSET (policies 1, 2, 3 and 4). The amendment would involve 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 ...”. This submission point has been supported by a further submission from Genesis (501.09).

3. NZWEA (100.02) supports direction to avoid, remedy or mitigate adverse effects. However, it is not always possible to fully avoid, remedy or mitigate adverse effects of renewable electricity generation activities. NZWEA seek an amendment to the objective to address this concern. The amendment would involve inserting the word 'appropriately' to read "...while ensuring environmental effects are appropriately avoided, remedied or mitigated" into the objective to address this concern.
4. I agree that the wording proposed by Genesis is much clearer and the intent of the policy is easier to understand. I therefore recommend that the submission point from Genesis (44.01) be accepted. However, I also agree that the objective should refer to transmission and distribution as these are important aspects of utilities. Therefore, the submission points from Transpower (99.19) and Genesis (501.09) are recommended to be accepted in part but further amendment is not required as the term 'infrastructure' introduced by the submission from Genesis is considered to include distribution and transmission. With regard to the submission from NZWEA, I do 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. Therefore, I recommend that the submission point from NZWEA (100.02) be rejected.

4.18.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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

4.18.4 Recommended Amendments to the Plan Provisions

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."

4.19 Policy 12.2.2

4.19.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.02	Genesis Power Ltd	Support	Policy 12.2.2 gives effect to Policy E1 of the Renewables NPS and on	Retain Policy 12.2.2 without modification.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			this basis it is supported.		

Genesis made a submission point in support of Policy 12.2.2 seeking that it be retained without modification.

4.19.2 Discussion & Evaluation

- Genesis (44.02) supports Policy 12.2.2 as it gives effect to Policy E1 of the NPS REG. I note the support for this policy and recommend that this submission point be accepted.

4.19.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
44.02		Genesis Power Ltd		Accept

4.19.4 Recommended Amendments to the Plan Provisions

No amendments are recommended for Policy 12.2.2.

4.20 Policy 12.2.3

4.20.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.03	Genesis Power Ltd	In-Part	Policy 12.2.3 provides for the continued operation, maintenance and upgrading of existing renewable electricity generation infrastructure. Submitter seeks to amend the policy to ensure consistency with the Act.	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 <u>can be avoided, remedied or mitigated.</u>	

Genesis made a submission point supporting in-part Policy 12.2.3 but requesting that it be amended to be consistent with the RMA.

4.20.2 Discussion & Evaluation

- Genesis (44.03) supports in-part Policy 12.2.3. The Submitter seeks the following amendment 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.”

- I consider the proposed amendment to be consistent with the RMA and to be an acceptable change. While I note this amendment would make it a tougher test of ‘effects’ for a development proposal to be acceptable I consider that the policy still retains its original intent of being enabling as it signals effects can be avoided, remedied or mitigated. I therefore recommend that submission point 44.03 be accepted and that Policy 12.2.3 be amended as proposed by the submitter.

4.20.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
44.03		Genesis Power Ltd		Accept

4.20.4 Recommended Amendments to the Plan Provisions

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.”

4.21 Policy 12.2.4

4.21.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.04	Genesis Power Ltd	In-Part	While the submitter supports the intent of Policy 12.2.4 it repeats Objective 12.2.1 and should be deleted.	Delete Policy 12.2.4 in its entirety.	
80.12	Todd Energy Ltd	In-Part	Policy 12.2.4 requires that consideration is given to “adverse effects” and this needs to be qualified to relate only to significant adverse effects. Adverse effects may occur that are minor and the policy would require that all adverse effects must be avoided, remedied or mitigated in relation to new renewable electricity generation facilities.	Amend Policy 12.2.4 so that it focuses on “significant” adverse effects, not all adverse effects.	
80.27	Todd Energy Ltd	In-Part	This policy requires that consideration is given to 'adverse	Amend Policy 12.2.4 to qualify only significant	501.06 Genesis

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			effects'. This needs to be qualified to relate only to significant adverse effects. Adverse effects may occur that are minor and the policy would require that all adverse effects must be avoided, remedied or mitigated in relation to renewable electricity generation.	adverse effects.	Power Ltd - Oppose
92.12	KCE Mangahao Ltd	In-Part	<p>Policy 12.2.4 requires that consideration is given to “adverse effects” and this needs to be qualified to relate only to significant adverse effects.</p> <p>Adverse effects may occur that are minor and the policy would require that all adverse effects must be avoided, remedied or mitigated in relation to new renewable electricity generation facilities.</p>	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	In-Part	This policy requires that consideration is given to 'adverse effects'. This needs to be qualified to relate only to significant adverse effects. Adverse effects may occur that are minor and the policy would require that all adverse effects must be avoided, remedied or mitigated in relation to renewable electricity generation.	Amend Policy 12.2.4 to qualify only significant adverse effects.	
100.03	New Zealand Wind Energy Association (NZWEA)	Support	NZWEA supports the plans direction to avoid, remedy or mitigate adverse effects. However, it is not always possible to fully avoid, remedy or mitigate adverse effects of renewable electricity generation activities. Insertion of the term 'appropriately' into the policy would address this issue.	<p>Amend Policy 12.2.4 as follows:</p> <p>Manage the establishment and development of new renewable electricity generation facilities to ensure the adverse effects on the environment are <u>appropriately</u> avoided, remedied or mitigated.</p>	501.12 Genesis Power Ltd - Oppose

Six submission points were made in relation Policy 12.2.4. The submission point from Genesis seeks that this policy be deleted in its entirety. The other five submissions seek wording amendments to the policy.

Policy 12.2.4 currently reads:

“Manage the establishment and development of new renewable electricity generation facilities to ensure the adverse effects on the environment are avoided, remedied or mitigated.”

4.21.2 Discussion & Evaluation

1. Genesis (44.04) seeks that Policy 12.2.4 be deleted in its entirety. The submitter supports the intent of this policy but is of the view that the policy repeats Objective 12.2.1 and therefore is not needed.
2. 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; its purpose is different to the objective. Therefore I recommend that the policy be retained and the submission point from Genesis (44.04) be rejected.
3. Todd Energy (80.12 and 80.27) and KCE Mangahao (92.12 and 92.27) identify that the policy requires consideration of adverse effects. The submitters consider that this needs to be qualified to relate to only significant adverse effects as adverse effects may occur that are minor. The policy as currently worded would require that all adverse effects are to be avoided, remedied or mitigated. Genesis made a further submission opposing submission points 80.12 and 92.12.
4. I do not agree with the submitters and consider that all adverse effects should be considered and the policy should not be limited to significant adverse effects only. I question 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. I therefore recommend that the submissions from Todd Energy (80.12 and 80.27) and KCE Mangahao (92.12 and 92.27) are rejected.
5. NZWEA (100.03) supports the direction to avoid, remedy or mitigate adverse effects. However, it is not always possible to fully avoid, remedy or mitigate adverse effects of renewable electricity generation activities. The submitter seeks an amendment to address this concern. The amendment would involve inserting the word ‘appropriately’ so the policy would read 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.”
6. I do not find it necessary to include the word ‘appropriately’. The words ‘avoided, remedied and mitigated’ provide for the management of effects without the need for any qualification. I therefore recommend that the submission from NZWEA (100.03) is rejected. Genesis made a further submission opposing this submission point.
7. I recommend the further submission points by Genesis (501.01, 501.06 and 501.12) which sought the deletion of this policy be rejected.

4.21.3 Reporting Officer’s Recommendation

Sub. No	Further	Submitter Name	Further Submitter	Officer’s
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Sub. No.		Position	Recommendation
44.04		Genesis Power Ltd	Accept
80.12		Todd Energy Ltd	Reject
80.27	501.06	Todd Energy Ltd Genesis Power Ltd	Oppose Reject
92.12	501.01	KCE Mangahao Ltd Genesis Power Ltd	Oppose Reject
92.27		KCE Mangahao Ltd	Reject
100.03	501.12	New Zealand Wind Energy Association Genesis Power Ltd	Oppose Reject

4.21.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 12.2.4.

4.22 Policy 12.2.5

4.22.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.05	Genesis Power Ltd	In-Part	Policy 12.2.5 gives effect to the renewables NPS however would be better served if it was separated into two policies, given the diversity of the issues that it covers.	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: <u>Recognise the technical, locational and operational</u>	514.00 Todd Energy Ltd - Support 515.00 KCE Mangahao Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<u>requirements of energy generation and distribution operations and infrastructure in setting environmental standards and assessing applications for resource consent.</u>	
99.20	Transpower New Zealand Ltd	Support	This policy is supported.	Retain Policy 12.2.5	
100.04	New Zealand Wind Energy Association (NZWEA)	Support	NZWEA supports this policy because it accords with the NPSREG and therefore the purpose of the Act.	Retain Policy 12.2.5	

Three submission points were made in relation to Policy 12.2.5. Two submission points support the policy as seek that it be retained. The submission point by Genesis seeks that the policy be split into two policies due to the diverse issues that the policy addresses.

Policy 12.2.5 currently reads:

“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.”

4.22.2 Discussion & Evaluation

- Genesis (44.05) is supportive of the intent of the policy but seek that the current policy be split into two policies due to the diverse issues that this policy is addressing. This submission point was supported by further submissions from Todd Energy Ltd (514.00) an (515.00) KCE Mangahao. The wording of the policies as suggested would 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.~~

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.”

- I support the amendment as it results in two policies that are 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.

3. Transpower (99.20) and NZWEA (100.04) support Policy 12.2.5 and seek that it be retained. The support for the policy is noted. Given that the amendment suggested above has retained the same intent of the policy as originally notified, albeit in two separate policies, I do not consider this amendment would cause Transpower or NZWEA any concerns. I therefore recommend that submission points 44.05, 514.00, 515.00 are accepted and that submission points 99.20 and 100.04 are accepted in-part.

4.22.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
44.05		Genesis Power Ltd		Accept
	514.00	Todd Energy Ltd	Support	Accept
	515.00	KCE Mangahao Ltd	Support	Accept
99.20		Transpower New Zealand Ltd		Accept In-Part
100.04		NZWEA		Accept In-Part

4.22.4 Recommended Amendments to the Plan Provisions

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.”~~

And 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.”

4.23 Policy 12.2.6

4.23.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.06	Genesis Power Ltd	Oppose	Submitter opposes Policy 12.2.6 as it replicates Objective 12.2.1 and seeks to afford greater protection to “those parts of the environment most sensitive to change”. The plan defines Outstanding Natural Features and Landscapes (Plan Change 22), however does not identify “parts of the environment	Delete Policy 12.2.6 in its entirety.	514.01 Todd Energy Ltd - Support 515.01 KCE Mangahao Ltd – Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			most sensitive to change". On the basis that the assessment of this policy will be subjective and replicates Objective 12.2.1, it is considered Policy 12.2.6 should be deleted in its entirety.		528.10 Horizons Regional Council - Oppose
99.22	Transpower New Zealand Ltd	Support	This is supported, subject to amendments sought to better give effect to the NPSET (Policies 1, 2, 3 and 4).	Amend Policy 12.2.6 as follows: <u>To the extent practicable,</u> aAvoid, 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)	Oppose	This Policy duplicates policy 12.2.4 and is not necessary.	Delete Policy 12.2.6.	501.13 Genesis Power Ltd - Support

Three submission points were made in relation to Policy 12.2.6, two of these are in opposition as it is seen as an unnecessary. The submission point by Transpower supports the policy subject to a wording amendment.

Policy 12.2.6 currently reads:

“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.”

4.23.2 Discussion & Evaluation

1. Genesis (44.06) seeks that Policy 12.2.6 be deleted in its entirety. The submitter is of the view that the policy repeats Objective 12.2.1 and seeks to afford greater protection to those parts of the environment most sensitive to change. The Proposed Plan does not identify these parts. This submission point attracted two further submissions in support from Todd Energy (514.01) and KCE Mangahao (515.01) and one in opposition from Horizons (528.10).
2. NZWEA (100.05) considers that this policy duplicates Policy 12.2.4 and therefore Policy 12.2.6 is not necessary and should be deleted. This submission point attracted further submissions in opposition from Genesis (501.10) and Federated Farmers (516.12).
3. Transpower (99.22) supports the policy subject to the wording of the policy being amended. The submitter has suggested 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. I agree that in some respects, Policy 12.2.6 is a repeat of Objective 12.2.1 but the policy also refers to ‘those parts of the environment most sensitive to change’. Therefore the policy is more specific than the objective. I note that there are further policies that refer to Outstanding Natural Features and Landscapes, which would be encompassed by this policy thus it could be considered a duplication. However, Policy 12.2.6 could apply to a wide range of areas, although I do note 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. Therefore, I do not find it necessary to identify which parts of the environment are sensitive to change and recommend that Policy 12.2.6 remain as proposed.
5. Additionally, it is determined that the policy does not need to refer to the ‘extent practicable’ as this is determined through the application process.
6. It is therefore recommended that the submission points from Genesis (44.06), NZWEA (100.05) and Transpower (99.22) and further submissions by Todd Energy (514.01), KCE Mangahao (515.01) and Genesis (501.13) be rejected.
7. I recommend that further submission points by Horizons (528.10), Genesis (501.10) and Federated Farmers (516.12) be accepted.

4.23.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
44.06		Genesis Power Ltd		Reject
	514.01	Todd Energy Ltd	Support	Reject
	515.01	KCE Mangahao Ltd	Support	Reject
	528.10	Horizons Regional Council	Oppose	Accept
99.22		Transpower New Zealand Ltd		Reject
	501.10	Genesis Power Ltd	Oppose	Accept
	516.12	Federated Farmers of New Zealand	Oppose	Accept
100.05		NZWEA		Reject
	501.13	Genesis Power Ltd	Support	Reject

4.23.4 Recommended Amendments to the Plan Provisions

No amendments are recommended for Policy 12.2.6.

4.24 Policy 12.2.7

4.24.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.07	Genesis Power Ltd	In-Part	Submitter seeks amendment to Policy 12.2.7. Plan Change 22 has adopted a noncomplying activity status for activities within Outstanding Natural Landscapes and Features. The two tiered non-complying threshold test requires applicants to meet one of the two threshold tests in order for consent to be granted. 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.	Amend Policy 12.2.7 as follows: Avoid the development of renewable electricity generation facilities where they will adversely affect <u>effects on</u> the character and values of Outstanding Natural Features and Landscapes <u>cannot be avoided, remedied or mitigated.</u>	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 Energy Association (NZWEA)	Oppose	It would be virtually impossible for a wind farm proposal located in or near an ONFL or the Tararua Ranges to satisfy these two policies. 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. These policies may be appropriate if the benefits of a wind farm proposal are able to be taken into account alongside these policies. However, if the activity status of a wind farm proposal is non-complying, the s104D(1) gateway test may prevent the benefits of the proposal being considered. Such an outcome would be contrary to the NPSREG.	Delete Policy 12.2.7 OR Amend Policy 12.2.7 as follows 12.2.7 Avoid the development of renewable electricity generation facilities where they will <u>significantly</u> adversely affect the character and values of Outstanding Natural Features and Landscapes. (Refer to Submission Point 100.07)	501.14 Genesis Power Ltd - In-Part 514.19 Todd Energy Ltd - Support 515.19 KCE Mangahao Ltd – Support

Two submissions were made in relation to Policy 12.2.7. The submission by Genesis seeks an amendment to this policy while the submission point by NZWEA opposes this policy and seeks that it either be deleted or replaced with a new policy.

Policy 12.2.7 currently reads:

“Avoid the development of renewable electricity generation facilities where they will adversely affect the character and values of Outstanding Natural Features and Landscapes.”

4.24.2 Discussion & Evaluation

1. Genesis (44.07) seeks amendment to Policy 12.2.7. Plan Change 22 has adopted a non-complying activity status for activities within Outstanding Natural Landscapes and Features. The two tiered non-complying threshold test requires applicants to meet one of the two threshold tests in order for consent to be granted. 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. To address this the submitter has suggested the following amendment:

“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.”

2. Further submissions in support of this submission point include Todd Energy Ltd (514.02) and KCE Mangahao (515.02). Further submissions in opposition to this submission point include DoC (527.02) and Horizons Regional Council (528.11).
3. NZWEA (100.06) oppose this policy as it would be virtually impossible for a wind farm proposal located in or near an ONFL or the Tararua Ranges to satisfy these two policies. 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. These policies may be appropriate if the benefits of a wind farm proposal are able to be taken into account alongside these policies. However, if the activity status of a wind farm proposal is non-complying, the s104D(1) gateway test may prevent the benefits of the proposal being considered. The submitter considers that such an outcome would be contrary to the NPS REG.
4. The submitter has suggested the following amendment to address this concern:
“Avoid the development of renewable electricity generation facilities where they will significantly adversely affect the character and values of Outstanding Natural Features and Landscapes.”
5. Three further submissions were made in relation to this submission point, Genesis (501.14), Todd Energy (514.19) and KCE Mangahao (515.19).
6. I consider that the changes suggested by Genesis (44.07) align the policy more closely to the intent of the RMA. Furthermore, there is some cross-over with Plan Change 22 which addresses outstanding natural landscapes and this policy will eventually be one of a suite of policies that seek to protect such areas. With regard to NZWEA’s concerns, whilst a non-complying activity must address Policy 12.2.7 (I address Policy 12.2.8 below), it does not prevent the consideration of positive aspects/benefits of a proposal. After all, the policy is 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. Furthermore, I find that the addition of the word ‘significantly’ is inappropriate as it is a subjective word and unnecessary qualifier.
7. I therefore recommend that the submission points from Genesis (44.07), Todd Energy (514.02), KCE Mangahao (515.02) be accepted and submission points DoC (527.02) and Horizons (528.11) be rejected.

8. I recommend that submission points NZWEA (100.06), Todd Energy (514.19), KCE Mangahao (515.19) be rejected and submission point 501.14 be accepted in-part.

4.24.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
44.07		Genesis Power Ltd		Accept
	514.02	Todd Energy Ltd	Support	Accept
	515.02	KCE Mangahao Ltd	Support	Accept
	527.02	DoC	Oppose	Reject
	528.11	Horizons Regional Council	Oppose	Reject
100.06		NZWEA		Reject
	501.14	Genesis Power Ltd	In-Part	Accept In- Part
	514.19	Todd Energy Ltd	Support	Reject
	515.19	KCE Mangahao Ltd	Support	Reject

4.24.4 Recommended Amendments to the Plan Provisions

Amend Policy 12.2.7 to read:

“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.”

4.25 Policy 12.2.8

4.25.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.08	Genesis Power Ltd	Oppose	Submitter opposes Policy 12.2.8. The Tararua Ranges are identified as an Outstanding Landscape within the District Plan. Policy 12.2.8 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 are not interrupted. This creates a pseudo Outstanding Landscape overlay on a large portion of the District. On this basis, Policy 12.2.8 is considered to be onerous and does not give effect to the	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

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			Renewables NPS.		
80.13	Todd Energy Ltd	In-Part	Policy 12.2.8 is too restrictive and seems incomplete.	No specific relief requested. Inferred: Delete Policy 12.2.8	501.07 Genesis Power Ltd - Support
92.13	KCE Mangahao Ltd	In-Part	Policy 12.2.8 is too restrictive and seems incomplete.	No specific relief requested. Inferred: Delete Policy 12.2.8	501.02 Genesis Power Ltd - Support
100.07	New Zealand Wind Energy Association	Oppose	It would be virtually impossible for a wind farm proposal located in or near an ONFL or the Tararua Ranges to satisfy these two policies. 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. These policies may be appropriate if the benefits of a wind farm proposal are able to be taken into account alongside these policies. However, if the activity status of a wind farm proposal is non-complying, the s104D(1) gateway test may prevent the benefits of the proposal being considered. Such an outcome would be contrary to the NPSREG.	Delete Policy 12.2.8 OR Amend Policy 12.2.8 as follows 12.2.8 Ensure development of renewable electricity generation facilities <u>minimises visual do not interruption or intrusion of intrude</u> 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

Four submission points were made in relation to Policy 12.2.8. The submissions opposed this policy as it was generally considered too restrictive.

Policy 12.2.8 currently reads:

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

4.25.2 Discussion & Evaluation

1. Todd Energy (80.13) and KCE Mangahao (92.13) both oppose this policy as it is too restrictive. The submitters inferred that the policy should be deleted. Genesis (501.02 and 501.07) made further submissions in support of these submission points.
2. Genesis (44.08) opposes Policy 12.2.8 as 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 are not interrupted. This creates a pseudo Outstanding Landscape overlay on a large portion of the District. On this basis, Policy 12.2.8 is considered to be onerous and does not give effect to the NPS REG. Todd Energy (514.03) and KCE Mangahao (515.03) made further submissions supporting this point. Horizons (528.12) made a further submission in opposition.

3. NZWEA (100.07) opposes Policy 12.2.8 as it would be virtually impossible for a wind farm proposal located in or near an ONFL or the Tararua Ranges to satisfy the policy. 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. The policy may be appropriate if the benefits of a wind farm proposal were able to be taken into account alongside these policies. However, if the activity status of a wind farm proposal is non-complying, the s104D(1) gateway test may prevent the benefits of the proposal being considered. The submitter considers that such an outcome would be contrary to the NPSREG.

4. The submitter has requested that the policy be deleted, or that the policy 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.”

5. Genesis (501.15), Todd Energy (514.20) and KCE Mangahao (515.20) all made further submissions supporting this point. Horizons (528.25) made a further submission in opposition.

6. Policy 12.2.8 is currently worded as follows:

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

7. As proposed, the policy is very restrictive and is likely to be a significant barrier to renewable energy generation facilities as any wind turbine or other such facility is likely to interrupt a view of the Tararua Ranges from a public space in Levin. The area of land that would be affected by this policy is relatively expansive and I consider unduly so. I agree with Genesis that the policy should be reworded to minimise effects on views rather than trying to prevent any change from the status quo. Whilst the Tararua Ranges are considered to be an Outstanding Natural Landscape, this 'overlay' is effectively extended to all the land between the Ranges and public open spaces in Levin. This land has not been identified as an outstanding natural landscape and therefore should not be treated as such. I note that there is some protection provided by Policy 12.2.7 which considers the effects on the character and values of the District's Outstanding natural Features and Landscapes. I consider policy 12.2.8 to be an important policy addressing a specific tension for the District. I therefore recommend that the Policy 12.2.8 be retained but accept that it be reworded as sought by NZWEA and some effects on views provided for but these should be minimised. The submission from NZWEA (100.07) is recommended to be accepted in part and the submission points from Genesis (44.08), Todd Energy (80.13) and KCE Mangahao (92.13) be rejected together with further submission points Todd Energy (514.03), KCE Mangahao (515.03), Genesis (501.07 and 501.02). I recommend that submission point Horizons (528.12) be accepted.

8. To address NZWEA’s concerns about the consideration of the positive benefits of renewable energy generation, I note that Policy 12.2.5 provides for the recognition of the “contribution of renewable energy use and development to the well-being of the District, Region and Nation”. This policy must be given due consideration along with all other relevant policies that seek to minimise adverse effects on the environment. As such, I consider Policy 12.2.5 to go some way to addressing NZWEA’s concerns. I recommend that submission points 100.07, 501.15, 514.20, 515.20 and 528.25 be accepted in-part.

4.25.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
44.08		Genesis Power Ltd		Reject
	514.03	Todd Energy Ltd	Support	Reject
	515.03	KCE Mangahao Ltd	Support	Reject
	528.12	Horizons Regional Council	Oppose	Accept
80.13		Todd Energy Ltd		Reject
	501.07	Genesis Power Ltd	Support	Reject
92.13		KCE Mangahao Ltd		Reject
	501.02	Genesis Power Ltd	Support	Reject
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

4.25.4 Recommended Amendments to the Plan Provisions

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.”

4.26 Policy 12.2.9

4.26.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.09	Genesis Power Ltd	Support	Submitter supports Policy 12.2.9 as it gives effect to Policy G of the Renewables NPS, which provides	Retain Policy 12.2.9 in its entirety.	514.04 Todd Energy Ltd -

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			for the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.		Support 515.04 KCE Mangahao Ltd - Support
100.08	New Zealand Wind Energy Association	Support	NZWEA supports this policy but cannot identify the method which supports this policy in the plan.	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.	

Two submission points were made in relation to Policy 12.2.9. One submission point seeks that the policy be retained, the other submission point seeks an amendment to the policy or the inclusion of additional methods to give effect to the policy.

Policy 12.2.9 currently reads:

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

4.26.2 Discussion & Evaluation

1. NZWEA (100.08) supports this policy but cannot identify the method which supports this policy in the plan. The submitter seeks 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.
2. Genesis (44.09) supports Policy 12.2.9 as it gives effect to Policy G of the NPS REG, which provides for the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation. Further submissions in support of this submission were received from Todd Energy (514.04) and KCE Mangahao Ltd (515.04). The support for the policy is noted.
3. Policy 12.2.9 states *“Provide for the identification and assessment of potential sites and energy sources for renewable electricity generation”*. It is not the purpose of the Council to identify sites that are suitable for renewable energy generation. Council can however facilitate this by providing opportunities for this to occur within the District. It is anticipated that the energy companies such as Genesis would undertake this work and I consider that the policy should be amended to clarify this. With regard to the methods, the District Plan identifies 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, wind monitoring masts are provided for in the Rural zone.

4. I therefore recommend that the submissions from Genesis (44.09) and NZWEA (100.08) are accepted in part together with further submission points Todd Energy (514.04) and KCE Mangahao (515.04).

4.26.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
44.09	514.04	Genesis Power Ltd		Accept In-Part
	515.04	Todd Energy Ltd	Support	Accept In-Part
		KCE Mangahao Ltd	Support	Accept In-Part
100.08		New Zealand Wind Energy Association		Accept In-Part

4.26.4 Recommended Amendments to the Plan Provisions

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.”

4.27 Policy 12.2.10

4.27.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.10	Genesis Power Ltd	Support	Submitter supports Policy 12.2.10 as it gives effect to Policy G of the Renewables NPS, which provides for the investigation, identification and assessment of potential sites and energy sources for renewable electricity generation.	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)	Support	NZWEA supports this policy because it accords with the NPSREG and therefore the purpose of the ACT.	Retain Policy 12.2.10	

Two submission points were made supporting the retention of Policy 12.2.10.

4.27.2 Discussion & Evaluation

- Genesis (44.10) supported by Todd Energy (514.05) and KCE Mangahao (515.05) seek that Policy 12.2.10 be retained in its entirety.
- NZWEA (100.09) supports this policy and seeks that it be retained because it accords with the NPSREG and therefore the purpose of the RMA.
- I note the support for this policy and recommend that submission points 44.10, 100.09, 514.05 and 515.05 be accepted.

4.27.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
44.10		Genesis Power Ltd		Accept
	514.05	Todd Energy Ltd	Support	Accept
	515.05	KCE Mangahao Ltd	Support	Accept
100.09		NZWEA		Accept

4.27.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 12.2.10.

4.28 Policy 12.2.11

4.28.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.11	Genesis Power Ltd	Support	Submitter supports Policy 12.2.11 as it gives effect to Policy D of the Renewables NPS, which seeks to avoid reverse sensitivity effects.	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	In-Part	Policy 12.2.11 is unclear, if the key focus of the policy is reverse sensitivity, this should be made more explicit.	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

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
92.15	KCE Mangahao Ltd	In-Part	Policy 12.2.11 is unclear, if the key focus of the policy is reverse sensitivity, this should be made more explicit.	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	support	This is supported, subject to amendments sought to better give effect to the NPSET (Policies 1, 2, 3 and 4).	Amend Policy 12.2.11 as follows: Ensure that new <u>land use, development and / or subdivision</u> subdivisions and land use activities do not adversely affect the <u>efficient</u> operation, and maintenance and <u>upgrading</u> of existing renewable electricity generation or distribution facilities.	516.13 Federated Farmers of New Zealand - Oppose

Four submission points were made in relation to Policy 12.2.11. Three of these submission points seek amendments to the wording of the policy, the fourth submission point supports retaining the policy in its entirety.

Policy 12.2.11 currently reads:

“Ensure that new subdivisions and land use activities do not adversely affect the operation and maintenance of existing renewable electricity generation or distribution facilities.”

4.28.2 Discussion & Evaluation

- Genesis (44.11) supported by Todd Energy (514.06) and KCE Mangahao (515.06) supports this policy and seeks that it be retained in its entirety. The support for this policy is noted.
- Todd Energy (80.15) and KCE Mangahao (92.15) consider the policy to be unclear and request that if the key focus of this policy is reverse sensitivity this should be made more explicit. Genesis Energy made further submissions (501.08 and 501.03) to support these submission points.
- Transpower (99.21) support the policy subject to amending the wording to better give effect to the NPSET. The submitter has suggested the following amendment:

“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.”
- Federated Farmers (516.13) oppose this submission point.

5. The policy is intended to ensure that development does not adversely affect the operation of existing renewable electricity generation or distribution facilities. 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. The relocation of the generation or distribution facility is likely to be costly and a new site may be difficult to find. As such, it is important to such facilities as they are fundamental to the health and well-being of the community and thus should be protected from reverse sensitivity effects. I agree with the wording suggested by Transpower (99.21) and consider it appropriate to include consideration of upgrading as this is provided for as a permitted activity in the rural and residential zones. The Policy would not 'permit' upgrading but does ensure that development does not limit the ability of generation and distribution facilities to upgrade. This is important given the cost of relocating such facilities if they cannot upgrade in their existing location.
6. I therefore recommend that the submission points from Todd Energy (80.15), KCE Mangahao (92.15) and Genesis (44.11) and further submission points 514.06, 515.06, 501.08 and 501.03 be accepted in part.
7. I recommend that the submission point from Transpower (99.21) be accepted and the further submission point 516.13 be rejected.

4.28.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
44.11	514.06	Genesis Power Ltd		Accept In-Part
	515.06	Todd Energy Ltd	Support.	Accept In-Part
		KCE Mangahao Ltd	Support	Accept In-Part
80.15	501.08	Todd Energy Ltd		Accept In-Part
		Genesis Power Ltd	In-Part	Accept In-Part
92.15	501.03	KCE Mangahao Ltd		Accept In-Part
		Genesis Power Ltd	In-Part	Accept In-Part
99.21	516.13	Transpower New Zealand Ltd		Accept
		Federated Farmers of New Zealand	Oppose	Reject

4.28.4 Recommended Amendments to the Plan Provisions

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.”

4.29 Policy 12.2.12

4.29.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
25.10	Michael White	In-Part	The submitter seeks the inclusion of street and highway lighting as a network utility that should be managed in such a way as to negate adverse effects on the night environment with reference to AS/NZS 1158.	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	In-Part	Submitter generally supports Policy 12.2.12 but considers that it does not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor does it support Objective 12.2.1. Submitter seeks that the policy would be better suited to those chapters which provide for subdivision and development (i.e. zone chapters).	Delete Policy 12.2.12 from Chapter 12 and reinstate in Chapters 2, 5, 6, and 7.	

Two submission points were made in relation to this policy. One submission seeks to amend Policy 12.2.12 to manage light spill and glare of street and highway lighting networks. The other submission supports Policy 12.2.12 but considers that it would be better for it to be in the chapters which provide for subdivision and development.

Policy 12.2.12 currently reads:

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

4.29.2 Discussion & Evaluation

1. White (25.10) supported by Campbell (525.26) seek that the Policy 12.2.12 to manage light spill and glare of street and highway lighting networks. The policy has a general focus on energy efficiency rather than the direct focus on lighting suggested by the submitter. I consider the policy as currently worded to be supportive of the submitter’s approach towards light spill. I do note 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 and may address the concerns of the submitter. On the basis that I consider the policy in its current form to allow the concerns of the submitter to be addressed and that Council’s adoption of NZS 1158 by reference in the Proposed Plan provides a more specific response to the submitter’s concerns regarding lighting, I recommend that submission points 25.10 and 525.26 be rejected.
2. Genesis (44.12) generally supports Policy 12.2.12 but considers that it does not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor

does it support Objective 12.2.1. The submitter seeks that the policy be removed from Chapter 12 and reinstated in Chapters 2, 5, 6 and 7.

- The format of the Proposed 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 the policy in question is applicable across all zones and it is not anticipated that it will need to be worded differently between the zones. For this reason I consider it appropriate to have the policy appear once in the Utilities and Energy chapter rather than multiple times in the different Zone Chapters. I therefore recommend that the submission from Genesis (44.12) is rejected.

4.29.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
25.10	525.26	Michael White	Support	Reject
		Maurice & Sophie Campbell		Reject
42.12		Genesis Power Ltd		Reject

4.29.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 12.2.12.

4.30 Policy 12.2.13

4.30.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.13	Genesis Power Ltd	In-Part	Submitter generally supports Policy 12.2.13 but considers that it does not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor does it support Objective 12.2.1. Submitter considers that the policy would be better suited to those chapters which provide for subdivision and development (i.e. zone chapters).	Delete Policy 12.2.13 from Chapter 12 and reinstate in Chapters 2, 5, 6, and 7.	

One submission point received in relation to Policy 12.2.13 which seeks that the policy be removed from Chapter 12 and located within a different part of the Plan.

Policy 12.2.13 currently reads:

“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.”

4.30.2 Discussion & Evaluation

- Genesis (44.13) generally supports Policy 12.2.13 but considers that it does not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor does it support Objective 12.2.1. The submitter seeks that the policy be removed from Chapter 12 and reinstated in Chapters 2, 5, 6 and 7.
- The Explanation and Reasons for the policies clearly state the reasons for Policy 12.2.13 and that the policy will most likely be achieved through the Building Act. As such I find the policy to be appropriately worded and correctly located in an over-arching chapter rather than being repeated in the Residential, Greenbelt Residential and Rural zone chapters. I therefore recommend that the submission point 44.13 be rejected.

4.30.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
44.13		Genesis Power Ltd		Reject

4.30.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Policy 12.2.13.

4.31 Policy 12.2.14

4.31.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.14	Genesis Power Ltd	In-Part	Submitter generally supports Policy 12.2.14 but considers that it does not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor does it support Objective 12.2.1. Submitter considers that the policy would be better suited to chapter 10 (Transportation).	Delete Policy 12.2.14 from Chapter 12 and reinstate in Chapter 10.	

One submission point received in relation to Policy 12.2.14 which seeks that the policy be removed from Chapter 12 and located within a different part of the Plan (Chapter 10).

Policy 12.2.14 currently reads:

“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.”

4.31.2 Discussion & Evaluation

- Genesis (44.14) generally supports Policy 12.2.14 but considers that it does not appropriately respond to the identified issues within the Utilities and Energy Chapter, nor does it support Objective 12.2.1. The submitter seeks that the policy be removed from Chapter 12 and reinstated in Chapter 10.
- Whilst I understand the reason for including Policy 12.2.14 in the Utilities and Energy chapter is 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 is not clear in the wording of the policy. I agree with the submitter that the policy does not respond appropriately to the identified issues. The policy should at least refer to the reduction in energy consumption that is sought, and I recommend that it is amended. However, I do find that as the policy is overarching, it is correctly located in the Utilities and Energy chapter.
- I therefore recommend that the submission point 44.14 be accepted in part.

4.31.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
44.14		Genesis Power Ltd		Accept In-Part

4.31.4 Recommended Amendments to the Plan Provisions

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.”

4.32 New Policy 12.2.X

4.32.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.11	Todd Energy Ltd	In-Part	Clearer positive guidance could be given for considering wind energy facility development. The tension between suitable locations and their values is identified. While it is accepted that effects and responses need to be assessed on a case by case basis, further policy guidance to weighing up the factors would be provided.	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	In-Part	Clearer positive guidance could be	Include a new Policy	501.00 Genesis

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
	Ltd		given for considering wind energy facility development. The tension between suitable locations and their values is identified. While it is accepted that effects and responses need to be assessed on a case by case basis, further policy guidance to weighing up the factors would be provided.	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.	Power Ltd - Support 503.08 NZWEA - Support

Two submissions were made seeking that a new policy be added 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.

4.32.2 Discussion & Evaluation

1. Todd Energy (80.11) and KCE Mangahao (92.11) have identified that clearer positive guidance could be given for considering wind energy facility development. The submitters consider that while it is 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.
2. The submission points have been supported by Genesis (501.00 and 501.05) and NZWEA (503.07 and 503.08).
3. It is unnecessary to have a policy that provides for positive guidance in relation to the consideration of wind energy facility development and the tension between suitable locations and their values. 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. The nature of wind energy facilities and their potential locations mean they need to be considered on an individual basis. I do note that the Plan provides 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.
4. I therefore recommend that the submission points from Todd Energy (80.11) and KCE Mangahao (92.11) are rejected, together with further submission points 501.05, 503.07, 501.00 and 503.08.

4.32.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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

4.32.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Chapter 12.

4.33 Explanation & Principal Reasons for Objective 12.2.1

4.33.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
100.10	New Zealand Wind Energy Association (NZWEA)	Support	NZWEA suggests a minor correction to distinguish renewable electricity generation activities from network utilities.	Amend 6 th paragraph of the 12.2 Explanation & Principal Reasons as follows: As with other <u>network</u> utilities, the District Plan...	

One submission point was made in relation to the Explanation and Principal Reasons. The submitter seeks an amendment to the wording.

4.33.2 Discussion & Evaluation

1. NZWEA 100.10 support the Explanation and Principal Reasons for Objective 12.2.1 but seek an amendment to the sixth (6th) paragraph so that it reads as follows:

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

2. The submitter considers that this would help distinguish renewable electricity generation activities from network utilities. As I read the entire paragraph, it 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. I therefore recommend that the submission point 100.10 is rejected.

4.33.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
100.10		NZWEA		Reject

4.33.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Chapter 12.

4.34 Methods for Issue 12.2 & Objective 12.2.1

4.34.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
80.14	Todd Energy Ltd	In-Part	No explanation or provision to achieve Policies 12.2.9 and 12.2.10. It would be helpful to be able to respond to the proposed implementation of these policies.	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	In-Part	No explanation or provision to achieve Policies 12.2.9 and 12.2.10. It would be helpful to be able to respond to the proposed implementation of these policies.	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.	

Two submission points were made in relation to the Methods for Issue 12.2 and Objective 12.2.1. The submission points seek that methods and any other provisions are provided to support Policies 12.2.9 and 12.2.10.

4.34.2 Discussion & Evaluation

1. Todd Energy (80.14) and KCE Mangahao (92.14) have identified that there is no explanation or provision in the Proposed Plan to achieve Policies 12.2.9 and 12.2.10. It would be helpful to be able to respond to the proposed implementation of these policies. The submitters have requested that Methods and any other provisions required are provided to support Policies 12.2.9 and 12.2.10 including providing for the identification and assessment of potential sites for renewable energy generation (including wind energy facilities).
2. It is not the purpose or intent of the District Plan to identify suitable sites for renewable energy generation and assessment would occur as part of a consent process, although I note that some activities such as wind monitoring masts are provided for as permitted activities. I also note that the Explanation and Reasons include 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”. These investigations are intended to be undertaken by the generators and developers not the Council. I therefore recommend that the submissions from Todd Energy (80.14) and KCE Mangahao (92.14) are rejected.

4.34.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
80.14		Todd Energy Ltd		Reject
92.14		KCE Mangahao Ltd		Reject

4.34.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Chapter 12.

4.35 Chapter 12 - New Objective

4.35.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.18	Transpower New Zealand Ltd	In-Part	Policies 10 and 11 of the NPSET relate to the protection of the electricity transmission network. To give effect to these policies, Transpower considers that an objective should be included in the District Plan to protect the operation of network utilities from inappropriate land use, development and / or subdivision activities. This relief sought would be consistent with the issue identified (12.1).	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

One submission point was made seeking that a new Objective be provided for Chapter 12 to protect the operation of network utilities from inappropriate land use, development and / or subdivision activities.

4.35.2 Discussion & Evaluation

1. Transpower (99.18) seek that a new objective be added to Chapter 12. Policies 10 and 11 of the NPSET relate to the protection of the electricity transmission network. To give effect to these policies, the submitter considers that an objective should be included in the District Plan to protect the operation of network utilities from inappropriate land use, development

and / or subdivision activities. This relief sought would be consistent with the issue identified (12.1).

2. I earlier recommended that Objective 12.1.1 be amended to include reference to protection. This recommendation would result in the Objective reading “*To protect and provide for the establishment, operation, maintenance and upgrading of network utilities, while avoiding, remedying or mitigating adverse effects on the environment*”. I consider that this amendment recommended in section 4.4 of this report would address the submission point on this matter.
3. I also consider that there are also other policies that clearly signal the intent of the Proposed Plan is to protect the operation of network utilities from inappropriate land use. I note that I have also made a recommendation to amend Policy 12.1.9 which would more explicitly address the impact of land use, development or subdivision in locations which could compromise the safe and efficient operation and maintenance of network utilities.
4. Policy 12.1.9 has been recommended 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, to ensure the long-term efficient and effective functioning of that utility*”.
5. I am therefore satisfied that the matter raised by the submitter is already addressed in the Plan but particularly by earlier recommendations on other submission points made by the same submitter. I therefore recommend that this submission point 99.18 be accepted in-part.

4.35.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
99.18		Transpower New Zealand Ltd		Accept In-Part

4.35.4 Recommended Amendments to the Plan Provisions

No amendments are recommended.

4.36 Chapter 12 -General Matters

4.36.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
26.08	Horowhenua Astronomical Society Inc	In-Part	The submitter seeks the recognition that the street and highway lighting is a network utility and that it should be managed in a way that limits adverse effects on the environment.	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	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				spill and glare, and through improving the energy efficiency and effectiveness of the network.	
29.14	Allen Little	In-Part	The community must learn to practice energy efficiency and avoid wastage of resources such as electricity. Electrical reticulation should comply with current best practice with aging infrastructure assessed for operational efficiencies.	No specific relief requested.	
80.05	Todd Energy Ltd	In-Part	The submitter opposes the lack of clarity in Chapter 12 in assessing and providing policy framework for utilities and energy. The Chapter discusses “energy” generically and does not provide a clear foundation for the issue discussion and objectives and policies that follow, particularly in relation to renewable energy and national energy policies.	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	In-Part	The submitter opposes the lack of clarity in Chapter 12 in assessing and providing policy framework for utilities and energy. The Chapter discusses “energy” generically and does not provide a clear foundation for the issue discussion and objectives and policies that follow, particularly in relation to renewable energy and national energy policies.	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 Conservation (DoC)	Support	General support for provisions.	Retain as notified.	503.02 NZWEA - Oppose

Five submission points were received in relation to matters generally relating to Chapter 12 rather than specific provisions. The submission points vary in the matters they address.

4.36.2 Discussion & Evaluation

1. The Horowhenua Astronomical Society (26.08) seeks 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. Chapter 12 contains the issues, objectives, policies, methods and anticipated environmental results for Utilities and Energy. Under Rule 24.1.1 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 and may address the concerns of the submitter. It is considered that this Subdivision and Development chapter of the Plan (Chapter 24) is the most appropriate place in the Plan to address specific controls needed to manage street and road lighting networks. I also consider that at a policy level there is appropriate support for energy efficiency from Policy 12.2.12, which encourages energy efficiency and conservation practices. I therefore consider that the submitter's concerns are already addressed in the Proposed Plan and recommend that this submission point (26.08) be accepted in-part.

2. Little (29.14) submits that the community must learn to practice energy efficiency and avoid wastage of resources such as electricity. Electrical reticulation should comply with current best practice with aging infrastructure assessed for operational efficiencies. The submitter does not identify specific relief to the Proposed Plan to address this concern. Chapter 12 already contains a policy (12.2.12) that has an energy efficiency focus. Policy 12.2.12 currently reads "Encourage energy efficiency and conservation practices, including use of energy efficient materials and renewable energy in development". While the policy does not specifically target electricity reticulation it is applicable to this form of network utility. I therefore consider that the submitter's concerns are already addressed in the Proposed Plan and recommend that this submission point (29.14) be accepted in-part.
3. Todd Energy (80.05) and KCE Mangahao (92.05) oppose the lack of clarity in Chapter 12 in assessing and providing policy framework for utilities and energy. The Chapter discusses "energy" generically and does not provide a clear foundation for the issue discussion and objectives and policies that follow, particularly in relation to renewable energy and national energy policies. The submitter seeks that Chapter 12 is amended to ensure that the introduction, objectives and policies reflect existing and proposed renewable electricity generation project more strongly and clearly.
4. I consider that the Plan has provided an appropriate response in the Horowhenua context to the matter of utilities and energy. Energy is discussed generically within the chapter referring to both renewable energy and energy efficiency. I consider that the policies as provided (including the recommended amendments stated in this report) do provide clarity and recognise existing electricity generation infrastructure and the need for these facilities to be able to continue to operate, be maintained and upgraded. The Plan does not solely focus on the establishment of new renewable energy facilities. If the submitters were seeking reference in the Plan to a specific existing facility or project then I invite the submitters to suggest an appropriate reference for consideration. As I consider that the Plan addresses the submitter's point I recommend that these submission points be accepted in-part.
5. DoC (101.64) generally supports the provisions in Chapter 12 and seeks that they be retained as notified. NZWEA (503.02) has generally opposed this submission point as they have sought amendments to a number of provisions that DoC seek to retain. 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 recommended to be accepted, I therefore recommend that submission points 101.64 and 503.02 be accepted in-part.

4.36.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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	503.02	Director General of Conservation (DoC) NZWEA	Oppose	Accept In-Part Accept In-Part

4.36.4 Recommended Amendments to the Plan Provisions

No amendments are recommended

4.37 Rule 15.1 (i) Permitted Activity Rule – Residential Zone

4.37.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.15	Powerco	Support	Submitter supports Rule 15.1(i)	Retain Rule 15.1(i) without modification.	

One submission was received in supporting Rule 15.1(i) and seeking that it be retained without modification.

4.37.2 Discussion & Evaluation

1. Powerco (41.15) seeks that Rule 15.1(i) be retained without modification. The support is noted. I therefore recommend that this submission be accepted.

4.37.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.15		Powerco		Accept

4.37.4 Recommended Amendments to the Plan Provisions

No amendments are recommended for Rule 15.1(i).

4.38 Rule 15.7.5(a)(iv) Subdivision of Land – Residential Zone

4.38.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.36	Powerco	In-Part	Submitter seeks amendment to Rule 15.7.5(a)(iv) to include reference to gas.	Amend Rule 15.7.5(a)(iv) as follows The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity <u>and, where applicable, gas.</u>	

One submission was received in relation to Rule 15.7.5(a)(iv) seeking an amendment to this rule so that the rule included a reference to gas.

4.38.2 Discussion & Evaluation

1. Powerco (41.36) seeks that Rule 15.7.5(a)(iv) be amended to read “The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, streetlighting, telecommunications and electricity and, where applicable, gas”.
2. I support the inclusion of a reference to gas and therefore recommend that the submission point 41.36 be accepted and that Rule 15.7.5(a)(iv) be amended as suggested by the submitter.

4.38.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
41.36		Powerco		Accept

4.38.4 Recommended Amendments to the Plan Provisions

Amend Rule 15.7.5(a)(iv) to read

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

4.39 Rule 16.1(m) Permitted Activity Rule – Industrial Zone

4.39.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.16	Powerco	Support	Submitter supports Rule 16.1(m)	Retain Rule 16.1(m) without modification	

One submission was received in supporting Rule 16.1(m) and seeking that it be retained without modification.

4.39.2 Discussion & Evaluation

1. Powerco (41.16) seeks that Rule 16.1(m) be retained without modification. The support is noted. I therefore recommend that this submission be accepted.

4.39.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.16		Powerco		Accept

4.39.4 Recommended Amendments to the Plan Provisions

No amendments are recommended for Rule 16.1(m).

4.40 Rule 17.1(o) Permitted Activity Rule - Commercial Zone

4.40.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.17	Powerco	Support	Submitter supports Rule 17.1(o)	Retain Rule 17.1(o) without modification	

One submission was received in supporting Rule 17.1(o) and seeking that it be retained without modification.

4.40.2 Discussion & Evaluation

1. Powerco (41.17) seeks that Rule 17.1(o) be retained without modification. The support is noted. I therefore recommend that this submission be accepted.

4.40.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.17		Powerco		Accept

4.40.4 Recommended Amendments to the Plan Provisions

No amendments are recommended for Rule 17.1(o).

4.41 Rule 19.1(k) Permitted Activity Rule – Rural Zone

4.41.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.18	Powerco	Support	Submitter supports Rule 19.1(k)	Retain Rule 19.1(k) without modification.	
80.16	Todd Energy Ltd	In-Part	<p>The intent of the rule is supported (although it is covered by existing use rights), the use of the word 'significant' is inappropriate for a permitted activity as it requires a judgement to be made in its interpretation.</p> <p>There will be occasions when a power station or associated facilities are upgraded and the footprint, height or scale may change or increase: it is not clear whether "external modifications" refers to cosmetic changes or would encompass and enable more substantial changes not altering the general scale of effects. A clear unambiguous wording is required.</p>	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	In-Part	<p>The intent of the rule is supported (although it is covered by existing use rights), the use of the word 'significant' is inappropriate for a permitted activity as it requires a judgement to be made in its interpretation.</p> <p>There will be occasions when a power station or associated facilities are upgraded and the footprint, height or scale may change or</p>	Amend Rule 19.1(k)(iv) to provide certainty about the scope of upgrading by reference to increased footprint, height or other specific parameters.	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			increase: it is not clear whether “external modifications” refers to cosmetic changes or would encompass and enable more substantial changes not altering the general scale of effects. A clear unambiguous wording is required.		
96.28	Federated Farmers of New Zealand	Oppose	<p>Permitted status for the construction and upgrading is entirely inappropriate and does not take into account the adverse effects that this can create. Network utilities such as electricity transmission or telecommunications traverse over private land, this is different to generation or station facilities where the infrastructure is located on land owned by the utility company. Federated Farmers is gravely concerned that this 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.</p> <p>Construction and upgrading will involve the Network Utility operator temporarily occupying a wider strip of land than what it needs for the life of the lines. Disturbance and impacts of construction include damage to pasture and soil compaction; damage to property, gates and fence lines; livestock disturbance; having to change farming practice like not being able to graze particular paddocks or continue with irrigation; damage and destruction of crops; and storage of materials and machinery on property. There will be effects on the remainder of the property as workers will need access over the property to reach the construction site such as damage to private roads and tracks, the removal of fences or widening of gateways. Even worker facilities like smoko rooms and portaloos will be located on the land. Landowners are also concerned about liability if there is</p>	Amend Rule 19.1(k) by classifying that construction and upgrading of network utilities is a discretionary activity.	<p>506.15 Ernslaw One Ltd - Support</p> <p>507.10 Chorus - Oppose</p> <p>508.10 Telecom - Oppose</p> <p>513.15 Rayonier New Zealand Ltd - Support</p> <p>514.11 Todd Energy Ltd - Oppose</p> <p>515.11 KCE Mangahao Ltd - Oppose</p> <p>517.20 Horticulture NZ - Support</p> <p>518.05 Transpower New Zealand Ltd – In-Part</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>an accident while workers are on their land.</p> <p>Activities such as maintenance, repair and operation as permitted are more reasonable. Activities such as washing or repainting pylons, repair of conductors, trimming trees, re-tensioning and re-sagging of conductors are activities that Federate Farmers considers as maintenance, repair and operation, and that we accept are needed to ensure that transmission continues. It needs to be remembered that network utility operators still have an obligation to give notice to landowner prior to entering the property for maintenance, repair and operation, and the landowner may set conditions of entry. We will continue discussing what constitutes maintenance and repair further in our submission on Rule 22.1.10.</p> <p>There may be a perception that the adverse effects of construction and upgrading are managed by other legislation, but the permitted activity status in the District Plan enables these activities to occur without consideration of the needs of and effects on the landowners.</p>		
98.36	Horticulture NZ	In-Part	<p>Rule 19.1 lists activities provided for as permitted in the Rural Zone. Clauses k) and m) refer to upgrading of network utilities. Clause m) specifically refers to 'minor upgrading'. Clause k) should be consistent with this approach. Rule 22.1.10 sets out what is 'minor upgrading'. Any upgrade that does not meet this description should not be a permitted activity.</p>	<p>Amend Rule 19.1(k)(i) as follows:</p> <p>(k) The following network utilities and electricity generation activities:</p> <p>(i) The construction, operation, maintenance and <u>minor</u> upgrading of network utilities.</p> <p>(ii) Wind monitoring masts.</p> <p>(iii) Domestic scale renewable energy device.</p> <p>(iv) The operation, maintenance, refurbishment,</p>	<p>514.14 Todd Energy Ltd - Oppose</p> <p>515.14 KCE Mangahao Ltd - Oppose</p> <p>518.06 Transpower New Zealand Ltd – In-Part</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				enhancement and upgrading of an existing energy generation facility, except where significant external modification is involved.	
99.23	Transpower New Zealand Ltd	Support	The majority of Transpower's assets within the District are contained within the Rural Zone. The Proposed Plan provides for the construction of new network utilities and the operation, maintenance and upgrading of existing network utilities as a permitted activity, subject to conditions (19.1(k)).	Retain Rule 19.1(k).	

Six submissions were made in relation to Rule 19.1(k). The submissions range from those supporting the rule and seeking that it be retained without modification to those that oppose it and seek amendments.

4.41.2 Discussion & Evaluation

1. Todd Energy (80.16) and KCE Mangahao (92.16) support the intent of the rule, however the submitters consider the use of the word 'significant' is inappropriate for a permitted activity as it requires a judgement to be made in its interpretation. There will be occasions when a power station or associated facilities are upgraded and the footprint, height or scale may change or increase: it is not clear whether "external modifications" refers to cosmetic changes or would encompass and enable more substantial changes not altering the general scale of effects. Clear unambiguous wording is required for the rule. The submitters seek 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.
2. I agree that Rule 19.1(k)(iv) is unclear as the term 'significant external modification' is subjective and it is not obvious what is meant by the term. I recommend that the rule be amended to refer to 'minor upgrading' and that the reference to 'significant external modification' is removed. Minor upgrading is subject to the standards in Chapter 22, although it appears that these mainly relate to the upgrading or replacement of lines rather than buildings. There are 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. The submitters may wish to suggest some appropriate standards along the lines that a minor upgrade would mean that a building did not increase in floor area by more than 10m². I therefore recommend that these submission points be accepted in part and invite the submitters to address this issue at the hearing. I recommend the further submission point Horticulture NZ (517.21) be accepted in part also.
3. Federated Farmers (96.28) oppose Rule 19.1(k) and the permitted status for the construction and upgrading. The submitter considers this to be entirely inappropriate as it does not take into account the adverse effects that this can create. Federated Farmers is gravely

concerned that this 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.

4. I understand the submitter's concerns but note that the construction and upgrading of utilities is 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. The Council has a duty to provide for utilities as these are vital to the well-being of the District including the farming community. The rules do not provide for any utility operator to construct a pole or generating facility on private land, this and the issue of access is subject to legislation outside of the District Plan. I therefore recommend that this submission point (96.28) be rejected, together with further submission points Ernslaw One Ltd (506.15), Rayonier (513.15), Horticulture NZ (517.20). I recommend that further submission points Chorus (507.10), Telecom (508.10), Todd Energy (514.11), KCE Mangahao (515.11) while the further submission point by Transpower (518.05) is accepted in part.
5. Horticulture NZ (98.36) identifies that Rule 19.1 lists activities provided for as permitted in the Rural Zone. Clauses (k) and (m) refer to upgrading of network utilities. Clause (m) specifically refers to 'minor upgrading'. Clause (k) should be consistent with this approach. Rule 22.1.10 sets out what is 'minor upgrading'. Any upgrade that does not meet this description should not be a permitted activity. Rule 19.1 should be amended 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."
6. I agree with Horticulture NZ that Rule 19.1(k) should refer to minor upgrading to ensure it is consistent with Rule 22.1.10. I therefore recommend that this submission is accepted and Rule 19.1(k) is amended accordingly. I therefore recommend that the further submission by Todd Energy (514.14) KCE Mangahao (515.14) be rejected while Transpower (518.06) be accepted in part.
7. Transpower (99.23) support Rule 19.1 as the majority of Transpower's assets within the Horowhenua District are contained within the Rural Zone. The Proposed Plan provides for the construction of new network utilities and the operation, maintenance and upgrading of existing network utilities as a permitted activity, subject to conditions (19.1(k)). The submitter seeks that the rule be retained. This support is acknowledged and it is recommended that this submission point be accepted in part.
8. Powerco (41.18) supports Rule 19.1(k) and seeks that it be retained without modification. The support for this rule is noted however as a modification has been recommended I therefore recommend that submission point 41.18 be accepted in-part.

4.41.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.18		Powerco		Accept In-Part
80.16	517.21	Todd Energy Ltd Horticulture NZ	Oppose	Accept In-Part Accept In-Part
92.16		KCE Mangahao Ltd		Accept In-Part
96.28	506.15 507.10 508.10 513.15 514.11 515.11 517.20 518.05	Federated Farmers of New Zealand Ernslaw One Ltd Chorus Telecom Rayonier New Zealand Ltd Todd Energy KCE Mangahao Ltd Horticulture NZ Transpower New Zealand Ltd	Support Oppose Oppose Support Oppose Oppose Support In-Part	Reject Reject Accept Accept Reject Accept Reject Accept In-Part
98.36	514.14 515.14 518.06	Horticulture NZ Todd Energy KCE Mangahao Ltd Transpower New Zealand Ltd	Oppose Oppose In-Part	Accept Reject Reject Accept In-Part
99.23		Transpower New Zealand		Accept In-Part

4.41.4 Recommended Amendments to the Plan Provisions

Amend Rule 19.1(k) 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.”~~

4.42 Rule 19.4.6 Network Utilities and Electricity Generation

4.42.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.26	Transpower New Zealand Ltd	Support	Lines and support structures (including towers, mast and poles) for conveying electricity at a voltage exceeding 110kV are specifically identified as a discretionary activity under Rule 19.4.6(a).	Retain Rule 19.4.6	
80.17	Todd Energy Ltd	Support	Rule 19.4.6(b) provides for wind energy facilities as discretionary activities and is supported.	Retain Rule 19.4.6(b) which provides for wind energy facilities as discretionary activities in the Rural Zone.	

Two submission points were made in support of Rule 19.4.6.

4.42.2 Discussion & Evaluation

1. Transpower (99.26) supports Rule 19.4.6(a) as lines and support structures (including towers, mast and poles) for conveying electricity at a voltage exceeding 110kV are specifically identified as a discretionary activity. The submitter seeks that this rule be retained.
2. Todd Energy (80.17) supports Rule 19.4.6(b) as it provides for wind energy facilities as discretionary activities. The submitter seeks that this rule be retained.
3. The support for Rule 19.4.6 is noted. I recommend that submission points 80.17 and 99.26 be accepted.

4.42.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
99.26		Transpower New Zealand Ltd		Accept
80.17		Todd Energy Ltd		Accept

4.42.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 19.4.6.

4.43 Rule 19.6.24(b) Network Utilities and Energy

4.43.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.28	Transpower New Zealand Ltd	In-Part	Transpower considers the maintenance, replacement and minor upgrading of network utility activities and infrastructure should not also be required to comply with the Rural Zone District Plan provisions. Permitted activities provided for through Chapter 22 should be recognised for their existence and performing function. An amendment to Rule 19.6.24 is sought.	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 <u>new</u> network utility or associated structure.	

One submission was made in relation to Rule 19.6.24(b) seeking an amendment to the wording of this rule.

4.43.2 Discussion & Evaluation

1. Transpower (99.28) considers the maintenance, replacement and minor upgrading of network utility activities and infrastructure should not also be required to comply with the Rural Zone District Plan provisions. Permitted activities provided for through Chapter 22 should be recognised for their existence and performing function. An amendment to Rule 19.6.24 is sought.
2. Transpower seek that Rule 19.6.24(b) be amended to read

“(b) All other relevant conditions in this part of the District Plan shall also apply to any new network utility or associated structure.”
3. I agree in part as the notes section in Chapter 22 provides for the minor upgrading that does not need to comply with any conditions other than 22.1.10 Maintenance, Replacement and Upgrading Network Utilities. Therefore Rule 19.6.24(b) only relates to new network utilities and major upgrades. I recommend that the rule be amended to reflect this and the submission point from Transpower be accepted in part.

4.43.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation

99.28		Transpower New Zealand Ltd		Accept In-Part
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4.43.4 Recommended Amendments to the Plan Provisions

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 or major upgrade of any network utility or associated structure.”

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

4.44.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.19	Powerco	Support	Submitter supports Rule 20.1(f)	Retain Rule 20.1(f) without modification.	

One submission was received in relation to Rule 20.1(f).

4.44.2 Discussion & Evaluation

1. Powerco (41.19) supports the retention of Rule 20.1(f) without modification. The support is noted. I recommend that this submission point be accepted.

4.44.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
41.19		Powerco		Accept

4.44.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 20.1(f).

4.45 Chapter 22 - Introduction

4.45.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.40	Powerco	Support	Submitter supports the first paragraph of the introduction to Chapter 22	Retain without modification the first paragraph of the introduction to Chapter 22.	
99.34	Transpower New Zealand Ltd	Support	The last paragraph of the introductory section specifically refers to the applicability of the NESETA for the operation, maintenance, upgrading, relocation or removal of an existing transmission line that is part of the National Grid. The intent of this is supported however an amended paragraph is sought to better reflect the applicability of the NESETA in the context of Section 44A of the RMA.	Retain the last paragraph to 22 Introduction without modification.	

Two submission points were made in support of the Introduction section of Chapter 22.

4.45.2 Discussion & Evaluation

1. Powerco (41.40) support the first paragraph of the Introductory section of Chapter 22 and seeks that it be retained without modification. The support for this paragraph is noted. I recommend that submission point 41.40 be accepted.
2. Transpower (99.34) support the last paragraph of the Introductory section of Chapter 22 as it specifically refers to the applicability of the NESETA for the operation, maintenance, upgrading, relocation or removal of an existing transmission line that is part of the National Grid. Although the applicant has referred to seeking an amended paragraph to better reflect the applicability of the NESETA in the context of Section 44A of the RMA, the submitter has also indicated in their relief sought that the last paragraph of the Introductory section be retained without modification. The support for the Introductory section of Chapter 22 is noted, I therefore recommend that the submission point 99.34 be accepted.

4.45.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.40		Powerco		Accept
99.34		Transpower New Zealand Ltd		Accept

4.45.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the Introductory section of Chapter 22.

4.46 Rule 22.1 Conditions for Permitted Activities

4.46.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
25.08	Michael White	In-Part	The submitter seeks the inclusion of rules for managing street lights and other external lighting to avoid impacts on the environment. Developers should be specifically required to provide lighting that complies with the general objectives of AS/NZS 1158 to limit light spill and glare, and to also comply with Sustainable Procurement Guidelines.	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

One submission point was made in relation to Rule 22.1 generally. The submitter seeks the inclusion of rules for managing street lights and other external lighting to avoid impacts on the environment.

4.46.2 Discussion & Evaluation

1. White (25.08) supported by Campbell (525.24) seeks that Rule 22.1 be amended to include performance rules around the provision of lighting systems associated with the development of subdivisions. Developers should be specifically required to provide lighting that complies with the general objectives of AS/NZS 1158 to limit light spill and glare, and to also comply with Sustainable Procurement Guidelines.
2. It is 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 and may address the concerns of the submitter. The submitters may wish to clarify at the hearing whether subdivisions and development complying with this Standard effectively addresses their concerns, such as a maximum level of light spill. On the basis that the Proposed Plan already addresses the relief requested albeit in a different part of the Plan (Chapter 24), I therefore recommend that the submission points 25.08 and 525.24 be accepted in-part.

4.46.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
25.08	525.24	Michael White Maurice & Sophie Campbell	Support	Accept In-Part Accept In-Part

4.46.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 22.1 as a result of this submission.

4.47 Rule 22.1.1 Gas Pressure

4.47.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.41	Powerco	Support	Submitter supports the approach of Rule 22.1.1 and seeks the retention of this rule.	Retain Rule 22.1.1 without modification.	

One submission point was made in support of Rule 22.1.1.

4.47.2 Discussion & Evaluation

1. Powerco (41.41) support the retention of Rule 22.1.1 without modification. The support for this rule is noted. I recommend that this submission point be accepted.

4.47.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.41		Powerco		Accept

4.47.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 22.1.1.

4.48 Rule 22.1.2 Electricity Voltage

4.48.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
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Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
98.46	Horticulture NZ	In-Part	Rule 22.1.2 provides for new electricity lines up to 110kV as a permitted activity. Such an approach means that landowners affected by the new line have no ability to comment or submit on the proposed new lines. This is important in that there may be requirements for separation distances of activities under NZECP 34:2001 that will impact on landowners. It is considered that all new lines should require resource consent.	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	Support	110kV transmission lines form part of the electricity transmission network. The provision of new 100kV lines and associated transformers as a permitted activity supported by Transpower.	Retain Rule 22.1.2 without modification:	517.36 Horticulture NZ - Oppose

Two submission points were made in relation to Rule 22.1.2. Horticulture NZ have requested that the rule be deleted while Transpower have requested that the rule be retained without modification.

4.48.2 Discussion & Evaluation

1. Horticulture NZ (98.46) opposes Rule 22.1.2 as it provides for new electricity lines up to 110kV as a permitted activity. Such an approach means that landowners affected by the new line have no ability to comment or submit on the proposed new lines. This is important in that there may be requirements for separation distances of activities under NZECP 34:2001 that will impact on landowners. The submitter considers that all new lines should require resource consent and that this rule should be deleted. This submission point is opposed by Todd Energy (514.15), KCE Mangahao (515.15) and Transpower (518.12) but is supported by Federated Farmers (516.23).
2. I understand that the submitter is concerned about landowners being consulted prior to lines being established across their land. However, whilst the District Plan provides for this activity, it does not mean that the utility company can undertake this work without consultation with the relevant landowners. The District Plan is 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. Therefore, I recommend that the submission be rejected and Rule 22.1.2 be retained as proposed and that submission points 98.46 and 516.23 be rejected and submission points 514.15, 515.15 and 518.12 be accepted.

3. Transpower (99.35) support Rule 22.1.2 as 110kV transmission lines form part of the electricity transmission network. The provision of new 110kV transmission lines and associated transformers as a permitted activity is supported. Transpower seek that Rule 22.1.2 be retained without modification. This submission point is opposed by Horticulture NZ (517.36). I note that this provision (albeit with slightly amended wording) has been carried over from the Operative Plan.
4. The support of Transpower is noted and I recommend that this submission be accepted and the further submission 517.36 be rejected.

4.48.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
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		Accept
	517.36	Horticulture NZ	Oppose	Reject

4.48.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 22.1.2.

4.49 Rule 22.1.4(a) Sites Adjoining the Residential Zone

4.49.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
78.13	Telecom New Zealand Ltd	In-Part	Opposes Rule 22.1.4(a), as 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.	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	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				location of any network utility structure.	
79.13	Chorus New Zealand Ltd	In-Part	Opposes Rule 22.1.4(a), as 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.	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.	

Two submissions points were received seeking an amendment to Rule 22.1.4(a). Both submissions seek the same change. It is noted that the Summary of Submissions as notified did not accurately reflect the extent of the relief sought. The submitters actually sought that the rule be amended 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.~~”

4.49.2 Discussion & Evaluation

1. Telecom (78.13) and Chorus (79.13) seek that Rule 22.1.4(a) be amended. The submitters 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. 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. Instead of applying the height threshold of the Residential zone, provision would be made for the additional height 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). I consider 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. I support the submission points 78.13 and 79.13 and recommend that they be accepted and that Rule 22.1.4 be amended as requested in the submitter’s original submission.

4.49.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation

78.13		Telecom New Zealand Ltd		Accept
79.13		Chorus New Zealand Ltd		Accept

4.49.4 Recommended Amendments to the Plan Provisions

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.”

4.50 Rule 22.1.5(a) Undergrounding of Services

4.50.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.42	Powerco	Support	Submitter supports the approach of Rule 22.1.5(a) and seeks the retention of this rule.	Retain Rule 22.1.5(a) without modification.	
99.36	Transpower New Zealand Ltd	Support	Transpower supports the note attached to Rule 22.1.5: Undergrounding of Services which confirms that the rule does not include high voltage new electricity. There may be operational limitations and prohibitive costs associated with undergrounding high voltage electricity.	Retain the Note under 22.1.5(a) without modification	

Two submissions were received in support of retaining Rule 22.1.5(a) as notified.

4.50.2 Discussion & Evaluation

1. Powerco (41.42) and Transpower (99.36) both supported retaining Rule 22.1.5(a) as notified. The support is noted. I recommend that these submissions points be accepted.

4.50.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.42		Powerco		Accept
99.36		Transpower New Zealand Ltd		Accept

4.50.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 22.1.5(a).

4.51 Rule 22.1.5(c) Undergrounding of Services

4.51.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.43	Powerco	Support	Submitter supports the approach of Rule 22.1.5(c) and seeks the retention of this rule.	Retain Rule 22.1.5(c) without modification.	

One submission point was made in relation to Rule 22.1.5(c).

4.51.2 Discussion & Evaluation

1. Powerco (41.43) supports the retention of Rule 22.1.5(c) without modification. The support is noted. I recommend that the submission point be accepted.

4.51.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.43		Powerco		Accept

4.51.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 22.1.5(c).

4.52 Rule 22.1.6 Underground Services - Reinstatement

4.52.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.44	Powerco	Support	Submitter supports the approach of Rule 22.1.6 and seeks the retention of this rule.	Retain Rule 22.1.6 without modification.	

One submission point was made in relation to Rule 22.1.6.

4.52.2 Discussion & Evaluation

1. Powerco (41.44) supports the retention of Rule 22.1.6 without modification. The support is noted. I recommend that the submission point be accepted.

4.52.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.44		Powerco		Accept.

4.52.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 22.1.6.

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

4.53.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
78.14	Telecom New Zealand Ltd	In-Part	<p>Oppose Rule 22.1.8 and the definition of 'Building' in Chapter 26.</p> <p>Small lightning rods are not excluded from the from the maximum height requirements for network utilities in Rule 22.1.8, or through the exemption provided for in the definition of "building".</p> <p>Due to the small size and negligible environmental effect of lightning rods, they should be expressly excluded from the maximum height limit for utility structure to which they are attached. In addition be an exemption for in the definition of building (Refer to Chapter 26 for this relief).</p>	<p>Amend Rule 22.1.8 by exempting lightning rods from the maximum height limit.</p> <p>Refer to Submission Point 78.15 for relief sought to Chapter 26 and the definition of 'building'.</p>	
78.16	Telecom New Zealand Ltd	Oppose	<p>In general the permitted height limits for masts and attached antennas are reasonable. However, the heights are considered unnecessarily restrictive in the Commercial Zone (outside the pedestrian overlay area) and the Industrial Zone. Where practicable,</p>	<p>Amend Rule 22.1.8 as follows:</p> <p>(a) All masts, pylons, towers, support structure, aerials, antennas and other structures associated with network utilities and domestic</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			Telecom prefers to deploy infrastructure in commercial and industrial zones within urban areas where larger building typologies are enabled and larger scale structures are better able to be absorbed.	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	In-Part	Oppose Rule 22.1.8 and the definition of 'Building' in Chapter 26. Small lightning rods are not excluded from the from the maximum height requirements for network utilities in Rule 22.1.8, or through the exemption provided for in the definition of "building". Due to the small size and negligible environmental effect of lightning rods, they should be expressly excluded from the maximum height limit for utility structure to which they are attached. In addition be an exemption for in the definition of building (Refer to Chapter 26 for this relief).	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'.	
79.16	Chorus New Zealand Ltd	Oppose	In general the permitted height limits for masts and attached antennas are reasonable. However, the heights are considered unnecessarily restrictive in the Commercial Zone (outside the pedestrian overlay area) and the Industrial Zone. Where practicable, Telecom prefers to deploy infrastructure in commercial and industrial zones within urban areas where larger building typologies are enabled and larger scale structures	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	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			are better able to be absorbed.	height requirements: (i) 13.5 metres in the Residential Zone and Open Space Zone. (ii) 13.5 <u>15</u> 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 <u>25</u> metres in the Industrial Zone.	

Telecom and Chorus each made two submission points in relation to Rule 22.1.8 opposing the current wording and seeking amendments.

4.53.2 Discussion & Evaluation

1. Telecom (78.14) and Chorus (79.14) oppose Rule 22.1.8 and seek that it be amended by exempting lightning rods from the maximum height limit. The rule does not currently exempt small lightning rods from the maximum height requirements for network utilities in Rule 22.1.8, or through the exemption provided for in the definition of “building”.
2. I agree that given the usual height and dimensions of lightning rods that these could be exempt from the height provisions. However, I consider that the rule should set specific standards rather than applying a generic exemption. I therefore recommend that these submission points (78.14 and 79.14) be accepted in part.
3. Telecom (78.16) and Chorus (79.16) consider that in general the permitted height limits for masts and attached antennas are reasonable. However, the heights are considered unnecessarily restrictive in the Commercial Zone (outside the pedestrian overlay area) and the Industrial Zone. Where practicable, the submitters prefer to deploy infrastructure in commercial and industrial zones within urban areas where larger building typologies are enabled and larger scale structures are better able to be absorbed. The submitters seek the following amendment to the rule:

“(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. The commercial and industrial zones tend to contain large buildings that are not necessarily tall but are large in scale and visually dominating. As such, utilities are more likely to ‘blend’ with the 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 an urban or rural zone. I therefore recommend that the height limits in the commercial and industrial zones are increased as requested by the submitters. I recommend that submission points 78.16 and 79.16 be accepted.

4.53.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
78.14		Telecom New Zealand Ltd		Accept In-Part
78.16		Telecom New Zealand Ltd		Accept
79.14		Chorus New Zealand Ltd		Accept In-Part
79.16		Chorus New Zealand Ltd		Accept

4.53.4 Recommended Amendments to the Plan Provisions

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
- 2m above the building or structure to which it is attached or
- 600mm in diameter.”

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

4.54.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.17	Genesis Power Ltd	Support	Submitters supports Rule 22.1.8(b)(i) as it provides for wind monitoring masts, up to 80 metres in height as a permitted activity, which is considered appropriate.	Retain Rule 22.1.8(b)(i)	

One submission point was made in support of Rule 22.1.8(b)(i).

4.54.2 Discussion & Evaluation

- Genesis (44.17) supports Rule 22.1.8(b)(i) and seeks that it be retained. The support for this rule is noted. I recommend that submission point 44.17 be accepted.

4.54.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
44.17		Genesis Power Ltd		Accept

4.54.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to Rule 22.1.8(b)(i).

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

4.55.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.18	Genesis Power Ltd	In-Part	Submitter opposes Rule 22.1.8(b)(ii) as it prescribes a maximum diameter of 250mm as a permitted activity. It is considered that the maximum diameter prescribed by this rule may preclude the use of typical wind monitoring structures which have a width greater than 250mm	Amend Rule 22.1.(b)(ii) as follows (ii) Maximum Diameter 250mm <u>500mm</u> .	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
100.13	New Zealand Wind Energy Association (NZWEA)	Support	NZWEA supports the provision of permitted wind monitoring masts but considers the minimum diameter standard too restrictive. Metrological masts are typically temporary activities that have benign adverse environmental effects and there appears to be no rationale for restricting the width to 250mm when met masts can be up to 450mm in diameter.	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: 250 500mm. (iii) Minimum Setback: 500 metres from all boundaries. (iv) Equipment: Limited to instrumentation necessary to record and log wind direction and speed.	

Two submission points were made in relation to Rule 22.1.8(b)(ii), seeking an amendment to the maximum diameter of wind monitoring masts.

4.55.2 Discussion & Evaluation

- Genesis (44.18) and NZWEA (100.13) both seek that the maximum diameter of a wind monitoring masts be increased from 250mm to 500mm. It is considered that the 250mm maximum diameter prescribed by this rule may preclude the use of typical wind monitoring structures which have a width greater than 250mm.
- The increased maximum diameter suggested by the submitters is not considered unreasonable. The rule is intended to provide for these types of monitoring masts not preclude them, therefore I recommend that submission points 44.18 and 100.13 be accepted and that Rule 22.1.8(b)(ii) be amended.

4.55.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
44.18		Genesis Power Ltd		Accept
100.13		NZWEA		Accept

4.55.4 Recommended Amendments to the Plan Provisions

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

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

4.56 Rule 22.1.8(b)(iii) Height of Network Utility Masts, Pylons, Towers Aerials and other Structures Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.19	Genesis Power Ltd	In-Part	Submitter opposes Rule 22.1.8(b)(iii) as it imposes an arbitrary setback of 500 metres from all boundaries. Often wind farms comprise of multiple computer freehold registers (formerly certificates of titles) and as such the rule has the potential to default the erection of a wind monitoring device to a Discretionary Activity. The 500 metre setback seems excessive. It is considered that any offset required should be from the notional boundary of the site as this is where the amenity is likely to be affected.	<p>Amend Rule 22.1.8(b)(iii) to read:</p> <p>(iii) Minimum Setback: 500 metres from all boundaries <u>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.</u></p> <p>Sub-sequential Amendment to the definition of “site” as follows:</p> <p>an area of land comprised wholly of one (1) <u>computer freehold register certificate of title</u>; 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) <u>computer freehold register.</u></p> <p>Sub-sequential Amendment to the definition of “notional boundary” as follows:</p> <p><u>with regard to the</u></p>	<p>503.06 NZWEA - In-Part</p> <p>514.07 Todd Energy Ltd - Support</p> <p>515.07 KCE Mangahao Ltd - Support</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				measurement of noise, the legal boundary of the <u>property site</u> on which any rural dwelling is located or a line 20m from the dwelling whichever point is closer to the dwelling.	

One submission point was made opposing the current wording of Rule 22.1.8(b)(iii).

4.56.1 Discussion & Evaluation

1. Genesis (44.19) supported by NZWEA (503.06), Todd Energy (514.07) and KCE Mangahao (515.07) oppose Rule 22.1.8(b)(iii) as it imposes an arbitrary setback of 500 metres from all boundaries. Often wind farms comprise of multiple computer freehold registers (formerly certificates of titles) and as such the rule has the potential to default the erection of a wind monitoring device to a Discretionary Activity. The 500 metre setback seems excessive. It is considered that any offset required should be from the notional boundary of the site as this is where the amenity is likely to be affected.

2. The submitter has suggested the following amendments to address this concern:

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

(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.

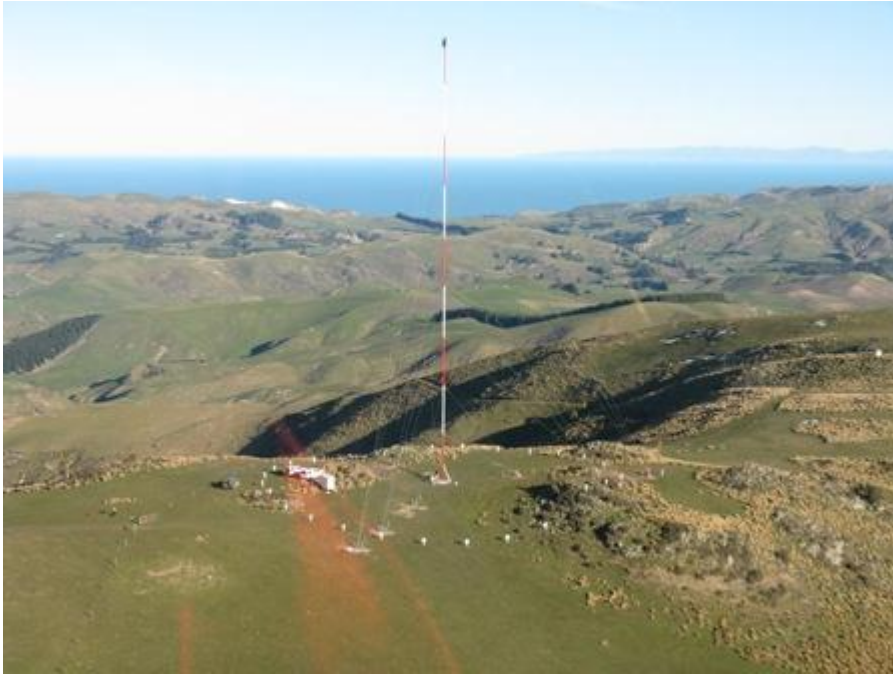
Sub-sequential Amendment to the definition of “site” as follows:

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.

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.

3. The rule as currently worded requires a wind monitoring mast to be located 500 metres from any boundary. I acknowledge this is a significant setback distance. Wind monitoring masts can have a functional requirement to be tall, and therefore the Proposed Plan permits them up to 80m in height. The image below is of an 80m tall wind monitoring mast in Great Valley, Canterbury.



4. In principle, I support the approach of applying setback from dwellings on neighbouring properties under separate ownership rather than applying a setback from property boundaries. 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, I do not agree that 25 metres is sufficient distance to minimise these effects. 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). Therefore, I recommend that the setback distance from dwellings on properties under separate ownership be equivalent to the height of the structure.
5. The submitter has requested a subsequent change to the definition of ‘notional boundary’ so that it could be relevantly applied to this rule. As I do not accept the proposed amendment, and the rule does not necessitate reference to the notional boundary. I do not consider it necessary to address the amendment requested by the submitter. I note that other submission points in relation to different topics have also sought amendment to the definition.
6. I 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, I recommend that the submission point from Genesis (44.19) be accepted in part together with the further submission points from NZWEA (503.06), Todd Energy Ltd (514.07) and KCE Mangahao Ltd (515.07).

4.56.2 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
44.19	503.06	Genesis Power Ltd NZWEA	In-Part	Accept In-Part Accept In-Part

	514.07	Todd Energy Ltd	Support	Accept In-Part
	515.07	KCE Mangahao Ltd	Support	Accept In-Part

1.1.2 Recommended Amendments to the Plan Provisions

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.

4.57 Rule 22.1.10 Maintenance, Replacement and Upgrading Network Utilities

4.57.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.45	Powerco	In-Part	Submitter seeks that Rule 22.1.10 be amended to provide for the maintenance and replacement of existing gas transmission and distribution infrastructure as a permitted activity.	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.	512.00 Vector Gas Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<u>(vii) Existing gas transmission and distribution facilities.</u>	
42.00	Vector Gas Ltd	In-Part	Submitter seeks amendments to Rule 22.1.10 to undertake necessary routine planned maintenance work and emergency repair work and to enable Vector, as a utility operator, to maintain its asset in a safe and efficient manner.	Amend Rule 22.1.10 as follows: ... <u>(vii) Existing gas pipelines and associated above ground station sites.</u>	
80.19	Todd Energy Ltd	Support	The submitter supports Rule 22.1.10 (maintenance, replacement and upgrading of network utilities). However there is no apparent provision for energy activities. The intended purpose of the chapter is not clear in relation to energy activities.	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	Support	The submitter supports Rule 22.1.10 (maintenance, replacement and upgrading of network utilities). However there is no apparent provision for energy activities. The intended purpose of the chapter is not clear in relation to energy activities.	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	Support	Rule 22.1.10(a) provides for the maintenance and replacement of existing transformers and lines above ground for conveying electricity at all voltages and capacities as a permitted activity. Further, Rule 22.1.10(b) provides for minor upgrading of electricity and telecommunication lines as a permitted activity. In the context of maintaining network utilities and to provide for their efficient and effective functioning, Transpower seek enabling provisions associated with the trimming, felling and removal of vegetation and trees where that vegetation and / or tree represent an operational risk	Retain Rule 22.1.10 (a) and (b) and Include a new subclause as follows ... <u>(c) The trimming, felling and removal of vegetation and trees</u> <u>i) The trimming, felling and removal of vegetation and non-notable trees to retain the operational efficiency of existing network utilities.</u> <u>ii) The trimming and removal of branches likely to compromise the</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			to the network utility. Relief is sought in order to give effect to Policies 2, 3 and 5 of the NPSET. While relief is sought under Chapter 19 relating to the trimming, felling and removal of vegetation, relief is also sought under Chapter 22 for certainty and ease of reference. Transpower considers 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 recommends Rule 19.6.27c) ii) be deleted.	<u>operational efficiency of overhead wires or utility networks</u>	
91.06	HDC (Community Assets Department)	In-Part	There is no say on Council Utilities.	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) <u>Council Network Utilities.</u>	511.14 HDC (Community Assets Department) – In-Part 526.07 Truebridge Associates – Oppose
98.47	Horticulture NZ	In-Part	Horticulture NZ supports the description of 'minor upgrading' in Rule 22.1.10 b). However Clause ii) is linked to the increase of voltage which is included at the end of the description. The two should be linked. In addition, minor upgrading should not increase the separation distances required in NZECP 34:2001 therefore impacting on adjacent landowners.	Amend Rule 22.1.10(b) so that the following is provided for: Renumber point ii) as ix) with the requirement regarding increase in voltage part of the minor upgrading of re-conductoring the line with higher capacity conductors. After 'operating at a reduced voltage' add and	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				'will not increase the separation distances required by NZECP 34.2001	
96.38	Federated Farmers of New Zealand	Oppose	<p>Oppose Rule 22.1.10(b) which gives a definition for minor upgrading, which mean that a large scale of activities that can have significant adverse effects are inappropriately provided for as permitted, it must be remembers that often network utilities can be located on land that is not owned by the network utilities company, but a private landowner. Farmers host network utilities such as transmission lines on their own private land, and so rules that allow upgrading activities will have a direct impact on them.</p> <p>Rule 22.1.10(b) provides for much larger scale of activities such as the replacement of an entire electricity transmission tower, which does not even have to occupy the same footprint but can be within alignment of the existing corridor, as permitted. Increase in tower height will also be permitted. This Rule display an insufficient understanding of the adverse impacts that burden the owners of the land that infrastructure is located on.</p> <p>Upgrading activities will involve a network utility operator temporarily occupying a wider strip of land than what the completed utility needs. Disturbance and impacts of construction include damage to pasture and soil compaction; damage to property, gates and fence lines; livestock disturbance; having to change farming practice like not being able to graze particular paddocks or continue with irrigation; damage and destruction of crops; and storage</p>	<p>Delete Rule 22.1.10(b)</p> <p>And</p> <p>Amend rules to make:</p> <p>Minor upgrading and upgrading of network facilities are a discretionary activity.</p>	<p>506.22 Ernslaw One Ltd - Support</p> <p>507.11 Chorus - Oppose</p> <p>508.11 Telecom - Oppose</p> <p>514.12 Todd Energy Ltd - Oppose</p> <p>515.12 KCE Mangahao Ltd - Oppose</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>of material and machinery on the property. There will be effects on the remainder of the property as workers will need access over the property to reach the construction site such as damage to private roads and tracks, the removal of fences or widening of gateways. Even worker facilities like smoko rooms and portaloos will be located on the land. Landowners are also concerned about liability if there is an accident while workers are on their land.</p> <p>Adverse effects of upgrading need to be considered during a resource consent process and avoided, remedied, or mitigated by conditions. Allowing for any scale of upgrading as permitted is inappropriate and will not achieve sustainable management as envisaged by Section 5 of the RMA.</p>		

Eight submission points were made in relation to Rule 22.1.10. Submission points range from supporting the retention of the rule, to those seeking the inclusion of additional clauses or the deletion of parts of the rule.

4.57.2 Discussion & Evaluation

1. Vector Gas (42.00) seeks an amendment to Rule 22.1.10(a) to undertake necessary routine planned maintenance work and emergency repair work and to enable Vector, as a utility operator, to maintain its asset in a safe and efficient manner. The submitter requests that a new clause be added to this rule to read:

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

2. Powerco (41.45) seeks a similar amendment to this rule.

“...(vii) Existing gas transmission and distribution facilities.”

3. The requested amendments are considered to be appropriate, as the gas pipelines should be treated no differently to the other network utilities referred to in this rule. While the wording suggested differs between the two submissions they have the same intent. I note that Vector made a further submission (512.00) in support of the Powerco submission. I recommend that the Powerco wording be used for the amendment. I therefore recommend that submission points 41.45 and 512.00 be accepted and 42.00 be accepted in-part and that the rule be amended as per the wording suggested by the Powerco submission point (41.45).

4. Todd Energy (80.19) and KCE Mangahao (92.19) support Rule 22.1.10, however there is no apparent provision for energy activities. Both submitters have made further submissions (514.09, 514.10, 515.09 and 515.10) on these submission points to be clear that the relief sought is for clarification of the intended purpose of this chapter in relation to energy.
5. I am unclear as to what the submitters mean when they refer to 'energy activities'. I have assumed that it could be energy generation facilities and the concern that the minor upgrading of these is not provided for. In my opinion the effects of extending a generation facility are likely to be significantly greater than the addition of an overhead line. I invite the submitters to clarify this at the hearing and therefore I have not made a recommendation on these submission points at this time.
6. Transpower (99.37) supports Rule 22.1.10(a) and (b) but seeks an amendment to include an additional clause to this rule. The current rule provides for the maintenance and replacement of existing transformers and lines above ground for conveying electricity at all voltages and capacities as a permitted activity, it also provides for minor upgrading of electricity and telecommunication lines as a permitted activity. In the context of maintaining network utilities and to provide for their efficient and effective functioning, Transpower seek enabling provisions associated with the trimming, felling and removal of vegetation and trees where that vegetation and / or tree represent an operational risk to the network utility.
7. The relief is sought in order to give effect to Policies 2, 3 and 5 of the NPSET. The submitter has also requested relief to the provisions in Chapter 19 relating to the trimming, felling and removal of vegetation however relief is also sought under Chapter 22 for certainty and ease of reference. Transpower considers 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 recommends Rule 19.6.27(c) ii) be deleted.
8. The submitter has 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”
9. I agree that it is appropriate to include rules that provide for the trimming, felling and the removal of non-notable trees and vegetation. After all, it is vital to the operation of lines and network facilities that this work can occur without undue delay but also with consideration of any adverse effects on the environment. It is noted that this matter is also managed under the Electricity (Hazards from Trees) Regulations 2000 but I consider that rules in the District Plan remove any ambiguity around such activities. I therefore recommend that the rule be amended accordingly and the submission from Transpower (99.37) be accepted in part as some change is recommended to the wording suggested by the submitter.
10. HDC (Community Assets Department) (91.06) support Rule 22.1.10 but seek an amendment so that Council network utilities are referred to in this 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. A further submission by Truebridge (526.07) opposes this submission point. The further submitter has opposed the submission by HDC (Community Assets Department) generally and has not provided any specific comment in relation to this submission point. HDC (Community Assets Department) seeks the following amendment to Rule 22.1.10(a):

“(vii) Council Network Utilities.”

11. I consider this change to be acceptable as Council network utilities should be treated no differently to those that are already listed in this rule. I therefore recommend that submission point 91.06 be accepted and further submission point 526.07 be rejected and that a new clause be added to the rule as suggested by the submitter.
12. I note that HDC (Community Assets Department) made a further submission (511.14) that sought a further amendment so that the new clause would read “(vii) Council Network Utilities and Utility Treatment Plants”. While I consider the intent of the change to be acceptable, in my opinion this additional change would not be within scope given that it goes beyond what was originally sought and this change has been suggested through the further submission process therefore not enabling potential submitters the opportunity to support or oppose the change. For procedural reasons I recommend that further submission point 511.14 be rejected.
13. Horticulture NZ (98.47) supports the description of ‘minor upgrading’ in Rule 22.1.10(b). However Clause ii) is linked to the increase of voltage which is included at the end of the description. The two should be linked. In addition, minor upgrading should not increase the separation distances required in NZECP 34:2001 therefore impacting on adjacent landowners. To address this concern Horticulture NZ seek to amend Rule 22.1.10(b) by renumbering point (ii) as (ix) with the requirement regarding increase in voltage part of the minor upgrading of re-conductoring the line with higher capacity conductors. 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.
14. I understand the concerns of the submitter as an increase from 66kV line to 110kV line would increase the setback distances required under NZCEP 34:2001. This would only affect future activities and would not require existing activities/buildings to relocate. I do note that new electricity lines and associated transformers are provided for as permitted up to and including 110kV; therefore it seems appropriate to provide for upgrading of lines etc to 110kV. However, it is not possible to do this without increasing the setback distances required under NZECP 34:2001. I find this to be appropriate and recommend that Rule 22.1.10(b) remain unchanged and the submission point from Horticulture NZ (98.47) is rejected.
15. Federated Farmers (96.38) oppose Rule 22.1.10(b) as it gives a definition for minor upgrading, which mean that a large scale of activities that can have significant adverse effects are inappropriately provided for as permitted. Farmers host network utilities such as transmission lines on their own private land, and so rules that allow upgrading activities will have a direct impact on them.
16. Rule 22.1.10(b) provides for much larger scale of activities such as the replacement of an entire electricity transmission tower, which does not even have to occupy the same footprint but can be within alignment of the existing corridor, as permitted. Increase in tower height will

also be permitted. This rule displays an insufficient understanding of the adverse impacts that burden the owners of the land that infrastructure is located on.

17. The submitter argues that the adverse effects of upgrading need to be considered during a resource consent process and avoided, remedied, or mitigated by conditions. Allowing for any scale of upgrading as permitted is inappropriate and will not achieve sustainable management as envisaged by Section 5 of the RMA.
18. This submission point is supported by Ernslaw One (506.22) but opposed by Chorus (507.11), Telecom (508.11), Todd Energy (514.12) and KCE Mangahao (515.12).
19. I note the discussion above in relation to the submission from Horticulture NZ (98.47) but also add 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. 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. It is not a matter for consideration under the RMA, and neither is the issue of on-going access to privately owned land. A rule in the District 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. I therefore recommend that the submission from Federated Farmers (96.38) and further submission from Ernslaw One (506.22) be rejected while I accept the further submissions from Chorus (507.11), Telecom (508.11), Todd Energy (514.12) and KCE Mangahao Ltd (515.12).

4.57.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.45	512.00	Powerco Vector Gas Ltd	Support	Accept Accept
42.00		Vector Gas Ltd		Accept In-Part
80.19	514.09 515.09	Todd Energy Ltd Todd Energy Ltd KCE Mangahao Ltd	In-Part In-Part	No recommendation
92.19	514.10 515.10	KCE Mangahao Ltd Todd Energy KCE Mangahao Ltd	In-Part In-Part	No recommendation
99.37		Transpower New Zealand Ltd		Accept In-Part
91.06	511.14 526.07	HDC (Community Assets Department) HDC (Community Assets Department) Truebridge Associates	In-Part Oppose	Accept Reject 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

4.57.4 Recommended Amendments to the Plan Provisions

Amend Rule 22.1.10(a) to read

“(vii) Existing gas transmission and distribution facilities.”

“(viii) Council Network Utilities.”

Add the following to Rule 22.1.10:

“(c) The trimming, felling and removal of vegetation and non-notable trees

i) The trimming, felling and removal of vegetation and non-notable trees, in part or whole, to retain the operational efficiency of overhead wires or utility networks”

4.58 Chapter 22 - X New Rule

4.58.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
78.17	Telecom New Zealand Ltd	In-Part	Telecom supports use of co-location solutions where this is feasible. To encourage co-location solutions that minimise the required bulk of structures to support more than one network, the rules (in selected zones) need to provide for an additional height allowance to incentive such solutions.	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	In-Part	Chorus supports use of co-location solutions where this is feasible. To	Include a new permitted activity standard in Rule	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			encourage co-location solutions that minimise the required bulk of structures to support more than one network, the rules (in selected zones) need to provide for an additional height allowance to incentive such solutions.	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	In-Part	<p>Antennas mounted on buildings are a common means of deploying antennas and avoids the need to build standalone masts.</p> <p>Currently, the only provision dealing with antennas on buildings is an exemption from the definitions 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.</p> <p>It is 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 building can be varied depending on zone sensitivity.</p> <p>A 1.5m allowance is considered to be unrealistic for networks that use vertically orientated panel antennas.</p> <p>3m allowance in the Residential and Open Space Zones, and 5m in other zones is requested.</p>	<p>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:</p> <p>Residential and Open Space Zones: 3m</p> <p>All Other Zones: 5m</p>	
79.18	Chorus New Zealand Ltd	In-Part	<p>Antennas mounted on buildings are a common means of deploying antennas and avoids the need to build standalone masts.</p> <p>Currently, the only provision dealing with antennas on buildings is an exemption from the definitions of 'Height' for antennas, masts and other support structures that do not</p>	<p>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</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>measure more than 2m in a horizontal plane, or more than 1.5m above the height of the building.</p> <p>It is 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 building can be varied depending on zone sensitivity.</p> <p>A 1.5m allowance is considered to be unrealistic for networks that use vertically orientated panel antennas.</p> <p>3m allowance in the Residential and Open Space Zones, and 5m in other zones is requested.</p>	<p>provided they do not exceed the height of the part of the building to which they are attached by more than the following limits:</p> <p>Residential and Open Space Zones: 3m</p> <p>All Other Zones: 5m</p>	
100.14	New Zealand Wind Energy Association (NZWEA)	Oppose	<p>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. There is no need for wind farms to be subject to other rules in the district plan. Rather, a simple rule framework can be provided that ensures the benefits of any wind farm proposal are considered alongside:</p> <p>Environmental effects known to arise from wind farm developments</p> <p>Relevant planning provisions, including the district plan objectives and policies.</p>	<p>Include new rules to provide for wind farm activities:</p> <p><u>22.1.11 Wind farms</u></p> <p><u>(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 to:</u></p> <p><u>i. the matters contained in the national policy statement for renewable electricity generation;</u></p> <p><u>ii. effects on peoples amenity values, particularly noise and visual amenity;</u></p> <p><u>iii. effects on other infrastructure;</u></p> <p><u>iv. effects on the relationship of tangata whenua and their culture and traditions with their ancestral</u></p> <p><u>lands, water, sites, waahi tapu and other taonga;</u></p> <p><u>v. effects on areas of</u></p>	<p>501.16 Genesis Power Ltd</p> <p>- Support</p> <p>516.24 Federated Farmers of New Zealand</p> <p>- In-Part</p> <p>527.12 Director-General of Conservation (DoC)</p> <p>- Oppose</p> <p>528.27 Horizons Regional Council - Oppose</p>

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p><u>significant indigenous vegetation or significant habitats of indigenous fauna; and</u></p> <p><u>vi. effects on maintaining public access to and along the coastal marine area, lakes and rivers.</u></p> <p><u>(b) The development of any new wind farm outside the rural zone or within an ONFL is a discretionary activity.</u></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>	
100.15	New Zealand Wind Energy Association (NZWEA)	Oppose	<p>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.</p> <p>The efficient and effective assessment of wind farm noise effects, with or without adherence to NZS6808:2010, will be greatly improved if the district plan provides specific noise limits as recommended in NZS6808:2010. This should involve the council identifying any locations to be afforded more stringent protection from wind turbine noise (high amenity areas).</p>	<p>Include a new permitted activity standard to provide appropriate limits for wind farm sound as follows:</p> <p><u>22.1.12 Wind farm noise Permitted Activity...</u></p> <p><u>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:</u></p> <p><u>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.</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				ii. <u>Noise is measured and assessed in accordance with NZS6808:2010.</u>	

Five submission points have been made seeking new rules to be added to Chapter 22. Telecom and Chorus both made two submission points each in relation to rules for antennas and masts. NZWEA have sought the inclusion of a new rule for wind farm noise.

4.58.2 Discussion & Evaluation

1. Telecom (78.17) and Chorus (79.17) support the use of co-location solutions where this is feasible. To encourage co-location solutions that minimise the required bulk of structures to support more than one network, the rules (in selected zones) need to provide for an additional height allowance to incentive such solutions. The submitters have 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.
2. I do not find it appropriate to provide for an increased height limit to encourage co-location and suggest that the submitters address the matter at the hearing. It would be helpful for the Panel to understand the need for the additional height and why an incentive is required to co-locate. It would seem that there would be a financial benefit without requiring any rules in the District Plan. I am therefore not making a recommendation on this matter and invite the submitters to address the matter at the hearing.
3. Telecom (78.18) and Chorus (79.18) seek that a new permitted activity standard be added to Rule 22.1, 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 and All Other Zones: 5m.
4. Currently, 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.
5. It is 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 building can be varied depending on zone sensitivity. A 1.5m allowance is considered to be unrealistic for networks that use vertically orientated panel antennas.
6. 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. I find it appropriate to amend Condition 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. I therefore recommend the following be included at the end of Rule 22.1.8 and that submission points from Telecom (78.18) and Chorus (79.18) 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”.

7. NZWEA (100.14) seek that a new rule be included in Chapter 22 to provide appropriate for wind farm activities. The submitter has suggested the following wording:

“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 to:

i. the matters contained in the national policy statement for renewable electricity generation;

ii. effects on peoples amenity values, particularly noise and visual amenity;

iii. effects on other infrastructure;

iv. effects on the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga;

v. effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna; and

vi. effects on maintaining public access to and along the coastal marine area, lakes and rivers.

(b) The development of any new wind farm outside the rural zone or within an ONFL is a discretionary activity.

Alternatively, amend the matters for discretion to those listed in 25.7.13 (Refer to relief sought under this provision)”

8. 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. There is no need for wind farms to be subject to other rules in the district plan.
9. I agree with the submitter and advise that wind farms are specifically provided for as Discretionary Activities under Rule 19.4.6. As a discretionary activity, the Council is at liberty to consider any matter it feels is appropriate and is not limited to a number of assessment matters. I find this to be appropriate given the varied nature of applications and locations where wind farms could establish. As such, I recommend that submission point from NZWEA (100.14) is accepted in part together with further submission points 501.16, 516.24, 527.12 and 528.27. No changes are required to Chapter 19 or 22.
10. NZWEA (100.15) seek that a new permitted activity standard be included in Chapter 22 to provide appropriate noise limits for wind farm sound. The submitter has suggested the following wording:

“22.1.12 Wind farm noise

Permitted Activity...

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:

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.

ii. Noise is measured and assessed in accordance with NZS6808:2010.”

11. The submitter argues 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.
12. The submitter contends an efficient and effective assessment of wind farm noise effects, with or without adherence to NZS6808:2010, would be greatly improved if the district plan provides specific noise limits as recommended in NZS6808:2010. This should involve the council identifying any locations to be afforded more stringent protection from wind turbine noise (high amenity areas).
13. The Proposed Plan does not contain any specific rule or standard that applies to noise from wind turbines. This exclusion is not surprising given that the establishment of a wind farm is proposed to be a discretionary activity were a case-by-case assessment of the wind farm noise would be made. Advice has been received from Nigel Lloyd re the appropriateness of referencing NZS6808:2010 in the District Plan (either as a rule/standard or in assessment criteria) (see comments below in Assessment Criteria 25.7.13). 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), I do not consider it appropriate to use NZS6808:2010 as a permitted activity noise standard. Compliance with this standard is most effectively assessed through the resource consent process to consider these variables and special audible characteristics. Therefore I recommend that the submission point from NZWEA (100.15) be rejected.

4.58.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
78.17		Telecom New Zealand Ltd		No recommendation
79.17		Chorus New Zealand Ltd		No recommendation
78.18		Telecom New Zealand Ltd		Accept In-Part
79.18		Chorus New Zealand Ltd		Accept In-Part
100.14		New Zealand Wind Energy Association		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		New Zealand Wind Energy Association		Reject
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4.58.4 Recommended Amendments to the Plan Provisions

Amend Condition 22.1.8 to read:

...

“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”.

4.59 Chapter 22 - General Matters

4.59.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.15	Genesis Power Ltd	In-Part	Chapter 22 contains a list of permitted activities. It is not clear in the chapter what activity status an activity defaults to if it does not meet the permitted activity standard. The plan appears to be silent in this regard. If the intention is 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.	<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><u>Rule XX</u></p> <p><u>Any wind monitoring mast not complying with Condition 22.1.8 is a controlled activity. Control is reserved over:</u></p> <p>i. <u>The scale and bulk of the wind monitoring mast in relation to the site;</u></p> <p>ii. <u>The built characteristic of the locality;</u></p> <p>iii. <u>The extent to which the effects of the height can be mitigated by setbacks, planting, design or the topography of the site;</u></p> <p>iv. <u>Effects on landscape values;</u></p> <p>v. <u>Effects on amenity</u></p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				values; <u>vi. Duration of consent sought.</u>	
44.16	Genesis Power Ltd	In-Part	For completeness, it is considered that all rules pertaining to Utilities and Energy should be included within Chapter 22. For example, Rule 19.4.6(b) provides for wind energy facilities in the Rural Zone as a discretionary activity. The discretionary activity status for wind energy facilities is supported. Furthermore, it is noted that the plan does not specifically provide for other forms of renewable electricity generation. It would be helpful if this matter was addressed in Chapter 22 also.	Include all rules relating to Utilities and Energy in Chapter 22. Include new Rule in Chapter 22 which provides for the development and on-going use of renewable energy infrastructure as a Discretionary Activity.	514.07 Todd Energy Ltd - Support
78.12	Telecom New Zealand Ltd	Oppose	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 district plan provisions. This approach also recognises that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.	Delete all Network Utility Rules and Standards within the Utilities and Energy Chapter. Add a new standalone network utilities chapter.	
79.12	Chorus New Zealand Ltd	Oppose	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 district plan provisions. This approach also recognises that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.	Delete all Network Utility Rules and Standards within the Utilities and Energy Chapter. Add a new standalone network utilities chapter.	
80.18	Todd Energy Ltd	In-Part	There is a lack of provision for "energy" in the Chapter. There is	No specific relief	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			provision for utilities but not for “energy”.	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.	
92.18	KCE Mangahao Ltd	In-Part	There is a lack of provision for “energy” in the Chapter. There is provision for utilities but not for “energy”.	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.	

Six submission points were made generally in relation to Chapter 22 rather than on specific provisions within this chapter.

4.59.2 Discussion & Evaluation

- Genesis (44.15) consider that it is not clear in Chapter 22 what activity status an activity defaults to if it does not meet the permitted activity standard. The plan appears to be silent in this regard. If the intention is 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. The submitter has suggested the following rule as a new Controlled Activity rule for wind monitoring masts not complying with Rule 22.1.8(b).

“Rule XX

Any wind monitoring mast not complying with Condition 22.1.8 is a controlled activity. Control is reserved over:

- The scale and bulk of the wind monitoring mast in relation to the site;
- 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.”

2. I agree with the submitter that it is not clear what status an activity defaults to if it cannot meet the Conditions of Chapter 22. I find it appropriate that activities default to a restricted discretionary activity status as controlled is not considered stringent enough. The Council would have to grant consent for a controlled activity and it may not be appropriate. However a restricted discretionary activity can be declined but Council has restricted its discretion to a number of matters under 25.7.12 Network Utilities and Wind Monitoring Masts. I therefore recommend that the submission from Genesis (44.15) is 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.”

3. Genesis (44.16) considers that for completeness, all rules pertaining to Utilities and Energy should be included within Chapter 22. For example, Rule 19.4.6(b) provides for wind energy facilities in the Rural Zone as a discretionary activity. The discretionary activity status for wind energy facilities is supported. Furthermore, it is noted that the plan does not specifically provide for other forms of renewable electricity generation. It would be helpful if this matter was addressed in Chapter 22. To address this concern the submitter has requested that all rules relating to Utilities and Energy be included in Chapter 22 and that a new rule be added to Chapter 22 which provides for the development and on-going use of renewable energy infrastructure as a Discretionary Activity.
4. The Plan is set out so that all activities that are permitted 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. The conditions apply across the District and are therefore included in one section whereas the status of activities differs between the zones. I do not find it appropriate to duplicate rules in several chapters and therefore recommend that the submission points from Genesis (44.16) and Todd Energy (514.07) be rejected.
5. Telecom (78.12) and Chorus (79.12) oppose the current rule framework and raise the same concern over the format of the Proposed Plan and how the document provides for network utilities rules and standards. The submitters seeks 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 district plan provisions. This approach would also recognise that the particular operation and functional requirements of network utilities, the general provisions that apply to other activities and buildings within a zone may not be appropriate for telecommunication facilities.
6. The submitters seek that all Network Utility Rules and Standards within the Utilities and Energy Chapter are deleted and that they are moved to a new standalone network utilities chapter.

7. The format of the rules and standards of the Proposed Plan is based on five zone chapters and three district-wide chapters – Vehicle Access, Manoeuvring and Roads (Chapter 21), Utilities and Energy (Chapter 22), and Hazardous Substances (Chapter 23). 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.
8. There are individual zone standards that apply to network utility activities, for example, noise standards, vibration, outdoor storage, hazardous substances. With respect to the Zone rules, the network utility rules include a cross reference to Chapter 22 that I consider to be quite clear.
9. The current format of the Proposed Plan and cross references are considered clear. On this basis I recommend that the submission points raised by Telecom (78.12) and Chorus (79.12) be rejected.
10. Todd Energy (80.18) and KCE Mangahao (81.18) consider that there is a lack of provision for “energy” in Chapter 22. There is provision for utilities but not for “energy”. The submitters have inferred that Chapter 22 Utilities and Energy be amended or that another Chapter in the District Plan be added so the Plan better provides for energy activities.
11. I am unsure what the submitters mean when they refer to ‘energy’ and ‘energy activities’. If this is the generation of energy then that is provided for in Chapter 22 and the zone chapters of the Plan. If they are referring to energy consumption and efficiency this is not generally managed through the District Plan. I therefore invite the submitters to address the matter at the hearing and do not make a recommendation on these submissions.

4.59.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
44.15		Genesis Power Ltd		Accept In-Part
44.16	514.07	Genesis Power Ltd Todd Energy Ltd	Support	Reject Reject
78.12		Telecom New Zealand Ltd		Reject
79.12		Chorus New Zealand Ltd		Reject
80.18		Todd Energy		No recommendation
81.18		KCE Mangahao Ltd		No recommendation

4.59.4 Recommended Amendments to the Plan Provisions

Amend Conditions 22.1 to as follows:

“22.1 CONDITIONS FOR PERMITTED ACTIVITIES

.....

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.”

4.60 Rule 25.7.12 Assessment Criteria – Network Utilities and Wind Monitoring Masts

4.60.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.49	Powerco	Support	Submitter supports the retention of Assessment Criteria 25.7.12 without modification.	Retain Assessment Criteria 25.7.12 without modification.	
42.02	Vector Gas Ltd	In-Part	Submitter seeks amendment to ensure that consideration is given to other activities such as land use that have the potential to adversely affect the safe and effective operation of significant infrastructure such as gas transmission pipelines.	Amend Assessment Criteria 25.7.12 as follows: <u>...(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.</u>	501.18 Genesis Power Ltd - In-Part
44.23	Genesis Power Ltd	In-Part	Submitter seeks amendment to Assessment Criteria 25.7.12(f) to include wind monitoring masts. Wind monitoring masts are located in the most operationally and technically practicable location on a site to obtain the necessary wind speed and direction data.	Amend Assessment Criteria 25.7.12(f) as follows: <u>With respect to network utilities, Wwhether alternative locations, routes or other options are economically, operationally, physically or technically practicable.</u>	
99.43	Transpower New Zealand Ltd	In-Part	Additional relief is sought below 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.	Amend assessment criteria 25.7.12 a) as follows: <u>(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</u>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				existing development	
99.44	Transpower New Zealand Ltd	Support	Assessment criteria contained in Chapter 25.7.12 are supported in the context of giving effect to the NPSET.	Retain assessment criteria 25.7.12 (b) and (f).	

Five submission points were made in relation to Assessment Criteria 25.7.12. The submission points range from seeking the retention of specific assessment criteria to those seeking the inclusion of additional assessment criteria.

4.60.2 Discussion & Evaluation

1. Vector Gas (42.02) seeks an amendment to Assessment Criteria 25.7.12 to ensure that consideration is given to other activities such as land use that have the potential to adversely affect the safe and effective operation of significant infrastructure such as gas transmission pipelines. The submitter has 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.”

2. This set of assessment criteria apply to the effects of network utilities, not the effects of other activities on network utilities. Therefore I do not support the new assessment criteria requested by Vector Gas being added to 25.7.12. Given that district significant infrastructure is most typically located in the Rural zone, I would see 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 would address the concerns of the submitter by ensuring that the effects on the efficient and effective operation of district significant infrastructure is taken into account when considering land use consent applications for activities in the Rural zone.
3. Genesis (501.18) support in-part the submission point by Vector Gas but have questioned the words “such consideration will be based on advice provided by the infrastructure manager” and seek the submitter to clarify. To address this concern I recommend 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. I therefore recommend that submission points 42.02 and 501.18 be accepted in-part.
5. Genesis (44.23) seeks amendment to Assessment Criteria 25.7.12(f) to include wind monitoring masts. Wind monitoring masts are located in the most operationally and technically practicable location on a site to obtain the necessary wind speed and direction data. The submitter has suggested amending Assessment Criteria 25.7.12(f) to read as follows:

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

6. I accept the point made by the submitter that for Wind monitoring masts their location is driven by their purpose. I therefore support the amendment requested by the submitter and recommend that the submission point (44.23) be accepted.
7. Transpower (99.43) seek 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. The submitter has 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~~”
8. I see 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 I do not consider it beneficial to amend 25.7.12(a) as requested by the submitter. I also consider 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. I therefore recommend that submission point 99.43 be rejected.
9. Transpower (99.44) support Assessment criteria 25.7.12 (b) and (f) in the context of giving effect to the NPSET. The submitters seeks that 25.7.12 (b) and (f) be retained. The support is noted.
10. I note that 25.7.12(f) has been recommended to be amended by submission point 44.23 above. I do not consider this amendment to create any difficulties for Transpower or to reduce their support for it being retained. I therefore recommend that submission point 99.44 be accepted.
11. Powerco (41.49) supports Assessment Criteria 25.7.12 and seeks that it be retained without modification. The support is noted. I note that 25.7.12(f) has been recommended to be amended by submission point 44.23 above. I do not consider this amendment to create any difficulties for Powerco or to reduce their support for it being retained. However as there has been an amendment recommended I recommend that submission point 41.49 be accepted in-part.

4.60.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
41.49		Powerco		Accept In-Part
42.02	501.18	Vector Gas Ltd Genesis Power Ltd	In-Part	Accept 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

4.60.4 Recommended Amendments to the Plan Provisions

Add a new assessment criterion to 25.2.1 General, to read:

“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.”

4.61 Rule 25.7.13 Assessment Criteria – Wind Energy Facilities

4.61.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.25	Genesis Power Ltd	Oppose	Submitter opposes Assessment Criteria 25.7.13(a) (ii). The effects of a windfarm should be considered based on the information supplied in an application and balanced with a broad judgement of effects of the development accordingly. On this basis, it is considered that Assessment criteria 25.7.13(a)(ii) is inappropriate and should be deleted in its entirety.	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	In-Part	Submitter seeks an amendment to Assessment Criteria 25.7.13(b). The management of waterways is a Regional Council function and as such reference to “impacts on waterways” should be removed from Assessment Criteria 25.7.13(b).	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, and the likely effect on birds and other fauna.	527.03 DoC - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
44.27	Genesis Power Ltd	In-Part	Submitter seeks amendment to Assessment Criteria 25.7.13(i). It is considered appropriate that the positive, local, regional and national benefits of an activity are recognised in the assessment of the development and use of renewable energy infrastructure.	Amend Assessment Criteria 25.7.13(i) as follows: The <u>positive local, regional and national</u> benefits to be derived from <u>the use and development of</u> renewable energy <u>infrastructure</u> .	
100.17	New Zealand Wind Energy Association (NZWEA)	Support	NZWEA supports the provision of specific assessment criteria for wind farm proposals subject to deletion or amendment of some of the proposed assessment matters, which are too stringent and/or are not necessary.	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,	527.13 Director-General of Conservation (DoC) - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				<p>any impacts on waterways, and the likely effect on birds and other fauna.</p> <p>(c) The effects on heritage, cultural, geological and archaeological values and sites.</p> <p>(d) The effects of traffic and vehicle movements.</p> <p>(e) The actual or potential noise effects of the construction, development and operation of the wind <u>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.</u></p> <p>(f) The extent to which the proposal will <u>adversely affect amenity values of the surrounding environment, including the effects of electromagnetic interference to broadcast or other signals, blade glint and shadow flicker.</u></p> <p>(g) The <u>effects extent of any earthworks, including the construction of access tracks, roads and turbine platforms.</u></p> <p>(h) The cumulative effects of the proposal.</p> <p>(i) The benefits to be derived from <u>the proposal renewable energy.</u></p> <p>(j) Mitigation and</p>	

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
				rehabilitation works. (k) Operational and technical considerations.	

Four submission points were made in relation to Assessment Criteria 25.7.13. The submission points generally seek amendments to the Assessment Criteria. One submission did request the deletion of a specific assessment criterion.

4.61.2 Discussion & Evaluation

1. Assessment Criteria are a useful tool in district plans as they signal to applicants the matters that the local authority would consider in assessing the proposal. They also provide useful guidance to the consent planner processing the application in terms of what should be assessed. This can help ensure that there is consistency between different consent planners. Finally the Assessment Criteria can also be helpful to residents and potentially affected parties as they indicate the matters they can expect Council as a consent authority to assess in determining the application.
2. Genesis (44.25) opposes Assessment Criteria 25.7.13(a)(ii). The submitter contends 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. On this basis, it is considered that Assessment criteria 25.7.13(a)(ii) is inappropriate and should be deleted in its entirety. This submission point is support by Todd Energy (514.08) and KCE Mangahao (515.08). NZWEA (100.17) have also requested in their submission that this be deleted. This particular criterion refers to “*The visibility of the proposal, including the number of turbines and their height*”. I consider that this is a very important consideration in the assessment of Wind Energy Facilities. There will be parts of the District where potential sites could have very little visibility beyond the site boundaries. I consider 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. I therefore recommend that submission points 44.25, 514.08 and 515.08 be rejected.
3. Genesis (44.26) seeks an amendment to Assessment Criteria 25.7.13(b). The management of waterways is a Regional Council function and as such reference to “impacts on waterways” should be removed from Assessment Criteria 25.7.13(b). This submission point is opposed by DoC (527.03) 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) is appropriate. Council as a territorial authority does have responsibilities in terms of waterways these include managing activities on the surface of water and access to water bodies. In support of the submission point made by DoC I remain of the opinion that the reference to waterways in this Assessment Criteria is appropriate. Council would be limited to addressing those matters in relation to waterways that it has jurisdiction over. I therefore recommend that submission point 44.26 be rejected and submission point 527.03 be accepted.
4. Genesis (44.27) seeks amendment to Assessment Criteria 25.7.13(i). It is considered appropriate that the positive, local, regional and national benefits of an activity are recognised in the assessment of the development and use of renewable energy

infrastructure. The submitter has requested that Assessment Criteria 25.7.13(i) be amended to read:

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

5. Section 7(j) of the RMA refers to “the benefits to be derived from the use and development of renewable energy”. I consider that it would be appropriate to bring consistency to the assessment criteria. I would therefore recommend that the following wording be used which is a slight variation to the wording requested by the submitter:

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

6. I therefore recommend that submission point 44.27 be accepted in-part.
7. NZWEA (100.17) supports the provision of specific assessment criteria for wind farm proposals subject to deletion or amendment of some of the proposed assessment matters, which are too stringent and/or are not necessary. The submitter has identified and requested the following amendments to Assessment Criteria 25.7.13:

“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.

- (i) The benefits to be derived from the proposal ~~renewable energy~~.
 - (j) Mitigation and rehabilitation works.
 - (k) Operational and technical considerations.”
8. This submission point is opposed by DoC (527.13).
 9. The first amendment sought by the submitter is to change the term ‘Wind Energy Facilities’ to ‘Wind Farm’. The same submitter has requested an amendment to the definition of ‘Wind Energy Facilities’. This request is addressed in section 4.64 of this report. I do not consider amending ‘Wind Energy Facilities’ to ‘Wind Farm’ to be acceptable. The NPS REG does not refer to Wind Farms, the term Wind Energy Facility is however used. I therefore do not support the change requested.
 10. I support the removal of the word “adversely” from 25.7.13(a)(i). In doing so I note 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.
 11. I have already addressed and recommended against deleting 25.7.13(a)(ii) as part of responding to submission point 44.25 above.
 12. The submitter seeks that (e) be amended firstly by replacing ‘Wind Energy Facilities’ with ‘Wind Farm’ as discussed above I do not support this change, secondly the change requested seeks to remove the reference to “particular consideration of the special audible characteristics, and the proximity to and effect on settlements or dwellings”. Council has engaged Nigel Lloyd a noise expert with Acousafe Consulting and Engineering Ltd to advise Council on this matter. Mr Lloyd comments “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”.
 13. In considering the wider submission points made by NZWEA Mr Lloyd advises “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.” I concur with the advice provided by Mr Lloyd. I consider that the current assessment criteria 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 assess and then to meet NZ 6808:2010. I therefore do not support the changes requested to 25.7.13(e).

14. The submitters seeks that (f) be amended. I support the removal of the word “adversely” from 25.7.13(f). In doing so I note 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). As for the second part of the amendment requested to (f) I do not support the request. I consider that 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.
15. The submitter seeks that (g) be amended. I support replacing ‘extent’ with ‘effects’ however I do not support the remaining changes requested. I consider it helpful to signal the earthworks that would be considered as part of this assessment criterion.
16. The submitters seek a change to (i). I consider the amendment recommended above in relation to submission point 44.27 to be an appropriate response to this submission point also. I therefore recommend that (i) be amended to read “The positive local, regional and national benefits to be derived from the use and development of renewable energy.”
17. On balance given the requested amendments that I have supported I recommend that submission points 101.17 and 527.13 be accepted in-part.

4.61.3 Reporting Officer’s Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer’s Recommendation
44.25		Genesis Power Ltd		Reject
	514.08	Todd Energy Ltd	Support	Reject
	515.08	KCE Mangahao Ltd	Support	Reject
44.26		Genesis Power Ltd		Reject
	527.03	DoC	Oppose	Accept
44.27		Genesis Power Ltd		Accept In-Part
100.17		NZWEA		Accept In-Part
	527.13	DoC	Oppose	Accept In-Part

4.61.4 Recommended Amendments to the Plan Provisions

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, 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 energy facilities, including particular consideration of 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.

4.62 Chapter 26 Definitions - Domestic Scale Renewable Energy Device

4.62.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
100.18	New Zealand Wind Energy Association (NZWEA)	Support	NZWEA supports the proposed definition.	Retain the definition of Domestic Scale Renewable Energy Device as proposed.	

One submission point was made in support of the definition for Domestic Scale Renewable Energy Device.

4.62.2 Discussion & Evaluation

1. NZWEA (100.18) support the definition Domestic Scale Renewable Energy Device and seek that it be retained. The support for this definition is noted. I recommend that the submission point 100.18 be accepted.

4.62.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
100.18		NZWEA		Accept

4.62.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the definition of Domestic Scale Renewable Energy Device.

4.63 Chapter 26 Definitions - Network Utility

4.63.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
41.50	Powerco	Support	Submitter supports the definition of Network Utility which includes any pipeline for the distribution or transmission of natural or manufactured gas and any necessary incidental equipment, including compressors and gate stations.	Retain the definition of Network Utility without modification.	
100.19	New Zealand Wind Energy Association (NZWEA)	Opposes	Electricity generators are not necessarily "network utility operators" under the RMA and the district plan can appropriately capture wind turbines in other definitions (either Domestic Scale Renewable Energy Devices or Wind Farm). Accordingly, NZWEA opposes the inclusion of wind turbines in the definition of network utility.	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; 	

Two submission points were made in relation to the definition of 'Network Utility'. One submission point supports the retention of the definition without further modification, while the second submission point seeks an amendment to the current definition.

4.63.2 Discussion & Evaluation

1. NZWEA (100.19) considers that electricity generators are not necessarily "network utility operators" under the RMA. The district plan can 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. The submitter seeks that the reference to "including any wind turbine" be deleted.
2. The words "including any wind turbine" were added to the definition for network utility as part of Plan Change 22. 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 I am sympathetic to the point that the submitter has made, I do not consider there is scope to make the amendment requested by the submitter. This change would need to be addressed as part of a future plan change that would seek to ensure an appropriate alignment and fit between the current plan changes and the Proposed Plan. I therefore recommend that this submission point (100.19) be rejected.
3. Powerco (41.50) supports the definition of Network Utility which includes any pipeline for the distribution or transmission of natural or manufactured gas and any necessary incidental equipment, including compressors and gate stations. The submitter seeks that this definition be retained without modification. The support for this definition is noted. I recommend that the submission point 41.50 be accepted.

4.63.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
41.50		Powerco		Accept
100.19		NZWEA		Reject

4.63.4 Recommended Amendments to the Plan Provisions

No amendments are recommended to the definition of Network Utility.

4.64 Chapter 26 Definitions - Wind Energy Facilities

4.64.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
100.20	New Zealand Wind Energy Association (NZWEA)	In-Part	NZWEA supports this definition In-Part. NZWEA recommends the term 'Wind farms' should be used instead of 'Wind Energy Facilities'. Wind farms are primarily rural activities that farm the wind. NZWEA also suggests minor	Amend definition of Wind Energy Facility as follows: Wind Farm Energy Facilities means the land, buildings, turbines, structures, substations, underground cabling,	501.17 Genesis Power Ltd - Support

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			amendments to accord with the NPSREG.	earthworks, access tracks and roads associated with the generation of electricity by wind force and the operation, <u>maintenance and upgrading</u> of the wind <u>farm energy facility</u> . 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.	

One submission point was made in relation to the definition for Wind Energy Facilities seeking amendments to the current wording.

4.64.2 Discussion & Evaluation

1. NZWEA (100.20) supports in-part the definition for Wind Energy Facilities and seeks some amendments to the wording. NZWEA recommends the term ‘Wind farms’ should be used instead of ‘Wind Energy Facilities’. Wind farms are primarily rural activities that farm the wind. NZWEA also suggests minor amendments to accord with the NPS REG. The amendments would make the definition read:

“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.”

2. This submission point has been supported by Genesis (501.17) as the submitter considers that it accords with the NPS REG.
3. While I appreciate the submitter’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 proposed change does create some issues of consistency. Neither the RMA nor the NPS REG refers to wind farms. The term ‘wind energy facility’ is however used within the NPS REG. In my mind the term wind farm also gives the impression of a group of wind turbines (more than one or two). 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. In terms of the other two changes I can support the removal of “force” and the addition of “maintenance” but I do not support the inclusion of the term “upgrading”. Upgrading of a wind energy facility could cover a very wide range of works with varying levels of

environmental effects. I do not consider it appropriate to include the reference here but rather have upgrading addressed through the rule framework (22.1.10).

- I therefore recommend that two minor changes be made to the current definition and that the submission point 100.20 and 501.17 be accepted in part.

4.64.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
100.20		NZWEA		Accept In-Part
	501.17	Genesis Power Ltd	Support	Accept In-Part

4.64.4 Recommended Amendments to the Plan Provisions

Amend the definition of Wind Energy Facilities 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.”

4.65 Chapter 26 Definitions - New definition "Critical Infrastructure"

4.65.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.06	Transpower New Zealand Ltd	In-Part	The term “critical infrastructure” is not defined in the District Plan. Transpower recommend a definition be provided which aligns with the Proposed One Plan, thereby including electricity transmission infrastructure.	Include a definition of the term “critical infrastructure” as follows: <u>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.</u>	516.27 Federated Farmers of New Zealand - Oppose

One submission point has been seeking a new definition to be added for the term 'Critical Infrastructure'.

4.65.2 Discussion & Evaluation

1. Transpower (99.06) have identified that the term "critical infrastructure" is not defined in the District Plan. Transpower request that a definition be provided which aligns with the Proposed One Plan, thereby including electricity transmission infrastructure.
2. The submitter has suggested the following definition:

"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."
3. The submission point is opposed by Federated Farmers (516.27) on the basis that there is no need to elevate specific network utilities to a higher status, and there is no use of this term in the body of the District Plan.
4. The Proposed Plan has tried to avoid including definitions for terms that do not appear in the Proposed Plan. I appreciate the importance of critical infrastructure and that this is a term used within the One Plan. The definition included within the One Plan is the most helpful place for the definition given its direct relevance to the application of the One Plan. I do not consider it necessary to have a definition for 'critical infrastructure' in the District Plan when the term is not used within the Plan. I therefore recommend that submission point 99.06 be rejected and that further submission point 516.27 be accepted.

4.65.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
99.06		Transpower New Zealand Ltd		Reject
	516.27	Federated Farmers	Oppose	Accept

4.65.4 Recommended Amendments to the Plan Provisions

No amendment to Chapter 26 is recommended as a result of the above submission points.

4.66 Chapter 26 Definitions - New Definition "National Grid Corridor"

4.66.1 Submissions Received

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
99.48	Transpower New Zealand Ltd	In-Part	The term "Transmission Line Corridor" is used in the District Plan but not defined and a definition of	Include a definition for the term "National Grid Corridor" as follows:	516.28 Federated Farmers of New Zealand - Oppose

Sub No.	Submitter Name	Support/ In-Part/ Oppose	Summary of Submission	Decision Requested	Further Submission
			<p>the term is required for implementation purposes. Transpower considers a more appropriate term would be “National Grid Corridor” and suggests a suitable definition below. Transpower notes the term “National Grid” is used elsewhere in the District Plan and that use of the term will be appropriate for consistency.</p>	<p><u>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:</u></p> <p><u>[refer to Transpower’s diagram in full submission]</u></p> <p><u>The corridor widths of the National Grid corridor are:</u></p> <p><u>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</u></p> <p><u>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</u></p>	<p>517.41 Horticulture NZ – In-Part</p>

One submission point has been seeking a new definition to be added for the term ‘National Grid Corridor’.

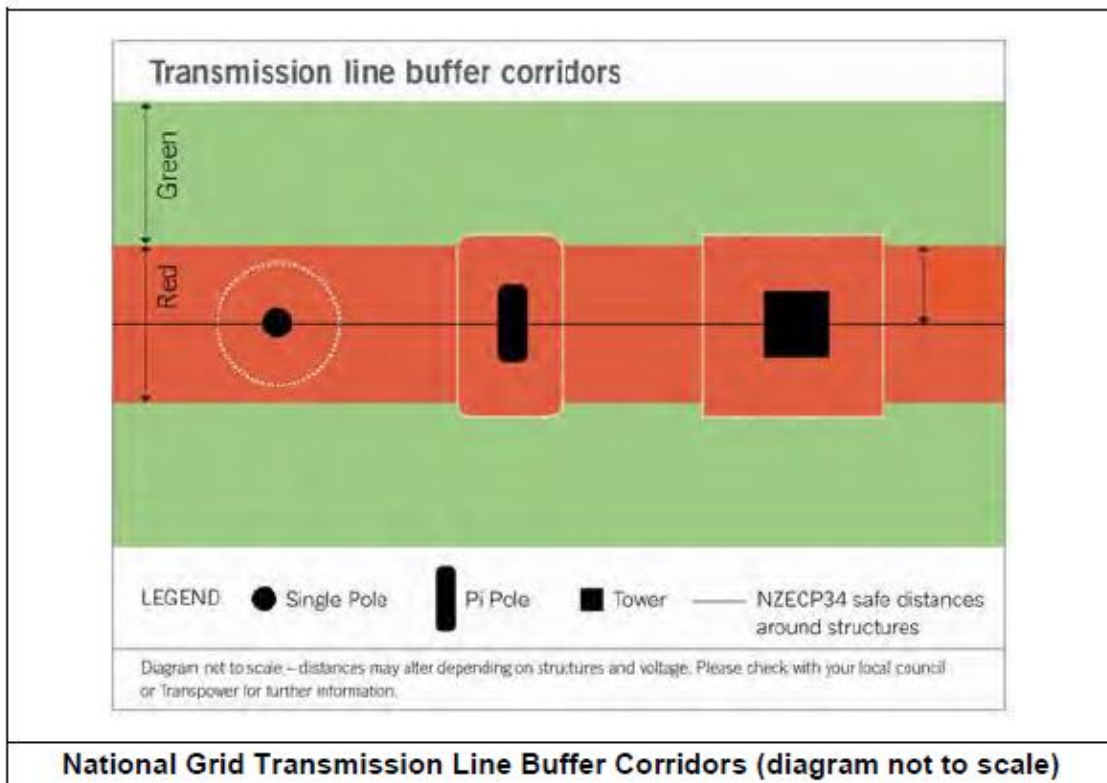
4.66.2 Discussion & Evaluation

1. Transpower (99.48) has identified that the term “Transmission Line Corridor” is used in the District Plan but is not defined and a definition of the term is required for implementation

purposes. Transpower considers a more appropriate term would be “National Grid Corridor” and have suggested a suitable definition for this term. Transpower also notes the term “National Grid” is used elsewhere in the District Plan and that use of the term will be appropriate for consistency.

2. The submitter has suggested the following definition

“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”

3. This submission point is opposed by Federated Farmers (516.28) and Horticulture NZ (517.41). Federated Farmers opposes 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 District Plan.
4. I am supportive of firstly using the term ‘National Grid Corridor’ in place of the term currently used in the Proposed Plan ‘Transmission Line Corridor’ and secondly I consider there to be merit in adding a definition for ‘National Grid Corridor’ to the Proposed Plan.

5. In preparing the Proposed Plan there has been a deliberate effort to avoid including standards/thresholds within definitions. While I acknowledge there continue to be a few definitions that do contain a threshold, there were a number of historical definitions carried over from the Operative Plan that were amended to avoid including the standard/threshold.
6. I therefore would find a definition of National Grid Corridor that identified what it was and how the centre line is identified to be helpful and a worthwhile addition to the Plan. I do not consider for the reasons given above that it would be appropriate to include the references to the corridor widths as part of this definition. The corridor widths are appropriately located in the Zone Rule chapters of the Plan (e.g. Rule 19.6.14). I consider the diagram to help improve the understanding of this definition and in particular where setback distances should be taken from. I have therefore prepared a diagram for this purpose based on the diagram provided by Transpower.
7. I note that in supporting the change in terminology, it would be necessary to make consequential amendments to other parts of the Proposed Plan where the term Transmission Line Corridor has been used. I note that the use of this term is used in a more general context in Rule 22.1.10(b)(vii) and therefore would not need to be replaced.
8. I therefore recommend that submission point 99.48 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. I also recommend that submission points 516.28 and 517.41 be accepted in-part also given that the corridor widths have not been included in the definition.

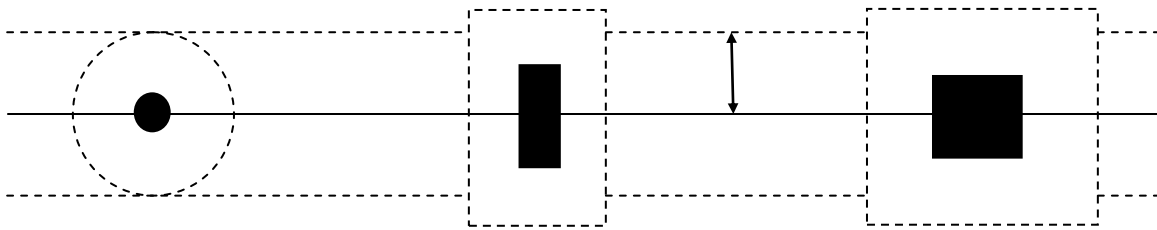
4.66.3 Reporting Officer's Recommendation

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
99.48		Transpower New Zealand Limited		Accept In-Part
	516.28	Federated Farmers of New Zealand	Oppose	Accept In-Part
	517.41	Horticulture NZ	In-Part	Accept In-Part

4.66.4 Recommended Amendments to the Plan Provisions

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.”



LEGEND ● Single Pole ■ Pi Pole ■ Tower - - - - Corridor Setback

Diagram not to scale.

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

5. Conclusion and Main Recommended changes from Proposed Horowhenua District Plan (as notified)

In preparing Chapters 12 and 22 (Utilities and Energy) of the Proposed Plan it was necessary to undertake a thorough review of the Operative District Plan provisions on this subject. These provisions had largely not been the subject to any formal review or plan change process since the District Plan became operative in September 1999, with the exceptions of the following minor plan changes;

- Plan Change 3 (Dwellings near High Voltage Transmission Lines)
- Plan Change 8 (Natural Features)
- Plan Change 14 (Radio Frequency Radiation).

A more significant and recent plan change, Plan Change 22 (Outstanding Natural Features and Landscapes) has specifically addressed network utilities in areas of Outstanding Natural Features and Landscapes or landscapes and domains of high landscape amenity. The provisions contained within this Plan Change are currently subject to Environment Court appeals and therefore have not been reviewed as part of the District Plan Review process.

Central Government guidance in the form of the National Policy Statement on Renewable Electricity Generation together with the changes to the RMA since 1999 (particularly those amendments made to section 7 through the Resource Management (Energy and Climate Change) Amendment Act 2004) have given energy and renewable energy greater prominence. The Operative District Plan is silent on energy and therefore the inclusion of a policy framework and associated provisions to address energy in the Proposed Plan has been a new focus for the Plan, necessary to give effect to Central Government policy direction and legislation.

A variety of submissions were received, ranging from submissions supporting and opposing various Proposed Plan provisions. These submissions requested a number of changes to the utilities and energy provisions in the Proposed Plan.

The changes that have been recommended as a result of submissions received are set out in their entirety in Section 6.3 below.

The officer's recommendations on the key issues raised in the submissions include:

- 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
- Provision for the effects of visual intrusion and interruption from renewable electricity generation facilities on the Tararua Ranges if these effects are 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, 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 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

Overall, it is recommended that Council proceed with Chapters 12 and 22 (Utilities and Energy) and the related plan provisions, subject to the amendments recommended in this report.

6. Appendices

6.1 Legislation and Policy Extracts

6.1.1 Resource Management Act 1991

5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) *[Repealed]*

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

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

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

74 Matters to be considered by territorial authority

(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—

(a) any—

(i) proposed regional policy statement; or

(ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and

(b) any—

(i) management plans and strategies prepared under other Acts; and

(ii) *[Repealed]*

(iia) relevant entry in the Historic Places Register; and

(iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—to the extent that their content has a bearing on resource management issues of the district; and

(c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

6.1.2 New Zealand Coastal Policy Statement 2010

Policy 6 Activities in the coastal environment

(1) In relation to the coastal environment:

(a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;

(b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;

(c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;

(d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;

(e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;

- (f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;
 - (g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;
 - (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
 - (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment;
 - (j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.
- (2) Additionally, in relation to the coastal marine area:
- (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;
 - (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;
 - (c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;
 - (d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there;
 - (e) promote the efficient use of occupied space, including by:
 - (i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;
 - (ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
 - (iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

Policy 25 Subdivision, use and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

- (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;
- (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;
- (c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;
- (d) encourage the location of infrastructure away from areas of hazard risk where practicable;
- (e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and
- (f) consider the potential effects of tsunami and how to avoid or mitigate them.

6.2 Proposed District Plan as amended per officer's recommendations

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 competing land uses".

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

"The benefits and need for renewable energy is recognised where appropriate through objectives, policies and methods (including rules) that provide for the development, maintenance, operation and upgrading of renewable energy activities."

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. 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 the second 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 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.”

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.”

Amend the Methods for Issue 12.1 & Objective 12.1.1 (bullet points 3, 4, 5 and 6) 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~~ 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.”

“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.”

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. 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.”

Amend Objective 12.2.1 to read:

“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.~~”

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 12.2.5 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.”~~

Amend Policy 12.2.7 to read:

“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.”

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 12.2.8 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 12.2.14 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.”

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

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

Amend Rule 19.1(k) 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.~~”

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 or major upgrade of any network utility or associated structure.”

Amend Conditions 22.1 to read as follows:

“22.1 CONDITIONS FOR PERMITTED ACTIVITIES

.....

- (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.”

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
- 2m above the building or structure to which it is attached or
- 600mm in diameter.

(v)...”

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~~ 30 metres from the boundary of any site, not owned by the owner of the site on which the wind monitoring mast is to be located.
- (iv) Equipment: Limited to instrumentation necessary to record and log wind direction and speed.”

Amend Rule 22.1.10(a) to read

“(vii) Existing gas transmission and distribution facilities.”

“(viii) Council Network Utilities.”

Add the following to Rule 22.1.10:

“(c) The trimming, felling and removal of vegetation and non-notable trees

(i) The trimming, felling and removal of vegetation and non-notable trees, in part or whole, to retain the operational efficiency of overhead wires or utility networks”

Include a new assessment criteria 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, 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 energy facilities, including particular consideration of 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.

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

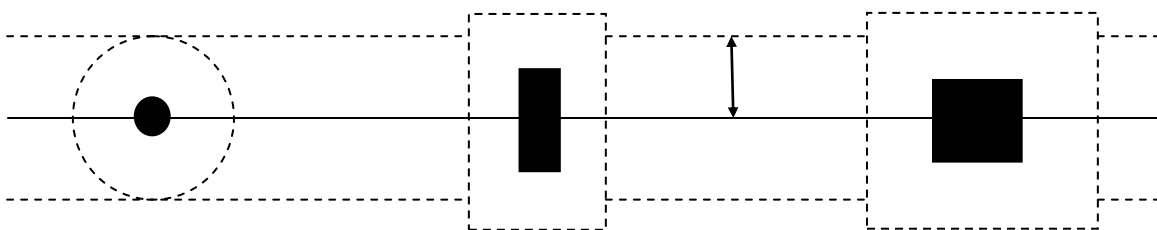
Site means an area of land comprised wholly of one (1) computer freehold register certificate of title; or the area of land contained within an allotment on an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; or an area of land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

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.”



LEGEND ● Single Pole ■ Pi Pole ■ Tower - - - - Corridor Setback

Diagram not to scale.

6.3 Schedule of Officer's Recommendations on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Officer's Recommendation
99.07		Transpower New Zealand Ltd		Accept
	514.18	Todd Energy Ltd	Support	Accept
	515.18	KCE Mangahao Ltd	Support	Accept
	516.06	Federated Farmers of New Zealand	Oppose	Accept In-Part
100.00		NZWEA		Accept In-Part
25.02		Michael White		Accept In-Part
	511.06	HDC (Community Assets Department)	Oppose	Accept
	525.18	Maurice & Sophie Campbell	Support	Accept In-Part
99.08		Transpower New Zealand Ltd		Accept
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
79.00		Chorus New Zealand Ltd		Accept
99.11		Transpower New Zealand Ltd		Accept In-Part
	512.04	Vector Gas Ltd	In-Part	Accept
	516.09	Federated Farmers of New Zealand	Oppose	Reject
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		Reject
	505.04	Powerco	Oppose	Accept
	506.56	Ernslaw One Ltd	Support	Reject
	513.23	Rayonier New Zealand Ltd	Support	Reject
	514.13	Todd Energy Ltd	Oppose	Accept
	515.13	KCE Mangahao Ltd	Oppose	Accept
	516.10	Federated Farmers of New Zealand	Support	Reject
	518.04	Transpower New Zealand Ltd	In-Part	Accept
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
78.06		Telecom New Zealand Ltd		Reject
	505.05	Powerco	Support	Reject
79.06		Chorus New Zealand Ltd		Reject
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	526.03	HDC (Community Assets Department) Truebridge Associates Ltd	Oppose	Accept Reject
99.15		Transpower New Zealand Ltd		Accept
99.16		Transpower New Zealand Ltd		Reject
41.12		Powerco		Accept In-Part
80.08		Todd Energy Ltd		Accept
92.08		KCE Mangahao Ltd		Accept
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	516.07	NZWEA Federated Farmers of New Zealand	Oppose	Accept In-Part Accept In-Part
80.10		Todd Energy Ltd		Reject
92.10		KCE Mangahao Ltd		Reject
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		Accept
80.12		Todd Energy Ltd		Reject
80.27		Todd Energy Ltd		Reject

	501.06	Genesis Power Ltd	Oppose	Reject
92.12		KCE Mangahao Ltd		Reject
	501.01	Genesis Power Ltd	Oppose	Reject
92.27		KCE Mangahao Ltd		Reject
100.03		NZWEA		Reject
	501.12	Genesis Power Ltd	Oppose	Reject
44.05		Genesis Power Ltd		Accept
	514.00	Todd Energy Ltd	Support	Accept
	515.00	KCE Mangahao Ltd	Support	Accept
99.20		Transpower New Zealand Ltd		Accept In-Part
100.04		NZWEA		Accept In-Part
44.06		Genesis Power Ltd		Reject
	514.01	Todd Energy Ltd	Support	Reject
	515.01	KCE Mangahao Ltd	Support	Reject
	528.10	Horizons Regional Council	Oppose	Accept
99.22		Transpower New Zealand Ltd		Reject
	501.10	Genesis Power Ltd	Oppose	Accept
	516.12	Federated Farmers of New Zealand	Oppose	Accept
100.05		NZWEA		Reject
	501.13	Genesis Power Ltd	Support	Reject
44.07		Genesis Power Ltd		Accept
	514.02	Todd Energy Ltd	Support	Accept
	515.02	KCE Mangahao Ltd	Support	Accept
	527.02	DoC	Oppose	Reject
	528.11	Horizons Regional Council	Oppose	Reject
100.06		NZWEA		Reject
	501.14	Genesis Power Ltd	In-Part	Accept In- Part
	514.19	Todd Energy Ltd	Support	Reject
	515.19	KCE Mangahao Ltd	Support	Reject
44.08		Genesis Power Ltd		Reject
	514.03	Todd Energy Ltd	Support	Reject
	515.03	KCE Mangahao Ltd	Support	Reject
	528.12	Horizons Regional Council	Oppose	Accept

80.13	501.07	Todd Energy Ltd Genesis Power Ltd	Support	Reject Reject
92.13	501.02	KCE Mangahao Ltd Genesis Power Ltd	Support	Reject Reject
100.07	501.15 514.20 515.20 528.25	NZWEA Genesis Power Ltd Todd Energy Ltd KCE Mangahao Ltd Horizons Regional Council	In-part Support Support Oppose	Accept In-Part Accept In-Part Accept In-Part Accept In-Part
44.09	514.04 515.04	Genesis Power Ltd Todd Energy Ltd KCE Mangahao Ltd	Support Support	Accept In-Part Accept In-Part Accept In-Part
100.08		NZWEA		Accept In-Part
44.10	514.05 515.05	Genesis Power Ltd Todd Energy Ltd KCE Mangahao Ltd	Support Support	Accept Accept Accept
100.09		NZWEA		Accept
44.11	514.06 515.06	Genesis Power Ltd Todd Energy Ltd KCE Mangahao Ltd	Support. Support	Accept In-Part Accept In-Part Accept In-Part
80.15	501.08	Todd Energy Ltd Genesis Power Ltd	In-Part	Accept In-Part Accept In-Part
92.15	501.03	KCE Mangahao Ltd Genesis Power Ltd	In-Part	Accept In-Part Accept In-Part
99.21	516.13	Transpower New Zealand Ltd Federated Farmers of New Zealand	Oppose	Accept Reject
25.10	525.26	Michael White Maurice & Sophie Campbell	Support	Reject Reject
42.12		Genesis Power Ltd		Reject
44.13		Genesis Power Ltd		Reject
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
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		Reject
	506.15	Ernslaw One Ltd	Support	Reject
	507.10	Chorus	Oppose	Accept
	508.10	Telecom	Oppose	Accept
	513.15	Rayonier New Zealand Ltd	Support	Reject
	514.11	Todd Energy	Oppose	Accept
	515.11	KCE Mangahao Ltd	Oppose	Accept
	517.20	Horticulture NZ	Support	Reject

	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	Accept In-Part
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		Accept
	517.36	Horticulture NZ	Oppose	Reject
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 In-Part
78.16		Telecom New Zealand Ltd		Accept

79.14		Chorus New Zealand Ltd		Accept In-Part
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	503.06	Genesis Power Ltd	In-Part	Accept In-Part
	514.07	NZWEA	Support	Accept In-Part
	515.07	Todd Energy Ltd	Support	Accept In-Part
		KCE Mangahao Ltd		Accept In-Part
41.45	512.00	Powerco		Accept
		Vector Gas Ltd	Support	Accept
42.00		Vector Gas Ltd		Accept In-Part
80.19	514.09	Todd Energy Ltd	In-Part	No recommendation
	515.09	Todd Energy Ltd	In-Part	
		KCE Mangahao Ltd		
92.19	514.10	KCE Mangahao Ltd	In-Part	No recommendation
	515.10	Todd Energy	In-Part	
		KCE Mangahao Ltd		
99.37		Transpower New Zealand Ltd		Accept In-Part
91.06	511.14	HDC (Community Assets Department)	In-Part	Accept
	526.07	HDC (Community Assets Department)	Oppose	Reject
		Truebridge Associates Ltd		Reject
98.47		Horticulture NZ		Reject
96.38	506.22	Federated Farmers of New Zealand	Support	Reject
	507.11	Ernslaw One Ltd	Oppose	Accept
	508.11	Chorus	Oppose	Accept
	514.12	Telecom	Oppose	Accept
	515.12	Todd Energy Ltd	Oppose	Accept
		KCE Mangahao Ltd		Accept
78.17		Telecom New Zealand Ltd		No recommendation
79.17		Chorus New Zealand Ltd		No recommendation
78.18		Telecom New Zealand Ltd		Accept In-Part

79.18		Chorus New Zealand Ltd		Accept In-Part
100.14	501.16	NZWEA Genesis Power Ltd	Support	Accept In-Part 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		Reject
44.15		Genesis Power Ltd		Accept In-Part
44.16	514.07	Genesis Power Ltd Todd Energy Ltd	Support	Reject Reject
78.12		Telecom New Zealand Ltd		Reject
79.12		Chorus New Zealand Ltd		Reject
80.18		Todd Energy Ltd		No recommendation
81.18		KCE Mangahao Ltd		No recommendation
41.49		Powerco		Accept In-Part
42.02	501.18	Vector Gas Ltd Genesis Power Ltd	In-Part	Accept 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
44.25	514.08	Genesis Power Ltd Todd Energy Ltd	Support	Reject Reject
	515.08	KCE Mangahao Ltd	Support	Reject
44.26	527.03	Genesis Power Ltd DoC	Oppose	Reject Accept
44.27		Genesis Power Ltd		Accept In-Part
100.17	527.13	NZWEA DoC	Oppose	Accept In-Part Accept In-Part
100.18		NZWEA		Accept
41.50		Powerco		Accept

100.19		NZWEA		Reject
100.20	501.17	NZWEA Genesis Power Ltd	Support	Accept In-Part Accept In-Part
99.06	516.27	Transpower New Zealand Ltd Federated Farmers	Oppose	Reject Accept
99.48	516.28 517.41	Transpower New Zealand Limited Federated Farmers of New Zealand Horticulture NZ	Oppose In-Part	Accept In-Part Accept In-Part Accept In-Part

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