



PROPOSED INVERCARGILL CITY DISTRICT PLAN

Report No. 19

Infrastructure

**10 November 2014, 9.00am
COUNCIL CHAMBERS
CIVIC ADMINISTRATION BUILDING**

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JOHN EDMONDS AND ASSOCIATES LIMITED**

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1. EXECUTIVE SUMMARY

This report relates to the provisions in the Proposed District Plan addressing the issue of Infrastructure.

The infrastructure within the Invercargill City District is an important physical resource that is often essential for meeting the economic, social and health and safety needs of the community. The Proposed District Plan seeks to ensure that provision is made to enable infrastructural activities and to make sure that the existing infrastructure is used effectively and efficiently. Provision is also sought to ensure that development around the district's infrastructure does not compromise its operation.

However, the provisions included in the Proposed District Plan also acknowledge that infrastructure can have adverse effects on the environment and seek to ensure that, in developing infrastructure, consideration of these effects is part of the resource management processes.

179 submission points and 70 further submissions were received on the provisions relating to the issue of infrastructure. The submissions detailed in this report relate to the Infrastructure sections and a number of Subdivision provisions of the Proposed District Plan and some Definitions.

The submissions cover a number of issues, some in support, and a number either opposing provisions or seeking amendments. The recommendations in this report cover Issues, Objectives, Policies, Rules, Definitions and explanatory text. Some of the recommended changes are minor, other changes more substantive. The discussion in this report focusses on four main issues raised in submissions, while responses to all submission points are set out in the Appendices.

In response to queries over the inconsistent use of the terms "infrastructure", "utilities" and "network utilities", the recommendations seek to clarify the focus of the provisions in section 2.9 as addressing issues relating to 'infrastructure' in the broad sense of the term, while section 3.9 sets out the rules for 'Utilities'. Definitions for both terms have been recommended.

The report concludes that the rules set out in section 3.9 of the Proposed District Plan are not a complete code for utilities, and that the other District Wide and Zone Specific provisions apply.

Significant changes are recommended to the rules on land use and subdivision activities within the National Grid Corridor in a bid to ensure consistency in approach with other District Plan's locally and nationally.

The other substantial change relates to the rules on radiocommunications and telecommunications facilities, acknowledging that some of these facilities may be acceptable at certain scales and in certain areas of the District, and others may need a more considered approach.

In this report:

- Part 2 considers several key procedural issues
- Part 3 provides background information on the Infrastructure provisions

- Part 4 summarises the various statutory provisions that apply to the consideration of the Proposed District Plan
- Part 5 assesses the relevant issues raised by the submitters
- Part 6 provides a discussion on the Section 32 matters
- Part 7 sets out the overall conclusions
- Appendix 1 sets out the recommendations on each of the submission points.
- Appendix 2 sets out the recommended changes to the text of the Proposed District Plan.
- Appendix 3 includes maps showing the current location of HV Transmission lines
- Appendix 4 includes a map for Appendix XI of the Proposed Plan including sewerage reticulation system servicing the Industrial zones in Awarua

2. INTRODUCTION

2.1 Report Author

My name is Elizabeth Ann Devery. I am the Senior Planner – Policy, at the Invercargill City Council, a position I have held since January 2003. I have over 14 years planning policy experience working in planning and regulatory roles in local government in New Zealand and the United Kingdom. These roles have focused on both developing and implementing District Plans and planning documents. I hold the qualifications of LLB/BA (Hons I) in Geography.

2.2 Peer Review

This report has been peer reviewed by Dan Wells, from John Edmonds and Associates Ltd. Dan Wells is a practising resource management planner with a variety of experience throughout the plan change preparation process. Dan has a Bachelor of Resource and Environmental Planning (Hons) and a Post Graduate Diploma in Development Studies, both from Massey University.

2.3 How to Read this Report

This report is structured as follows:

- Interpretation (an explanation of some of the terms used).
- A summary of the hearing process.
- Background to the infrastructure topic, and the provisions of the Proposed Invercargill City District Plan 2013.
- Description of the statutory framework within which the proposed provisions have been developed.
- Analysis of the submissions, including a discussion of the key issues raised through the submissions and further submissions received.
- Assessment of the proposed changes under Section 32 of the RMA.
- Concluding comments.
- Recommendations on individual submissions.
- Tracked changes of the Proposed District Plan provisions relating to Infrastructure.

To see my recommendation on an individual submission please refer to the table in **Appendix 1**. The table sets out the name and relevant submission number of those that submitted on Infrastructure provisions; a brief summary of their submission and decisions requested, followed by my recommendation and the reasons for it.

2.4 Interpretation

In this report, the following meanings apply:

“Council” means the Invercargill City Council

“FS” means further submitter in Appendix 2

“Hearing Committee” means the District Plan Hearing Committee

“ICNIRP” means the International Commission on Non-Ionizing Radiation Protection

“NES” means National Environmental Standard

“NPS” means National Policy Statement

“NPSET” means National Policy Statement on Electricity Transmission 2010

“NZCEP” means NZCEP 34:2001 New Zealand Code of Practice for Electrical Safe Distances

“Operative District Plan” means the Invercargill City District Plan 2005

“Proposed District Plan” means the Proposed Invercargill City District Plan 2013

“Provisions” is a term used to collectively describe Objectives, Policies and Rules

“RMA” means the Resource Management Act 1991

“RPS” means Regional Policy Statement

2.5 The Hearing Process

A number of hearings are to be held to consider the submissions lodged to the Proposed Invercargill City District Plan 2013. The hearings have been divided up to ensure that submissions on similar issues have been grouped together and to enable the District Plan Hearing Committee to make decisions on the provisions relating to those issues. This report applies to the Infrastructure provisions of the Proposed District Plan.

The Hearings Committee comprises of accredited Invercargill City Councillors, with the assistance of an Independent Hearings Commissioner. This Committee is to consider the Proposed District Plan and the submissions and further submissions lodged. The Hearings Committee has full delegation to issue a decision on these matters.

This report is prepared pursuant to Section 42A of the Resource Management Act 1991 (the “RMA”). Section 42A provides for a report to be prepared prior to a hearing, setting out matters to which regard should be had in considering a Proposed District Plan and the submissions lodged to it. This report highlights those matters that are considered appropriate by the author for the Hearings Committee to consider in making decisions on the submissions lodged. This report has been prepared on the basis of information available prior to the hearing.

While the Hearings Committee is required to have regard to this report, regard must also be given to the matters raised in submissions, and presentations made at the hearing. The comments and recommendations contained in this report are not binding on the Hearings Committee and it should not be assumed that the Hearings Committee will reach the same conclusions set out in the report having heard from the submitters and Council advisers.

The hearing is open to the public, and any person may attend any part of the hearing. Those persons who lodged a submission have a right to speak at the hearing. They may appear in person, or have someone speak on their behalf. They may also call evidence from other persons in support of the points they are addressing.

At any time during or after the hearing, the Hearings Committee may request the preparation of additional reports. If that is done, adequate time must be provided to the submitters, to assess and comment on the report. The Hearings Committee may determine that:

- the hearing should be reconvened to allow responses to any report prepared; or
- any responses be submitted in writing within a specified timeframe.

At the conclusion of the hearing process, the Hearings Committee will prepare a written decision. The decision is sent to all persons who lodged a submission. If not satisfied with the decision the submitters have a right of appeal to the Environment Court. If an appeal is lodged, the RMA requires a copy to be served on all submitters with an interest in that matter. Any submitter served may, if they wish, become a party to the appeal either in support or opposition to it.

If there is an appeal, the Environment Court will provide an opportunity for mediation between the parties. If mediation is not accepted, or does not resolve the issues, a further hearing will take place before a Judge and Court appointed Commissioners.

Except on points of law, the decision of the Environment Court is final.

3. BACKGROUND

This report relates to the provisions in the Proposed District Plan addressing Infrastructure.

The infrastructure within the Invercargill City District is an important physical resource that is often essential for meeting the economic, social and health and safety needs of the community. The Proposed District Plan seeks to ensure that provision is made to enable infrastructural activities and to make sure that the existing infrastructure is used effectively and efficiently. Provision is also sought to ensure that development around the district's infrastructure does not compromise its operation.

However, the provisions included in the Proposed District Plan also acknowledge that infrastructure can have adverse effects on the environment and seek to ensure that, in developing infrastructure, consideration of these effects is part of the resource management processes.

Apart from just the specific Infrastructure provisions, there are number of other areas of the Proposed District Plan that were drafted in consideration of issues involving infrastructure. For example, one of the considerations for zoning was based on the efficient use of existing infrastructure and a desire to promote infill development and subsequent use of this existing resource, over urban sprawl and its associated demands for extensions of services that may not be sustainable. The subdivision provisions were drafted in recognition that subdivision can lead to an expectation of land use, and subsequent demands on infrastructure. As a result, integration with and connections to infrastructure is included as a matter of consideration for subdivision applications.

3.1 Proposed Issues, Objectives and Policies

The Infrastructure Issues, Objectives and Policies are more detailed than those outlined in the Operative District Plan.

The Operative District Plan Objectives sought to ensure the provision of infrastructure, and to ensure that the effects of this infrastructure are avoided, remedied or mitigated. These objectives are carried through to the Proposed District Plan but with greater recognition of the locational, technical and operational requirements of infrastructure. The Objectives are more detailed in specifically addressing the protection of matters identified in the RMA as being of national importance.

The Proposed District Plan as notified includes 15 policies in the Infrastructure section, compared to only five policies in the Operative District Plan. Some of the proposed policies address the National Policy Statement on Electricity Transmission, which was not in existence at the time of the Operative District Plan. The proposed policies also address reverse sensitivity, functional need and natural hazards.

There are policies relating to Infrastructure in other sections of the Proposed District Plan. The Transportation section addresses issues around the transportation network, the facilities of which are considered to be infrastructure. The Subdivision provisions seek to ensure that the new allotments are integrated with infrastructure. There are policies throughout the Zone specific sections that refer to good urban design and, specifically, connectivity. There are also provisions for many zones that identify the efficient use of infrastructure and ensuring that development is integrated with infrastructure systems. Provisions to minimise loadings on the stormwater reticulation system are linked to protection of infrastructure from incompatible land

use and development. There are provisions addressing effects on specific infrastructure such as the airport operation. These provisions are set out as specific zones, such as the Seaport and Airport Operations Zones, and there are provisions addressing height of structures and noise within other affected zones.

3.2 Proposed Rule

Section 3.9 of the Proposed District Plan sets out rules for 'infrastructure'. There are similarities between some of these provisions and those in the Operative District Plan. The operation, maintenance, upgrading and replacement of infrastructure retains its permitted activity status, and the rules around electricity lines, electricity substations and communications lines are much the same as in the Operative District Plan.

The Operative District Plan required compliance with the Council's Code of Practice for Land Development. Any deviation from this Code of Practice required a resource consent. The Code of Practice was based on NZS4404:1981 – Code of Practice for Urban Land Subdivision. This New Zealand Standard has been updated and the Council is in the process of developing a bylaw, Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure (ICC Addendum to NZS4404:2010). This bylaw outlines technical standards for infrastructure and applies to all engineering, land development and subdivision infrastructure constructed within the Invercargill City Council area and is primarily an engineering document. As a bylaw, the code of practice will sit outside the District Plan process and will not be enforced through the RMA.

Provisions addressing activities within network corridors have been introduced into the Proposed District Plan. The Proposed District Plan includes noise standards including provisions requiring insulation from noise effects produced by the operation of the airport, the railway and roading network. (These will be addressed in the section 42A report on Noise issues.) Section 3.9 of the Proposed District Plan also sets out what types of activities may be carried out within the National Grid Corridor.

Another significant change from the Operative District Plan is the approach to telecommunications facilities which seek to make it more difficult to introduce these facilities into residential areas.

4. STATUTORY CONTEXT / LEGISLATIVE REQUIREMENTS

4.1 Resource Management Act 1991

In reviewing the District Plan, the Council must follow the process outlined in Schedule 1 of the RMA.

The First Schedule procedure includes notification for submissions (clause 5) and further submissions (clause 8), holding a hearing into submissions (clause 8(b)), and determining whether those submissions are accepted or rejected and giving reasons for the decisions (clause 10).

Clause 29(4) of the First Schedule to the RMA states that, after considering a plan, the local authority may decline, approve, or approve with modifications, the plan change, and shall give reasons for its decisions.

Under Section 74 of the RMA, in relation to changes to the District Plan, Council must consider Part 2 of the RMA (purposes and principles), Section 32 (alternatives, benefits and costs), and relevant regional and district planning documents.

4.1.1 Part 2 of the RMA

Part 2 of the RMA (sections 5-8) sets out its purpose and principles of the Act.

The purpose of the RMA is set out in Section 5. I confirm that the provisions for managing infrastructure fall within the purpose of the Act. In particular, provisions are designed to manage the use, development and protection of resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety whilst sustaining the potential of these resources to meet the reasonably foreseeable needs of future generations in accordance with Section 5(2)(a) of the RMA.

Section 6 of the RMA sets out matters of national importance which must be recognised and provided for. None of these are especially relevant to the issue of infrastructure. However, in the use and development of infrastructural resources the matters of national importance are to be considered and the provisions in the Proposed District Plan, as notified, do expressly recognise and provide for these matters.

Section 7 of the RMA sets out “other matters” for which particular regard shall be had. It is considered that the most relevant matters are:

- (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:*
- (g) Any finite characteristics of natural and physical resources:*

It is considered that the provisions relating to Infrastructure in the Proposed District Plan demonstrate particular regard to these matters.

Section 8 of the RMA obliges persons exercising functions and powers under the RMA to take account of the principles of the Treaty of Waitangi. Representatives

from Te Ao Marama Inc have been part of the Plan Review process as members of the Council's Plan Group that worked on developing the Proposed District Plan. Consultation with Iwi has also occurred.

It is worth noting that in 2012 a report of the Minister for the Environment's Resource Management Act 1991 Principles Technical Advisory Group concluded that reference to infrastructure, or at least 'significant infrastructure', should be included in Part II of the RMA. This follows the August 2010 report of the Minister for the Environment's Infrastructure Technical Advisory Group's recommendations of similar vein. How this may eventuate is yet to be determined, however it is an indication that the planning, design and functioning of significant infrastructure may be given greater acknowledgement in the resource management legislation in the future.

4.1.2 Functions of Territorial Authorities under the RMA

Section 31 of the RMA states the functions of a territorial authority under that Act. One of the functions set out in Section 31(1)(a) is:

"The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district."

Section 30(1)(gb) of the RMA includes the strategic integration of infrastructure with land use through objectives, policies, and methods as a function of the regional council. An integrated approach to infrastructure has been adopted with the Proposed District Plan including objectives, policies and methods, including rules, on infrastructure.

Under Section 31(1)(b) of the RMA a territorial authority is required to "... *control ... any actual or potential effects of the use, development, or protection of land ...*"

The infrastructure provisions in the Proposed District Plan include policies, and methods intended to manage the actual or potential effects of infrastructure on the environment and vice versa.

4.1.3 Consideration of alternatives, benefits, and costs

Section 32 of the RMA states the Council's obligations in assessing the alternatives, benefits and costs.

Whilst a Section 32 report was released at the time of notification of the Proposed District Plan, the Council is required to carry out a further evaluation through the hearing, consideration and deliberation process before making its decision on the Plan Change. Section 6 of this report includes my evaluation of the Proposed District Plan Provisions in accordance with Section 32AA.

An analysis in accordance with Section 32AA is included later in this report.

4.2. Relevant Planning Policy Documents

The RMA specifies a number of documents that need to be considered in a decision on a Proposed District Plan and the weight that should be given to these. These are addressed in the following section.

4.2.1 New Zealand Coastal Policy Statement

Section 75 of the RMA requires that a District Plan must give effect to any New Zealand coastal policy statement. The New Zealand Coastal Policy Statement 2010 (NZCPS) includes mention of infrastructure, such as the need to consider the importance of nationally or regionally significant infrastructure when developing plans and making consent decisions. It also includes direction about planning for the needs of ports, including their integration with the rest of the transportation system.

The NZCPS uses the same definition of infrastructure as the RMA.

Two policies that make specific reference to infrastructure are:

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;*

Policy 9 Ports

Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:

- (a) *ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and*
- (b) *considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.*

The provisions in the Proposed District Plan include recognition of the importance of the provision of infrastructure to the community. They also include recognition of functional need. The Port is covered by the definition of Infrastructure, as recommended in this report, and the Infrastructure Issues, Objectives and Policies set out in 2.9 of the Proposed District Plan relate the operation of this facility, alongside the Transportation and Seaport Zone provisions.

4.2.2 National Policy Statements

In accordance with Section 75 of the RMA, a District Plan must give effect to National Policy Statements.

There are two National Policy Statements of direct relevance to the Infrastructure provisions in the Proposed District Plan. These are:

- National Policy Statement on Electricity Transmission 2010
- National Policy Statement for Renewable Electricity Generation 2011

4.2.2.1 National Policy Statement on Electricity Transmission 2010 (NPSET)

This NPS was developed 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. A number of submissions have been received questioning whether the Proposed District Plan as notified goes far enough in giving effect to the NPSET. There is no obligation for the Proposed District Plan to include the provisions from the NPSET verbatim. Although the Proposed District Plan includes a number of Infrastructure policies that specifically relate to the National Grid, I have recommended that some of these policies can relate to more than just the National Grid and could be changed to have a broader focus. I also recommend that some of the provisions, including the policies, that have been drafted to cover all infrastructure apply to the National Grid and that there is no need to further amend them to make specific reference to the national electricity transmission network. The framework of the Infrastructure provisions also enables the consideration of effects both on and of the National Grid. The matters of discretion, as recommended in response to submissions, will also include greater consideration of the benefits of this infrastructure.

4.2.2.2 National Policy Statement for Renewable Electricity Generation 2011

The National Policy Statement for Renewable Electricity Generation is more related to the energy provisions of the Proposed District Plan. This NPS seeks to recognise the national significance of renewable electricity generation activities. There is infrastructure related to the generation activities that are covered by the Infrastructure provisions, such as the distribution and transmission lines, and I believe that the infrastructure provisions address the technical and locational limitations that may arise from such activities. It is my opinion that the Infrastructure provisions work alongside the Energy provisions in giving effect to the National Policy Statement for Renewable Electricity Generation.

4.2.3 National Environmental Standards

Section 44A of the RMA prescribes how District Plans must be amended if a rule conflicts with a National Environmental Standard. There are two National Environmental Standards that are specifically relevant to the Infrastructure provisions. These are:

- National Environmental Standard for Telecommunications Facilities 2008
- National Environmental Standard for Electricity Transmission 2010

4.2.3.1 National Environmental Standard for Telecommunications Facilities 2008

The NES for Telecommunications Facilities provides that:

- An activity (such as a mobile phone transmitter) that emits radio-frequency fields is a permitted activity provided it complies with the existing New Zealand Standard (NZS2772.1:1999 Radio-frequency Fields Part 1: Maximum Exposure Levels 3kHz-300GHz).

- The installation of telecommunications equipment cabinets along roads or in the road reserve is a permitted activity, subject to specified limitations on their size and location.
- Noise emitting from telecommunications equipment cabinets located alongside roads or in the road reserve is a permitted activity, subject to specified noise limits.
- The installation of masts and antennas on existing structures alongside roads or in the road reserve is a permitted activity, subject to specified limitations to height and size.

In terms of radiofrequency fields, where a telecommunication facility does not qualify as a permitted activity, its status becomes non-complying. For all other provisions in the regulations, where an activity does not qualify as a permitted activity, its activity status reverts to that outlined in the local authority plan (which can not be more restrictive than the NES).

The Telecommunications Facilities rule as notified includes specific reference to the NES, which is included in the Proposed District Plan as Appendix XIII. My recommendations are that these provisions be changed substantially. However, the status of activities in the road reserve will remain largely as notified. The only change in status is making telecommunications facilities to be located on the same side of the road as and next to land or sites that are identified in the District Plan as containing significant indigenous biodiversity, an outstanding natural feature or landscape, or an item of heritage value identified in Appendix II, a discretionary activity. This change is not inconsistent with the NES. Regulation 6 enables the Council to determine the activity status through the District Plan for these activities.

4.2.3.2 National Environmental Standard for Electricity Transmission 2010

The NES for Electricity Transmission aims to provide a consistent national framework for managing the environmental effects of the operation, maintenance and upgrade of the existing high voltage electricity transmission network. The standards apply to the existing transmission network but not to substations or to the construction of new lines. Its purpose is to ensure planning requirements are nationally consistent and provide adequately for maintenance and upgrading of transmission lines to achieve the purpose of the NPS.

3.9.9 states that it is a permitted activity to operate, maintain, upgrade, relocate or remove an existing transmission line subject to the NES, which is included in the Proposed District Plan as **Appendix XIV**.

4.2.4 Regional Policy Statement

Under Section 75 of the RMA, a District Plan must give effect to an operative Regional Policy Statement.

The Southland Regional Policy Statement (1997) does not include a specific section focussing on infrastructure. In the Biodiversity and Natural Features and Landscapes sections of the Regional Policy Statement the methods require that the consideration of effects on these environments and their associated values be part of processes involving public works and network utilities. The Transportation section of the Regional Policy Statement includes references to the transportation infrastructure. The issues set out in the Coastal section include recognition of effects from the

location and design of infrastructure, and the extent to which provision should be made for infrastructure in coastal environments.

Of most relevance though are the provisions set out in the Built Environment Section of the Regional Policy Statement. The provisions include:

Objective 10.1

To achieve the sustainable management of the built environment in such a way that the needs of future generations are met.

Policy 10.1

Encourage development and use of the built environment that provides for the efficient use of existing facilities and infrastructure while simultaneously avoiding the development of unnecessary additional infrastructure.

Policy 10.2

Require that network utilities associated with the built environment be undertaken in such a manner as to avoid wherever practicable, remedy or mitigate effects on the quality of natural and physical resources.

Policy 10.3

Encourage the use of corridors for network utilities where practicable, where this will result in mitigation of environmental effects.

Policy 10.7

Recognise that changes to one component of the built environment can have adverse effects on other components of the built environment.

Method 10.5

Prepare, implement and administer Regional and District Plans

In preparing Regional and District Plans, regard is required to be given to the integrated management of the effects of the use, development and protection of land and associated resources. Particular areas which require attention include:

- *consultation with the takata whenua and their participation in decision-making*
- *research and monitoring into the identification of heritage values and*
- *archaeological sites*
- *provision for protecting buildings, structures, places, features or areas with*
- *significant heritage values, and archaeological sites of significance*
- *sustainability of the built environment*

Method 10.6

Resource Consents and Public Works

In the preparation and consideration of resource consents and public works that concern the built environment, effects on natural and physical resources and on heritage values shall be considered. The works and services (infrastructure) provided by local authorities, such as stormwater, sewerage and water reticulation, shape the future direction of urban development within the Region. Territorial local authorities will therefore, need to avoid the development of urban forms and land use patterns which unnecessarily encourage the extension of facilities, and the development of infrastructure that encourages dispersed development. In developing infrastructure regard must also be given to the environmental effects, and to heritage and Maori values.

The Infrastructure provisions give effect to these policies and objectives by recognising the importance of providing infrastructure and the importance of efficient use of the existing infrastructure, whilst also recognising that there are adverse environmental effects associated with this infrastructure that should be considered. The zoning approach in the Proposed District Plan also recognises the importance of

ensuring development connects with existing infrastructure and does not result in unconsidered extensions.

4.2.5 Proposed Regional Policy Statement

In accordance with Section 74, regard needs to be given to any proposed Regional Policy Statement. The Proposed Southland Regional Policy Statement was notified in May 2012. The Proposed Regional Policy Statement includes a chapter on Infrastructure and Transport. The Infrastructure section recognises the key infrastructure issue being that change in land use and development is not always integrated with local, regional and national infrastructure, and it also recognises that the risks of climate change and natural hazard events on critical infrastructure.

The Objective in the Proposed RPS that relates to Infrastructure is:

Objective INF.1 – Southland’s infrastructure – Southland’s regional, national and critical infrastructure is secure, operates efficiently and is integrated with land use and the environment.

This Objective is carried through to the Proposed District Plan and further expanded on.

There are five policies in the Proposed RPS relating directly to Infrastructure. These seek:

- to recognise and provide for infrastructure;
- to avoid, remedy or mitigate the adverse effects of infrastructure;
- to protect the infrastructure from incompatible activities under, over or adjacent to that infrastructure;
- To avoid, remedy or mitigate the adverse effects of natural hazards and climate change on infrastructure ; and
- To manage development, subdivision and land use to ensure that
 - a) development does not result in adverse effects on the efficient operation, use, maintenance and development of infrastructure;
 - b) the nature, timing and sequencing of new development is coordinated with the development, funding, implementation and operation of infrastructure;
 - c) the efficient and effective functioning of infrastructure, including the ability to develop, maintain, remove, decommission and upgrade infrastructure, is retained;
 - d) a coordinated and integrated approach across regional and district boundaries and between agencies.

The Proposed RPS also requires that District Plans will include objectives, policies and methods that will cover a range of matters, such as enabling infrastructure whilst considering any adverse effects, ensuring the integration of development with infrastructure, and addressing reverse sensitivity effects.

There are also provisions throughout the remainder of the Proposed RPS that encourage the integration of land use, development and subdivision with infrastructure, such as the provisions within the Water chapter.

The provisions of the Proposed District Plan address the issues raised in the Proposed RPS provisions.

4.2.6 Regional Plans

In accordance with Section 74 of the RMA, a District Plan must not be inconsistent with a Regional Plan. It is my opinion that the Infrastructure provisions as recommended in this report are not inconsistent with any Regional Plan.

The Infrastructure provisions of the Proposed District Plan are not inconsistent with the Regional Coastal Plan. The concept of functional need is used in both documents, and it is acknowledged that some infrastructure, such as ports, have a functional need to be located where they are. The Coastal Plan seeks to avoid, remedy or mitigate adverse effects of structures on the coastal marine area (see for example Policy 11.2.16). The Infrastructure provisions in the Proposed District Plan also seek to ensure that the effects of infrastructure on the environment are considered.

4.2.7 Iwi Management Plans

Section 74 of the RMA requires that a local authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority.

Ngai Tahu have lodged an Iwi Management Plan with the Council. The relevant document is the *Ngai Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 – The Cry of the People - Te Tangi a Tauira*.

In the Southland Plains section of the Iwi Management Plan there are a number of provisions that relate to infrastructure, from Wastewater Disposal, Industry, Stock Transport, to general and more specific Water provisions. The Subdivision and Development section relating to the Southland Plains identifies a number of issues relating to infrastructure with particular concern regarding the adverse effects on the natural environment as a consequence of increased demands placed upon land, water and community infrastructure resulting from residential or commercial development. As with any land use and subdivision activity, any infrastructure that is to be located on land of value to tangata whenua, or that may affect cultural values is a concern to Iwi.

It is my opinion that the concerns raised in the Iwi Management Plan have been given regard to. The Infrastructure provisions seek to ensure that infrastructure is integrated with surrounding land use and that the effects of development on the infrastructure are also a consideration.

4.2.8 Management Plans and Strategies Prepared under other Acts

A District Plan is required to have regard to management plans and strategies prepared under different Acts.

There are a number of Council activity plans developed as part of the Annual Plan process that are of relevance to the Infrastructure topic. The Council's infrastructure is overseen by the Works and Services directorate. Regard has been had to the Council's policy direction, particularly in regards to extensions of services and to Bylaw 2031/1 Code of Practice for Land Development and Subdivision Infrastructure.

Regard has been had to *The Big Picture*, Council's spatial plan prepared under the Local Government Act. Integration with existing services and the preference for infill

development over urban sprawl in order to ensure efficient use of existing infrastructure were key considerations in determining the delineation of the urban areas of the Invercargill City District in the spatial plan. This approach has also informed zoning decisions in the Proposed District Plan.

4.3 Summary

It is considered that the purpose and principles of the RMA are met by the Infrastructure provisions set out in the Proposed District Plan. The proposed provisions fall within the functions of local authorities (minor changes are proposed to make this clearer). The requirements of Section 32 of the RMA have been met through the evaluations carried out prior to notification and in this report. The various documents required to be considered have been appropriately addressed in the preparation of provisions relating to infrastructure.

5. ANALYSIS OF SUBMISSIONS

179 submission points were received on the Infrastructure provisions of the Proposed District Plan, with 70 further submissions. These submissions are summarised in table format, along with recommended responses, in **Appendix 1** of this report.

Submissions on related provisions in the Soils, Minerals and Earthworks provisions have not been covered in this report and will be addressed in the Section 42A on the Soils, Minerals and Earthworks provisions. Also those provisions relating to transportation infrastructure are addressed in the Section 42A reports on Transportation, the Seaport Zone or the Airport Zone.

The submissions and further submissions raised a number of issues, with a mix of submitters supporting or opposing notified provisions or seeking the introduction of new ones. In response to the submissions a number of amendments have been recommended. My recommendations on the submissions are set out in **Appendix 1** with recommended amendments to the provisions set out in **Appendix 2**.

The areas that I have recommended the most significant changes are:

1. Definition of “Infrastructure”, “Utilities” and “Network Utilities”
2. Complete Code for Infrastructure
3. Provisions relating to the National Grid
4. Provisions relating to telecommunications and radiocommunications facilities

These issues are discussed below.

5.1 Definition of “Infrastructure”, “Utilities” and “Network Utilities”

A number of submissions have raised concerns over the inconsistent use of the terms “infrastructure”, “utilities” and “network utilities” throughout the Proposed District Plan. In my recommendations I have sought to tidy this up.

I have recommended that “infrastructure” be given a broad definition to cover the range of systems, services, structures and networks necessary for operating and supplying essential utilities and services to the community. The Issues, Objectives and Policies set out in section 2.9 are drafted to address this broad group of services, as evidenced in the Introduction and explanations. Generally, the use of the term ‘infrastructure’ is appropriate where it has been used in the context of Section 2 of the Proposed District Plan. The use of the term ‘infrastructure’ throughout the rules will need to be assessed on a case-by-case basis. It is a relevant term in some contexts but not in others.

The “Infrastructure” rules, section 3.9 of the Proposed District Plan, do not apply to all of the services covered in the recommended definition of that term, such as defence facilities, airports and seaports. They are focussed more on providing standards for “utilities”, a narrower subset of infrastructural services. It is recommended that the section be renamed to “Utilities” to clarify that this is the intent of the provisions.

A conscious decision was made not to recommend the term “network utilities” to avoid confusion with the group of services that are covered in the RMA under that name. The use of this term is appropriate in the context of discussing designations, but otherwise it is recommended that this term not be used in the Proposed District

Plan. This will affect the Subdivision rule 3.18.1 which permits “subdivision of land to provide for a network utility”. Changing this to refer instead to “utility” will reduce confusion of what the provision seeks to permit. It was not intended that subdivision to provide for an airport or seaport, for example, was to be permitted, but more to enable subdivision for utilities as provided for in the narrower definition recommended.

A review of the Proposed District Plan looking at how the term “utilities” is currently used, and what the implications are of changing the provisions to use this term will need to be carried out prior to releasing decisions to ensure that the term is appropriate in the context.

5.2 Complete Code for Infrastructure

A number of submitters have suggested that the Infrastructure provisions should be a complete code so that it is the only place that infrastructural providers need to go when determining the activity status of their activities.

However, the Proposed District Plan has been formatted based on the concept that an activity is permitted, subject to all relevant District Wide Rules and relevant Zone provisions. There are District Wide and Zone specific provisions that may be of relevance to utilities and these need not be repeated in the Utilities rule.

The Biodiversity rules, for example, specify the activity status for utilities within areas identified as containing significant indigenous biodiversity¹. Utilities proposed within areas of Outstanding Natural Features and Landscapes should be considered in light of the Natural Features, Townscapes and Landscapes provisions². The noise and lightspill rules should apply to all utilities.

The issues, objectives, and policies relate to the broad group of Infrastructure, as recommended in this report. Some of this infrastructure is also covered by the Transportation provisions or Zone specific provisions, such as the airport and port facilities. As such, the Infrastructure provisions are not a complete code.

It should also be noted that the Utilities rule applies to landuse activities involving infrastructure. Subdivision activities related to utilities are dealt with in the Subdivision section.

The Infrastructure provisions are not a complete code and the format of the Proposed District Plan is such that the whole document needs to be read as a whole. It has been recommended in the Section 42A Report Number 14: General Issues Formatting that the introduction to both Section Two and Section Three of the Proposed Plan be amended to clarify this.

¹ Recommendations in the Section 42A Report 16 - Biodiversity in response to submissions 87.39 and 91.16 sought to include the term “network utilities” in Rule 3.1.2. I recommend that the term remain “utilities” to be consistent with terminology recommended in this report. The addition of a definition of the term “utilities” will address the concerns of those submitters.

² Recommendations in the section 42A Report 18 – Natural Features, Landscapes and Townscapes seek to make utilities a discretionary activity in areas identified as Outstanding Natural Features and Landscapes.

5.3 Provisions relating to the National Grid

I have recommended a number of changes to the provisions as they relate to the National Grid. Some of these changes are minor wording changes to ensure that the provisions are consistent with, and give effect to, the National Policy Statements and National Environmental Standards. Using the term National Grid, in place of electricity transmission network will also have few implications on the working of the Proposed District Plan. The most significant changes, however, relate to the rules relating to the National Grid Corridor.

It should be acknowledged that the electricity transmission infrastructure, referred to as the National Grid, is largely located on private land. In providing for this important infrastructure, the landowners are impacted in terms of what they can and cannot do on certain areas of their property. Provisions need to ensure that both agricultural activities and transmission activities can co-exist. In my opinion, the provisions as recommended in **Appendix 1** of this report, find a better balance between the two competing land uses than was notified in the Proposed District Plan. They allow for the continued use of existing buildings and structures but set standards for further development or new activities, buildings and structures within the National Grid Corridor.

The changes recommended seek to delete the provisions as they have been notified and replace them with new provisions. The suggested rewording is different to that suggested by both Transpower NZ Ltd and Federated Farmers in their submissions to the Proposed District Plan. It is my understanding that Transpower NZ Ltd and Federated Farmers have both recently been involved in discussions on other District Plans around the country as to how National Grid Corridors provisions should be drafted. I also note that the recommendations for the Proposed Southland District Plan were developed in light of this recent work. The provisions I have recommended in **Appendix 1** seek to be consistent with the approaches adopted in recent district plan decisions elsewhere, but amended only slightly to meet the format of the Proposed District Plan. I believe that it is important that the provisions adopted in the Proposed District Plan should be as consistent as possible with the national and local approaches to the National Grid.

In regards to subdivision of a property located within the National Grid Corridor, it is recommended that a building platform be required for all lots created. The Proposed District Plan has been drafted on the understanding that subdivision can lead to an expectation of land use. Whether the lots created can be developed in the future is a valid consideration and this approach is consistent with the approach elsewhere in the Proposed District Plan where a building platform is required where a subdivision occurs in areas subject to inundation.

5.4 Provisions relating to telecommunications and radiocommunications facilities

In my opinion there are significant flaws in the Proposed District Plan's approach to communications facilities. Not only do the provisions not address radiocommunications facilities, but the drafting of the provisions have the result of making everyday communications require a resource consent. Enforcement of the provisions would also mean that typical household aerials and satellite dishes would require a consent in residential areas.

It should be noted that the National Environment Standards on Telecommunications Facilities address telecommunications facilities to be located within the road reserve. The Proposed District Plan has the ability to include standards on these in relation to where they are located in sensitive environments. The Proposed District Plan can also address where communications facilities can be located on private property.

I have recommended that the provisions on telecommunications facilities be deleted and replaced with rules on radiocommunications and telecommunications facilities in response to submissions. The rule, as recommended, is similar to that in the Operative District Plan. It enables antenna and antenna dishes district wide, subject to height and size requirements in the different zones. However, a stricter approach has been recommended in relation to masts, poles or towers for telecommunications or radiocommunications facilities in residential areas by requiring a resource consent. This seeks to ensure that the community is involved in the process, given that members of the community have concerns over the effects of these structures.

6. DISCUSSION OF SECTION 32 MATTERS

Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan. This requires the preparation of an Evaluation Report. This Section of the RMA was recently amended (since the notification of the proposed District Plan) and the following summarises the current requirements of this section.

The first step of Section 32 requires that objectives are assessed to determine whether they are the most appropriate way to achieve the purpose of the RMA (as defined in Section 5).

The second step is for policies and rules to be examined to determine whether they are the most appropriate way to achieve the objectives. In this instance, the objectives are those proposed by the District Plan. This assessment includes requirements to:

- Identify the costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions (including effects on employment and economic growth).
- Identify other reasonably practicable options for achieving the objectives; and
- Assess the efficiency and effectiveness of the provisions in achieving the objectives.

An Evaluation Report was released at the time of notification of the Proposed District Plan.

Section 32AA of the RMA requires a further evaluation to be released with decisions outlining the costs and benefits of any amendments made after the Proposed District Plan was notified.

Section 32 states that Evaluation Reports need to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. This means that if in its decision the Hearings Committee recommends minor changes from what was in the Proposed District Plan, a further evaluation can be relatively brief.

6.1 Relevant Section 32AA Matters

A number of changes have been recommended in response to submissions in this report.

Many of the changes are to introductory wording and explanations accompanying policies. These provisions are included in the Proposed District Plan for information purposes and to guide plan users. It is not considered necessary to evaluate changes to these parts of the Plan. Minor wording changes to ensure consistent terminology such as the 'National Grid' have also not been assessed in this report under s32AA.

The evaluation below addresses the recommended changes to Issues, Objectives, Policies, Rules and Definitions.

Listed below are the matters considered relevant for further evaluation under Section 32AA of the RMA.

2.9 INFRASTRUCTURE

Issues

- Clarification that poor integration of subdivision with infrastructure can adversely affect the community
- Clarification that poorly integrated development can impact on the safe and efficient functioning of infrastructure
- Introduction of a new method acknowledging the benefits of infrastructure for the community

Objectives

- Rewriting Objective 2(C) as a separate Objective seeking to protect infrastructure from incompatible subdivision, use and development
- Amend Objectives 4 and 5 to apply to all infrastructure, not just the National Grid

Policies

- Amend Policy 2 to clarify its intention to avoid, where practical, or remedy or mitigate the adverse environmental effects, not all 'impacts', arising from infrastructure
- Recognise that incompatible subdivision and development can lead to reverse sensitivity effects in Policy 3
- Reword Policy 5a to acknowledge that at times there is a functional need for telecommunications facilities to be located within residential areas.
- Amend Policy 13 to reflect the wording of the NPSET
- Redraft Policy 14 as a Method of Implementation

Methods of Implementation

- Introduce an additional method of implementation to facilitate consultation

2.14 SUBDIVISION

Issues

- Include an additional issue recognising that subdivision can have adverse effects on infrastructure

3.9 UTILITIES

- Enabling extensions of the Councils reticulated sewerage services within the urban and industrial environments
- Redrafting the National Grid Corridor provision to be consistent with recent decisions on like provisions elsewhere in the country, enabling certain activities to be carried out within the National Grid Corridor and requiring resource consent for others
- Changing the provisions applying to communications lines to be consistent with the approach to electricity lines
- Redrafting the Telecommunications Facilities rules to address telecommunications and radiocommunications facilities recognising that some of

these facilities are acceptable at certain scales district wide, while the effects of others should be considered through the resource consent process.

3.18 SUBDIVISION

- Redrafting the subdivision rule as it applies to subdivisions within the National Grid Corridor, requiring the identification of a building site outside the National Grid Yard.

SECTION FOUR – DEFINITIONS

- Introducing definitions of National Grid related terminology
- Clarifying what the terms 'infrastructure' and 'utility' mean and ensuring that these terms are used appropriately and consistently throughout the Proposed District Plan.

SECTION FIVE – APPENDICES

- Amending Appendix XI to show the reticulated sewerage system servicing the Industrial zones in Awarua

PLANNING MAPS

- Updating the data identifying the location of electricity transmission lines and structures

The detail of the proposed changes to which this evaluation refers are set out in **Appendix 2**.

6.2 Section 32AA Further Evaluation

6.2.1 Infrastructure Issues

Amendments to existing issue statements were considered necessary to clarify what types of activities can have certain impacts on the environment, on infrastructure and on the community. The reworded Issues remain resource management issues and there are objectives, policies and methods of implementation that address these issues. These changes are considered appropriate.

The recognition of the benefits of infrastructure is also a resource management issue. It is consistent with National Policy Statement direction and it is appropriate to include such an issue.

6.2.2 Infrastructure Objectives

Objective 2(C) as notified does not fit within the context of Objective 2 and it is recommended that it be redrafted as a separate Objective. This new Objective does not raise any additional matters. It is a relevant resource management issue and the amendments to the Objective are considered appropriate and preferable over the alternative of leaving the Objective as drafted, which would not be user friendly.

Objectives 4 and 5 as notified apply only to the National Grid. This gives effect to the NPSET. However, the issues addressed in the Objectives are relevant to all

infrastructure. Broadening the objectives as recommended would still give effect to the NPSET. The recommended provisions would give effect to the Proposed RPS. The suggested changes address resource management issues and are appropriate.

6.2.3 Infrastructure Policies

A number of changes have been recommended to be made to policies. In general these recommended amendments are sought to better achieve the Objectives of the Proposed District Plan.

The biggest change recommended in relation to Policies is to remove Policy 14 and replace it with a method of implementation. The policy as notified is based very much on the wording of the NPSET. It is problematic, in that it refers to an external document that has already been revised. The Method of Implementation would still give effect to the NPS in assuring that decision makers and those assessing electric or magnetic fields associated with the National Grid would consider the most up-to-date guidelines and health recommendations. The method of Implementation as recommended would also apply to assessing the health impacts of other activities involving infrastructure, such as telecommunications facilities. When an external document is referenced in a District Plan and that document is amended, a plan change process is required to reflect the update in the Plan. The amended Method of Implementation is therefore considered to be more cost effective, in that any updates to guidelines and recommendations can be considered without a need for a plan change. The method of implementation addresses a valid resource management issue and it is considered that the recommended plan provision is appropriate.

6.2.4 Infrastructure Methods of Implementation

An additional method of implementation is recommended to facilitate consultation between infrastructure providers and the community. Effective consultation between these groups will ensure that both groups will better understand the costs and benefits involved in development involving infrastructure. It is anticipated that better resource management decision making processes will result from such consultation.

6.2.5 Infrastructure Rules

There are three key areas of change recommended for the Infrastructure rules in this report.

The recommended change to Rule 3.9.3 to enable the extension of services within the urban and industrial environments acknowledges that these are areas of the Invercargill City District where development is anticipated and to ensure that this development is appropriately serviced. This change is consistent with the different zoning provisions and is an appropriate means of meeting the Objectives of the Proposed District Plan. The matter is a resource management issue in that it seeks to ensure that development is sustainable and that effects of activities on the wider environment and communities are considered. In making this recommendation regard has been had to the Proposed Regional Policy Statement.

Significant redrafting of the provisions relating to the National Grid Corridor has been recommended. These recommendations permit more activities within the National Grid Corridor and National Grid Yard than the notified version. However, it is acknowledged that landowners will continue to be restricted in relation to the size and use of certain structures and buildings within the National Grid Yard. In drafting the provisions it was considered appropriate to protect the National Grid infrastructure

and to consider the protection of buildings and structures around it. The provisions address resource management issues and they are consistent with the NPSET. The provisions seek to provide the plan user with clarity as to what types of activity and what scale of structure may be allowed within certain areas of the National Grid infrastructure. It is considered that the costs imposed on the land users by the provisions are appropriate in light of the benefit. The provisions are consistent with approaches to the issues in recent decisions on district plans locally and nationwide.

I have also recommended significant amendments to the telecommunications facilities rule. The rule as notified covered communications activities, rather than the facilities associated with communications, other than those addressed in the NES for Telecommunications Facilities. It also neglected to cover radiocommunications facilities. The amended provisions address concerns on amenity values, as well as the health and safety of the community, which are valid resource management issues. The provisions enable certain infrastructure to be provided which will also ensure that the health and wellbeing of the community is provided for and that the necessary utilities are provided for everyday living. Requiring a resource consent for communications masts, poles and structures within residential areas will result in increased planning processes for the operators of these facilities. However, it is considered that the benefits of this will include enabling the affected communities to be involved in the planning process. The results of a robust planning process could include greater understanding of the effects of such structures and the functional need for their location in certain areas.

6.2.6 Subdivision Issues

An additional issue recognising that subdivision can have adverse effects on infrastructure has been recommended. This issue has been addressed in Objectives and Policies in both the subdivision and infrastructure sections of the Proposed District Plan. The issue is a resource management issue.

6.2.7 Subdivision Rules

The subdivision rule as it applies in the National Grid Corridor is subject to a recommended amendment. This amendment seeks to require all subdivisions within the National Grid Corridor to indicate a building platform outside the National Grid Yard. This is particularly consistent with 2.14.2 Objective 5 of the Proposed District Plan and is addressing a relevant resource management issue. Whilst the requirement may be interpreted by landowners as an additional barrier to what they can do with their land, it will ensure that the lots created by any subdivision will be able to be used in the future.

6.2.8 Definitions

The inclusion of the definitions for 'antenna', 'mast', 'National Grid Corridor', 'National Grid Sensitive Activity', 'National Grid Yard' and 'Utilities' are recommended to make the Proposed Plan more user-friendly and should aid in the interpretation and application of the provisions.

6.2.9 Appendices

Including an additional map showing the location of the sewerage reticulation system servicing the Industrial zones in Awarua is recommended to acknowledge the existence of this service. This change will make the Proposed Plan more user friendly by helping the community identify where extensions of services are

appropriate or not. This change is consistent with recommended changes to Rule 3.9.3 and is appropriate for meeting the Objectives of the Proposed District Plan.

6.2.10 Planning Maps

Recommended changes to the Planning Maps will ensure that the data used accurately portrays the location of the National Grid lines and structures. This will ensure that those parties affected by provisions on the National Grid Corridor will be able to identify whether they are likely to be affected by the rules or not. The changes are not significant and do not affect any additional properties. The changes are appropriate for meeting the Objectives of the Proposed District Plan.

6.2.11 Conclusion

Due to the minor nature of most of the recommended changes it is not necessary or practical to evaluate in detail or quantify the economic, social, cultural, environmental and employment effects of the changes. The changes recommended all address resource management issues and suggested changes to the methods and rules are appropriate for achieving the Objectives.

The changes to the Rules relating to the National Grid Corridor and to communications facilities are significant. However, the changes result in provisions that are more permissive than the notified provisions. The rules address resource management issues and are appropriate means of meeting the Objectives of the Proposed District Plan. The cost implications of the recommended provisions are significantly less than the alternative rules notified, meaning they will be beneficial from social and economic perspectives.

7. CONCLUDING COMMENTS

The provision of infrastructure is essential to our everyday lives and livelihoods. The provisions in the Proposed District Plan seek to provide for this infrastructure, but to ensure that adverse effects of this infrastructure on the environment are considered, avoided, remedied or mitigated. The provisions also recognise that subdivision, use and development can impact on the effective and efficient operation of the infrastructure.

The framework for the Infrastructure provisions is such that the Issues, Objectives and Policies in section 2.9 of the Proposed District Plan address issues relating to the wider group of infrastructural services, including the port, airport, defence facilities. A number of other provisions fall under this umbrella. The Utilities rules address a narrow body of infrastructural services, such as the pipes, lines, roads and communications facilities. The Transportation provisions address issues surrounding the transportation network infrastructure. The Airport Operations, and Airport Protection Zones address the functioning of the airport infrastructure and the Seaport Zone covers the seaport infrastructure. This report has addressed the Infrastructure and the Utilities provisions.

There were a large number of submission and further submission points addressing infrastructure provisions in the Proposed District Plan. These submissions ranged from supporting provisions, to opposing them and some seeking amendments. I believe the recommendations made in this report will result in Infrastructure provisions that are significantly more robust and user-friendly. The Infrastructure provisions in the Proposed District Plan and the recommendations meet the requirements under the RMA and fall within the functions of local authorities.

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APPENDIX 1: RECOMMENDATIONS IN RESPONSE TO SUBMISSIONS

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
GENERAL ISSUES		
69.1 ICC Roading Manager	<p>The submitter raises concerns about the potential links between the proposed Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure and the District Plan. The submitters concerns include land and infrastructure that is proposed as part of a subdivision that is to be vested in Council ownership in terms of identification, standards, and timing of approvals.</p> <p>RELIEF SOUGHT:</p> <p>Review of, and any necessary amendment of, the Proposed District Plan in relation to a number of issues relating to the relationship between the proposed ICC Bylaw 2013/1 and the district plan infrastructure provisions</p>	<p>Noted</p> <p>The Bylaw should sit outside the District Plan. It is a technical document setting the standards for infrastructure that is either in the Council's ownership or to be vested in the Council's ownership.</p> <p>The subdivision provisions enable planning to consider the effects of a development on the infrastructure and transport networks and can consider wider infrastructure implications, without getting involved in the technical detail and development standards.</p> <p>If the District Plan were to require a resource consent when an activity does not meet the Bylaw, there would be issues of duplication of process.</p> <p>The relationship between the District Plan and the Bylaw is that they should complement each other, but remain separate.</p>
70.1 ICC Water Services Manager	<p>The submitter is concerned that infrastructure, created through subdivision, that is to be vested with Council should be designed and constructed to meet a sufficient standard that can be serviced and maintained without being a liability on Council</p> <p>RELIEF SOUGHT:</p> <p>That the creation of infrastructure resultant from subdivision be subject to compliance with the Bylaw ICC 2013/1 Code of Practice for Land Development and Subdivision Infrastructure</p>	<p>Reject</p> <p>As stated above in response to submission 69.1, it is considered that the Bylaw and the District Plan should be retained as separate documents.</p> <p>There is a note in 3.9 referring to the Bylaw and advising Plan Users of the existence of the Council regulations.</p> <p>It is considered that enforcing the Bylaw itself will result in the</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
		<p>relief sought by the submitter. Any development and infrastructure that does not meet the Bylaw can be enforced through the Bylaw process, rather than a duplicate enforcement process under both the District Plan and the Bylaw.</p> <p>RECOMMENDATION: Retain the independent status of the Bylaw ICC 2013/1 Code of Practice for Land Development and Subdivision Infrastructure.</p>
52.2 NZ Police	<p>The submitter notes that the Proposed District Plan refers to “infrastructure”, “utilities” or “network utilities”, yet only infrastructure is defined.</p> <p>RELIEF SOUGHT: Use consistent terminology for “infrastructure”, “utilities” and “network utilities” throughout the Proposed District Plan.</p>	<p>Accept</p> <p>It is acknowledged that there is inconsistent use of the terminology through the District Plan.</p> <p>As evidenced in the introduction to 2.9 and in the explanation to 2.9.3 Policy 1 ‘Infrastructure’ appears to be used in the Issues, Objectives and Policies to cover a wide group of services including airports, ports, and roads. This differs from the definition of the term ‘infrastructure’ set out in Section Four of the Plan. In light of how the term is used in 2.9, ‘infrastructure’ should be the general facilities, services and installations that enable a community to function’. This term should be defined in similar terms to the RMA definition of infrastructure’, but could be expanded to address submissions received on the Proposed District Plan, such as defence facilities and natural hazard mitigation facilities.</p> <p>However, section 3.9 of the Proposed District Plan relates to ‘infrastructure’ as it has been defined in Section Four. Also, in the context of the Proposed District Plan the term ‘utilities’ and ‘network utilities’ have been used to refer to a subset of facilities, services and installations which appear to be those referred to in the definition of ‘infrastructure. It is considered that the definition of ‘infrastructure’ as notified, be changed to ‘utilities’ (subject to minor amendments recommended in relation to other submissions). As such section 3.9 should be</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
		<p>entitled 'Utilities' and subsequent changes be made to reflect this change.</p> <p>RECOMMENDATION: Amend definition of "Infrastructure" as follows: Infrastructure: means the system, services, structures and networks associated with <u>necessary for operating and supplying essential utilities and services to the community including but not limited to:</u></p> <ul style="list-style-type: none"> (A) the supply and distribution of electricity (B) water supply (C) stormwater (D) street lighting and lighting of public land (E) the receiving and sending of communication <u>including telecommunications and radiocommunications</u> (F) navigation aids (G) data recording and monitoring systems, including but not restricted to meteorological facilities (H) roading and street furniture (H) sewage collection, treatment and disposal (J) <u>the distribution or transmission of natural or manufactured gas, petroleum, biofuel or geothermal energy</u> (K) <u>the transportation network, including the roads, cycleways, walkways, airport, seaport and railway</u> (L) <u>defence facilities</u> (M) <u>flood alleviation works managed by the Council and/or Environment Southland</u> (M) <u>anything described as a network utility operation in s166 of the Resource Management Act 1991'</u> <p>AND</p> <p>Review Proposed District Plan and replace references to 'Network Utilities' with the term 'Utilities'</p> <p>AND</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
		<p>Define "Utilities" as follows:</p> <p><u>'Utilities' means any activity or structure relating to:—</u></p> <p>(A) <u>The supply or distribution of electricity</u></p> <p>(B) <u>Water supply</u></p> <p>(C) <u>Stormwater</u></p> <p>(D) <u>Street lighting and lighting of public land</u></p> <p>(E) <u>The receiving and sending of communications, including telecommunications or radiocommunications</u></p> <p>(F) <u>Navigation aids</u></p> <p>(G) <u>Data recording and monitoring systems, including but not restricted to meteorological facilities</u></p> <p>(H) <u>Roading and street furniture</u></p> <p>(I) <u>The railway network</u></p> <p>(J) <u>Sewerage collection, treatment and disposal</u></p> <p>(K) <u>The distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy;</u></p> <p>(L) <u>Flood Alleviation, including but not restricted to stopbanks, detention dams and associated drainage works managed by the Council and/or Environment Southland'</u></p>
87.1 Transpower NZ Ltd	<p>The submitter suggests that people understand what the National Grid is but not the difference between transmission and distribution lines and therefore it is appropriate and correct to refer to 'National Grid' rather than 'electricity transmission'</p> <p>RELIEF SOUGHT: Amend where appropriate references to 'electricity transmission' to 'National Grid'.</p> <p>AND Any consequential amendments.</p>	<p>Accept</p> <p>The term 'National Grid' is defined in the Proposed District Plan. 'Transmission' is not. Whilst the National Policy Statement and the National Environmental Standards both use the term 'electricity transmission', there are benefits in using a consistent term throughout the Proposed District Plan, where it makes sense in the context of the relevant sentences.</p> <p>RECOMMENDATION: Review the Proposed District Plan and replace references to 'electricity transmission' with "the National Grid" where</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
		appropriate. References to 'National Electricity Grid' or other similar terms should also be replaced with the term National Grid where such terminology makes sense in the context of the relevant sentence.
102.24 Chorus NZ Ltd	<p>The submitter would like to see any consequential amendments, improvements to wording of Objectives, Policies, Rules, explanations and appendices, or improvements of mapping that gives effect to any part of their submission or is required to improve the functionality and clarity of the Proposed District Plan</p> <p>RELIEF SOUGHT: Consequential amendments to the Plan giving effect to any part of their submission</p>	<p>Noted</p> <p>See recommendations in relation to submissions lodged by the submitter.</p>
104.23 Spark NZ Ltd	<p>The submitter would like to see any consequential amendments, improvements to wording of Objectives, Policies, Rules, explanations and appendices, or improvements of mapping that gives effect to any part of their submission or is required to improve the functionality and clarity of the Proposed District Plan</p> <p>RELIEF SOUGHT: Consequential amendments to the Plan giving effect to any part of their submission</p>	<p>Noted</p> <p>See recommendations in relation to submissions lodged by the submitter.</p>
24.1 South Port NZ Ltd	<p>The submitter does not consider that the more general objectives and policies within the Proposed District Plan that relate to infrastructure and transportation provide adequate and appropriate recognition of the Port as significant infrastructure. As drafted, objectives and policies relating to infrastructure and transportation do not provide sufficient, specific recognition for the Port. Instead these objectives and policies read more like higher level objectives and policies that would normally be set out in a Regional Policy Statement. The submitter considers that the current approach to objectives and policies within the Proposed District Plan contravenes the direction required by these higher level planning documents.</p>	<p>Reject</p> <p>The Infrastructure Objectives and Policies are drafted at a high level, with Transportation provisions being a sub-set of infrastructure, and infrastructural facilities such as the Port being specifically provided for with zoning and zone standards.</p> <p>The approach in the Proposed District Plan is to develop issues, objectives and policies relevant to all infrastructure, except where it is considered necessary to address a relevant National Policy Statement or National Environmental Standard.</p>

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	<p>The submitter notes that there are specific objectives and policies relating to the Port operations within the Seaport Zone, however this only provides for activities within the Seaport Zone, and does not serve to adequately protect the Port from incompatible activities or reverse sensitivity effects that might be proposed adjacent to the Port and outside the Seaport zone.</p> <p>RELIEF SOUGHT: Not stated.</p> <p>It is considered the submitter requests the following: To include as part of the District Wide objectives and policies, specific provisions relating to the Port of Bluff that explicitly recognise the contribution of the Port to the economic and social wellbeing of the City and Region, and to also effectively provide for its ongoing operation and future growth.</p>	<p>Whilst the Objectives and Policies do not expressly refer to the Seaport, the Port is definitely referred to in the accompanying explanations and in the introduction to 2.9. The Port is included within the definition of 'infrastructure' and it is considered that the Infrastructure provisions do acknowledge the value of infrastructure for meeting the economic, social, and health and safety needs of the community.</p> <p>It is not accepted that there is inadequate protection for Port operations outside the Seaport Zone. Objectives and policies in the zones adjoining the Seaport recognise the importance of the port facility. For example, in the Residential 2 Zone Objective 2 refers to Bluff as being a seaport town. Through this provision, the seaport should be considered in resource management matters. The noise provisions also take a considered approach to noise being generated within the Seaport Zone.</p>
<p>26.5(b) NZ Defence Force</p>	<p>The submitter states that defence facilities are key strategic infrastructure of regional and national importance, playing a significant role in both military training and civil and/or national defence operations. They also provide a range of economic and social benefits to the region and it is necessary that these are recognised and accommodated within the Proposed District Plan.</p> <p>RELIEF SOUGHT:</p> <p>Reference to "strategic infrastructure" alongside all objectives and policies in Section 2 that reference local, regional and national infrastructure</p>	<p>Reject in part</p> <p>The values of defence facilities as strategic infrastructure are acknowledged. It is considered that amending the definition of infrastructure will address the submitter's concerns. However, it is considered that defence facilities should be subject to consideration through the resource management process and that the relevant Zone standards should be considered for these facilities. It would not be appropriate for these activities to be permitted alongside utilities. It is considered that amending 3.9 to focus on 'Utilities', rather than all 'infrastructure' will ensure that these types of 'strategic infrastructural services' will be considered on a case-by-case basis.</p> <p>RECOMMENDATION:</p> <p>Include defence facilities within the definition of 'Infrastructure' as set out in response to submission 52.2 above</p>

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87.2 Transpower NZ Ltd	<p>The submitter is concerned that the issues, objectives and policies that seek to provide for, manage the effects of and on the National Grid may be overlooked by those undertaking works/development within a zone. Such persons are likely to refer only to the relevant zone section and not realise that important objectives and policies that manage effects on the National Grid are contained in a separate section. The submitter suggests a note in the introduction to Section 2, referring plan users to the Infrastructure section for all objectives and policies relating to the National Grid.</p> <p>RELIEF SOUGHT:</p> <p>(i) Amend Introduction 2.1 as follows:</p> <p>ZONE SPECIFIC</p> <p><i>Note: Refer to 2.9 Infrastructure for all Issues, Objectives and Policies that seek to provide for, manage the effects of and on the National Grid i.e. the subdivision of land within the National Grid corridor.</i></p> <p>2.19 Airport Operations</p> <p>(ii) And any consequential amendments.</p>	<p>Reject</p> <p>The Plan is drafted recognising that there is some overlap between provisions. Matters relating to infrastructure, for example, are covered in numerous sections such as the Biodiversity, Energy, Subdivision, Soils Earthworks and Minerals and the Zone provisions. Where an application is on a site that may effect or be affected by the National Grid, it would be important that the infrastructure provisions are considered in any development processes.</p> <p>It has been recommended in the Section 42A report Number 14 on Formatting that it is made clearer at the start of both Sections Two and Three of the Proposed District Plan that regard must be given to <i>all</i> district wide objectives, policies and rules, as well as the relevant zone provisions when carrying out an activity.</p>
87.55 Transpower NZ Ltd	<p>Section 3 – Zone rules</p> <p>The submitter is concerned that the rules relevant to the National Grid may be overlooked by those undertaking works/development within a zone. Plan users are likely to only refer to the relevant zone section and not realise that important rules that manage effects on the National Grid are contained in a separate section. The submitter seeks to include a note at the beginning of the Zone Rules section, referring plan users to the Infrastructure section for all rules relating to the National Grid.</p> <p>RELIEF SOUGHT:</p> <p>(i) Amend Zone Rules as follows:</p> <p>ZONE RULES</p> <p><i>Note: Refer to 3.9 Infrastructure for all rules and assessment matters</i></p>	<p>Reject</p> <p>See reasons for recommendation set out for submission 87.2 above.</p>

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	<p><i>relating to the National Grid including those managing the setback of development and activities from National Grid transmission lines and structures.</i></p> <p><i>3.21 Airport Operations Zone</i></p> <p>(ii) And any consequential amendments.</p>	
<p>87.62 Transpower NZ Ltd</p>	<p>The submitter would like Council to review the placement of the HV Transmission Lines on the planning maps as on Planning Maps 3 and 12 there are two Transpower lines (INV-MAN-A) shown running north from the substation on Tuai Street. There should only be one line.</p> <p>RELIEF SOUGHT:</p> <p>That the identification of HV Transmission lines on the planning maps be retained but that the number of lines be checked, and corrected where required to accord with Transpower asset information. Transpower is happy to provide the GIS files that set out the correct location and number of lines.</p>	<p>Accept</p> <p>The data used in the Planning Maps as notified is not current and should be updated. Due to the potential implications on subdivision and land use activities within the National Grid Corridor, it is appropriate that accurate data is shown on the Planning Maps. The submitter has provided the accurate data and this has been remapped. The main area of difference is around the Tuai Street area.</p> <p>RECOMMENDATION:</p> <p>Amend Planning Maps to show current location of HV Transmission lines. See Appendix 3</p> <p>Amend legend reference in Planning Maps from Transpower Overhead Lines (110Kv or above) to National Grid Electricity Transmission lines (110Kv or above) AND Transpower Structures to National Grid Structures</p>
<p>117.9 Southern District Health Board</p>	<p>The submitter commends the Council for identifying that there may be some public concern around the location of telecommunication facilities and recommends that a clear plan is developed on how to disseminate appropriate evidence-based information to these communities</p> <p>RELIEF SOUGHT:</p>	<p>Accept in part</p> <p>It is considered that there is benefit in including an additional method of implementation on facilitating and encouraging discussions between infrastructural providers and the community, as well as the dissemination of information.</p>

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	<p>Recommends that a clear plan is developed on how to disseminate appropriate evidence-based information to communities</p>	<p>RECOMMENDATION: Add to 2.9.4 Methods of Implementation as follows:</p> <p><u>Method 5 Facilitation of information dissemination and consultation between infrastructural providers and the community</u></p>
<p>120.4 Open Country Dairy Ltd</p>	<p>The submitter considers that growth in the Industrial areas could be hampered by limited access to potable water supply and wastewater disposal. The submitter is concerned that there is only general reference to water supply and wastewater disposal, and that there is no policy guidance or consideration to facilitating infrastructure associated with industrial development</p> <p>RELIEF SOUGHT:</p> <p>Revise Objectives and Policies in Section 2.9 to recognise the merits of water supply networks and waste water reticulation for industrial developments when considering upgrades and enhancements to Council's infrastructure systems</p>	<p>Reject in part</p> <p>Objective 2 covers, amongst other things, the upgrading and development of infrastructure.</p> <p>Policy 2 guides the development of infrastructure, and seeks that such development avoids where practical or mitigates impacts of infrastructure on the environment. This policy should be amended to focus on avoiding or mitigating the adverse effects of the infrastructure, acknowledging that not all impacts are negative.</p> <p>Whilst there may be benefits involved in developing further infrastructure, the approach adopted in the Proposed District Plan is to ensure that any such development is well considered. Industrial zones may require connection to Council's reticulated services, but where this requires the extension of existing services beyond the urban boundary there is merit in ensuring that such extensions are well considered to ensure that the extensions do not have unanticipated results, such as a demand for ribbon development.</p> <p>Provisions for the different Zones have been developed with the intention to limit the sprawl of urban development and the resulting demands for extensions of infrastructure beyond the urban boundary and to ensure, where possible, that development is compatible with existing infrastructure.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
		<p>RECOMMENDATION:</p> <p>Amend 2.9.3 Policy 2 as follows:</p> <p>“Management of Effects: To avoid, where practical, <u>or remedy or mitigate impacts of adverse effects arising from the development, construction, operation, maintenance and upgrading of</u> infrastructure on the environment.”</p> <p>AND</p> <p>Amend the explanation to 2.9.3 Policy 2 as set out in recommendation for submission 102.3</p>
SECTION 2.9 – ISSUES, OBJECTIVES, AND POLICIES		
Introduction		
<p>67.1 ICC Drainage Manager</p>	<p>Oppose in part</p> <p>The submitter is concerned that Flood Protection Infrastructure is not included in section 2.9.</p> <p>RELIEF SOUGHT: That flood protection infrastructure is added to the list of Infrastructure in Section 2.9 and 2.9.3</p>	<p>Accept</p> <p>The avoidance or mitigation of natural hazards is one of the core services to be considered by the Council in their roles under the Local Government Act 2002 (section 11A(d)). Flood protection infrastructure is regionally and locally important infrastructure.</p> <p>Recommendations below suggest amending the wording of the introduction to 2.9 and the explanation to 2.9.3. Whilst this may not include specific mention of flood protection infrastructure, it is considered that amending the definition of Infrastructure, in the Definitions section of the Proposed District Plan to include reference to hazard mitigation will address the submitter's concerns. It is also recommended in response to submissions below that the term “Utilities” be used in 3.9 and that a definition of this term be introduced into the Proposed District Plan. This definition could include infrastructure for hazard mitigation.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
		<p>RECOMMENDATION:</p> <p>Amend definition of 'Infrastructure' and 'Utilities' in section 4 of the Proposed District Plan as set out under recommendations for 52.2 above.</p> <p>Replace reference to 'infrastructure' in 3.9 with the term 'Utilities' and define 'Utilities' as set out under recommendations for submission 52.2 above.</p>
<p>18.46 Environment Southland</p>	<p>Oppose in part</p> <p>The submitter considers that the Introduction to this section lacks reference to flood alleviation works which are extremely important infrastructure that mitigate both marine and riverine inundation within the city.</p> <p>RELIEF SOUGHT: Add as an (e) "Flood Alleviation Works (stopbanks, detention dams and associated drainage works)."</p>	<p>Accept</p> <p>See recommendation for submission 67.1 above.</p>
<p>24.22 South Port NZ Ltd</p>	<p>Oppose in part</p> <p>The submitter considers that insufficient regard is had to the significance of the Port in the introductory section of this chapter. The statement relates more to local infrastructure (i.e. stormwater networks etc.) rather than significant regional infrastructure such as the Port facilities. Additional and appropriate recognition for regional infrastructure needs to be made in this introductory text.</p> <p>The submitter considers that the statement should also better recognise some of the constraints that can affect port facilities if inappropriate adjacent development is allowed to occur over time.</p> <p>RELIEF SOUGHT: Amend the introduction to include additional text that recognises the significance of infrastructure such as the Port as follows:</p>	<p>Accept in part</p> <p>The introduction focuses on all infrastructure. The definition of infrastructure includes airports and ports and other infrastructure of local, regional and national significance. It should be noted that specific reference is made of the port and airport in the Introduction.</p> <p>The Introduction as notified already acknowledges that the provision of infrastructure is essential for meeting the economic, social and health and safety needs of individuals and the community.</p> <p>The Introduction, however, could be further developed to cover some of the matters raised in the relief sought by the submitter. There would be benefit for a number of infrastructural providers</p>

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	<p><u>"Significant infrastructure including ports and airport facilities are key physical resources of the City which are to be managed sustainably. When developing, modifying, maintaining, and operating such infrastructure, it is not always practicable to internalise all adverse effects on the environment. The presence of such infrastructure influences the quality of the environment surrounding it, which is reflected in the need for specific port and airport related zones. As a result, care needs to be taken locating activities that may affect the efficient and effective operation and development of such infrastructure, including noise sensitive activities."</u></p>	<p>for it to be acknowledged that infrastructure can have adverse effects on the environment and that at times these effects should be provided for to avoid reverse sensitivity issues.</p> <p>RECOMMENDATION</p> <p>Amend 2.9 Introduction by including the following paragraph:</p> <p><u>'The present infrastructure can influence the quality of the environment surrounding it, which is reflected in the need for specific port and airport related zones, and for the recognition of network corridors around infrastructure such as roads, the railway and the National Grid. To address potential reverse sensitivity effects, care needs to be taken locating activities that may affect the efficient and effective operation and development of such infrastructure.'</u></p>
<p>FS5.8 Invercargill Airport Ltd</p>	<p>Support submission 24.22</p> <p>The further submitter agrees that further regard should be afforded to significant regional infrastructure in the introduction</p> <p>RELIEF SOUGHT: Not stated</p>	<p>Accept in part</p>
<p>53.7 NZ Transport Agency</p>	<p>The submitter considers this section oversimplifies the processes of the Resource Management Act that relate to designations and infrastructure. Paragraph 4 refers to the assessment of designations relating to environmental effects. This is only one aspect of the Act as it relates to designation, and the submitter suggests that this should be identified in the introduction to the section.</p> <p>RELIEF SOUGHT: Amend the second sentence of paragraph 4 as follows:</p> <p><u>"Any request for such a designation will be assessed having regard to the provisions of the Resource Management Act applicable to the designation</u></p>	<p>Accept</p> <p>It is accepted that the wording suggested by the submitter better explains the designation process.</p> <p>RECOMMENDATION:</p> <p>Amend paragraph 4 of 2.9 Introduction as follows:</p> <p><u>"Under the Resource Management Act 1991 the providers of infrastructure for public works and network utilities are able to use procedures to designate land for such activities. Any</u></p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
	<p><u>process, including having regard to the environmental effects of the proposal and associated works."</u></p>	<p><u>request for such a designation will be assessed having regard to the provisions of the Resource Management Act 1991 applicable to the designation process, including having regard to the environmental effects of the proposal and associated works. Any request for such a designation will be assessed having regard to the environmental effects of the activity and any works to be undertaken.'</u></p>
<p>53.8 NZ Transport Agency</p>	<p>The submitter considers that the intention is not clear, given the proposed wording.</p> <p>RELIEF SOUGHT: Amend the final sentence of paragraph 5 as follows:</p> <p>"Where subdivision and/or land use is undertaken, the provision of infrastructure, and/or any requirement to expand or upgrade existing infrastructure, is considered as part of the consenting process."</p>	<p>Accept in part</p> <p>The relief sought by the submitter would further strengthen the Introduction and will ensure that Plan Users are aware that the effects on infrastructure will be considered through the subdivision and land use processes.</p> <p>RECOMMENDATION:</p> <p>Amend paragraph 6 of 2.9 Introduction as follows:</p> <p><u>'Where subdivision and/or land use is undertaken, the provision of infrastructure, and/or any requirement to expand or upgrade existing infrastructure, is considered as part of the consenting process. The Council has also developed the Invercargill City Council Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure which aims to ensure that infrastructural works undertaken as part of a subdivision or land use development are done to an acceptable means of compliance with Acts and Council requirements. This bylaw sits outside the District Plan but will assist in achieving some of the desired outcomes.'</u></p>
<p>65.21 ICC Environmental and Planning Services</p>	<p>Support in part.</p> <p>The submitter considers that it should be clarified that the Airport and Seaport are both infrastructure facilities that are addressed under Zone Specific Objectives, Policies and Rules. They are also referred to in the Transportation Objectives and Policies.</p>	<p>Accept in part</p> <p>It is accepted that there is a need to clarify that some infrastructural activities are provided for in provisions found elsewhere in the Proposed District Plan. Transportation, the Airport and the Seaport are all subsets of Infrastructure. To aid</p>

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	<p>RELIEF SOUGHT: Add a paragraph to the introduction section, similar to: <u>"It should be noted that Airport and Seaport facilities are both infrastructure resources that are addressed elsewhere in the District Plan under the Transportation and Zone Specific Objectives, Policies and Rules."</u></p>	<p>the Plan User, there is merit in noting that these all have related, but separate provisions in the Proposed District Plan.</p> <p>RECOMMENDATION</p> <p>Add an additional paragraph to 2.9 Introduction as follows:</p> <p><u>"Transportation infrastructure is also addressed under the Transportation provisions within the District Plan. Infrastructure associated with the Airport and Seaport is also provided for via the Transportation and Zone Specific provisions within the District Plan."</u></p>
<p>FS5.9 Invercargill Airport Ltd</p>	<p><i>Support submission 65.21</i> The further submitter agrees that further clarification would be appropriate but submits that the relief sought should be further expanded to resolve the matter RELIEF SOUGHT: Amend relief sought in submission 65.21 as follows: <u>"It should be noted that infrastructure associated with Airport and Seaport facilities is also provided for via the transportation and zone specific provisions contained within the District Plan"</u></p>	<p>Accept in part</p>
<p>F7.18 South Port New Zealand Ltd</p>	<p><i>Support in part / Oppose in part submission 65.21</i> The further submitter agrees that further clarification would be appropriate but submits that the relief sought should be further expanded to resolve the matter RELIEF SOUGHT: Amend relief sought in submission 65.21 as follows: <u>"It should be noted that infrastructure associated with Airport and Seaport facilities is also provided for via the transportation and zone specific provisions contained within the District Plan"</u></p>	<p>Accept in part</p>
<p>65.22 ICC Environmental and Planning</p>	<p>Support in part. The submitter notes that the description of infrastructure in the introduction</p>	<p>Accept in part</p> <p>The infrastructural facilities detailed in the first paragraph of 2.9</p>

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Services	<p>and the definition of infrastructure in Section 4 are not the same</p> <p>RELIEF SOUGHT: Amend the description of infrastructure in the introduction to the same definition of infrastructure in Section Four</p>	<p>Introduction are meant to be only examples of infrastructure. The word 'including' means that it is not a complete list, as provided for in the definition. It is considered that rewording the Introduction to make this clearer may be beneficial.</p> <p>RECOMMENDATION:</p> <p>Amend paragraph 1 of 2.9 Introduction as follows:</p> <p>"The infrastructure of the Invercargill city district is an important physical resource. Infrastructure includes <u>a range of facilities, services and installations that enable a community to function including:</u></p> <ul style="list-style-type: none"> a) Network utility systems <u>Utilities</u> such as street lighting, electricity, water supply, stormwater drainage, sewerage and roading. b) Facilities of public benefit including navigation aids, meteorological facilities, lighting in public places, data recording and monitoring systems. c) Installations for the receiving and sending of communications. d) <u>Land transport networks including rail, port and airport facilities and installations."</u>
79.7 KiwiRail Holdings Ltd	<p>Oppose in part.</p> <p>The submitter considers that land transport networks should be identified as infrastructure and thus influenced by the policies and objectives in Section 2.9</p> <p>RELIEF SOUGHT: Amend Introduction as follows:</p>	<p>Accept</p> <p>The suggested amendment makes it clearer that transportation networks as a whole are considered to be infrastructure and that the infrastructure objectives and policies relate to the transportation network alongside the Transportation provisions.</p>

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	“(d) <u>Land transport networks including rail</u> , port and airport facilities and installations...”	RECOMMENDATION: Amend 2.9 Introduction (D) as set out for submission 65.22 above.
87.10 Transpower NZ Ltd	<p>Support in part.</p> <p>The submitter seeks that the introduction be amended to recognise that the benefits of the National Grid are regional and national, as well as local, and reflect the direction of the NPSET and provide for all activities relating to the National Grid, not just maintenance and replacement. Furthermore, the submitter considers the wording should reflect the direction under the NPSET to consider the benefits of the National Grid not just the environmental effects.</p> <p>RELIEF SOUGHT:</p> <p>(i) Amend the introduction to the Infrastructure Issues, Objectives and Policies as follows: “.... The provision of infrastructure is essential for meeting the economic, social and health and safety needs of individuals, the community <u>and the nation</u>, and it is appropriate for the District Plan to recognise these benefits. It is also appropriate for the District Plan to provide for these activities and their <u>development, operation, upgrading</u>, maintenance and replacement.</p> <p>.....</p> <p>Under the Resource Management Act 1991 the providers of infrastructure for public works and network utilities are able to use procedures to designate land for such activities. Any request for such a designation will be assessed having regard <u>to the route, site and method selection</u>, the environmental effects, <u>the benefits to local, regional and national communities and any locational, technical and operational requirements</u> of the activity and any works to be undertaken.</p> <p>“</p> <p>(ii) And any consequential amendments</p>	<p>Accept in part</p> <p>It is considered that the Proposed District Plan does provide for the operation and upgrading of infrastructure. However, the development of infrastructure needs to be carried out in consideration, not only of the benefits, but also the potential adverse environmental effects. The provisions elsewhere in the Proposed District Plan acknowledge this and the Introduction should be consistent.</p> <p>A less detailed amendment to paragraph 4 has been recommended in response to submission 53.7 above. The designation process is detailed in the Resource Management Act and needs not be expanded on in the context of this clause.</p> <p>RECOMMENDATION:</p> <p>Amend paragraph 2 of 2.9 Introduction as follows:</p> <p>“The provision of infrastructure is essential for meeting the economic, social and health and safety needs of individuals and the community <u>locally, regionally and nationally</u> and it is appropriate for the District Plan to recognise these benefits. It is also appropriate for the District Plan to provide for these activities and their <u>operation, upgrading, maintenance and replacement</u>:</p> <p>AND</p> <p>Amend paragraph 3 of 2.9 Introduction as follows:</p>

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		<p>"Where infrastructure is already in existence and has capacity, using existing infrastructure is preferable to building anew. Invercargill has substantial excess capacity in many areas already reticulated. Restricting extensions of infrastructure keeps the city compact and promotes efficient use of existing infrastructure. <u>The potential adverse effects, including the benefits of the development of infrastructure, need to be carefully considered.</u>"</p>
91.5 PowerNet Ltd	<p>Support in part.</p> <p>The submitter considers that the Infrastructure section should be a "complete code" with no other rule or section of the Plan apply to infrastructure activity unless directly referred to in the Infrastructure section on the grounds that this would be the most transparent approach</p> <p>RELIEF SOUGHT: Make the Infrastructure section of the Plan a "complete code" with no other rule or section of the Plan apply to infrastructure activity unless directly referred to in the Infrastructure section</p>	<p>Reject</p> <p>The Infrastructure section is not a complete code. As with many other issues in the Proposed District Plan, the matters raised in the Infrastructure section overlap with other sections of the plan. For example, the approach to zoning in the Proposed District Plan has been determined to a certain extent by the existence of certain infrastructural services. The effects of Infrastructure on sensitive environments such as Outstanding Natural Features and Landscapes and areas identified as containing Significant Indigenous Biodiversity are considered in those sections. The subdivision process involves consideration of infrastructure.</p> <p>The issues, objectives and policies in 2.9 may be considered by a range of Plan Users, not just by providers of infrastructural services. The format of the Proposed District Plan is such that it should be read as a whole, rather than as discrete sections.</p>
FS25.26 Transpower NZ Ltd	<p><i>Support in part submission 91.5</i></p> <p>The further submitter considers that the Infrastructure section could be a 'complete code' for infrastructure that overrides the zone rules, but not those relating to Biodiversity, Soils Minerals and Earthworks, or Natural Features, Landscapes and Townscapes, given the policy direction in NPSET</p>	<p>Accept in part</p>

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103.2 Invercargill Airport Ltd	Support. The submitter considers it appropriate to recognise the importance of infrastructure. RELIEF SOUGHT: Retain	Accept
2.9.1 Issues		
18.47 Environment Southland	Support Issues in general RELIEF SOUGHT: Retain	Accept in part Recommendations on other submissions below suggest minor amendments to the issues.
87.11 Transpower NZ Ltd	Support Issue 1 in part. The submitter considers that to give effect to Policy 10 of the NPSET the Issue should also recognise the effects of poorly integrated subdivision, as this often leads to new development, particularly residential, and include consideration of the effects of development on the safe and efficient functioning of the National Grid, given its important to the community. RELIEF SOUGHT: Amend Issue 1 as follows: “Poor integration of <u>subdivision</u> , land use and development with existing local, regional and national infrastructure can lead to inefficiencies, and can adversely affect the social and economic well-being of the community as well as the safe and efficient functioning of network utilities.”	Accept in part It is accepted that poorly integrated subdivision can have adverse effects. However, I am recommending a change in wording to that suggested by the submitter. The Issues, Objectives and Policies in this section relate to infrastructure as a whole, not just to the network utilities. The safety and efficiencies of <i>all</i> infrastructure can be adversely affected by poorly integrated subdivision, use and development. RECOMMENDATION: “Poor integration of <u>subdivision</u> , land use and development with existing local, regional and national infrastructure can lead to inefficiencies, and adversely affect the social and economic well-being of the community, <u>as well as the safe and efficient functioning of infrastructure.</u> ”
79.8 KiwiRail Holdings Ltd	Support Issue 5 The submitter supports recognition of reverse sensitivity effects and the protection of significant transport infrastructure	Accept

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	RELIEF SOUGHT: Retain	
FS28.9 NZ Transport Agency	Support submission 79.8 The further submitter supports the recognition of reverse sensitivity effects and the protection of significant transport infrastructure.	Accept
103.3 Invercargill Airport Ltd	Support Issues in part. The submitter would like to see recognition of the potential adverse effects of reverse sensitivity from incompatible development on the functionality of infrastructure RELIEF SOUGHT: Include additional issue: <u>"That infrastructure can be adversely affected by reverse sensitivity effects arising from the establishment or encroachment of incompatible land uses"</u>	Reject Issue 5 already includes express reference to reverse sensitivity as a potential adverse effect. It is not considered necessary to include an additional Issue statement in repetition of this.
FS7.19 South Port New Zealand Ltd	Support submission 103.3	Reject
24.23 South Port NZ Ltd	Oppose Issues in part. The submitter would like to see the issue statement broadened to also recognise that the provision of infrastructure is critical to the social and economic wellbeing of the community. In this regard, the provision of infrastructure (such as ports) can assist with improving people's quality of life, facilitate additional development and growth in communities, and provide employment opportunities. RELIEF SOUGHT: Amend the issue so that it recognises that the provision of infrastructure is critical to the economic, social and cultural wellbeing of the community.	Accept Infrastructure can be essential for meeting the economic, social, cultural, and health and safety needs of the community. However, this infrastructure needs to be developed to integrate with the environment and planned to meet the reasonably foreseeable needs of the community. If not, this infrastructure can be a burden on the community and/or have other adverse effects on the environment. A new issue statement as sought by the submitter would need to acknowledge such consideration is needed.

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		<p>RECOMMENDATION:</p> <p>Include an additional Issue statement in 2.9.1 as follows:</p> <p><u>“6. The provision of well integrated and planned infrastructure is important for meeting the economic, social, cultural and health and safety needs of individuals and the community.”</u></p>
<p>FS5.10 Invercargill Airport Ltd</p>	<p>Support submission 24.23 The further submitter agrees that the statement should be expanded to recognise the contribution that infrastructure makes to the social and economic wellbeing of the community</p>	<p>Accept</p>
<p>87.12 Transpower NZ Ltd</p>	<p>New Issue</p> <p>The submitter seeks that a new issue be included to clearly identify that ongoing development, operation, maintenance and upgrading of infrastructure supports economic and social wellbeing. This will give effect to Policy 1 of the NPSET that seeks to recognise the benefits of the transmission of electricity.</p> <p>RELIEF SOUGHT:</p> <p>(i) Include a new Issue as follows: “6. The ongoing development, operation, maintenance and upgrading of infrastructure supports economic and social wellbeing.”</p> <p>(ii) And any consequential amendments.</p>	<p>Accept in part</p> <p>It is considered that Issue 2 addresses issues of inadequate operation, maintenance and upgrading. However, the terminology could be changed to make this clearer by replacing ‘used’ with ‘operated’.</p> <p>However, the ongoing development of infrastructure only supports economic and social wellbeing, when that development is carried out sustainably to address a need for the future generations. As stated in Issue 3, extensions to infrastructure can also have a detrimental effect on the community if not developed in a manner that is consistent with the amenities of the receiving area and the qualities of good urban design. It is considered that the recommendation for submission 24.23 would better address the concerns of the submitter.</p> <p>RECOMMENDATION: Amend 2.9.1 Issues as follows:</p> <p>2. If infrastructure is not adequately <u>operated</u>, used, maintained and upgraded it can deteriorate and fail</p>

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		to meet the needs of the community in an efficient way”
FS5.11 Invercargill Airport Ltd	Support in part submission 87.12 The further submitter supports the matter in principle but considers that Issue 2 achieves the same outcome and that this is also addressed via Policy 1	Accept
2.9.2 Objectives		
18.48 Environment Southland	Support 2.9.2 Objectives RELIEF SOUGHT: Retain	Accept in part Amendments to Objectives have been recommended in response to submissions in the table below. It is considered that these recommended amendments will not significantly affect the intentions of these provisions.
24.24 South Port NZ Ltd	Support 2.9.2 Objective 1 in part. The submitter considers the wording of this objective to be somewhat ambiguous. It is not clear what is meant by the term “operates efficiently”. It could be interpreted that this relates to the infrastructure itself in terms of its operating regimes and associated efficiencies which would not be appropriate. The submitter believes the objective should therefore seek to protect the operational capacity of such infrastructure. RELIEF SOUGHT: Amend the objective as follows: “Invercargill’s local, regional and national infrastructure is secure and its operational capacity is protected.”	Reject ‘Efficiency’ and ‘capacity’ are two different concepts: “Capacity” refers to the maximum amount that something can contain or produce “Efficiency” is about achieving the maximum productivity with minimum wasted effort. In the context of this Objective, the aim is to ensure that the infrastructure is able to operate safely and with minimum waste, delays or other such obstructions. The capacity of the infrastructure may waiver as the needs of the community waiver, but the objective is to enable the infrastructural system to operate with little obstruction. The capacity issue is addressed in Objective 2 which refers to meeting the current foreseeable needs within and between districts RECOMMENDATION: Retain 2.9.2 Objective 1 as notified

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FS28.10 NZ Transport Agency	<i>Oppose submission 24.24</i> The further submitter does not find the term ' <i>operates efficiently</i> ' ambiguous. The NZ Transport Agency suggests poor integration of land use and development with existing infrastructure can adversely affect the efficiency and functionality of the infrastructure.	Accept
103.4 Invercargill Airport Ltd	Support 2.9.2 Objective 1 in part. The submitter believes it is appropriate to seek to ensure the district's infrastructure is secure, but questions the term "operates efficiently" The submitter suggests the objective be reworded to seek to protect the operational capacity of such infrastructure RELIEF SOUGHT: Amend Objective 1 as follows: "Invercargill's local, regional and national infrastructure is secure <u>and its existing and future operational capacity is protected.</u> "	Reject See recommendation on submission 24.24 above
FS28.11 NZ Transport Agency	<i>Oppose submission 103.4</i> The further submitter does not find the term ' <i>operates efficiently</i> ' ambiguous. The NZ Transport Agency suggests poor integration of land use and development with existing infrastructure can adversely affect the efficiency and functionality of the infrastructure.	Accept See recommendation on submission 24.24 above
24.25 South Port NZ Ltd	Support 2.9.2 Objective 2 in part. The submitter considers that it is not clear what is meant by (c) where it refers to "providing local, sub regional and national benefits". The submitter suggests this confuses the objective and is not necessary as infrastructure should be protected from incompatible activities. The submitter also considers that clause (c) would be best set out as its own objective as it does not sit comfortably within this objective which relates to the development of infrastructure, rather than the effects of other activities on such infrastructure.	Accept It is accepted that 2.9.2 Objective 2(C) should be redrafted as a separate Objective. Objective 2 relates to the development, operation, maintenance and upgrading of infrastructure. (C) relates to subdivision, use and development around the infrastructure. It is also accepted that there is no need to refer to the local, sub-regional or national benefits in this Objective. The objective should be focussed on protecting <i>all</i> infrastructure from incompatible subdivision, use and development.

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	<p>RELIEF SOUGHT: Delete reference to local, sub regional and national benefits in clause (c) and set clause (c) as a separate objective in the Plan.</p>	<p>RECOMMENDATION: Delete 2.9.2 Objective 2(C) AND Add new Objective <u>“Objective 3 Existing infrastructure is protected from incompatible subdivision, use and development”</u> And subsequent renumbering</p>
<p>53.9 NZ Transport Agency</p>	<p>2.9.2 Objective 2</p> <p>The submitter suggests this objective needs to be reworded to clarify its intent. Further, the submitter queries the inclusion of “sub regional” in this objective, as it appears that sub regional would refer to local benefits, which are already identified in the objective. The submitter suggests this is clarified to refer to regional benefits.</p> <p>RELIEF SOUGHT: Retain Objective 2(C) but reword as follows: “Protecting infrastructure that provides local, regional or national benefits from incompatible subdivision, use and development.”</p>	<p>Reject in part</p> <p>It is accepted that it is unclear what “sub regional” means in the context of this Objective. The other objectives use the term “regional” which would have been preferable in this Objective. However, as per my recommendation under submission 24.25 above, it is considered that there is little benefit in including reference to local, regional or national within the context of this Objective.</p>
<p>79.9 KiwiRail Holdings Ltd</p>	<p>Oppose 2.9.2 Objective 2 in part.</p> <p>The submitter considers that the Objective could be better reworded to be clearer in its intent</p> <p>RELIEF SOUGHT: Reword Objective 2(C) as follows: <u>“The operation , maintenance and enhancement of local, sub regional and nationally significant infrastructure (including land transport networks) is recognised and protected from incompatible subdivision and development”</u></p>	<p>Accept in part</p> <p>See recommendations on submission 24.25 above</p>

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65.23 ICC Environmental and Planning Services	<p>Support 2.9.2 Objective 2 in part.</p> <p>The submitter considers that clause (C) of Objective 2 should be written as a separate objective</p> <p>RELIEF SOUGHT:</p> <p>Delete Objective 2(C) and rewrite as a new objective as follows: <u>"Protect existing infrastructure from incompatible subdivision, use and development, providing local, sub regional and national benefits"</u></p>	<p>Accept in part</p> <p>See recommendations on submission 24.25 above</p>
87.13 Transpower NZ Ltd	<p>Support 2.9.2 Objective 2 in part.</p> <p>The submitter seeks that Objective be amended to be more directional and clear in what it is seeking to achieve, clearly stating that it is trying to manage adverse effects on infrastructure that would affect its ability to operate, upgrade and develop. General subdivision and development does not have the same national significance or constraints as the national grid and therefore should be avoided.</p> <p>RELIEF SOUGHT: Amend Objective 2 as follows: "Objective 2: Infrastructure is developed, operated, maintained and upgraded whilst To <u>recognise and provide for the ongoing operation, maintenance, upgrading and development of infrastructure, including the National Grid, whilst:</u> (a) Efficiently and effectively meeting the current foreseeable needs within and between districts. (b) Fulfilling functional, locational, technical, and operational requirements and avoiding, remedying or mitigating the effects on the environment. (c) Protecting infrastructure from incompatible subdivision, use and development, Avoiding the establishment of subdivision and land use activities that could adversely affect the operation, maintenance, upgrading and development of infrastructure providing local, sub regional and national benefits."</p>	<p>Reject in part</p> <p>It is not considered necessary to include reference to the National Grid specifically in this Objective. The Objective relates to all infrastructure, including the National Grid. The definition of 'infrastructure' includes the National Grid.</p> <p>Deleting this provision and rewording it as a separate Objective will therefore not remove the recognition of the importance of the National Grid.</p> <p>RECOMMENDATION:</p> <p>See recommendation on submission 24.25 above</p>

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FS12.8 PowerNet Ltd	<i>Support in part submission 87.13</i> The further submitter considers that the objective should be amended to be more directional and clear in terms of what it is seeking to achieve	Accept in part
91.6 PowerNet Ltd	Support 2.9.2 Objective 2 in part. The submitter considers that it is not clear what is meant by (c) where it refers to “providing local, sub regional and national benefits”. The submitter suggests this confuses the objective and is not necessary as infrastructure should be protected from incompatible activities. The submitter also considers that clause (c) would be best set out as its own objective as it does not sit comfortably within this objective which relates to the development of infrastructure, rather than the effects of other activities on such infrastructure. RELIEF SOUGHT: Delete reference to local, sub regional and national benefits in clause [c], and set clause [C] as a separate objective in the Plan.	Accept See recommendation on submission 24.25 above
103.5 Invercargill Airport Ltd	Support 2.9.2 Objective 2 in part. The submitter does not think that clause (c) fits under this objective but should be an individual objective. The submitter also believes that the term “local, sub-regional and national benefits” is unnecessary RELIEF SOUGHT: Delete reference to local, sub-regional and national benefits in clause (c) and set clause (C) as a separate objective in the Plan	Accept See recommendation on submission 24.25 above
FS25.29 Transpower NZ Ltd	<i>Oppose in part submissions 91.6, 103.5 and 24.25</i> The further submitter does not oppose making clause (c) a separate objective. However, it considers that while the wording could be amended to ensure greater clarity, the reference to ‘local, sub-regional and national’ benefits should be retained as it is considered an important consideration when assessing the effects of other activities on infrastructure.	Reject See recommendation on submission 24.25 above
65.24 ICC Environmental and Planning	Support 2.9.2 Objective 3 in part. The submitter notes that the term “utilities” is a term not used elsewhere in	Accept The Objectives relate to ‘infrastructure’ in its wider sense, not

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Services	<p>the Plan</p> <p>RELIEF SOUGHT:</p> <p>Amend Objective 3. Replace the word “utilities” with the word “infrastructure” “To ensure that the location and design of utilities <u>infrastructure</u> avoids significant adverse effects on:...”</p>	<p>just utilities. The matters listed in Objective 3 should be protected from significant adverse effects caused by all forms of infrastructure.</p> <p>(Note that recommendations above, seek to include a definition of the term ‘utilities’. However, this provision relates to all infrastructure)</p> <p>RECOMMENDATION:</p> <p>Amend 2.9.2 Objective 3 as follows:</p> <p>“To ensure that the location and design of utilities <u>infrastructure</u> avoids significant adverse effects on:...”</p>
FS5.12 Invercargill Airport Ltd	<p>Support submission 65.24</p> <p>The further submitter agrees that the terminology should be consistent. However, the further submitter considers that the objective should seek to “avoid, remedy or mitigate” significant adverse effects.</p> <p>The further submitter also notes that the definition of “infrastructure” is not consistent with the scope of Policy 1</p>	<p>Accept in part</p> <p>It is considered appropriate that significant effects are avoided where possible, as opposed to lower order effects where mitigation may be more reasonable.</p>
FS7.20 South Port New Zealand Ltd	<p>Support submission 65.24</p> <p>The further submitter agrees that the terminology should be consistent. However, the further submitter considers that the objective should seek to “avoid, remedy or mitigate” significant adverse effects.</p> <p>The further submitter also notes that the definition of “infrastructure” is not consistent with the scope of Policy 1</p>	<p>Accept</p>
FS25.25 Transpower NZ Ltd	<p>Support in part submission 65.24</p> <p>The further submitter states that the Proposed District Plan currently refers to ‘infrastructure’, ‘utilities’ and ‘network utilities’ but only infrastructure is defined in the Plan. The further submitter considers that this term covers a wide range of activities and can be used consistently throughout the Plan without the need to refer to ‘utilities’ and ‘network utilities’</p>	<p>Accept in part</p> <p>It is accepted that the Proposed District Plan does refer to ‘infrastructure’, ‘utilities’ and ‘network utilities’. In the context of this Objective the term “infrastructure” is the most appropriate.</p>

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		However, there may be other provisions in the Proposed District Plan that may relate to a narrower group of infrastructural activities and there may be a need to use different terminology. See recommendations above seeking to include a definition of 'utilities'.
77.26 Te Runaka o Waihopai and Te Runaka o Awarua	Support 2.9.2 Objective 3 RELIEF SOUGHT: Retain	Accept in part Amendments recommended under submission 65.24 above will not change the intent of the provision, and will not affect the list of matters to be protected from significant adverse effects.
87.14 Transpower NZ Ltd	Support 2.9.2 Objective 3 in part. The submitter seeks that Objective 3 specifically refers to the National Grid. The submitter also considers that Objective 3 is a more directive approach than Policy 8 requires and seeks that it be amended to require effects to be avoided, remedied or mitigated, reflecting a more general approach to the management of the range of environments specified in the Objective. RELIEF SOUGHT: (i) Amend Objective 3 as follows: "Objective 3: To ensure that the location and design of utilities, <u>including the National Grid</u> , avoids, <u>remedies or mitigates</u> significant adverse effects on: ..." (ii) And any consequential amendments.	Reject The Objective is not to avoid all effects, but to avoid "significant" adverse effects on the listed matters. The matters on the list come from section 6 of the RMA and the National Policy Statement on Electricity Transmission. The listed matters are all considered to be of particular importance in the Invercargill City District and their protection from significant adverse effects is consistent with the RMA. RECOMMENDATION: See recommendation on submission 65.24 above for recommended rewording of this Objective
53.10 NZ Transport Agency	Support 2.9.2 Objective 4 in part The submitter queries the rationale for limiting the application of this objective to the electricity transmission network only. The issues faced by most infrastructure providers are the same, and as such the overly narrow focus of this objective fails to take into account the character of most infrastructure networks. The submitter considers that the objective should be refocused to deal with the wider infrastructure network	Accept in part The Objective has been drafted to give effect to the National Policy Statement on Electricity Transmission. However, it is acknowledged that the focus of this Objective could be widened to apply to all infrastructure, not just the National Grid. This will not water down the intent of the provision as it relates to the National Grid but would acknowledge that these issues should

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	<p>RELIEF SOUGHT:</p> <p>Retain Objective 4, but reword as follows: “To provide for the sustainable, secure and efficient use and development of <u>infrastructure</u> while seeking to avoid, remedy or mitigate adverse effects on the environment...”</p>	<p>be addressed in processes involving all forms of infrastructure. Consideration should be made for the secure, safe and efficient use and development of infrastructure bearing in mind the environmental effects.</p> <p>Changes to the suggested wording have been made in response to submission 87.15 below, clarifying that the Objective is to provide for the development, operation, maintenance and upgrading of infrastructure, not just its use and development.</p> <p>RECOMMENDATION” Amend 2.9.2 Objective 4 as follows:</p> <p>“To provide for the sustainable, secure and efficient use <u>operation, maintenance, upgrading</u> and development of the electricity transmission network <u>infrastructure</u>, while seeking to avoid, remedy or mitigate adverse effects on the environment to the extent practicable, and while recognising the technical and operational requirements and constraints of the networks.”</p>
FS5.13 Invercargill Airport Ltd	<i>Support submission 53.10</i>	Accept in part
FS7.21 South Port New Zealand Ltd	<i>Support submission 53.10</i>	Accept in part
65.25 ICC Environmental and Planning Services	<p>Support 2.9.2 Objective 4.</p> <p>The submitter considers that the wording of the Objective could be tidied up to avoid the repetition of the word “while”</p> <p>RELIEF SOUGHT:</p> <p>Amend Objective 4 to read: “To provide for the sustainable... of the electricity transmission network</p>	<p>Reject</p> <p>It is considered that the sentence structure of the Objective is appropriate and is consistent with the Proposed RPS and the NPSET.</p>

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	<u>recognising the technical and operational requirements and constraints of the network</u> , while seeking to avoid, remedy or mitigate adverse effects on the environment to the extent practicable”	
FS39.7 Environment Southland	<i>Oppose submission 65.25</i> The further submitter considers that the proposed rewording waters down the policy from one of principle to one of process, and as such, is less likely to result in resilient infrastructure. They also consider it to be less likely to give effect to Policy NH.5 of the proposed RPS.	Accept
87.15 Transpower NZ Ltd	Support 2.9.2 Objective 4 in part. The submitter seeks that the objective should reflect the intent of the NPSET and provide for the operation, maintenance and upgrading of the National Grid, and that the benefits of the network are taken into consideration. RELIEF SOUGHT: (i) Amend Objective 4 as follows: “Objective 4 To provide for the sustainable, secure and efficient use and development, <u>operation, maintenance and upgrading</u> of the National Grid while seeking to avoid, remedy or mitigate adverse effects on the environment to the extent practicable, and while recognising the technical and operational requirements and constraints, <u>and the benefits</u> of the network. “ (ii) And any consequential amendments.	Accept in part The National Policy Statement on Electricity Transmission does require decision makers to recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. The definition of “effects” set out in section 3 of the RMA specifically includes any positive effects. As such the benefits of any infrastructure should be considered when making decisions. However, the benefits are considered in Objective 5 and there is little need to repeat this consideration in this Objective as well. RECOMMENDATION See recommendation under submission 53.10 above
88.70 Federated Farmers	Support 2.9.2 Objective 4 in part. The submitter considers that developing a regulatory framework aimed at providing for the electricity transmission network can also have adverse effects on land or practices which are being controlled, and Council needs to balance protection of the undoubted benefits of electricity transmission infrastructure with the adverse impacts these protections may have on other land uses.	Reject The regulatory framework adopted in the Proposed District Plan recognises that the use and development of the electricity transmission network is important but also that it can have adverse effects on the environment and that these should be avoided, remedied or mitigated where practicable. The framework does not allow for the development of these utilities without consideration of the effects it may have on the

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	<p>The submitter believes Council should not specifically provide for development of electricity infrastructure in this Objective, as further development will create additional impositions on other land users and uses and these should be considered fully and separately to, the use of the network.</p> <p>RELIEF SOUGHT:</p> <p>Adopt this objective, with the following wording amendment:</p> <p>“To provide for the sustainable, secure and efficient use of the electricity transmission network while seeking to avoid, remedy or mitigate adverse effects on the environment <u>and other legitimate land uses</u> to the extent practicable, and while recognising the technical and operational requirements and constraints of the network.”</p>	<p>environment. For example, it should be noted that the development of the National Grid is a discretionary activity.</p> <p>The suggested amendment to the Objective does not effectively add to the scope of the provision. The definition of ‘environment’ in the RMA recognises the environment as it currently exists, as well as any future state, including activities that may be permitted under the relevant plans. ‘Other legitimate land uses’ are therefore covered in the wording of the provision as notified.</p> <p>Including “development” in this Objective is consistent with the National Policy Statement on Electricity Transmission. Where development of infrastructure is being considered, avoiding, remedying or mitigating adverse effects on the environment will ensure that those potentially affected will be involved in the processes.</p> <p>It should also be noted that an additional Method of Implementation has been recommended in response to submission 117.9 above, stating that Council will facilitate and encourage discussions between landowners and infrastructural providers.</p> <p>RECOMMENDATION:</p> <p>Include an additional Method of Implementation as set out in response to submission 117.9 above</p>
<p>FS25.34 Transpower NZ Ltd</p>	<p><i>Oppose submission 88.70</i></p> <p>The further submitter considers it essential and effective that policies provide for the development of the electricity transmission network and that the wording reflects the direction of the NPSET.</p>	<p>Accept</p>

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	<p>The further submitter considers the relief sought is unnecessary and that its submission on the rules provides more certainty and greater development opportunities to landowners.</p> <p>The further submitter states that it encourages landowners to consult with them where new development is proposed.</p> <p>The further submitter also notes the relationship between the Electricity Act 1992 and the RMA.</p>	
53.11 NZ Transport Agency	<p>Support 2.9.2 Objective 5 in part</p> <p>The submitter queries the rationale for limiting the application of this objective to the electricity transmission network only. The issues faced by most infrastructure providers are the same, and as such the overly narrow focus of this objective fails to take into account the character of most infrastructure networks. The submitter considers that the objective should be refocused to deal with the wider infrastructure network</p> <p>RELIEF SOUGHT:</p> <p>Retain Objective 5, but reword as follows: “To recognise the importance of <u>infrastructure</u> the electricity transmission network to the social and economic well being of the city, the Southland Region and the nation.”</p>	<p>Accept</p> <p>As for Objective 4, this Objective has been drafted to give effect to the National Policy Statement on Electricity Transmission. However, it is acknowledged that the focus of this Objective could be widened to apply to all infrastructure, not just the National Grid. This will not water down the intent of the provision as it relates to the National Grid but would acknowledge that there are local, regional and/or national benefits from the range of infrastructure provided for in the Invercargill City District.</p> <p>RECOMMENDATION:</p> <p>Amend 2.9.2 Objective 5 as follows:</p> <p>“To recognise the importance of <u>infrastructure</u> the electricity transmission network to the social and economic well being of the city, the Southland Region and the nation.”</p>
FS5.14 Invercargill Airport Ltd	<p>Support submission 53.11</p> <p>The further submitter supports the suggested approach and considers that infrastructure (not just electricity transmission networks) generally support the social and economic wellbeing of the region</p>	<p>Accept</p>

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FS7.22 South Port New Zealand Ltd	Support submission 53.11 The further submitter supports the suggested approach and considers that infrastructure (not just electricity transmission networks) generally support the social and economic wellbeing of the region	Accept
2.9.3 Policies		
18.49 Environment Southland	<p>Support 2.9.3 Policy 1 in part</p> <p>The submitter considers that the last sentence of the explanation is unnecessary</p> <p>RELIEF SOUGHT: Delete the last sentence of the explanation and the list a-j that follows. Failing that, delete the word “Essential” from the sentence because it is not required (the Policy addresses all existing infrastructure and it is already recognised in the second paragraph of the infrastructure section introduction that “the provision of infrastructure is essential.”.</p> <p>If it is felt that the above changes are not required, add as a (K) “Flood Alleviation Works”</p>	<p>Accept</p> <p>It is not considered necessary to include this list in the explanation. The Policy relates to all infrastructure, not just “essential” infrastructure.</p> <p>The definition of “infrastructure”, as recommended in response to submission 52.2 above, makes it clear that these types of infrastructure are covered by the Policy.</p> <p>RECOMMENDATION:</p> <p>Amend 2.9.3 Policy1 Explanation as follows:</p> <p>Explanation: <i>It is essential that provision be made for the continued operation, maintenance and minor upgrades of local, regional and national infrastructure services. This should include targeted planning for future needs. Essential infrastructure services include:</i></p> <p>(a) Transmission lines. (b) Waste water systems. (c) Water supply networks. (d) Stormwater networks. (e) Drainage networks. (f) Telecommunications sites. (g) Airports. (h) Road and rail networks (as defined in the Southland Regional Land Transport Strategy).</p>

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		(i) — Ports. (j) — Network utilities.
FS5.15 Invercargill Airport Ltd	<p>Oppose submission 18.49</p> <p>The further submitter opposes the suggested deletion as it considers the wording provides clarity around the applicability of the policy in the absence of a comprehensive definition of “infrastructure”.</p>	<p>Reject</p> <p>Refer to submission 52.2 for recommendations on the definition of “Infrastructure”</p>
FS7.22 South Port New Zealand Ltd	<p>Oppose submission 18.49</p> <p>The further submitter opposes the suggested deletion as it considers the wording provides clarity around the applicability of the policy in the absence of a comprehensive definition of “infrastructure”.</p>	<p>Reject</p> <p>Refer to submission 52.2 for recommendations on the definition of “Infrastructure”</p>
26.5(a) NZ Defence Force	<p>Oppose 2.9.3 Policy 1 in part</p> <p>The submitter is concerned that defence facilities are not included in the list of essential services under Policy 1. The submitter has interests throughout NZ, including an Army Regional Office in Invercargill, and supports the recognition of defence facilities as national and regional infrastructure.</p> <p>RELIEF SOUGHT: The addition of ‘defence facilities’ to the list of essential infrastructure services listed under Policy 1.</p>	<p>Reject in part</p> <p>See recommendations on submission 18.49 above.</p> <p>Recommendations to amend the definition of ‘Infrastructure’ as set out under submission 52.2 above seek to acknowledge defence facilities as infrastructure.</p>
53.12 NZ Transport Agency	<p>Oppose 2.9.3 Policy 1 in part</p> <p>With regard to point (H), the submitter states that the requirement to prepare a Regional Land Transport Strategy has been removed in a recent amendment to the Land Transport Management Act, and while the existing Regional Land Transport Strategy provides a current snapshot of the road and rail network throughout Invercargill, as there is no requirement to prepare such documents in the future, its accuracy will be lessened. Further, the submitter does not consider it good practice to refer to such broad networks by deferring to the content of a separate document, which is not prepared by the Invercargill City Council.</p>	<p>Reject in part</p> <p>See recommendations on submission 18.49 above.</p>

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	RELIEF SOUGHT: Retain Policy 1, but amend the explanation to read: “(h) Road and rail networks.”	
52.3 NZ Police	Accept 2.9.3 Policy 1 in part The submitter notes that the explanation to the policy only refers to telecommunication sites, not radiocommunication sites. RELIEF SOUGHT: Not stated	Reject in part Note the definition of infrastructure refers to communications facilities, which covers both telecommunications and radiocommunications facilities.
18.50 Environment Southland	Oppose 2.9.3 Policy 1(H) in part The submitter advises that the Land Transport Management Act 2013 replaced the Regional Land Transport Strategy with a new Regional Land Transport Plan. The new Regional Land Transport Plan must be adopted by 30 June 2013. RELIEF SOUGHT: Change the reference to the Regional Land Transport Strategy to recognise the new requirements of the Land Transport Management Act.	Reject in part See recommendations on submission 18.49 above
24.26 South Port NZ Ltd	Support 2.9.3 Policy 1 The submitter considers it appropriate to provide for the continued operation, maintenance and upgrading of existing infrastructure. RELIEF SOUGHT: Retain	Accept
32.3 Silver Fern Farms Ltd	Support 2.9.3 Policy 1. The submitter states that the efficiency of their business depends on secure and reliable services such as power, water, wastewater, telecommunications and road/rail networks.	Accept

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	RELIEF SOUGHT: Retain intent of the policy to provide, maintain and operate service infrastructure.	
79.10 KiwiRail Holdings Ltd	Support. The submitter considers the protection of significant transportation infrastructure is important RELIEF SOUGHT: Retain	Accept
87.16 Transpower NZ Ltd	Oppose 2.9.3 Policy 1 in part. The submitter seeks that the policy should specifically refer to the National Grid given its importance to the region and New Zealand, believing that this will also give effect to Policy 2 of the NPSET. RELIEF SOUGHT: (i) Amend Policy 1 as follows: “Existing infrastructure: To recognise and provide for the continued operation, maintenance and upgrading of local, regional and national infrastructure (including the National Grid) and associated activities.”	Reject It is not considered necessary to make specific reference to the National Grid in the policy. The term infrastructure is all inclusive, and as defined expressly includes the National Grid. The policy as drafted, even without specific reference to the National Grid, gives effect to the NPSET. RECOMMENDATION: Retain 2.9.3 Policy 1 as notified
88.71 Federated Farmers	Support 2.9.3 Policy 1 in part. The submitter considers that upgrades of a scale over and above a minor upgrade may result in adverse impacts, including impacts on other legitimate land uses, and this should in turn require further scrutiny by Council, stakeholders and other land users, to enable these parties to weight the benefits of an upgrade proposal against the likely adverse impacts. RELIEF SOUGHT: Adopt this policy, with the following wording amendment:	Reject It is not considered necessary to include the word “minor” in relation to upgrading in this policy. The continued use of existing infrastructure is often preferable, in terms of effects, to developing new infrastructure. Upgrading in relation to electricity, telecommunications and radiocommunications lines and/or facilities is defined in the Proposed District Plan. This definition limits the scale of works provided for. Where the proposed “upgrade” has more than minor effects it will need to be determined whether the activity is still considered an

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	<p>To recognise and provide for the continued operation, maintenance and <u>minor</u> upgrading of local, regional and national infrastructure and associated activities.</p>	<p>“upgrade” under the definition or if it is considered to be a new facility. It should be noted that the definition of ‘upgrading’ in the Proposed District Plan is very similar to definitions of ‘minor upgrading’ used in District Plans throughout the country.</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.3 Policy 1 as notified</p>
<p>FS5.16 Invercargill Airport Ltd</p>	<p><i>Oppose submission 88.71</i></p> <p>The further submitter considers that the absence of the term “minor” does not preclude the Council from assessing the effects of an upgrade on the surrounding environment. This would be controlled by the relevant rules contained within the Proposed District Plan.</p> <p>The further submitter considers the inclusion of the term “minor” would also be inconsistent with achieving the principles of sustainable management, as there would be no supporting policies within the Proposed District Plan that encourage or provide for the major upgrade of existing infrastructure</p>	<p>Accept</p>
<p>FS7.24 South Port New Zealand Ltd</p>	<p><i>Oppose submission 88.71</i></p> <p>The further submitter considers that the absence of the term “minor” does not preclude the Council from assessing the effects of an upgrade on the surrounding environment. This would be controlled by the relevant rules contained within the Proposed District Plan.</p> <p>The further submitter considers the inclusion of the term “minor” would also be inconsistent with achieving the principles of sustainable management, as there would be no supporting policies within the Proposed District Plan that encourage or provide for the major upgrade of existing infrastructure</p>	<p>Accept</p>
<p>FS25.7 Transpower NZ Ltd</p>	<p><i>Oppose submission 88.71</i></p> <p>The further submitter considers that the policies set up the framework for the rules in the Proposed District Plan and as such need to encompass all minor and major upgrading. The further submitter considers that if this amendment were accepted, the policy framework would not provide for</p>	<p>Accept</p>

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	major upgrades to be undertaken and as such would fail to give effect to the NPSET	
91.7 PowerNet Ltd	<p>Support 2.9.3 Policy 1</p> <p>The submitter considers that this provision is consistent with sustainable management as defined in the RMA</p> <p>RELIEF SOUGHT: Retain</p>	Accept
103.6 Invercargill Airport Ltd	<p>Support 2.9.3 Policy 1</p> <p>The submitter considers it appropriate to provide for the continued operation, maintenance and upgrading of existing infrastructure</p> <p>RELIEF SOUGHT: Retain</p>	Accept
102.2 Chorus NZ Ltd	<p>Oppose 2.9.3 Policy 1 in part</p> <p>The submitter notes that the Plan variously refers to “infrastructure”, “utilities” or network “utilities” but only “infrastructure” is defined. The explanation to the policy also refers to telecommunication sites, not lines and there is no reference to radiocommunication sites.</p> <p>RELIEF SOUGHT:</p> <p>Amend as follows:</p> <ul style="list-style-type: none"> a. Use consistent and inclusive terminology for “infrastructure”, “utilities” and “network utilities” throughout the Plan b. Amend Policy 1 to include reference to “network utilities” and radiocommunication networks and sites 	<p>Reject in part</p> <p>It is considered appropriate for this policy to refer to infrastructure. Infrastructure in the context of this policy refers to the wider group of infrastructural facilities.</p> <p>As recommended in response to submission 18.49 above, the list of “essential infrastructure” should be removed from this explanation as the term is not relevant to the policy.</p> <p>See also recommendations on amendments to the definition of “Infrastructure” and ‘utilities’ in response to submission 52.2 above</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.3 Policy 1 as notified</p>

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104.2 Spark NZ Ltd	<p>Oppose 2.9.3 Policy 1 in part</p> <p>The submitter notes that the Plan variously refers to “infrastructure”, “utilities” or network “utilities” but only “infrastructure” is defined. The explanation to the policy also refers to telecommunication sites, not lines and there is no reference to radiocommunication sites.</p> <p>RELIEF SOUGHT:</p> <p>Amend as follows:</p> <ul style="list-style-type: none"> a. Use consistent and inclusive terminology for “infrastructure”, “utilities” and “network utilities” throughout the Plan b. Amend Policy 1 to include reference to “network utilities” and radiocommunication networks and sites 	<p>Reject in part</p> <p>See recommendation for submissions 52.2 and 102.2 above</p>
FS5.17 Invercargill Airport Ltd	<p>Support submissions 102.2 and 104.2</p> <p>The further submitter considers that the phrase “infrastructure” should be used, as defined by Policy 1</p>	Accept
FS7.25 South Port New Zealand Ltd	<p>Support submissions 102.2 and 104.2</p> <p>The further submitter considers that the phrase “infrastructure” should be used, as defined by Policy 1</p>	Accept
FS25.24 Transpower NZ Ltd	<p>Oppose submissions 102.2 and 104.2</p> <p>The further submitter states that the Proposed District Plan currently refers to ‘infrastructure’, ‘utilities’ and ‘network utilities’ but only infrastructure is defined in the Plan. The further submitter considers that this term covers a wide range of activities and can be used consistently throughout the Plan without the need to refer to “utilities” and “network utilities”</p>	<p>Noted</p> <p>See recommendations in response to submission 52.2 above</p>
24.27 South Port NZ Ltd	<p>Oppose 2.9.3 Policy 2</p> <p>The submitter does not consider it appropriate to require in the first instance the avoidance of the impacts of infrastructure on the environment. The RMA does not require that all adverse effects are avoided where this is practical and in all other cases for such impacts to be mitigated.</p>	<p>Accept in part</p> <p>It is considered that the Policy should be amended.</p> <p>The term “impacts on the environment” could be considered to include positive and negative effects. This term would be better</p>

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	<p>The submitter also considers that because of the essential nature of infrastructure, there may be some residual adverse effects that cannot be completely avoided, mitigated or remedied and as such the policy should seek that the more significant adverse effects are suitably managed.</p> <p>RELIEF SOUGHT: Amend Policy 2 as follows: <u>"Where appropriate, to avoid, remedy or mitigate the significant adverse effects of infrastructure on the environment."</u></p>	<p>replaced by "adverse effects on the environment" to make it clear that the intention is to reduce only the negative impacts.</p> <p>Section 17 of the RMA states that every person has a duty to avoid, remedy or mitigate any adverse effects on the environment arising from an activity, regardless if that activity is being carried out in accordance with a resource consent, a National Environmental standard or a designation. It is considered that it should always be appropriate for infrastructure providers to consider ways of avoiding, remedying or mitigating effects. Including the term "where appropriate" would not be sound resource management practice.</p> <p>However, retaining the term "avoid, where practical" acknowledges that that it is not always feasible to avoid, remedy or mitigate all effects and that a balance is sometimes necessary between achieving environmental outcomes and enabling people and communities to provide for their social and economic wellbeing.</p> <p>By including the term "remedy" as well as "mitigate" in the policy acknowledges that not all effects will be eliminated. But the intention of the policy is to ensure that all practical efforts are made to address adverse effects, and where this is not practical, that the adverse effects be remedied or mitigated.</p> <p>RECOMMENDATION: To amend 2.9.3 Policy 2, as set out in response to submission 120.4 above, as follows:</p> <p><u>"To avoid, where practical, remedy or mitigate adverse effects impacts of arising from the development, construction, operation, maintenance and upgrading infrastructure on the environment"</u></p>

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87.17 Transpower NZ Ltd	<p>Oppose 2.9.3 Policy 2 in part.</p> <p>The submitter considers the term ‘where practical’ is open to interpretation and does not provide clear policy direction for either the public or the Council. Furthermore, the submitter believes the policy does not reflect the intent of the Act that effects are avoided, remedied or mitigated.</p> <p>RELIEF SOUGHT:</p> <p>(i) Amend Policy 2 as follows: “Policy 2 Management of effects To avoid where practical or mitigate impacts of infrastructure on the environment, remedy or mitigate the adverse environmental effects arising from the development, construction, operation, maintenance and <u>upgrading of infrastructure, including the National Grid.”</u></p> <p>(ii) And any consequential amendments.</p>	<p>Reject in part</p> <p>It is not considered necessary to include reference to the National Grid specifically in this Policy. The National Grid is included in the definition of Infrastructure.</p> <p>See recommendation on submissions 120.4 and 24.27 above</p>
FS5.18 Invercargill Airport Ltd	<p><i>Oppose in part submission 87.17</i></p> <p>The further submitter considers the words “where practical” should be retained because it believes that it is not always feasible to avoid, remedy or mitigate all effects and that a balance is sometimes necessary between achieving environmental outcomes and enabling people and communities to provide for their social and economic wellbeing.</p>	<p>Accept</p>
91.8 PowerNet Ltd	<p>Oppose 2.9.3 Policy 2</p> <p>The submitter does not consider it appropriate to require in the first instance the avoidance of the impacts of infrastructure on the environment. The RMA does not require that all adverse effects are avoided where this is practical and in all other cases for such impacts to be mitigated.</p> <p>The submitter also considers that because of the essential nature of infrastructure, there may be some residual adverse effects that cannot be completely avoided, mitigated or remedied and as such the policy should seek that the more significant adverse effects are suitably managed.</p> <p>RELIEF SOUGHT:</p>	<p>Reject in part</p> <p>See recommendation on submissions 120.4 and 24.27 above</p>

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	<p>Amend the policy as follows: <u>"Where appropriate, to avoid, remedy or mitigate the significant adverse effects of infrastructure on the environment."</u></p>	
<p>103.7 Invercargill Airport Ltd</p>	<p>Oppose 2.9.3 Policy 2.</p> <p>The submitter believes that the priority should not be to avoid the impacts of infrastructure on the environment, as at times this is not possible. Given the importance of infrastructure, the submitter considers that the focus of the policy should be on managing the adverse effects.</p> <p>RELIEF SOUGHT:</p> <p>Replace Policy to as follows: <u>"Where appropriate to avoid remedy or mitigate the adverse effects of infrastructure on the environment."</u></p>	<p>Reject in part</p> <p>The wording of the Policy acknowledges that the avoidance of adverse effects may not always be practical, but makes avoidance the priority.</p> <p>See recommendation on submissions 120.4 and 24.27 above</p>
<p>FS28.12 NZ Transport Agency</p>	<p>Support submission 103.7</p> <p>The further submitter agrees with the submitter that it is not always possible to avoid the adverse effects of infrastructure on the environment. The focus of Policy 2 should be on managing adverse effects.</p>	<p>Reject in part</p>
<p>102.3 Chorus NZ Ltd</p>	<p>Support 2.9.3 Policy 2 (Explanation) in part.</p> <p>The submitter notes that the explanation does not reflect the policy and encourages co-location or sharing facilities, rather than merely avoidance or mitigation</p> <p>RELIEF SOUGHT:</p> <p>Amend Policy 2 as follows: <u>"To avoid where practical or mitigate impacts of infrastructure on the environment, including through considering alternatives and co-location or sharing of facilities where feasible."</u></p>	<p>Reject in part</p> <p>Co-locating and/or sharing facilities is only one means of mitigating effects on the environment and have been referred to in the explanation as a suggestion of possible means of meeting the Policy. It is recommended that the explanation be reworded to make it clearer rather than amending the Policy itself.</p> <p>RECOMMENDATION: Amend 2.9.3 Policy 2 Explanation as follows:</p> <p>Explanation: <i>While infrastructure provides communities with essential services, this infrastructure should <u>avoid, remedy or mitigate</u> not detract from adverse effects on the environment in</i></p>

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		<p><i>which it is placed. This is especially important when looking to install new infrastructure. The Council is required to give effect to the National Environmental Standards for Telecommunication Facilities. Careful consideration of all infrastructure types and possible locations routes and sites should be completed to determine which option will <u>avoid, remedy or mitigate adverse effects</u> have the least impact to on the environment, <u>enable the development of sustainable, secure and efficient infrastructure</u> and ensure that infrastructure is integrated with surrounding land use. Such consideration should also recognise any locational, technical and operational constraints of the infrastructure. Assessments of environmental effects should have regard to all matters of national significance and adverse effects of construction. <u>Consideration shall also be had to the relevant national policy statements and national environmental standards. Infrastructural providers should be encouraged to consider all options to address adverse environmental effects. These options may include consideration of alternatives and/or opportunities</u> Infrastructure should be encouraged to co-locate or share facilities where this is feasible and practicable to minimise the cumulative effects of infrastructure on the environment.</i></p>
104.3 Spark NZ Ltd	<p>Support 2.9.3 Policy 2 (Explanation) in part.</p> <p>The submitter notes that the explanation does not reflect the policy and encourages co-location or sharing facilities, rather than merely avoidance or mitigation</p> <p>RELIEF SOUGHT: Amend Policy 2 as follows: "To avoid where practical or mitigate impacts of infrastructure on the environment, <u>including through considering alternatives and co-location or sharing of facilities where feasible.</u>"</p>	<p>Reject</p> <p>See recommendation on submission 102.3 above</p>

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87.18 Transpower NZ Ltd	<p>Oppose 2.9.3 Policy 2 (Explanation) in part.</p> <p>The submitter considers reference should be made to the National Policy Statement on Electricity Transmission as well as the National Environmental Standards for Telecommunication Facilities.</p> <p>The submitter also considers that the Explanation should include consideration of the need to balance effects on the environment with locational, technical and operational requirements of infrastructure, the ability to avoid remedy or mitigate adverse effects, as well as the benefits from the infrastructure.</p> <p>The submitter suggests the words ‘avoid, remedy or mitigate’ are widely understood resource management terms and should be used in place of the words ‘detract from’, which are not used within the RMA and are not clearly defined in case law.</p> <p>RELIEF SOUGHT:</p> <p>Amend the Policy 2 Explanation:</p> <p>“Explanation - While public infrastructure provides communities with essential services, this infrastructure should <u>avoid, remedy or mitigate</u> not detract from <u>adverse effects on the environment in which it is placed.</u> This is especially important when looking to install new infrastructure. The Council is required to give effect to the National Environmental Standards for Telecommunication Facilities <u>and the National Policy Statement on Electricity Transmission.</u> Careful consideration of all infrastructure types and possible locations <u>routes and sites</u> should be completed to determine which option will <u>avoid, remedy or mitigate adverse effects</u> have the least impact to on the environment, <u>enable the development of sustainable, secure and efficient infrastructure</u> and ensure that infrastructure is integrated with surrounding land use. <u>However, such consideration should also recognise any locational, technical and operational constraints of the infrastructure.</u> Assessments of environmental effects should have regard to all matters of national significance and adverse effects of</p>	<p>Accept in part</p> <p>It is considered that the explanation could be developed to acknowledge the objectives and policies in the National Policy Statement on Electricity Transmission. Including consideration of the locational, technical and operational requirements of infrastructure in the explanation will guide users as to what will be considered in determining the ‘practicality’ of avoidance measures.</p> <p>However, it is considered that it would be preferable to refer to the national policy statements and national environmental standards in general in the explanation, rather than to each individual document. A generalised approach will ensure that all current and future national policies and standards will be considered, not just those listed. It should also be noted that the wording in the explanation as it was notified was incorrect in that the Council is not required to “give effect to” national environmental standards. The RMA only requires that district plans should not conflict with them.</p> <p>RECOMMENDATION:</p> <p>See recommendation on submission 102.3 above</p>

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	<p>construction. Infrastructure should be encouraged to co-locate or share facilities where this is feasible and practicable to minimise the cumulative effects of infrastructure on the environment. “</p>	
<p>24.28 South Port NZ Ltd</p>	<p>Support 2.9.3 Policy 3</p> <p>The submitter considers it appropriate to recognise that infrastructure should be suitably protected from incompatible land uses and activities.</p> <p>RELIEF SOUGHT: Retain</p>	<p>Accept in part</p> <p>Recommended amendments to Policy 3 set out under submission 53.13 below retain the intention of the policy.</p>
<p>53.13 NZ Transport Agency</p>	<p>Support 2.9.3 Policy 3 in part</p> <p>The submitter suggests the explanation should be reworded as there are many more circumstances where infrastructure other than electricity transmission can be affected by reverse sensitivity effects.</p> <p>The submitter also suggests that there needs to be an additional Policy 3a Management of effects on infrastructure which recognises that infrastructure should be protected from incompatible subdivision, land use and development which can affect the efficiency, functionality and safety of the infrastructure.</p> <p>RELIEF SOUGHT:</p> <p>Retain Policy 3 but reword the explanation as follows:</p> <p>“When managing existing infrastructure activities, the Council should take into account the benefits of the existing infrastructure and the constraints imposed by the technical and operational requirements of infrastructure.”</p> <p>AND</p> <p>Insert an additional policy be added as follows:</p> <p>“Policy 3a Management of effects on infrastructure: Protect infrastructure from incompatible subdivision, land use and development.</p>	<p>Accept in part</p> <p>The wording of Policy 3 could be amended to make it clearer that the policy seeks to protect infrastructure from incompatible subdivision use and development. If such amendments are accepted then there is no need to add an additional policy that would have the same effect.</p> <p>It is accepted that the explanation to Policy 3 could be amended to clarify that the policy applies to all infrastructure, not just electricity transmission. It is also considered that the policy relates to protecting the infrastructure from incompatible subdivision, use and development, rather than protecting the subdivision, use and development from infrastructure. Rewording the explanation would clarify this.</p> <p>RECOMMENDATION:</p> <p>Amend 2.9.3 Policy 3 and its accompanying explanation as follows:</p> <p>“Reverse sensitivity: To protect local, regional and national infrastructure from new incompatible <u>subdivision, land use and activities—development</u> under, over or adjacent to the</p>

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	<p>Explanation: To ensure the ongoing operation, maintenance and upgrading of infrastructure, the presence and function of the infrastructure should be recognised and careful consideration should be given to subdivision, land use and development where it is to be located in the vicinity of existing or proposed infrastructure.”</p>	<p>infrastructure”</p> <p>“Explanation: When managing existing infrastructure activities, the Council should take into account the benefits of the existing infrastructure and the constraints imposed by the technical and operational requirements of infrastructure. The Council is required to give effect to both the National Policy Statement on Electricity Transmission 2008 and the National Environmental Standards for Electricity Transmission Activities³ which relate to overhead transmission lines for electricity transmission activities.</p> <p><u>To ensure the ongoing operation, maintenance and upgrading of infrastructure, the presence and function of the infrastructure should be recognised and careful consideration should be given to it where subdivision, land use and development is to be located in the vicinity of existing infrastructure and within network corridors.”</u></p>
<p>FS7.26 South Port New Zealand Ltd</p>	<p>Oppose in part submission 53.13</p> <p>The further submitter considers that these matters have already been provided for in proposed Policy 3</p>	
<p>79.11 KiwiRail Holdings Ltd</p>	<p>Support 2.9.3 Policy 3</p> <p>The submitter considers the protection of significant transportation infrastructure is important</p> <p>RELIEF SOUGHT: Retain</p>	<p>Accept in part</p> <p>Recommended amendments to Policy 3 set out under submission 53.13 above retain the intention of the policy</p>

³ Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2008

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88.72 Federated Farmers	<p>Accept 2.9.3 Policy 3 in part.</p> <p>The submitter states that the National Policy Statement for Electricity Transmission remains under the overarching framework of the Resource Management Act 1991, which does not provide a preference or hierarchy of industries, or prioritise certain activities over others, but rather seeks to balance effects and achieve sustainable management. Further, the submitter notes that the Resource Management Act does not require Councils to simply repeat provisions within the NPS, and considers it sufficient that Council acknowledge the NPS and the intent to give effect to this by including include a policy that the buffer zones sought are a matter of negotiation between the transmission line owner and the landowner.</p> <p>RELIEF SOUGHT: Retain the proposed policy as worded to give effect to policy 10 of the National Policy Statement on Electricity Transmission.</p> <p>BUT apply greater consideration to the imposition of transmission lines on legitimate land uses, and the impacts of restrictions imposed on private land users through draft Rules 3.9.4 to 3.9.8 of the proposed District Plan.</p>	<p>Accept in part</p> <p>Recommended amendments to Policy 3 set out under submission 53.13 above retain the intention of the policy</p> <p>See table below for discussion on rules relating to the National Grid Corridor</p>
FS25.33 Transpower NZ Ltd	<p><i>Oppose submission 88.72</i></p> <p>The further submitter considers it essential and effective that policies provide for the development of the electricity transmission network and that the wording reflects the direction of the NPSET.</p> <p>The further submitter considers the relief sought is unnecessary and that it submission on the rules provide more certainty and greater development opportunities to landowners.</p> <p>The further submitter states that it encourages landowners to consult with them where new development is proposed.</p> <p>The further submitter also notes the relationship between the Electricity Act 1992 and the RMA.</p>	<p>Accept in part</p> <p>Recommended amendments to Policy 3 set out under submission 53.13 above retain the intention of the policy</p>

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91.9 PowerNet Ltd	<p>Support 2.9.3 Policy 3.</p> <p>The submitter considers it appropriate to recognise that infrastructure should be suitably protected from incompatible land uses and activities.</p> <p>RELIEF SOUGHT: Retain</p>	<p>Accept in part</p> <p>Recommended amendments to Policy 3 set out under submission 53.13 above retain the intention of the policy</p>
104.8 Invercargill Airport Ltd	<p>Support 2.9.3 Policy 3.</p> <p>The submitter considers it appropriate to recognise that infrastructure should be protected from incompatible land uses and activities</p> <p>RELIEF SOUGHT: Retain</p>	<p>Accept in part</p> <p>Recommended amendments to Policy 3 set out under submission 53.13 above retain the intention of the policy</p>
18.51 Environment Southland	<p>Support 2.9.3 Policy 4.</p> <p>RELIEF SOUGHT: Retain</p>	<p>Accept</p> <p>Recommended amendments to Policy 4 set out under submission 87.20 below retain the intention of the policy</p>
24.29 South Port NZ Ltd	<p>Support in part 2.9.3 Policy 4.</p> <p>The submitter agrees that it is appropriate to avoid or mitigate the effects of natural hazards and climate change on infrastructure, however it is noted that in some circumstances it is not practicable to completely eliminate all risk, particularly with respect to existing infrastructure. Given this, this policy should seek to reduce the more significant adverse effects arising from natural hazards and climate change rather than all possible effects.</p> <p>RELIEF SOUGHT: Amend the policy to read: <u>“To adopt appropriate risk management strategies to protect essential infrastructure from the adverse effects of natural hazards and climate change.”</u></p>	<p>Reject</p> <p>It is not considered that the policy as proposed is seeking to eliminate all risk. The use of the word “mitigate” recognises that that not all effects can be avoided.</p> <p>RECOMMENDATION: Retain 2.9.3 Policy 4 subject to minor amendment, set out under submission 87.20 below.</p>

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FS5.19 Invercargill Airport Ltd	<i>Support submission 24.29</i> The submitter considers that it is not always feasible to completely eliminate all of the risks associated with natural hazards. The further submitter supports an amended policy that seeks to adopt risk management strategies to managed adverse effects of natural hazards and climate change	Reject
FS25.9 Transpower NZ Ltd	<i>Oppose in part submission 24.29</i> The further submitter does not consider that the policy as proposed is seeking to eliminate all risk as it uses the word “mitigate” suggesting that all effects cannot be avoided or eliminated. The further submitter considers that it is unclear what the term “risk management strategies” in the relief sought means. The further submitter also does not consider that the relief sought by the submitter actually achieves the intentions of the submitter.	Accept
65.25 ICC Environmental and Planning Services	Support 2.9.2 Policy 4 in part. The submitter notes that the policy and the methods are inconsistent and that the policy should be reworded to “encourage” that these issues are factored into infrastructure planning processes. RELIEF SOUGHT: Reword Policy 4 to ensure that climate change and natural hazards are considered as part of the infrastructure planning process. <u>“To consider the avoidance or mitigation of the effects of natural hazards and climate change on infrastructure”</u>	Reject Whilst there is no rule in the natural hazards section of the Proposed District Plan that requires infrastructure to be developed outside areas identified as being at risk from natural hazards, the policy supports the consideration of natural hazards by Plan Users.
77.27 Te Runaka o Waihopai and Te Runaka o Awarua	Support 2.9.2 Policy 4 RELIEF SOUGHT: Retain	Accept Retain 2.9.3 Policy 4 subject to minor amendment, set out under submission 87.20 below.
87.20 Transpower NZ Ltd	Support 2.9.3 Policy 4. The submitter notes a minor grammatical amendment as the policy should	Accept

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	<p>refer to 'hazards' not 'hazard'.</p> <p>RELIEF SOUGHT:</p> <p>(i) Amend Policy 4 Natural hazards as follows: "To avoid or mitigate the effects of natural hazards and climate change on infrastructure."</p>	<p>RECOMMENDATION:</p> <p>Amend 2.9.3 Policy 4 as follows:</p> <p>"To avoid or mitigate the effects of natural hazards and climate change on infrastructure"</p>
102.4 Chorus NZ Ltd	<p>Support 2.9.3 Policy 4 in part.</p> <p>The policy is supported, however the submitter believes that the focus should be on design rather than location</p> <p>RELIEF SOUGHT:</p> <p>Amend Policy 4 Explanation as follows:</p> <p><i>"New infrastructure and upgrades to existing infrastructure should be located or <u>designed to</u> avoid, or designed to mitigate, known natural hazard risks and climate change effects. Planning, where possible, should consider the placement of infrastructure to avoid natural hazards, because of the need for essential services to be as robust as they can be in the face of the uncertainties created by climate change."</i></p>	<p>Accept in part</p> <p>It is considered that it is appropriate for the policy to focus on both design and location as means of addressing risks from natural hazards and climate change.</p> <p>RECOMMENDATION:</p> <p>Amend 2.9.3 Policy 4 Explanation as follows:</p> <p>Explanation: <i>New infrastructure and upgrades to existing infrastructure should be located <u>or designed to</u> avoid, or designed to mitigate, known natural hazard risks and climate change effects. Planning, where possible, should consider the placement of infrastructure to avoid natural hazards, because of the need for essential services need to be as robust as they can be in the face of the uncertainties created by climate change.</i></p>
104.4 Spark NZ Ltd	<p>Support 2.9.3 Policy 4 (Explanation) in part.</p> <p>The policy is supported, however the submitter believes that the focus should be on design rather than location</p> <p>RELIEF SOUGHT:</p> <p>Amend Policy 4 Explanation as follows:</p> <p><i>"New infrastructure and upgrades to existing infrastructure should be located <u>or designed to</u> avoid, or mitigate, known natural hazard risks and</i></p>	<p>Accept in part</p> <p>See recommendations in response to submission 102.4 above</p>

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	climate change effects. Planning, where possible, should consider the placement of infrastructure to avoid natural hazards, because of the need for essential services to be as robust as they can be in the face of the uncertainties created by climate change."	
FS5.20 Invercargill Airport Ltd	Support in part submissions 102.4 and 104.4 The further submitter considers that an amended policy to the effect of that proposed in submission 24.29 provides greater scope to achieve the outcome	Accept in part See recommendation on submission 24.29 above
FS7.27 South Port New Zealand Ltd	Support in part submissions 102.4 and 104.4 The further submitter considers that some infrastructure has a functional, operational or historic requirement underpinning its location.	Accept in part Functional need is recognised and addressed in covered in Policy 5.
FS39.8 Environment Southland	Support in part submission 104.4 The further submitter considers design as well as location plays a big part in avoiding the adverse effects of natural hazards on infrastructure, some of which it is impractical to place in locations that completely avoid hazards. RELIEF SOUGHT: Allow but add some of the original wording " <i>because of the need for essential services to be robust as they can be</i> " to proposed alternate words.	Accept in part See recommendation on submission 24.29 above
103.9 Invercargill Airport Ltd	Support 2.9.3 Policy 4 in part. The submitter considers that it may not always be practical to completely avoid all risk, particularly in respect to existing infrastructure. The submitter states that the policy should seek to reduce the more significant effects rather than all of the effects RELIEF SOUGHT: Amend Policy 4 to seek to avoid or mitigate the significant adverse effects associated with natural hazards	Reject It is not considered that the policy as proposed is seeking to eliminate all risk. The use of the word "mitigate" recognises that that not all effects can be avoided.
24.30 South Port NZ Ltd	Support 2.9.3 Policy 5. The submitter considers it appropriate to recognise that infrastructure can	Accept

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	<p>have functional, technical or operational requirements which therefore result in location constraints.</p> <p>RELIEF SOUGHT Retain.</p>	<p>RECOMMENDATION:</p> <p>Retain 2.9.2 Policy 5 as notified</p>
<p>FS28.13 NZ Transport Agency</p>	<p><i>Support submission 24.30</i> The further submitter agrees with the submitter that it is appropriate to recognise that infrastructure can have functional, technical or operational requirements which can result in location constraints.</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.2 Policy 5 as notified</p>
<p>52.4 NZ Police</p>	<p>Support 2.9.3 Policy 5.</p> <p>RELIEF SOUGHT Retain.</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.2 Policy 5 as notified</p>
<p>FS28.14 NZ Transport Agency</p>	<p><i>Support submission 52.4</i> The further submitter comments that it is appropriate to recognise that infrastructure can have functional, technical or operational requirements which can result in location constraints.</p>	<p>Accept</p>
<p>53.14 NZ Transport Agency</p>	<p>Support 2.9.3 Policy 5.</p> <p>RELIEF SOUGHT Retain.</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.2 Policy 5 as notified</p>
<p>79.12 KiwiRail Holdings Ltd</p>	<p>Support 2.9.3 Policy 5.</p> <p>The submitter considers the protection of significant transportation infrastructure is important</p> <p>RELIEF SOUGHT Retain.</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.2 Policy 5 as notified</p>
<p>FS28.15 NZ Transport</p>	<p><i>Support submission 79.12</i> The further submitter comments that it is appropriate to recognise that</p>	<p>Accept</p>

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Agency	infrastructure can have functional, technical or operational requirements which can result in location constraints.	
87.21 Transpower NZ Ltd	<p>Support 2.9.3 Policy 5 in part.</p> <p>The submitter considers that there needs to be a balance within the policy to reflect the contribution that infrastructure makes to community wellbeing, and that the term 'functional need' be replaced with 'technical and/or operational requirement' to reflect the wording used in Policy 3 of the NPSET.</p> <p>RELIEF SOUGHT: Amend Policy 5 as follows: Policy 5 Functional Need Technical and Operation Requirements: To recognise that infrastructure can have a functional—technical or operational need for a particular location <u>and to consider the contribution infrastructure makes to the functioning and wellbeing of communities, when assessing its location, design and appearance.</u></p>	<p>Reject</p> <p>The functions of infrastructure and the role of infrastructure in providing for the wellbeing of communities are acknowledged through other provisions and need not be repeated in this policy.</p> <p>Whilst the term 'functional need' is not used in the National Policy Statement on Electricity Transmission, it is used in various provisions throughout the Proposed District Plan. Including the term will recognise infrastructure which may not necessarily have a locational or technical need to operate from its site, but for historical reasons, including past investment decisions, there is a functional need for it to continue to locate in that space.</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.2 Policy 5 as notified</p>
91.10 PowerNet Ltd	<p>Support 2.9.3 Policy 5.</p> <p>The submitter considers it appropriate to recognise that infrastructure can have functional, technical or operational requirements which therefore result in location constraints.</p> <p>RELIEF SOUGHT Retain.</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.2 Policy 5 as notified</p>

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102.5 Chorus NZ Ltd	<p>Support 2.9.3 Policy 5</p> <p>The submitter considers the policy recognises the operational needs of telecommunication and radiocommunication infrastructure.</p> <p>RELIEF SOUGHT Retain.</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.2 Policy 5 as notified</p>
103.10 Invercargill Airport Ltd	<p>Support 2.9.3 Policy 5</p> <p>The submitter considers it appropriate to recognise that infrastructure can have functional, technical or operational requirements which therefore result in location constraints</p> <p>RELIEF SOUGHT Retain.</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.2 Policy 5 as notified</p>
FS28.16 NZ Transport Agency	<p>Support submission 103.10</p> <p>The further submitter agrees with the submitter that it is appropriate to recognise that infrastructure can have functional, technical or operational requirements which can result in location constraints.</p>	Accept
104.5 Spark NZ Ltd	<p>Support as the policy recognises the operational needs of telecommunication and radiocommunication infrastructure.</p> <p>RELIEF SOUGHT Retain.</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.2 Policy 5 as notified</p>
102.6 Chorus NZ Ltd	<p>Oppose 2.9.3 Policy 5a.</p> <p>There is a functional need for telecommunications and radiocommunications to locate near residential areas. The telecommunications NES deals with radiofrequency emissions. Also the submitter believes that policy 5 and Policy 5a are inconsistent</p>	<p>Accept in part</p> <p>It is acknowledged that at times there is a functional need for radiocommunications and telecommunications facilities to locate within or adjacent to residential areas, however Policy 5a seeks to require that consideration of alternative locations in less sensitive environments should be considered.</p>

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	<p>RELIEF SOUGHT: Delete Policy 5a</p>	<p>The wording of the policy could be improved to clarify its intention and to remove any perceived inconsistency with other policies.</p> <p>RECOMMENDATION: Amend 2.9.3 Policy 5a as follows:</p> <p>To discourage the location of telecommunications facilities in or adjacent to residential properties.</p> <p><u>To encourage radiocommunication and telecommunication facilities to be located outside residential areas unless there is a functional need to locate there.</u></p> <p><i>Explanation:</i> <u><i>In order to maintain, enhance or protect amenity values, where a radiocommunications or telecommunications facility can be located outside residential areas, this will be the preferred option. For example, where the facilities can be located in an industrial area with a similar coverage rate, then this location would be preferred over a residential location. There can be widespread concern at the prospect of the erection of radiocommunications and telecommunications facilities in residential areas. Despite the provisions of the National Environmental Standard for Telecommunications Facilities, many people believe that emissions from these facilities can be harmful. Careful consideration of alternate locations and full consultation with affected parties can be helpful in alleviating people's concerns.</i></u></p>
FS30.1 Southern District Health Board	<p><i>Oppose submission 102.6</i> The further submitter considers that the explanation of Policy 5a relates to alleviating the fears of affected residents around the erection of new telecommunication facilities and engagement between concerned parties should be encouraged to provide evidence based information to a community with concerns</p>	<p>Accept in part</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
104.6 Spark NZ Ltd	<p>Oppose 2.9.3 Policy 5a.</p> <p>There is a functional need for telecommunications and radiocommunications to locate near residential areas. The telecommunications NES deals with radiofrequency emissions. Also the submitter believes that policy 5 and Policy 5a are inconsistent</p> <p>RELIEF SOUGHT: Delete Policy 5a</p>	<p>Accept in part</p> <p>See recommendations set out under 102.6 above</p>
FS30.2 Southern District Health Board	<p><i>Oppose submission 104.6</i></p> <p>The further submitter considers that the explanation of Policy 5a relates to alleviating the fears of affected residents around the erection of new telecommunication facilities and engagement between concerned parties should be encouraged to provide evidence based information to a community with concerns</p>	<p>Accept in part</p>
87.22 Transpower NZ Ltd	<p>Support 2.9.2 Policy 6</p> <p>RELIEF SOUGHT: Retain</p>	<p>Accept</p> <p>In response to submissions questioning the inconsistent use of the terms 'utility', 'network utility' and 'infrastructure' a minor amendment is recommended to this policy that will not alter its intention or application.</p> <p>:</p> <p>Amend 2.9.3 Policy 6 as follows: "Undergrounding: To require the underground placement of utilities where it is economically viable and technically feasible."</p>
91.11 PowerNet Ltd	<p>Support 2.9.2 Policy 6 in part.</p> <p>The submitter notes that it is not always economically viable or technically feasible to place network utility infrastructure underground</p> <p>RELIEF SOUGHT: Retain</p>	<p>Accept</p> <p>See recommendation in response to submission 87.22 above</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
102.7 Chorus NZ Ltd	<p>Oppose in part 2.9.3 Policies 6 and 7</p> <p>The submitter questions the use of “to require” as being too onerous and inconsistent with the rules for overhead lines in some zones. They also believe it is unreasonable to expect undergrounding where overhead support structures exist.</p> <p>The submitter disagrees with the suggestions that network utilities can “significantly” affect the landscape and local amenity.</p> <p>The submitter supports Policy 7, but raises concerns that the definition of “upgrading” does not allow for new lines on existing structures for other purposes.</p> <p>RELIEF SOUGHT: Amend Policies 6 and 7 as follows:</p> <p>“Policy 6 Undergrounding To require encourage the underground placement of network utilities <u>in areas where existing networks are underground</u> and where this is economically viable and technically feasible.</p> <p>Policy 7 Co-location: To encourage the use of utility corridors, co-location or sharing of facilities where this is feasible and practical.</p> <p>Explanation: Network utilities can significantly affect the landscape and local amenity values and therefore should be located and managed in a manner that avoids, remedies or mitigates their impact on the environment. Undergrounding, utility corridors, co-location and sharing of facilities are all methods that can minimise the visual effects of network utilities, and should, wherever practicable <u>and economic</u>, be encouraged when planning new infrastructure.”</p>	<p>Accept in part</p> <p>The undergrounding of utilities contributes to the maintenance or enhancement of amenity values. Placing utilities underground can also have positive side effects, such as contributing to safer roadside environments. Utilities can have significant affects on landscapes and local amenity values if not located and designed in consideration of the environment, and it is important that this is recognised in the explanation.</p> <p>The use of the words “where this is economically and technically feasible” in Policy 6, as notified, acknowledges that there may be limitations on the possibility of undergrounding utilities.</p> <p>It is also considered that the wording proposed by the submitter waters the policy down substantially to only encouraging the undergrounding of these facilities where existing networks are underground. The technical and economic feasibility may be influenced by the existence of underground networks.</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.3 Policy 6 and Policy 7 as notified, subject to minor amendment in response to submission 87.22 above</p> <p>AND</p> <p>Amend the accompanying Explanation as follows:</p> <p>Explanation: Network uUtilities can significantly affect the landscape and local amenity values and therefore should be <u>designed</u>, located and managed in a manner that avoids remedies or mitigates their impact on the environment. Undergrounding, utility corridors, co-location and sharing of</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
		facilities are all methods that can minimise the visual effects of utilities, and should, wherever practicable <u>and economic</u> , be encouraged when planning new infrastructure.”
104.7 Spark NZ Ltd	<p>The submitter questions the use of “to require” as being too onerous and inconsistent with the rules for overhead lines in some zones. They also believe it is unreasonable to expect undergrounding where overhead support structures exist.</p> <p>The submitter disagrees with the suggestions that network utilities can “significantly” affect the landscape and local amenity.</p> <p>The submitter supports Policy 7, but raises concerns that the definition of “upgrading” does not allow for new lines on existing structures for other purposes.</p> <p>RELIEF SOUGHT:</p> <p>Amend Policies 6 and 7 as follows:</p> <p>“Policy 6 Undergrounding To require encourage the underground placement of network utilities <u>in areas where existing networks are underground</u> and where this is economically viable and technically feasible.</p> <p>Policy 7 Co-location: To encourage the use of utility corridors, co-location or sharing of facilities where this is feasible and practical.</p> <p>Explanation: Network utilities can significantly affect the landscape and local amenity values and therefore should be located and managed in a manner that avoids, remedies or mitigates their impact on the environment. Undergrounding, utility corridors, co-location and sharing of facilities are all methods that can minimise the visual effects of network utilities, and should, wherever practicable <u>and economic</u>, be encouraged when planning new infrastructure.”</p>	<p>Accept in part</p> <p>See recommendation on submission 102.7 above</p>

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FS12.9 PowerNet Ltd	<i>Support submissions 102.7 and 104.7</i> The further submitter considers that it is not economically viable or technically feasible to place network utility infrastructure underground	Accept in part
87.23 Transpower NZ Ltd	Support 2.9.3 Policy 7 The submitter supports the co-location of infrastructure provided there are no adverse effects on the operation, maintenance, upgrading and development of the National Grid i.e. where it is feasible and practical. RELIEF SOUGHT: Retain Policy 7	Accept RECOMMENDATION: Retain 2.9.3 Policy 7 as notified.
53.14 NZ Transport Agency	Oppose 2.9.3 Policies 8-14 The submitter opposes the doubling up of the existing policy guidance that applies to electricity transmission activities. The NPS on Electricity Transmission provides guidance, and suggests that local authorities consider infrastructure specific policy responses at the time of District plan review. The inclusion of specific policies to enable electricity transmission has the effect of providing primacy for this activity in the Plan. The does not represent an appropriate use of resources. The submitter considers that this section should be reconsidered by the Council. RELIEF SOUGHT: Delete and rework Policies 8-14 to provide for a more equitable recognition of infrastructural assets.	Reject The Resource Management Act 1991 requires that the District Plan must give effect to national policy statements. In saying that, there is no need to repeat the NPSET provisions verbatim and the generic Infrastructure objectives and policies arguably give effect to the National Policy Statement on Electricity Transmission. However, the additional policies do build on the generic policies with a more specific focus on electricity transmission activities. Policy 10, for example, is similar to Policy 2 but relates more specifically to transmission activities. I do not believe that these policies give priority to electricity transmission activities over other infrastructure. The policies are a tool that will aid plan users when carrying out activities affecting or being affected by the National Grid. RECOMMENDATION: Retain Policies 8-14 subject to amendments recommended in response to submission points set out in the table below

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FS25.8 Transpower NZ Ltd	<p><i>Oppose submission 53.14</i></p> <p>The further submitter considers that these policies give effect to the NPSET. The further submitter is not opposed to including additional provisions for other types of infrastructure but does not consider that this should be at the expense of policies providing for the National Grid.</p>	<p>Accept</p>
87.24 Transpower NZ Ltd	<p>Support 2.9.3 Policy 9 in part.</p> <p>The submitter seeks that the wording of Policy 9 be amended to specifically refer to the contribution that the National Grid makes to the functioning and well-being of the community, which is an important point reflected in the explanation.</p> <p>RELIEF SOUGHT: Amend Policy 9 as follows</p> <p><u>“To recognise the national, regional and local benefits of a sustainable, secure and efficient National Grid that contributes to the functioning and well-being of the local, regional and national communities, including: ...”</u></p>	<p>Reject</p> <p>The policy as notified reflects the wording in the NPSET. The contribution that the National Grid makes to the functioning and well-being of the community is recognised in the Introduction to the Infrastructure section, and the explanation to the policy. The matters listed in (a)-(d) are all aspects of functioning and well-being of the community.</p> <p>RECOMMENDATION:</p> <p>Retain 2.9.3 Policy 9 as notified</p>
87.25 Transpower NZ Ltd	<p>Support 2.9.3 Policy 11 in part.</p> <p>The submitter considers the words ‘whether there is opportunity to’ should be included to ensure that the policy is guiding rather than directive. The submitter also considers that it is inappropriate to only consider effects on ‘noise sensitive activities’ as noise is not the only issue and could potentially include too many activities.</p> <p>RELIEF SOUGHT: That Policy 11 is amended as follows: “Policy 11 Existing Effects To consider <u>whether there is opportunity to reduce</u> existing adverse effects of National Grid infrastructure, including such effects on noise <u>National Grid</u> sensitive activities where appropriate, when substantial upgrades of transmission infrastructure are taking place.”</p>	<p>Reject in part.</p> <p>The amendments sought by the submitter will change the intention of the policy. The policy as drafted is going further than just requiring the consideration of whether there are opportunities to reduce adverse effects, but it is requiring the action of reducing adverse effects. Policy 6 of the NPSET states that substantial upgrades should be used as opportunities to reduce effects, it does not just require the developer to weigh up the possibilities of reducing effects. It is considered that the Policy as notified gives effect to the NPSET and is preferable to the amendment suggested.</p> <p>However, it is considered appropriate to replace reference to “noise” sensitive activities with reference to National Grid sensitive activities, which are to be defined in the Plan (as discussed later in the table in response to submission 87.61)</p>

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		<p>RECOMMENDATION:</p> <p>That 2.9.3 Policy 11 is amended as follows:</p> <p>“Policy 11 Existing Effects To consider reducing existing adverse effects of National Grid infrastructure, including such effects on noise <u>National Grid</u> sensitive activities where appropriate, when substantial upgrades of transmission infrastructure are taking place.”</p>
<p>87.26 Transpower NZ Ltd</p>	<p>Support 2.9.3 Policy 11 (Explanation) in part.</p> <p>The submitter considers the explanation should be changed to ensure it reflects the policy, in that such consideration will only occur when “substantial” upgrading is being undertaken.</p> <p>RELIEF SOUGHT: That the Explanation to Policy 11 be amended as follows: “Policy 11 Explanation Works to <u>substantially</u> upgrade transmission <u>National Grid</u> infrastructure may provide the opportunity for reducing existing adverse effects created by the infrastructure. Transpower NZ Limited should be encouraged to consider such reductions when planning substantial infrastructure upgrades.”</p>	<p>Accept</p> <p>The suggested amendments are consistent with the wording in the NPSET and Policy 11.</p> <p>RECOMMENDATION:</p> <p>That the Explanation to 2.9.3 Policy 11 be amended as follows:</p> <p>“Policy 11 Explanation Works to <u>substantially</u> upgrade transmission <u>National Grid</u> infrastructure may provide the opportunity for reducing existing adverse effects created by the infrastructure. Transpower NZ Limited <u>The operator of the National Grid</u> should be encouraged to consider such reductions when planning <u>substantial</u> infrastructure upgrades.”</p>
<p>87.27 Transpower NZ Ltd</p>	<p>Support 2.9.3 Policy 12 in part.</p> <p>The submitter considers that Policy 12 as notified is more directive and requiring in its wording, which is not the intent of the NPSET, and that it is inappropriate to only consider effects on ‘noise sensitive activities’ as noise is not the only issue and could potentially include too many activities.</p> <p>RELIEF SOUGHT: Amend Policy 12 as follows.</p>	<p>Reject in part</p> <p>The wording in Policy 12 as notified uses similar wording as the NPSET and is worded in the same directive and requiring tone. The NPSET does not use the words ‘to seek’ in relation to these matters.</p> <p>The wording of Policy 7 of the NPSET states:</p> <p><i>“Planning and development of the transmission system should</i></p>

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	<p>"To seek to minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreation value or amenity and existing noise <u>National Grid</u> sensitive activities when planning and developing the <u>National Grid network-electricity transmission system</u>."</p>	<p><i>minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreational value or amenity and existing sensitive activities".</i></p> <p>However, it is considered appropriate to replace reference to "noise" sensitive activities with reference to National Grid sensitive activities.</p> <p>RECOMMENDATION:</p> <p>Amend 2.9.3 Policy 12 as follows.</p> <p>"To minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreation value or amenity and existing noise <u>National Grid</u> sensitive activities when planning and developing the <u>National Grid network-electricity transmission system</u>."</p>
<p>87.28 Transpower NZ Ltd</p>	<p>Support 2.9.3 Policy 12 (Explanation) in part.</p> <p>The submitter seeks to amend the explanation to Policy 12 to reflect the intent of Policy 7 of the NPSET, which seeks to minimise adverse effects on urban amenity and avoid adverse effects on town centres, and that it is inappropriate to only consider effects on 'noise sensitive activities' as noise is not the only issue and could potentially include too many activities.</p> <p>RELIEF SOUGHT: That the Explanation to Policy 12 be amended as follows:</p> <p>"The urban environment contains high amenity areas and a high density of noise <u>National Grid</u> sensitive activities. The planning and development of the National Grid network should ensure that any adverse effects on these areas are <u>avoided or</u> minimised."</p>	<p>Accept</p> <p>It is considered that it is appropriate to make the suggested amendments to keep the explanation in line with the policy itself. Replacing reference to "noise" sensitive activities with reference to "National Grid" sensitive activities is also appropriate.</p> <p>RECOMMENDATION:</p> <p>That the Explanation to Policy 12 be amended as follows:</p> <p>"The urban environment contains high amenity areas and a high density of noise <u>National Grid</u> sensitive activities. The planning and development of the electricity transmission system <u>National Grid network</u> should ensure that any adverse effects on these areas are <u>avoided or</u> minimised."</p>

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87.29 Transpower NZ Ltd	<p>Oppose 2.9.3 Policy 13 in part.</p> <p>The submitter considers that the policy is more directive than Policy 8 of the NPSET and should therefore be amended to reflect the intent of Policy 8. Further, the submitter considers it is inappropriate to only consider effects on 'noise sensitive activities' as noise is not the only issue and could potentially include too many activities.</p> <p>RELIEF SOUGHT:</p> <p>Amend Policy 13 Rural as follows: To seek to avoid, <u>remedy and mitigate</u> adverse effects on outstanding natural landscapes, areas of high natural character and existing noise <u>National Grid</u> sensitive activities in rural environments when planning and developing the National Grid.</p>	<p>Reject in part</p> <p>It is considered appropriate to amend Policy 13 to reflect Policy 8 of the NPSET more accurately. However, it should be noted that the NPSET policy seeks to avoid adverse effects on the listed environments. It does not seek to "remedy or mitigate" them.</p> <p>The wording of Policy 8 of the NPSET states:</p> <p><i>"In rural environments, planning and development of the transmission system should seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and areas of high recreation value and amenity and existing sensitive activities."</i></p> <p>RECOMMENDATION:</p> <p>Amend 2.9.3 Policy 13 Rural as follows:</p> <p><i>"To seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and existing noise <u>National Grid</u> sensitive activities in rural environments when planning and developing the <u>National Grid network electricity transmission system</u>."</i></p>
87.30 Transpower NZ Ltd	<p>Oppose 2.9.3 Policy 13 (Explanation) in part.</p> <p>The submitter seeks that the Explanation for Policy 13 reflects the changes sought to Policy 13.</p> <p>RELIEF SOUGHT:</p> <p>Amend the Explanation as follows: "Throughout the rural area, there are areas that are significant because of their landscapes or high natural character. The rural environment also</p>	<p>Accept in part</p> <p>It is considered that the amendments to the explanation suggested by the submitter are consistent with the amendments recommended in response to submission 87.29 above. However, the term 'where practical' is not a term used in either the NPSET or the policy.</p>

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	<p>contains various existing noise <u>National Grid</u> sensitive activities, including residential activity and educational activity. The planning and development of the National Grid should <u>seek to</u> ensure that these areas are protected from adverse effects <u>on these areas are avoided where practicable</u>".</p>	<p>RECOMMENDATION:</p> <p>Amend 2.9.3 Policy 13 Explanation as follows:</p> <p>"Throughout the rural area, there are areas that are significant because of their landscapes or high natural character. The rural environment also contains various existing noise <u>National Grid</u> sensitive activities, including residential activity and educational activity. The planning and development of the electricity transmission system <u>National Grid</u> should <u>seek to</u> ensure that these areas are protected from adverse effects <u>on these areas are avoided</u>".</p>
<p>87.31 Transpower NZ Ltd</p>	<p>Support 2.9.3 Policy 14 in part.</p> <p>The submitter considers that the revisions to the IGNRIP guidelines should be referenced even though the NPSET has not been updated, given that the Ministry of Health recognises the 2010 revision.</p> <p>RELIEF SOUGHT: Amend Policy 14 as follows:</p> <p>"Policy 14 Relevant Standards: To refer to the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric magnetic fields <u>(1 Hz - 100 kHz). Health Physics 99(6):818-836; 2010 (up to 300 GHz) (Health Physics, 1998, 74(4): 494-522)</u> and recommendations from the World Health Organisation monograph Environment Health Criteria (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards when dealing with and assessing electric and magnetic fields associated with the electricity transmission network."</p>	<p>Accept in part</p> <p>The wording in Policy 14 as notified reflects the wording in Policy 9 of the NPSET. The wording acknowledges that the guidelines on exposure to time-varying electric and magnetic fields and the World Health Organisation recommendations will change over time. The fact that the guidelines have already changed, suggests that there may be issues referring to a specific external document in this context.</p> <p>It is not good practice to refer to non-specific external documents such as "or revisions thereof" in the District Plan provisions. When referring to an external document it is important to be clear which document is relevant and if or when that document is revised a Plan Change should be initiated. It is not suggested that the 1998 or 2010 ICNIRP Guidelines are in any way irrelevant. However, the policy as it was notified, as highlighted by the submission is problematic.</p> <p>It should be noted that the NPSET does not require district plans to include reference to the ICNIRP Guidelines, but to ensure that provisions are based on them.</p>

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		<p>It is recommended that Policy 14 be removed and replaced by an additional Method of Implementation in 2.9.4. The method can be drafted in general terms referring to the latest guidelines and World Health Organisation recommendations, NZ Standards and NES. The method could also refer to guidelines and standards for radiofrequency fields which also raise concerns from residents. This would still be consistent with the NPSET and the NES for Telecommunication Facilities and would allow for updated information to be considered through resource management processes over time.</p> <p>Objective 4 (as amended in response to submissions) and Policy 2 both address the adverse effects of infrastructure on the environment. These will support the consideration of the most up to date guidelines and health recommendations and the additional method would sit comfortably under these provisions.</p> <p>RECOMMENDATION:</p> <p>Delete Policy 14</p> <p>AND</p> <p>Add an additional Method of Implementation to 2.9.4 as follows:</p> <p><u>Method 5</u> <u>Recognise International Commission on Non-Ionizing Radiation Protection guidelines on exposure to time varying electric magnetic fields, recommendations from the World Health Organisation and any applicable NZ standards or national environmental standards when dealing with and assessing electric and magnetic fields and radiofrequency fields associated with utilities.</u></p>

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91.12 PowerNet Ltd	<p>Support 2.9.3.</p> <p>The submitter considers it appropriate that industry standards are used to assess the potential effects of electric and magnetic fields associated with the activity</p> <p>RELIEF SOUGHT: Retain 2.9.3 Policy 14</p>	<p>Reject</p> <p>See discussion under submission 87.31 above</p>
87.19 Transpower NZ Ltd	<p>Suggestion of new policy for 2.9.3</p> <p>The submitter believes the policies do not provide for the identification of Transpower's existing assets through the recognition of infrastructure corridors, nor do they reflect the corridor management approach proposed by Transpower for managing the risks posed by development near the National Grid.</p> <p>The submitter suggests the addition of a policy consistent with Policies 10 and 11 of the NPSET and that requires that inappropriate development immediately adjacent to the transmission lines should be avoided through the provision of a buffer corridor where sensitive activities will generally not be provided for and that the operation, maintenance, upgrading, and development of the National Grid is not compromised.</p> <p>RELIEF SOUGHT: Add a new policy: <u>"Policy 3A Management of Activities around the National Grid</u> <u>To manage the effects of subdivision, development and land use on the safe, effective and efficient operation, maintenance, upgrading and development of the National Grid by ensuring that:</u></p> <ol style="list-style-type: none"> <u>National Grid Yards and National Grid Corridors are identified in the Plan to establish safe buffer distances for managing subdivision and land use development near National Grid lines including support structures;</u> <u>Sensitive activities and large-scale structures are excluded from</u> 	<p>Reject in part</p> <p>It is considered that Policy 3 is drafted to recognise corridors, by referring to land uses and activities "under, over or adjacent to" the infrastructure. Corridors are important to a range of infrastructural providers and the policy does not need to be focus purely on the National Grid. Amending the explanation to Policy 3 to make specific mention of network corridors will make it clearer to users of the Plan that this policy relates to activities within the network corridor.</p> <p>RECOMMENDATION:</p> <p>As per recommendation on submission 53.13 above, amend the explanation to 2.9.3 Policy 3.</p>

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	<p><u>establishing within National Grid Yards:</u></p> <p>c. <u>Subdivision is managed within National Grid Corridors to avoid subsequent land use from restricting the operation, maintenance, upgrading and development of the National Grid; and</u></p> <p>d. <u>Changes to existing activities within a National Grid Corridor or National Grid Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid."</u></p>	
SECTION 3- RULES		
Section 3.9 Infrastructure		
69.12 ICC Roading Manager	<p>Suggested new provision</p> <p>The submitter considers that it is appropriate to include a rule that requires infrastructure that is to be vested with Council meets the ICC Bylaw 2013/1</p> <p>RELIEF SOUGHT:</p> <p>Include a rule that requires all infrastructure which is built but intended to be vested in Council ownership be designed and constructed to meet the requirements of Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure.</p>	<p>Reject in part</p> <p>A note advising of the existence of the Bylaw is adequate. Consideration at the time of subdivision of how the development integrates with existing infrastructure, will enable conditions requiring that the infrastructure to be vested with Council meets certain standards.</p> <p>The bylaw process is separate to the resource management process. The technical details involving matters such as the location and design of infrastructure should be a matter that is dealt with by the Council's Works and Services Directorate. If infrastructure does not meet the Bylaw standards Council can ask for it to be upgraded before it is vested.</p> <p>RECOMMENDATION:</p> <p>Amend the note referring to the Bylaw as follows:</p> <p>'Note: The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure and may require authorisation pursuant to that bylaw. <u>Infrastructure</u></p>

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		<u>intended to be vested in Council ownership should be designed and constructed to meet the requirements of the Bylaw.'</u>
87.47 Transpower NZ Ltd	Support Various Provisions 3.9.1, 3.9.2, 3.9.9 – 3.9.17. RELIEF SOUGHT: That Rules 3.9.1, 3.9.2 and 3.9.9 to 3.9.17 are retained as notified.	Accept in part Recommendations on other submissions relating to provisions 3.9.1, 3.9.2 and 3.9.9 – 3.9.17 are detailed in the table below.
18.94 Environment Southland	Oppose 3.9.1 The submitter suggests that the Rule statement as it stands “Except as provided for in Rules 3.9.2 to 3.9.24 below is a permitted activity” is not correct because Rules 3.9.2, 3.9.9, 3.9.10 and 3.9.18 are permitted activities RELIEF SOUGHT: Delete the rule or delete reference to Rule 3.9.2 and other permitted activity rules in Rule 3.9.	Accept It is acknowledged that there is an editing error that should be corrected. RECOMMENDATION: Amend 3.9.1 as follows: Except as provided for in Rules 3.9.2 to 3.9.24 below, infrastructure is a permitted activity. <u>Utilities are a permitted activity subject the standards set out in 3.9.2 – 3.9.24 below.</u>
52.8 NZ Police	Oppose 3.9.1 in part. The submitter notes that the rule does not state that the infrastructure rules take precedence over any other zone rules and are the only rules that apply. The submitter would prefer that all rules for radiocommunication structures and associated equipment be included in the infrastructure section. The submitter also opposes the note that refers to Bylaw 2013/1 which has not yet been developed for consultation. The submitter explains the Code of Practice for Land Development and Subdivision Infrastructure has to be purchased from Standards NZ so creates uncertainty for Plan users as to whether it is relevant or not.	Reject in part Section 3.9 is not a complete code for all network utility activities. It is considered that there are provisions in the Zones and in the District Wide provisions that are relevant to utilities. (See discussion in section 5 of this report). It is accepted that radiocommunication facilities are not expressly covered in section 3.9. Recommendations in the table below, suggest including standards for radiocommunications facilities alongside the standards for telecommunications facilities. Suggested amendments also set out limits on the size, height and location of such structures for

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	<p>RELIEF SOUGHT: Amend Rule 3.9.1 to state that the rules in Section 3.9 are the only rules relevant for infrastructure and take precedence over any other zone rules unless specifically stated. Delete the note which refers to ICC Bylaw 2013/1.</p>	<p>the different zones.</p> <p>Bylaw 2013/1 has been developed for consultation. It has not been through the formal Local Government Act submission processes, but has been circulated to key stakeholders for feedback. The Bylaw is based on NZS4404:2010 but includes amendments that specify the Council's standards and the process involved in meeting these. The Bylaw focuses on the technical requirements for certain infrastructure. The timing of the Bylaw notification and consultation process had been delayed to avoid any confusion between the current Code of Practice for Urban Land Development and the updated standards in the Bylaw. It is anticipated that formal decisions on the Bylaw will be complete and the implementation of this Bylaw will coincide with the release of decisions on the Proposed District Plan. The note advises Plan Users of the existence of these other regulations that are relevant to infrastructural services.</p> <p>RECOMMENDATION:</p> <p>Retain note referring to Bylaw 2013/1 subject to amendment recommended in response to submission number 69.12 above</p> <p>AND</p> <p>Amend 3.9.1 as recommended in response to submission 18.94 above.</p>
<p>FS12.10 PowerNet Ltd</p>	<p><i>Support submission 52.8</i></p> <p>The further submitter considers that the infrastructure section should be a complete code with no other rule or section of the Plan applying to infrastructure activity unless directly referred to in the Infrastructure section.</p>	<p>Accept in part</p>

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FS25.28 Transpower NZ Ltd	<p><i>Support in part submission 52.8</i></p> <p>The further submitter considers that the Infrastructure section could be a 'complete code' for infrastructure that overrides the zone rules, but not those relating to Biodiversity, Soils Minerals and Earthworks, or Natural Features, Landscapes and Townscapes, given the policy direction in NPSET</p>	Accept in part
102.12 Chorus NZ Ltd	<p>Oppose 3.9.1 in part.</p> <p>The submitter believes there need to be a statement that the infrastructure rules take precedence over Zone specific rules, with a preference for all rules relating to telecommunication and radiocommunication structures attached to buildings located in the Infrastructure section.</p> <p>The submitter also opposes the inclusion of reference to the ICC Bylaw 2013/1 on the basis that it is still in draft format</p> <p>RELIEF SOUGHT:</p> <p>Amend 3.9.1 by</p> <p>a. including the following: <u>"...and for the avoidance of doubt, the rules in Section 3.9 are the only rules relevant to infrastructure and take precedence over any other rules unless specifically stated."</u></p> <p>b. Deleting the Note</p>	<p>Reject</p> <p>It is not accepted that the rules in 3.9 are the only rules that apply to Utilities.</p> <p>RECOMMENDATION:</p> <p>See recommendation on submission 102.12 and 18.94 above</p>
104.12 Spark NZ Ltd	<p>Oppose 3.9.1 in part.</p> <p>The submitter believes there needs to be a statement that the infrastructure rules take precedence over Zone specific rules, with a preference for all rules relating to telecommunication and radiocommunication structures attached to buildings located in the Infrastructure section.</p> <p>The submitter also opposes the inclusion of reference to the ICC Bylaw 2013/1 on the basis that it is still in draft format</p>	<p>Reject</p> <p>RECOMMENDATION:</p> <p>See recommendation on submissions 102.12 and 18.94 above</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
	<p>RELIEF SOUGHT: Amend 3.9.1 by</p> <p>a. including the following: <u>"...and for the avoidance of doubt, the rules in Section 3.9 are the only rules relevant to infrastructure and take precedence over any other rules unless specifically stated."</u></p> <p>b. Deleting the Note</p>	
FS5.21 Invercargill Airport Ltd	<p><i>Support in part submissions 52.8, 102.12 and 104.12</i> The further submitter supports the approach suggested but notes the need to include an exemption phrase such as 'unless stated otherwise' to avoid rendering zone specific rules that provide for major infrastructure unusable</p>	<p>Accept in part</p> <p>An amendment to 3.9.1 is recommended in response to 18.94 above. Changing the focus of these rule to 'utilities', rather than the broader group of 'infrastructure' will mean that airport and seaport operations are dealt with in the Zone specific rules rather than both sections 3.9 and the Zones</p>
FS7.28 South Port New Zealand Ltd	<p><i>Support in part submissions 52.8, 102.12 and 104.12</i> The further submitter supports the approach suggested but notes the need to include an exemption phrase such as 'unless stated otherwise' to avoid rendering zone specific rules that provide for major infrastructure ineffective</p>	<p>Accept in part</p> <p>See recommendation on further submission FS5.21 above</p>
FS12.11 PowerNet Ltd	<p><i>Support submissions 102.12 and 104.12</i> The further submitter considers that the infrastructure section should be a complete code with no other rule or section of the Plan applying to infrastructure activity unless directly referred to in the Infrastructure section.</p>	<p>Reject</p> <p>See recommendation for submission 18.94 above</p>
53.70 NZ Transport Agency	<p>Support 3.9.1.</p> <p>The submitter notes that authorisation for any works within the State highway road reserve is required (as identified in our earlier submission point) and suggests that, given the inclusion of the note referring to the Council's Bylaw/Code of Practice, it is logical that a similar reference should be made to the provisions of the Government Roading Powers Act 1989.</p> <p>RELIEF SOUGHT:</p>	<p>Accept</p> <p>To be consistent with the other recommendations on including notes relating to external legislation in this section, it is considered that there is merit in including the suggested note.</p> <p>RECOMMENDATION:</p> <p>Add a note to section 3.9 as follows:</p>

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	<p>Retain Rule 3.9.1 as proposed.</p> <p>Add a note to rule 3.9.1 as follows: <u>"Note: Under section 51 of the Government Roding Powers Act 1989, works on State highways cannot be undertaken without the written permission of the NZ Transport Agency."</u></p>	<p><u>"Note: Under section 51 of the Government Roding Powers Act 1989, works on State highways cannot be undertaken without the written permission of the NZ Transport Agency."</u></p>
52.9 NZ Police	<p>Support 3.9.2</p> <p>The submitter considers the operations, maintenance, upgrading and replacement of existing infrastructure is essential to provide a robust and secure radiocommunications network for the Police, Fire and Ambulance services.</p> <p>RELIEF SOUGHT: Retain.</p>	<p>Accept</p> <p>It is considered that section 3.9 addresses utilities, rather than the broader group of infrastructure. Therefore a minor amendment to Rule 3.9.2 is recommended that will not change the overall application of the provision.</p> <p>RECOMMENDATION:</p> <p>Amend 3.9.2 as follows: "The operation, maintenance, and upgrading and replacement of existing infrastructure <u>utilities</u> is a permitted activity and is not required to comply with any other Rules or standards in this Plan. "</p>
69.10 ICC Roding Manager	<p>Oppose 3.9.2</p> <p>The submitter notes that this rule could be interpreted to mean that any actions associated with infrastructure does not have to comply with rules relating to noise, lightspill, or soils, minerals and earthworks. While some organisations may act reasonably and fairly within the community, the submitter notes that this may not always be the case for other utility operators.</p> <p>RELIEF SOUGHT: No remedy specified</p>	<p>Accept in part</p> <p>The noise and lightspill standards are to be complied with for all utilities, including the operations, maintenance, upgrading and replacement of utilities. The Proposed District Plan should be read as a whole and all activities are subject to the District Wide and relevant Zone Specific provisions</p> <p>RECOMMENDATION</p> <p>Amend 3.9.2 as recommended in response to submission 52.9 above</p>

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91.18 PowerNet Ltd	<p>Support 3.9.2 in part.</p> <p>The submitter supports this provision, but notes that Rule 3.17.2 introduces standards that appear to contradict 3.9.2. The submitter considers this is ambiguous and the relationship between the two rules needs to be clarified</p> <p>RELIEF SOUGHT: Clarify the relationship between 3.9.2 and 3.17.2</p> <p>Introduce a “complete code” approach to rules applicable to infrastructure activities and remove any ambiguity associated with references to other rules in the plan.</p>	<p>Reject</p> <p>As stated in section 5 of this report, the Utilities rules are not a “complete code”. The Proposed District Plan has been formatted in such as way that to be permitted, an activity must comply with all District Wide and relevant Zone specific standards, unless otherwise specified. Rule 3.9.2 permits the activity of operating, maintaining, upgrading and replacing existing utilities. Rule 3.17.2 allows for earthworks carried out in association with these activities, up to certain limits.</p> <p>The standards and limits included within Rule 3.17 are to be discussed in a later section 42A report on Soils, Earthworks and Minerals.</p>
102.13 Chorus NZ Ltd	<p>Support 3.9.2.</p> <p>The submitter states that the operation, maintenance and upgrading and replacement of existing infrastructure should not subject to unnecessary controls</p> <p>RELIEF SOUGHT: Retain</p>	<p>Accept</p> <p>See recommendations in response to submission 52.9 above</p>
104.13 Spark NZ Ltd	<p>Support 3.9.2.</p> <p>The submitter states that the operation, maintenance and upgrading and replacement of existing infrastructure should not subject to unnecessary controls</p> <p>RELIEF SOUGHT: Retain</p>	<p>Accept</p> <p>See recommendations in response to submission 52.9 above</p>
53.71 NZ Transport Agency	<p>Support 3.9.3</p> <p>RELIEF SOUGHT: Retain</p>	<p>Accept</p> <p>Note the amendments made in response to submissions 65.92 detailed below will not alter the intention of the provision</p>

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<p>65.92 ICC Environmental and Planning Services</p>	<p>Support 3.9.3 in part.</p> <p>The submitter considers that the rule, as written, would have the unintended consequence of forcing the Council to go through a resource consent process every time they wish to extend their own reticulated services.</p> <p>RELIEF SOUGHT: Amend 3.9.3 as follows: “Any extension to the Council’s reticulated services existing as at 30 July 2013 and shown in Appendix XI, <u>by anyone other than the Invercargill City Council,</u> is a non-complying activity <u>within the Rural 1, Rural 2, Otatara, Industrial 3 and Industrial 4 zones.</u>”</p>	<p>Reject in part</p> <p>3.9.3 supports the approach taken in the Proposed District Plan to encourage the utilisation of existing infrastructure with preference for infill development within the urban areas, over urban sprawl and any accompanying demand for urban services. Extensions of Council’s reticulated sewerage services within the urban areas may be necessary, however, the provision should be focussing on preventing any extensions into the non-urban areas. This rule will give a firm direction to developers planning developments that could result in demands for extensions.</p> <p>It is understood that some Industrial 3 Zones have connections to Council’s reticulated sewerage services. There is also an understanding that services will be available to activities wanting to establish within the Industrial 4 Zones. <i>Within</i> these Zones extensions of services will cater for additional development. It is recommended that Appendix XI be amended to show the sewerage reticulation service for the Industrial zones in Awarua. Restricting any further extensions within the Rural 1 and Rural 2 Zones will ensure that any additional services going <i>out</i> to these Industrial zones are considered and any effects the presence of these additional services may have will be considered. For example, it may be necessary to consider restricting residential connections along the pipes to address concerns on ribbon development.</p> <p>It should also be noted that Rule 3.9.3 as notified conflicts with Rule 3.37.23 in the Residential 3 Zone which states that it is a non-complying activity to extend the services only up until July 2018.</p> <p>It is acknowledged that there may be situations where extensions to the Council’s reticulated sewerage services within the Rural 1, Rural 2 and Otatara Zones may be</p>

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		<p>necessary to address particular issues. However, when these situations arise, they should be considered on a case-by-case basis through the resource consent process.</p> <p>RECOMMENDATION: Amend 3.9.3 as follows: “Any extension to the Council’s reticulated <u>sewerage system services</u> existing as at 30 July 2013 and/or shown in Appendix XI is a non-complying activity <u>within the Rural 1, Rural 2, and Otatara zones.</u>”</p> <p>AND</p> <p>Amend the maps in Appendix XI to show the location of the sewerage reticulation system servicing the Industrial zones in Awarua – see Appendix 4.</p>
69.11 ICC Roading Manger	<p>Support 3.9.3 in part.</p> <p>The submitter considers the rule should be modified to enable extensions of infrastructure by Council</p> <p>RELIEF SOUGHT: Amend 3.9.3 to enable extensions of services by Council</p>	<p>Reject in part</p> <p>See recommendations for submission 65.92 above</p>
91.19 PowerNet Ltd	<p>Oppose 3.9.4.</p> <p>The submitter seeks an exemption from complying with the setback limits for electricity distribution assets which are required for the successful operation of the electricity system within the city.</p> <p>RELIEF SOUGHT: Amend 3.9.4 by inserting an exemption for electricity distribution apparatus which by its nature is required to be located within 32 metres of the centreline of any National Grid electricity transmission line.</p> <p><u>“Network Utilities within a transport corridor or any part of electricity</u></p>	<p>Accept</p> <p>It is considered reasonable to permit electricity distribution apparatus within the National Grid Yard due to the nature of the inherent relationship between electricity transmission and electricity distribution facilities.</p> <p>RECOMMENDATION: Amend 3.9.4 as recommended for submission 87.48 below</p>

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FS25.30 Transpower NZ Ltd	<p><u>infrastructure that connects to the National Grid is exempt from Rule 3.9.4."</u></p> <p>Support in part submission 91.19</p> <p>The further submitter refers to its submission 87.48 which seeks the inclusion of new standards to manage activities within the National Grid Yard. The further submitter considers these provide for network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid within the National Grid Yard.</p>	<p>Accept</p>
87.48 Transpower NZ Ltd	<p>Oppose 3.9.4 – 3.9.7</p> <p>The submitter explains that there are operational, health and safety and reverse sensitivity risks associated with inappropriately sited buildings and earthworks. The submitter suggests rules that reflect their refined approach to corridor management, by introducing a 'National Grid Yard' calculated based on risks from development for the different size transmission lines, and allowing appropriate land use activities and managing inappropriate land use activities within this yard.</p> <p>RELIEF SOUGHT: Delete Rule 3.9.4, 3.9.5, 3.9.6 and 3.9.7 from 3.9 Infrastructure and replace with the following provisions: Rule 3.9.4 Buildings and Structures within a National Grid Yard <u>(a) On all sites within any part of the National Grid Yard the following buildings and structures are a permitted activity:</u> <ul style="list-style-type: none"> <u>(i) If they are for an existing National Grid sensitive activity and do not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or</u> <u>(ii) A fence; or</u> <u>(iii) A network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or</u> <u>(iv) An uninhabitable farm building or structure for farming activities (but not a milking/dairy shed, or intensive farming buildings (excluding ancillary structures)); or</u> <u>(v) An uninhabited horticultural building or structure; or</u> <u>(vi) Any public sign required by law or provided by any statutory body in accordance with its powers under any law.</u> </p>	<p>Accept in part</p> <p>The approach suggested by the submitter, whilst being slightly more complex than the provision notified, is more permissive for certain types of activities and buildings. The suggested approach also recognises the functional need of certain existing infrastructure to locate within the National Grid Yard and recognises the relationships between the electricity transmission facilities and electricity distribution activities.</p> <p>Discussion on the definition of the term National Grid Yard is set out in the table below. However, it should be noted that in the context of this rule, the National Grid Yard encompasses less land area than the restrictions in Rule 3.9.4- 3.9.7 covered.</p> <p>There are a couple of terms suggested by the submitter that are not used elsewhere in the Proposed District Plan that would require further definition. These are 'intensive farming' and potentially 'uninhabitable building'</p> <p>Not all of the amendments suggested by the submitter have been recommended. For greater discussion on the approach suggested in response to submissions on the National Grid Corridor refer to Section 5 of this report.</p> <p>RECOMMENDATION:</p> <p>Delete 3.9.4-3.9.7 as notified and replace with the following:</p>

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	<p><u>(b) All buildings or structures permitted by a) must comply with at least one of the following conditions:</u></p> <p><u>(i) A minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or</u></p> <p><u>(ii) Demonstrate that safe electrical clearance distances are maintained under all National Grid line operating conditions.</u></p> <p><u>(c) All buildings or structures permitted by a) above shall be located at least 12m from a National Grid support structure unless it is a:</u></p> <p><u>(i) Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid.</u></p> <p><u>(ii) Fence less than 2.5m in height and more than 5m from the nearest support structure.</u></p> <p><u>(iii) Horticultural structure between 8m and 12m from a pole support structure that:</u></p> <p><u>i. Meets the requirements of the New Zealand Electrical Code Of Practice for Electrical Safe Distances for separation distances from the conductor (NZECP34:2001);</u></p> <p><u>ii. Is no more than 2.5m high;</u></p> <p><u>iii. Is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and</u></p> <p><u>iv. Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.</u></p> <p><u>Rule 3.9.5</u> <u>The following buildings and structures are a non-complying activity within the National Grid Yard:</u></p> <p><u>(a) Any building or addition to a building for a sensitive activity.</u></p> <p><u>(b) Any change of use to a sensitive activity or the establishment of a new sensitive activity.</u></p> <p><u>(c) Intensive farm buildings and dairy/milking sheds or buildings excluding associated ancillary structures.</u></p> <p><u>(d) Any building or structure not permitted by Rule 3.9.4</u></p> <p><u>Rule 3.9.6</u></p>	<p>National Grid Corridors</p> <p>(A) The following buildings and structures are permitted within the National Grid Yard:</p> <p>a) A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height</p> <p>b) <u>Any utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid</u></p> <p>c) <u>Any new non-habitable building less than 2.5m high and 10m² in floor area</u></p> <p>d) <u>Any non-habitable building or structure used for agricultural activities provided that they are:</u></p> <p><u>(i) Located at least 12m from a National Grid Support Structure</u></p> <p><u>(ii) Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial greenhouse</u></p> <p>e) <u>Alterations to existing buildings that do not alter the building envelope.</u></p> <p>(B) <u>Earthworks within the National Grid Yard , subject to Rule 3.17, is a permitted activity provided that:</u></p> <p>(a) <u>Earthworks within 2.2 metres of a National Grid pole support structure or stay wire shall be no deeper than 300mm</u></p> <p>(b) <u>Earthworks between 2.2 metres to 5 metres of a National Grid pole support structure or stay wire shall be no deeper than 750mm</u></p> <p>(c) <u>Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Tower Support Structure shall be no deeper than 300mm</u></p>

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	<p><u>Earthworks within the National Grid yard are a permitted activity provided that:</u></p> <p>a) <u>Within a distance measured 12 metres from the outer visible edge of any National Grid support structure, any earthworks shall not exceed a depth (measured vertically) of 300mm; and</u></p> <p>b) <u>Any earthworks shall not create an unstable batter that will affect a National Grid support structure; and</u></p> <p>c) <u>Any earthworks shall not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34: 2001</u></p> <p><u>The following activities are exempt from Rule 3.9.6 a) above:</u></p> <p><u>(A) Earthworks undertaken in the course of constructing or maintaining infrastructure</u></p> <p><u>(B) Normal agricultural activities or domestic gardening.</u></p> <p><u>(C) Repair, sealing resealing of an existing road, footpath, farm track or driveway.</u></p> <p><u>Rule 3.9.7</u></p> <p><u>Any earthworks that do not comply with rule 3.9.6 a) shall be a restricted discretionary activity.</u></p> <p><u>The matters over which the Council will exercise its discretion are:</u></p> <ul style="list-style-type: none"> <u>Any effects on the integrity of the transmission line;</u> <u>Volume, area and location of the works, including temporary activities such as stockpiles;</u> <u>Time of the works;</u> <u>Site remediation;</u> <u>The use of mobile machinery near transmission line which may put the line at risk;</u> <u>Compliance with NZECP 34:2001; and</u> <u>Outcomes of any consultation with Transpower New Zealand Limited.</u> <p><u>Rule 3.9.7a</u></p> <p><u>Any earthworks that do not comply with rule 3.9.6 b) or rule 3.9.6 c) shall be</u></p>	<p><u>(d) Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Tower Support structure shall be no deeper than 3 metres</u></p> <p><u>(e) Earthworks shall not create an unstable batter that will affect a transmission support structure</u></p> <p><u>(f) Earthworks shall not result in a reduction in the existing conductor clearance distance below what is required by Table 4 of New Zealand Electrical Code of Practice34:2001</u></p> <p><u>(C) The following earthworks are exempt from (B) above:</u></p> <p><u>(a) Earthworks undertaken in the course of constructing or maintaining utilities</u></p> <p><u>(b) Earthworks undertaken as part of agricultural activities or domestic gardening</u></p> <p><u>(c) Repair sealing, resealing of an existing road, footpath, farm track or driveway</u></p> <p><u>(C) Earthworks that does not comply with Rule 4(B)(a), (b), (c) or (d) above, shall be a restricted discretionary activity.</u></p> <p><u>The matters over which the Council shall exercise its discretion are:</u></p> <p><u>a) Any effects on the integrity of the transmission line</u></p> <p><u>b) Any effects on the integrity of the transmission line;</u></p> <p><u>c) Volume, area and location of the works, including temporary activities such as stockpiles;</u></p> <p><u>d) Time of the works;</u></p> <p><u>e) Site remediation;</u></p> <p><u>f) The use of mobile machinery near transmission line which may put the line at risk;</u></p> <p><u>g) Compliance with NZECP 34:2001; and</u></p>

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	<p><u>a non-complying activity</u></p> <p><u>Note: Vegetation to be planted within the transmission corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</u></p> <p><u>Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) contains restrictions on the location of structures and activities in relation to the lines. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice.</u></p>	<p>h) <u>Outcomes of any consultation with Transpower New Zealand Limited.</u></p> <p>(D) <u>The following activities are non-complying within the National Grid Yard</u></p> <p>a) <u>Any new building or structure or addition to any building or structure not provided for above</u></p> <p>b) <u>Any change of use to a National Grid Sensitive activity or the establishment of a new National Grid Sensitive activity</u></p> <p>c) <u>Any earthworks that does not comply with Rule 4(B)(e) or 4(B)(f) above</u></p> <p><u>Assessment Matters</u></p> <p><u>Applications under Rule 4 above shall address the following matters, which will be among those taken into account by Council:</u></p> <p>(A) <u>The location, height, scale, orientation and use of buildings and structures.</u></p> <p>(B) <u>Any effects on the integrity of the transmission line.</u></p> <p>(C) <u>The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.</u></p> <p>(D) <u>The risk of electrical hazards affecting public or individual safety and risk of property damage.</u></p> <p>(E) <u>The extent of earthworks required and use of mobile machinery near the transmission line which may be put at risk.</u></p>

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		<p>(F) <u>Volume, area and location of the earthworks, including temporary activities such as stockpiles.</u></p> <p>(G) <u>Site reinstatement.</u></p> <p>(H) <u>The use of mobile machinery near transmission lines which may put the line at risk.</u></p> <p>(I) <u>Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001).</u></p> <p>(J) <u>Whether the written approval of the relevant line owner has been supplied.</u></p> <p>(K) <u>If the proposed utility is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.</u></p> <p>(L) <u>The functional need of the utility to be located in the area and built in the manner proposed.</u></p> <p>Note: <u>The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP34:2001) contains restrictions on the location of structures and activities in relation to the lines and needs to be met. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34: 2001).</u></p> <p>Note: <u>Vegetation to be planted within the National Grid Corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity</u></p>

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		<u>(Hazards from Trees) Regulations 2003.</u>
FS4.28 Federated Farmers	<p><i>Oppose submission 87.48</i></p> <p>The further submitter considers that the relief sought in submission 87.48 does not consider the significant costs imposed on landowners. The further submitter considers the relief sought to be complex and that the most effect approach would be to simply refer to the NZECP.</p>	<p>Reject</p> <p>It is acknowledged that activities should comply with NZECP. However, there are a number of variables involved in meeting the NZECP and it is considered more user-friendly to specify what type of buildings or structures are permitted in the National Grid Yard within the District Plan and to consider compliance with the NZECP as a matter of discretion. The recommended provisions seek to not only protect the infrastructure itself, but also protect the buildings and structures and activities carried out within the electricity transmission corridor. The approach recommended is in line with the approach being adopted in other District Plans nationally and with recommendations on District Plans locally.</p> <p>The provision as recommended will permit more activities to be carried out within the National Grid Yard than the notified provision did recognising that landowners should be able to carry out some activities in these areas.</p>
FS12.12 PowerNet Ltd	<p><i>Support in part submission 87.48</i></p> <p>The further submitter supports this submission in so far as it seeks to introduce a new rule structure which includes exclusion for network utilities located within defined corridor management areas associated with national grid infrastructure.</p> <p>The further submitter also supports the proposed exclusion in terms of rule 3.9.6 which seeks permitted activity status for earthworks associated with the construction or maintenance of infrastructure.</p>	<p>Accept</p>
FS25.12 Transpower NZ Ltd	<p>The further submitter seeks to clarify that Commercial Greenhouses are considered to be intensive farm buildings and are therefore a non-complying activity under Rule 3.9.4(a)(ii). Additionally, the further submitter suggests</p>	<p>Accept in part</p> <p>It is accepted that if the term intensive farming was to be used</p>

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	that Rule 3.9.4(a)(ii) should refer to “non-conductive” fences.	<p>in this rule, there would need to be a definition of the term, and this could include Commercial Greenhouses. However, the recommended provisions set out in response to submission 87.48 above does not refer to intensive farming, but specifically refers to Commercial Greenhouses within the rule.</p> <p>It is accepted that the reference to “non-conductive fences” be included.</p>
88.83 Federated Farmers	<p>Oppose Rules 3.9.4 – 3.9.8 in part.</p> <p>The submitter is concerned that there is no significant discussion in the draft plan on the significant costs imposed on landowners as a result of the proposed Rules 3.9.4, 3.9.5, 3.9.6, 3.9.7 and 3.9.8 and that the restrictions proposed significantly exceed the safety distances referenced within the New Zealand Code of Practice for Electrical Safe Distances (NZECP), and therefore significantly impose further costs and restrictions upon land users housing transmission assets on their properties, while adding little or nothing to the protections afforded the transmission lines.</p> <p>The submitter considers the rules to be complex and the most effective approach would be to simply refer to the NZECP.</p> <p>The submitter considers that it would be appropriate for Council to specifically regulate ‘sensitive activities’ (and only these activities) in the District Plan, but for non-sensitive activities they consider it is sufficient for Council to note that all buildings, structures and earthworks need to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP34:2001).</p> <p>RELIEF SOUGHT:</p> <ul style="list-style-type: none"> • Delete proposed rules 3.9.4, 3.9.5, 3.9.6, 3.9.7 and 3.9.8. • Develop a new rule, noting that all buildings, structures and earthworks need to comply with the New Zealand Electrical Code of Practice for 	<p>Accept in part</p> <p>It is considered that the amendments suggested under submission 87.48 above are more permissive than the provisions notified. They are generally consistent with the provisions being adopted for activities within the electricity transmission corridors nationally and those recommended locally.</p> <p>The NZECP varies from the set 12m setback requirements recommended, in that separation distances depend on numerous factors such as the activity type, height and size of structures and the voltage of the lines. It is considered more user friendly to include a specific distance and have this clearly defined. Compliance with the NZECP should be included as a matter of discretion and a note included alongside 3.9 that advises Plan Users of the requirements under the NZECP.</p> <p>The approach recommended is consistent with approaches used locally and nationally.</p> <p>RECOMMENDATION:</p> <p>Amend Rules 3.9.4 -3.9.8 as set out under submission 87.48 above.</p>

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	<p>Electrical Safe Distances (NZCEP 34:2001).</p> <p>Develop a new rule or rules (including if necessary specific Zone rules to reflect relative risk) specifying appropriate setbacks for and only for 'sensitive activities'; schools, houses, hospitals and buildings where people live.</p>	
<p>FS25.32 Transpower NZ Ltd</p>	<p><i>Oppose submission 88.83</i></p> <p>The further submitter considers that there are fundamental problems in sole reliance on NZECP34:2001.</p> <p>Refer to submission 87.48</p> <p>The further submitter supports a more permissive approach and considers that there are a number of activities that can occur within the corridors without the need for resource consent, and would like to clarify the nature of these activities.</p> <p>The further submitter suggests an approach that requires restricted discretionary activity consent for buildings and structures within 12-32m and non-complying activity consent for buildings and structures within 12m either side of any National Grid Electricity transmission line.</p>	<p>Accept in part</p> <p>It should be noted that the further submitter's suggested amendments to Rules 3.9.4-3.9.7 refer to the National Grid Yard, and do not specify activity status for buildings, structures or activities within 12-32m on either side of the National Grid lines.</p>
<p>91.20 PowerNet Ltd</p>	<p>Support 3.9.5 and 3.9.6 in part.</p> <p>The submitter supports these provisions but notes that there is no definition for "utilities" in the Plan.</p> <p>RELIEF SOUGHT:</p> <p>Retain the exemption in Rule 3.9.6(a) relating to earthworks associated with the construction or maintenance of utilities.</p> <p>Amend Plan to either include a definition of "utilities" or amend Rule 3.9.6 to refer to "Infrastructure".</p>	<p>Accept</p> <p>See recommendations for submission 87.48 above.</p> <p>It is also recommended in response to submission 52.2 above that a definition of 'utilities' be included in the District Plan.</p>

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FS25.31 Transpower NZ Ltd	<p><i>Support in part submission 91.20</i></p> <p>The further submitter refers to its submission 87.48 which seeks the inclusion of new standards to manage activities within the National Grid Yard. The further submitter considers these provide for network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid within the National Grid Yard.</p>	Accept
91.21 PowerNet Ltd	<p>Oppose 3.9.7.</p> <p>The submitter seeks an exemption from complying with the setback limits for electricity distribution assets which are required for the successful operation of the electricity system within the city.</p> <p>RELIEF SOUGHT:</p> <p>Provide an exemption for electricity distribution apparatus which by its nature is required to be located within 12 metres of the centreline of any National Grid electricity transmission line as follows:</p> <p><u>Network Utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid is exempt from Rule 3.9.7.</u></p>	<p>Accept</p> <p>See recommendations on submission 87.48 above.</p>
91.22 PowerNet Ltd	<p>Oppose 3.9.10.</p> <p>The submitter considers it unduly restrictive not to provide for above ground network utilities as a permitted activity in the Residential 1, 1A, 2, and 3, Business 1,2,3 and 4, Industrial 1, 1A, and 2, Otatara and Hospital Zones,</p> <p>The submitter considers it is not always possible, or practical, to locate apparatus underground.</p> <p>In areas where existing overhead reticulation is already available, the submitter considers that it is essential to be able to provide new overhead lines to adjacent properties. The effects of such works are considered to be minor as the character, intensity and scale of the activities are similar.</p> <p>RELIEF SOUGHT:</p>	<p>Reject</p> <p>It is accepted that it is not always possible or practical to locate apparatus underground, but these are matters that can be discussed through the resource consent process. The preference is for undergrounding of these services. It should also be noted that the rule only requires undergrounding other than where existing support structures are used.</p> <p>When new services are proposed it is consistent with the Objectives and Policies to require consideration of undergrounding. If the effects are minor, as suggested by the submitter, then this will be a valid reason to approve a resource consent.</p>

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	<p>Amend Rule 3.9.10 as follows:</p> <p>3.9.10 It is a permitted activity to erect new electricity lines up to (and including) 110kV in all Zones of the district, subject to the following standards:</p> <p>(A) Other than where existing support structures are used, new lines <u>within proposed residential subdivisions</u> are to be located underground <u>where practical and technically feasible</u> in the Residential 1, 1A, 2 and 3, Business 1, 2, 3 and 4, Industrial 1, 1A and 2, Otatara and Hospital Zones.</p> <p>(B) Any lines crossing a navigable water body are located more than 10 metres above the level of the water body.</p> <p>Or: Any Similar amendments with like effect.</p>	
91.23 PowerNet Ltd	<p>Support Rule 3.9.15.</p> <p>The submitter considers it appropriate that substations are permitted activities in the Rural 1 and 2, Seaport, Industrial 2, 3 and 4, and Smelter Zones with limits apply to bulk and scale in other zones</p> <p>RELIEF SOUGHT:</p> <p>Retain Rule 3.9.15</p>	<p>Accept in part</p> <p>It is considered that the recommendations to redraft 3.9.15 set out under submission 65.93 below will affect the intention of the provision.</p>
65.93 ICC Environmental and Planning Services	<p>Support Rule 3.9.15 – 3.9.17 in part.</p> <p>The submitter considers that the rule could be read as saying that the restrictions on size of electricity substations apply to the Rural 1 and 2, Seaport, Industrial 2, 3 and 4 and Smelter Zones. Instead, the restrictions on size apply in the other zones</p> <p>RELIEF SOUGHT:</p> <p>Amend 3.9.15(A)</p>	<p>Accept</p> <p>It is considered that redrafting 3.9.15 will clarify the intention of the provision.</p> <p>RECOMMENDATION:</p> <p>Amend 3.9.15 as follows:</p>

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	<p><u>"No ground mounted structure shall exceed six square metres in area, or two metres in height, except in the Rural 1 and 2, Seaport, Industrial 2, 3 and 4 and Smelter Zones"</u></p>	<p>3.9.15 It is a permitted activity to erect electricity substations subject to the following standards:</p> <p>(A) Except in the Rural 1 and 2, Seaport, Industrial 2, 3 and 4, and Smelter Zones, no ground-mounted structure shall exceed six square metres in area or two metres in height. No ground mounted structure shall exceed six square metres in area, and/or two metres in height, except in the Rural 1 and 2, Seaport, Industrial 2, 3 and 4 and Smelter Zones".</p> <p>(B) No pole mounted structure shall exceed a volume of 0.6m³.</p> <p>AND</p> <p>Retain 3.9.16 and 3.9.17 as notified</p>
<p>102.14 Chorus NZ Ltd</p>	<p>Oppose Rules 3.9.18 – 3.9.20 in part.</p> <p>The submitter considers these provisions should be amended to cover communication lines, and ancillary equipment to the lines. The submitter considers that provisions for communication lines and support structures should be consistent with those provisions for electricity lines</p> <p>RELIEF SOUGHT:</p> <p>Amend Rule 3.9.18 to include the same exception for communication lines and ancillary equipment as permitted activities.</p> <p>Amend 3.9.19 to change the activity status to restricted discretionary.</p> <p>Delete Rule 3.9.20.</p>	<p>Accept in part</p> <p>Equipment ancillary to communications lines are dealt with in the recommended provisions on telecommunications and radiocommunications facilities provisions (as set out under submission 102.15 below). This provision relates to the lines only.</p> <p>Although the lines may differ in thickness, the effects of communications lines on amenity values are similar to those of electricity lines. There is no justification why it is only a restricted discretionary activity for electricity lines but fully discretionary for communications lines. There is also no justification as to why the provisions should require the undergrounding of communications lines where existing support structures exist, but not for electricity lines.</p>

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		<p>It is also unclear as to why lines on poles over 0.6m in diameter should be subject to height and recession plane requirements. To be consistent with the approach to electricity lines, it is recommended that 3.9.20 be amended to be consistent with the provisions on electricity lines set out in 3.9.11.</p> <p>RECOMMENDATION:</p> <p>Amend Rules 3.9.18 – 3.9.20 as follows:</p> <p>Communications – Line reticulation</p> <p>3.9.18 Lines used for the conveying of telecommunications, television, electronic data and other such communications are a permitted activity in all zones of the district, subject to the following standard:</p> <p>(A) <u>Other than where existing support structures are used,</u> such lines are located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3 and 4, Industrial 1, 1A and 2, Otatara and Hospital Zones.</p> <p>3.9.19 Where an activity does not comply with Rule 3.9.18 above, the activity shall be a <u>restricted</u> discretionary activity.</p> <p><u>The matters over which the Council shall exercise its discretion are:</u></p> <p>(A) <u>The effect of the proposed electricity lines and associated structures on the amenity values of the immediate</u></p>

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		<p><u>neighbourhood.</u></p> <p>(B) <u>If the proposed infrastructure is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.</u></p> <p>(C) <u>The functional need of the infrastructure to be located in the area and built in the manner proposed.</u></p> <p>3.9.20 For the purposes of Rule 3.9.18 above, lines supported on poles not exceeding 0.6m in diameter, are exempt from:</p> <p>(A) The height and recession standards of the Plan.</p>
<p>23.2 Airways Corporation of NZ</p>	<p>Oppose Rule 3.9.21</p> <p>The submitter considers that on the basis of the proposed wording of Rules 3.9.21 – 3.9.23, the electronic sending and receiving of telecommunications by the submitter (including phone calls) outside of the zones listed in 3.9.21 could be interpreted as requiring resource consent.</p> <p>RELIEF SOUGHT:</p> <p>Rule 3.9.21 is modified as follows:</p> <p>“Telecommunication Facilities and associated structures, including (but limited to) telecommunications facilities are a permitted activity where they are it is to be located in the Airport Operations, Industrial 2, 3 and 4, Seaport and Smelter Zones, or where the facility is permitted designed, built and operated in accordance with the Resource management (National</p>	<p>Accept in part</p> <p>It is acknowledged that the wording of Rule 3.9.21-3.9.23 could be interpreted to read that the electronic sending and receiving of telecommunications needs a resource consent. Instead of focussing on the act of sending or receiving telecommunication, this provision should be focussing on the telecommunications facilities and radiocommunications facilities.</p> <p>RECOMMENDATION:</p> <p>Amend Rule 3.9.21 as per recommendations set out under submission 102.15 below.</p>

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	Environmental Standards for Telecommunications Facilities) regulations 2008 (Refer to Appendix XIII)."	
65.94 ICC Environmental and Planning Services	<p>Support Rule 3.9.21 – 24 in part.</p> <p>The submitter considers that Rule 3.9.21 – 3.9.24 address concerns raised about mobile phone towers and larger telecommunications facilities, particularly any proposal to locate one of these facilities in a residential neighbourhood. Rule 3.9.21 needs to be limited to telecommunications facilities operated by network operators because that is what is covered by the NES.</p> <p>RELIEF SOUGHT:</p> <p>Amend 3.9.21 – 3.9.24 or include an additional rule to address residential scale telecommunications and radiocommunications facilities.</p> <p>Reword 3.9.21 "...Including (but <u>not</u> limited to) telecommunications facilities..."</p>	<p>Accept</p> <p>There are perceptions by members of the community that telecommunications facilities are related to a number of adverse environmental effects such as impacts on the health and wellbeing of the community. As well as addressing the NES provisions relating to telecommunications facilities within the road reserve, the provisions as notified sought to address these concerns by making all telecommunications facilities non-complying in and around residential living environments. As a result, the provisions mean that domestic satellite dishes and aerials also require resource consents. It is assumed that this was an unintended consequence. Suggested amendment to the Telecommunications and Radiocommunications Facilities provisions seek to enable smaller scale facilities to be located within residential areas subject to standards.</p> <p>RECOMMENDATION:</p> <p>Amend Rules 3.9.21 – 24 as per recommendations in response to submission 10.15 below.</p>
52.10 NZ Police	<p>Oppose Rules 3.9.21 – 24.</p> <p>The submitter believes the rules should also refer to radiocommunication facilities and not just telecommunication facilities. The submitter considers the rules do not provide for the functional need recognised by Policy 5 of Section 2.9, and do not appear to be effects based.</p> <p>RELIEF SOUGHT:</p> <p>Amend Rules 3.9.21 – 24 to:</p>	<p>Accept in part</p> <p>It is acknowledged that the drafting of 3.9.21 – 24 should refer to radiocommunications facilities as well as telecommunications facilities. The environmental effects of these facilities are similar.</p> <p>It is considered that the due to their potential size, the height of masts should reflect the relevant zone standards, but that antennas could extend above the building height in certain</p>

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	<ul style="list-style-type: none"> • Refer to radiocommunication facilities; and • Provide height limits for standalone masts and attached antennas for all zones. Permitted height limits should be 25m for Industrial and Rural Zones, 20m for Commercial Zones and 10m for Residential Zones. • Include provision for antennas for radiocommunications attached to existing buildings as a permitted activity to a height 5m above the existing building height in the Industrial and Rural Zones and 3.5m above the existing building height in all other zones. • Facilities that do not comply with the rules in the Plan should be restricted discretionary activities with the Council discretion restricted to the matter which is not complied with. 	<p>zones.</p> <p>RECOMMENDATION:</p> <p>See suggested redrafting of Rules 3.9.21 - 3.9.24 set out under 102.15 below.</p>
<p>102.15 Chorus NZ Ltd</p>	<p>The submitter opposes Rules 3.9.21 – 23</p> <p>The submitter believes the rule should refer to telecommunication and radiocommunication facilities.</p> <p>The submitter states that the rule framework does not align with the Proposed District Plan policy framework, the telecommunications NES or Part 2 of the RMA.</p> <p>The submitter believes that the rule framework is not functional, nor reasonable, nor based on the management of effects.</p>	<p>Accept in part</p> <p>It is accepted that the telecommunications facilities provisions as notified have a number of functional weaknesses that could be better addressed.</p> <p>Amendments in response to submissions are suggested to ensure that the provisions cover both radiocommunications and telecommunications facilities.</p> <p>Amendments also seek to enable certain facilities to be located within the residential areas subject to standards and to better align the provisions with the NES for Telecommunications Facilities.</p> <p>The recommended amendments differ from the amendments sought by the submitter in a number of ways. The key difference is requiring a resource consent for telecommunications masts, poles or towers located in residential areas. This seeks to enable community involvement in the process.</p> <p>For more discussion on this matter see Section 5 of this report.</p>

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		<p>RECOMMENDATION: Introduce definitions of ‘antenna’ and ‘mast’ as follows:</p> <p><u>“Antenna – means, for the purposes of 3.9 Rule 8, communications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.”</u></p> <p><u>“Mast – means, for the purposes of 3.9 Rule 8, any pole, tower or similar structure designed to carry antenna or dish antenna or otherwise to facilitate communications”</u></p> <p>AND</p> <p>Delete rules 3.9.21 – 3.9.24 and replace with the following:</p> <p><u>(A) Telecommunications and radiocommunications facilities are permitted activities subject to the following standards:</u></p> <p><u>(a) All facilities shall be planned and operated in accordance with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3kHz to 300kHz.</u></p> <p><u>(b) Any facilities located in the road reserve shall be designed, built and operated as permitted in the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008 (Refer to Appendix XIII).</u></p> <p><u>(c) No mast shall exceed the specific Height of Structures limits for the Zone which it is located.</u></p>

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		<p><u>(d) No antenna dish shall be greater than:</u></p> <p><u>(i) 1.2m in diameter in the Residential 1, 1A, 2 and 3 zones and the Otatara Zone; or</u></p> <p><u>(ii) 3m in diameter in all other zones.</u></p> <p><u>(e) No antenna attached to an existing building shall extend above the building more than:</u></p> <p><u>(i) 5m in the Industrial 1, 1A, 2, 3, and 4 Zones and the Rural 1 and 2 zones; or</u></p> <p><u>(ii) 3.5m in all other zones.</u></p> <p><u>(f) Masts, poles, or towers for telecommunications or radiocommunications facilities exceeding 0.6m in diameter at a point 4m above ground level, must be located:</u></p> <p><u>(i) In all zones, other than the Residential 1, 1A, 2 and 3 zones and the Otatara Zone.</u></p> <p><u>(ii) No closer than 25m from any boundary with the Residential 1, 1A, 2 and 3 zones and the Otatara Zone</u></p> <p><u>(g) Telecommunications cabinets and radiocommunications equipment cabinets outside of the road reserve shall not exceed: 2.5m in height; or have a total floor area exceeding 1.8m² in floor area.</u></p> <p><u>(h) All facilities located within the road reserve shall be designed, built and operated in accordance with the size and noise requirements set out in Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008 (Refer to Appendix XIII).</u></p>

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		<p>(B) <u>Telecommunications and radiocommunications facilities are discretionary activities where:</u></p> <p><u>(a) The standards set out in Rule 8(A) are not met; or</u></p> <p><u>(b) Any facilities are located within a site identified in the District Plan as containing significant indigenous biodiversity, an outstanding natural feature or landscape, or an item of heritage value identified in Appendix II; or</u></p> <p><u>(c) Any facilities are located within the road reserve that is on the same side of the road as and next to land or sites that are identified in the District Plan as containing significant indigenous biodiversity, an outstanding natural feature or landscape, or an item of heritage value identified in Appendix II.</u></p> <p><u>Assessment Matters</u></p> <p><u>Applications under Rule 8 shall address the following matters, which will be among those taken into account by the Council:</u></p> <p><u>(A) The degree of non-compliance with the National Environmental Standard for Telecommunications Facilities and the effects of that non-compliance.</u></p> <p><u>(B) The size and height of the antennae and their supporting structures.</u></p> <p><u>(C) The proximity of the proposal to existing telecommunications facilities and the effects of that proximity, including the feasibility of co-location.</u></p> <p><u>(D) The effects on any heritage values, indigenous biodiversity, outstanding or locally significant landscapes, and the coastal environment.</u></p> <p><u>(E) If the proposed infrastructure is to be located in land</u></p>

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		<p><u>identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.</u></p> <p>(F) <u>The functional need of the infrastructure to be located in the area and built in the manner proposed.</u></p> <p>(G) <u>The benefits for the wider community.</u></p>
104.14 Spark NZ Ltd	<p>The submitter opposes Rules 3.9.21 - 23.</p> <p>The submitter believes the rule should refer to telecommunication and radiocommunication facilities.</p> <p>The submitter states that the rule framework does not align with the Proposed District Plan policy framework, the telecommunications NES or Part 2 of the RMA.</p> <p>The submitter believes that the rule framework is not functional, nor reasonable, nor based on the management of effects.</p> <p>RELIEF SOUGHT:</p> <p>Delete Rule 3.9.21 to 3.9.23.</p> <p>The submitter proposes a new Rule structure that sets out potential activity statuses for specific telecommunication and radiocommunication facilities and details maximum size and height of structures in different contexts.</p>	<p>Accept in part</p> <p>See recommendations on submission 102.15 above.</p>
FS5.22 Invercargill Airport Ltd	<p><i>Oppose in part submissions 52.10, 102.15 and 104.14</i></p> <p>The further submitter has no difficulty with these submissions except that considers that it needs to be recognised that in some locations within the City the height of all structures is limited by the Invercargill Airport Ltd designation which imposes obstacle limitation surfaces (Designation 72).</p>	<p>Accept</p> <p>It is recommended that a note advising of the status of the airport height contours could be added to this provision.</p>

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		RECOMMENDATION: See recommended amendments for submission 102.15 above.
87.46 Transpower NZ Ltd	<p>The submitter is seeking a new rule.</p> <p>The submitter seeks to ensure that the provisions of the Proposed District Plan do not apply to transmission lines existing at 14 January 2010 and that provisions of the NESETA apply to these lines.</p> <p>RELIEF SOUGHT:</p> <p>(i) Include a new rule as follows: <u>“The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 contains a separate code of rules for the operation, maintenance, upgrading, relocation, or removal of an existing transmission line that is part of the national grid, as defined in the regulation and existing at 14 January 2010. Except as provided for by the regulation, no rules in this District Plan apply to such activities.</u></p> <p>Rule 3.9.1.....”</p>	<p>Reject</p> <p>Rule 3.9.9 addresses matters raised in the National Environmental Standards for Electricity Transmission Activities. The standard is referred to in that provision. There is no need to include an additional note advising of the existence of the NES.</p>
SUBDIVISION		
2.14.1 Issues		
87.34(a) Transpower NZ Ltd	<p>Support 2.14.1 Issues in part.</p> <p>The submitter is concerned that there is no mention of the issue of effects <u>on</u> existing infrastructure, given that subdivision and development can be a major constraint on existing, and the provision of new infrastructure.</p> <p>RELIEF SOUGHT:</p> <p>(i) That points 1, 4 and 7 are retained as notified (ii) Add an additional point to Issue 2.14.1 as follows: <u>“9. Subdivision and development can have adverse effects, including</u></p>	<p>Accept</p> <p><i>(The retention of Issues 1, 4 and 7 are to be discussed in the context of the Subdivision report – this recommendation relates to the submitter’s suggestion for an additional issue statement).</i></p> <p>It is considered that there are a number of Issue statements in 2.14 that refer to the relationship between subdivision and infrastructure. Whilst Issue 7 raises concerns over amenity conflicts between new and established land uses, subdivision can also result in other effects that may result in restrictions on</p>

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	<p><u>reverse sensitivity effects, on existing infrastructure and network utilities, which can result in restricting the operation, upgrading and development of infrastructure.</u></p>	<p>the operation, upgrading and development of infrastructure.</p> <p>RECOMMENDATION: Include an additional issue to 2.14.1 as follows:</p> <p><u>“9. Subdivision and development can have adverse effects, including reverse sensitivity effects, on existing infrastructure, which can result in restricting the operation, upgrading and development of infrastructure.”</u></p>
<p>FS28.19 NZ Transport Agency</p>	<p>Support submission 87.34 The further submitter agrees that subdivision and development can be a major constraint on existing infrastructure and the provision of new infrastructure.</p> <p>RELIEF SOUGHT: Allow suggested addition to point 2.14.1.</p>	<p>Accept</p>
<p>79.14 KiwiRail Holdings Ltd</p>	<p>Oppose 2.14.1 in part.</p> <p>The submitter considers that the list should acknowledge that inappropriate subdivision may have adverse effects on the operation, maintenance and enhancement of significant infrastructure.</p> <p>RELIEF SOUGHT: Amend 2.14.1 Issue 1 by adding the following: <u>“Subdivision located adjacent to the land transport networks (including the railway network) needs to be adequately designed to avoid, remedy or mitigate reverse sensitivity effects such as noise and vibration.”</u></p>	<p>Accept in part</p> <p>Whilst it is acknowledged that inappropriate subdivision can have adverse effects on the operation, maintenance and enhancement of infrastructure, it is not necessary to include a specific Issue statement referring to transportation infrastructure. The recommended issue in response to submission 87.34 above relates to all infrastructure and it is considered that this should address the concerns raised by the submitter.</p> <p>RECOMMENDATION: See recommended Issue statement set out under submission 87.34 above.</p>
<p>FS5.31 Invercargill Airport Ltd</p>	<p>Support submission 87.34 and 79.14 The further submitter agrees that subdivision development can place a major constraint on the operation, upgrade and further development of existing infrastructure.</p>	<p>Accept</p> <p>See recommendation set out under submission 87.34 above.</p>

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2.14.2 Objectives		
53.20 NZ Transport Agency	Support 2.14.2 Objective 5. RELIEF SOUGHT: Retain Objective 5 as proposed.	Accept in part Amendments to Objective 5 have been recommended in response to submission 87.36 below. The suggested amendments will not alter the general interpretation of this Objective. RECOMMENDATION: See recommendation in response to submission 87.36 below.
87.35 Transpower NZ Ltd	Support 2.14.2 Objective 5 RELIEF SOUGHT: Retain Objective 5 as proposed.	Accept in part RECOMMENDATION: See recommendation in response to submission 87.36 below.
88.10 Federated Farmers	Support 2.14.2 Objective 5 The submitter believes that the Plan should recognise and acknowledge that subdivision and development can be good for the District, particularly in rural areas where subdivision may occur for a number of reasons that do not have a significant additional impact on the District's infrastructure. RELIEF SOUGHT: Adopt the Objective as proposed, on the basis that the subsequent policies and rules sufficiently recognise the benefits that accrue to the District as a result of subdivision and development.	Accept in part RECOMMENDATION: See recommendation in response to submission 87.36 below.
91.13 PowerNet Ltd	Support 2.14.2 Objective 5 The submitter considers it appropriate to protect existing infrastructure from new incompatible land uses and activities.	Accept in part RECOMMENDATION: See recommendation in response to submission 87.36 below.

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	RELIEF SOUGHT: Retain 2.14.2 Objective 5	
53.22 NZ Transport Agency	Support 2.14.2 Objective 9. RELIEF SOUGHT: Retain 2.14.2 Objective 9 as notified.	Accept RECOMMENDATION: Retain 2.14.2 Objective 9 as notified.
102.8 Chorus NZ Ltd	Support 2.14.2 Objective 9. Strongly supports the need to integrate development with the provision of infrastructure. RELIEF SOUGHT: Retain 2.14.2 Objective 9 as notified.	Accept RECOMMENDATION: Retain 2.14.2 Objective 9 as notified.
104.8 Spark NZ Ltd	Support 2.14.2 Objective 9. Strongly supports the need to integrate development with the provision of infrastructure. RELIEF SOUGHT: Retain 2.14.2 Objective 9 as notified.	Accept RECOMMENDATION: Retain 2.14.2 Objective 9 as notified.
87.36 Transpower NZ Ltd	Suggestion of new Objective The submitter considers there is no objective that seeks to manage the effects of subdivision and land use on the National Grid, other than infrastructure which exists at the time the Proposed District Plan is adopted (Policy 9). RELIEF SOUGHT: (i) That a new objective be added as Objective 12 as follows: <i>"Manage the effects of subdivision and development on the safe, efficient and effective operation, maintenance, upgrading and development of the</i>	Accept in part It is considered that Objective 5 seeks to manage the effects of subdivision on infrastructure. Whilst the Objective does not specifically refer to existing infrastructure, an amendment could be made to that Objective addressing the development of infrastructure. The concerns raised by the submitter relate to all infrastructure, not just the National Grid and it is considered that amending Objective 5, rather than adding an additional Objective would address the submitter's concerns.

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	<u>National Grid</u>	RECOMMENDATION: Objective 5: Subdivision and development is managed so that it avoids, remedies or mitigates adverse effects on <u>the safe, efficient and effective operation, maintenance, upgrading and development of infrastructure.</u>
2.14.3 Policies		
87.37 Transpower NZ Ltd	<p>Support 2.14.3 Policy 9 in part.</p> <p>The submitter considers that the policy does not give effect to the NPSET in that it may not necessarily ensure that the operation, maintenance, upgrading, and development of the National Grid network is not compromised, and nor does it give consideration to the corridor management approach developed by Transpower as a means of addressing the statutory requirements and managing the effects of the network and the effects of other activities on the network.</p> <p>RELIEF SOUGHT: Add the following policies: <u>“Policy 10 National Grid Corridor;</u> <u>When considering proposals for subdivision and development within the National Grid Corridor, the following will be taken into account:</u></p> <ol style="list-style-type: none"> <u>The extent to which the proposal may restrict or inhibit the operation, access, maintenance or upgrading of National Grid transmission lines or support structures;</u> <u>Any potential cumulative effects that may restrict the operation, access, maintenance, or upgrade of National Grid transmission lines or support structures; and</u> <u>The nature of any proposal located near to an existing National Grid transmission line and the extent to which safe separation distances from the National Grid are maintained.</u> <p><u>Policy 10A National Grid Corridor;</u></p>	<p>Reject in part</p> <p>It is considered that it is not necessary to have a policy singling out the National Grid to give effect to the NPS on Electricity Transmission. The operation, maintenance and upgrading of <i>all</i> infrastructure could be adversely affected by incompatible subdivision. It is considered that Policy 9 could be amended slightly to address the concerns of the submitter, without having to have a completely new set of policies.</p> <p>The matters listed in the submitters suggested ‘Policy 10’ could be included in the subdivision rule as matters of consideration in relation to all infrastructure. The matters of discretion listed in 3.18.4 address issues relating to the integration with and effects on existing infrastructure. By broadening this to include the integration and effects on the operation, maintenance, upgrading and development of infrastructure would give effect to Policy 9, would address reverse sensitivity concerns by highlighting the matter for Plan Users.</p> <p>RECOMMENDATION:</p> <p>Amend 2.14.3 Policy 9 as follows:</p> <p>Policy 9 Infrastructure: To respect the operational, <u>maintenance, upgrading and development</u></p>

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	<p><u>To promote the design of subdivisions and land use development or redevelopment in a manner that enables the efficient use of land within the identified National Grid Corridors without introducing sensitive activities or structures that would inhibit the operation, access, maintenance, or upgrade of National Grid transmission lines or support structures”.</u></p>	<p>requirements and reverse sensitivity issues associated with infrastructure including <u>the National Grid</u>, electricity lines, State Highways, railways and the airport.</p> <p>Explanation: <i>Subdivision and development activities can have adverse effects on the operation <u>maintenance, upgrading and development</u> of nearby infrastructure. Potential reverse sensitivity issues resulting from new subdivisions need to be managed to allow the infrastructure to continue to operate.</i></p> <p>Amend 3.18.4(B) as follows:</p> <p>“(B) Integration with and effects on the <u>operation, maintenance, upgrading and development of existing</u> infrastructure.”</p>
53.25 NZ Transport Agency	<p>Support 2.14.3 Policy 9.</p> <p>RELIEF SOUGHT: Retain 2.14.3 Policy 9 as notified.</p>	<p>Accept in part</p> <p>RECOMMENDATION:</p> <p>Amend 2.14.3 Policy 9 as recommended in response to submission 87.37 above</p>
79.15 KiwiRail Holdings Ltd	<p>Support 2.14.3 Policy 9.</p> <p>The submitter considers it appropriate to protect significant transport infrastructure.</p> <p>RELIEF SOUGHT: Retain 2.14.3 Policy 9 as notified.</p>	<p>Accept in part</p> <p>RECOMMENDATION:</p> <p>Amend 2.14.3 Policy 9 as recommended in response to submission 87.37 above</p>

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91.14 PowerNet	<p>Support 2.14.2 Policy 9</p> <p>The submitter considers it appropriate to protect existing infrastructure from new incompatible land uses and activities.</p> <p>RELIEF SOUGHT: Retain 2.14.3 Policy 9 as notified.</p>	<p>Accept in part</p> <p>RECOMMENDATION:</p> <p>Amend 2.14.3 Policy 9 as recommended in response to submission 87.37 above</p>
FS7.33 South Port New Zealand Ltd	Support submission 91.14	Accept in part
3.18 Rules		
70.2 ICC Water Services Manager	<p>Suggestion for new rule</p> <p>The submitter considers that it is necessary to require that all new lots created by subdivision in residential areas are serviced with water supply, sewer disposal, stormwater disposal, telecommunications and power supply. The submitter considers that this will prevent any makeshift unnecessary easement solutions, and that it has been a historical expectation that new lots be serviced.</p> <p>RELIEF SOUGHT: Require that all lots created by subdivision in residential areas are serviced.</p>	<p>Reject</p> <p>All subdivisions require a resource consent. One of the matters of control for controlled subdivisions is 'the provision of services'. The matters to be taken into account by the Council for the discretionary subdivision resource consents include 'integration with and effects on existing infrastructure'. This will enable the Council to consider the need to require connection to services at the time of subdivision. There are many benefits in requiring that connections to services be provided at the time the lots are created and it is considered that this matter of consideration will enable all parties involved to assess this. However, there may at times be subdivisions where all, or some, of these services are not required.</p> <p>RECOMMENDATION:</p> <p>Retain the consideration of the provision of services in 3.18.2(A) and of the integration with and effects on existing infrastructure in 3.18.4(B) subject to amendment in response to submission 87.37 above.</p>

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53.79 NZ Transport Agency	<p>Concerns over the relationship between 3.9.2 and 3.18.1.</p> <p>The submitter notes subdivision to provide for a network utility is a controlled activity, but that Rule 3.9.2 exempts the operation, maintenance, upgrading and replacement of existing infrastructure from the other rules and standards of the Plan. Network utilities are a sub-set of infrastructure, and as a result, the submitter considers that it is not clear how these provisions will operate in tandem.</p> <p>RELIEF SOUGHT: Clarify the operation of Rules 3.9.2 and 3.18.1.</p>	<p>Noted</p> <p>3.9.2 - refers to the operation, maintenance and upgrading and replacement of existing utilities. These are considered to be land use activities not subdivision activities. 3.9.2 does not permit subdivision. Subdivision is covered in 3.18.</p> <p>It is not considered that any changes are required to the Proposed District Plan to address the submitter's concerns.</p> <p>However, 3.18.1(A) should be amended to apply to subdivisions to provide for 'utilities', not 'network utilities' to address concerns raised elsewhere in submissions about inconsistencies in terminology.</p> <p>RECOMMENDATION: Amend 3.18.1(A) as follows: '(A) Subdivision of land to provide for a network utility.'</p>
102.17 Chorus NZ Ltd	<p>Support 3.18.1</p> <p>The submitter considers that the controlled activity status is appropriate for subdivision to provide for utility lots.</p> <p>RELIEF SOUGHT: Retain 3.18.1 as notified.</p>	<p>Accept</p> <p>RECOMMENDATION: Retain 3.18.1 as notified.</p>
104.16 Spark NZ Ltd	<p>Support 3.18.1</p> <p>The submitter considers that the controlled activity status is appropriate for subdivision to provide for utility lots.</p> <p>RELIEF SOUGHT: Retain 3.18.1 as notified.</p>	<p>Accept</p> <p>RECOMMENDATION: Retain 3.18.1 as notified.</p>

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79.29 KiwiRail Holdings Ltd	<p>Support 3.18.3.</p> <p>The submitter considers that it is important that the significant transport infrastructure is protected from inappropriate subdivision, use and development.</p> <p>RELIEF SOUGHT: Retain 3.18.3</p>	<p>Accept</p> <p>RECOMMENDATION:</p> <p>Retain 3.18.1 as notified.</p>
87.54 Transpower NZ Ltd	<p>Support 3.18.5 in part.</p> <p>The submitter seeks to introduce additional wording to ensure that applications for subdivision identify building platforms outside of the National Grid Yard, and that the reference to a 32 metre corridor is removed as the width of setback depends upon the voltage and type of support structure of the line. The submitter would also like to strengthen the assessment matters to ensure robust assessment of applications to protect the National Grid.</p> <p>RELIEF SOUGHT:</p> <p>That Rule 3.18.5 be amended as follows:</p> <p>“3.18.5 Electricity Transmission Lines National Grid Corridor Where subdivision includes land (in any zone) within the National Grid Corridor creates new boundaries within an area measured 32 metres from either side of the centre line of an electrical transmission line designed to operate at or above 110kV, all allotments shall identify a building platform for the principal dwelling or building, to be located outside the National Grid Yard.</p> <p>‡The following matters will be taken into account by the Council in exercising its discretion:</p> <p>(A) The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing lines, for example through the location and design of roads, reserves, landscaping, earthworks and building platforms.</p>	<p>Accept in part</p> <p>The concept of requiring a building platform outside of the National Grid Yard at the time of subdivision is considered to be appropriate. However, the wording of the suggested provision could be improved to better fit the context of the Proposed District Plan.</p> <p>Most subdivision activities are discretionary in the Proposed District Plan. In light of this, it would not be appropriate for subdivisions within the National Grid Corridor to be deemed restricted discretionary activities. This would imply that these are the only matters that will be considered for these subdivisions when the other matters of consideration listed in 3.18.4 may also be relevant.</p> <p>The notification clause suggested by the submitter also appears to assume that the location of the subdivision in relation to the National Grid Corridor may be the only reason that a consent would be needed. An application for a subdivision within the National Grid Corridor may be notified for reasons other than just its location in relation to the National Grid. Instead of including the notification clause it is suggested that an additional matter for consideration be included.</p> <p>It is noted that at the time of subdivision, planting and building designs and plans are rarely available. The consideration of these matters are land use activity matters, not subdivision</p>

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	<p>(B) The ability for maintenance and inspection of transmission lines including ensuring access.</p> <p>(C) The ability to provide a complying building platform.</p> <p>(D) Compliance with the NZ Electrical Code of Practice for Electrical Safe Distances.</p> <p>(E) Whether any affected utility operator has provided written approval.</p> <p><u>(A) The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP: 34 2001).</u></p> <p><u>(B) The extent to which the subdivision or subsequent building design mitigates the effects of the lines and the risk of potential injury and/or damage to property e.g. through the location of roads and reserves under the route of the line.</u></p> <p><u>(C) The ability for continued access to existing National Grid lines for maintenance, inspections and upgrading.</u></p> <p><u>(D) The extent to which potential adverse effects (including visual) are mitigated through the location of building platforms.</u></p> <p><u>(E) The extent to which the design and construction of the subdivision allows for activities to be set back from National Gridlines to ensure adverse effects on and from the National Grid and on public safety are appropriately avoided, remedied, or mitigated.</u></p> <p><u>(F) The nature and location of any proposed vegetation to be planted in the vicinity of National Grid lines</u></p> <p><u>(G) The provision for the on-going operation, maintenance and planned upgrade of National Grid lines.</u></p> <p><u>(H) The risk to the structural integrity of the National Grid transmission network; and</u></p> <p><u>(I) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid.</u></p> <p>3.18.6 Any subdivision of land in any zone within the National Grid Corridor which</p>	<p>consent matters. Notes in the District Plan referring to the NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations 2003 in section 3.9 will advise landowners and developers of their obligations under the other regulations. There is no need to repeat the notes again in the subdivision provisions.</p> <p>RECOMMENDATION:</p> <p>That 3.18.5 be deleted and be replaced with new rules relating to subdivision within the National Grid Corridor as follows:</p> <p><u>Electricity Transmission Lines National Grid Corridor</u></p> <p><u>3.18.5</u> Subdivision of land within the National Grid Corridor shall be a discretionary activity provided that a building platform is identified on all allotments showing the principle dwelling or building is to be located outside of the National Grid Yard.</p> <p><u>3.18.6</u> Any subdivision of land within the National Grid Corridor which does not comply with Rule 3.18.5 is a non-complying activity.</p> <p><u>3.18.7</u> Applications under Rule 3.18.5 and 3.18.6 above shall address the following matters, which will be among those taken into account by the Council:</p> <p><u>(A) The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP: 34 2001).</u></p> <p><u>(B) The extent to which the subdivision design mitigates the effects of the lines and the risk of potential injury and/or</u></p>

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	<p><u>does not comply with the restricted discretionary activity standard under Rule 3.18.5 is a Non-Complying Activity.</u></p> <p><u>Applications under Rules 3.18.6 above shall address the following matters, which will be among those taken into account by Council:</u></p> <p>(A) <u>The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP: 34 2001).</u></p> <p>(B) <u>The extent to which the subdivision or subsequent building design mitigates the effects of the lines and the risk of potential injury and/or damage to property e.g. through the location of roads and reserves under the route of the line.</u></p> <p>(C) <u>The ability for continued access to existing National Grid lines for maintenance, inspections and upgrading.</u></p> <p>(D) <u>The extent to which potential adverse effects (including visual) are mitigated through the location of building platforms.</u></p> <p>(E) <u>The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid to ensure adverse effects on and from the National Grid and on public safety are appropriately avoided, remedied, or mitigated.</u></p> <p>(F) <u>The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid.</u></p> <p>(G) <u>The provision for the on-going operation, maintenance and planned upgrade of the National Grid.</u></p> <p>(H) <u>The risk to the structural integrity of the National Grid; and</u></p> <p>(I) <u>The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid.</u></p> <p><u>Non-notification:</u> <u>Where an activity requires resource consent because it is within the National Grid Corridor then the application need not be publicly notified and need not be served on any affected party apart from Transpower New Zealand Limited who will be considered an affected party.</u> <u>Note: Vegetation to be planted around the National Grid should be selected</u></p>	<p><u>damage to property e.g. through the location of roads and reserves under the route of the line.</u></p> <p>(C) <u>The ability for continued access to existing National Grid lines for maintenance, inspections and upgrading.</u></p> <p>(D) <u>The extent to which potential adverse effects (including visual) are mitigated through the location of building platforms.</u></p> <p>(E) <u>The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid to ensure adverse effects on and from the National Grid and on public safety are appropriately avoided, remedied, or mitigated.</u></p> <p>(F) <u>The provision for the on-going operation, maintenance and planned upgrade of the National Grid.</u></p> <p>(G) <u>The risk to the structural integrity of the National Grid; and</u></p> <p>(H) <u>The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid.</u></p> <p>(I) <u>The results of consultation undertaken, including any written advice obtained, from Transpower New Zealand Ltd.</u></p> <p>AND</p> <p>That Rule 3.18.1 be amended as follows:</p> <p>“3.18.1 The following subdivision activities are controlled activities:</p> <p>(A) Subdivision of land to provide for a network utility.</p> <p>(B) Boundary adjustments.</p> <p>(C) Amendments to cross-lease subdivision.</p>

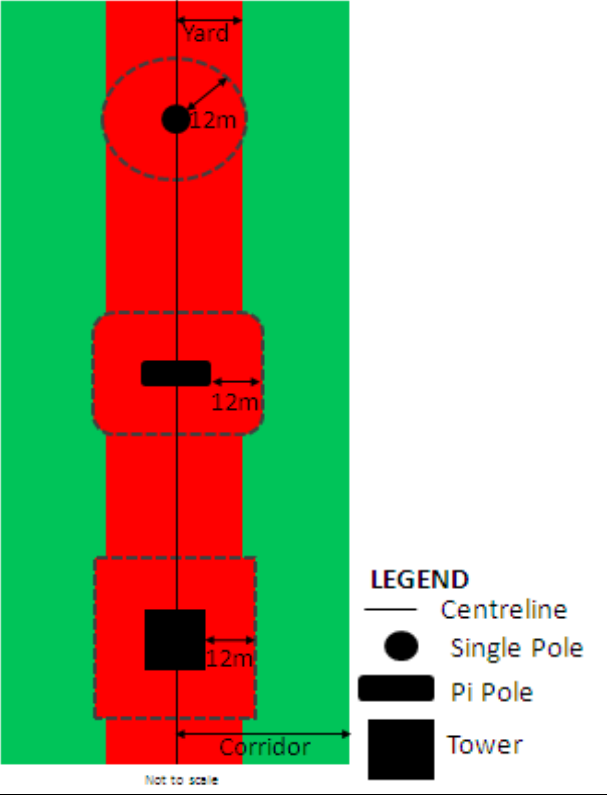
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	<p><u>and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</u></p> <p><u>Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) contains restrictions on the location of structures and activities in relation to the lines. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice."</u></p>	<p>Where they meet the following:</p> <ul style="list-style-type: none"> (a) The site on which the activity is to be undertaken does not contain an item listed in Appendix II (Heritage Record). (b) Subdivision boundaries of any allotments which have existing buildings are being aligned to ensure that the buildings comply with the provisions of: <ul style="list-style-type: none"> (1) The Building Act 2004 in terms of fire safety. (2) The bulk and location requirements of the relevant zone. (c) The provisions of any National Policy Statement or National Environmental Standard. <u>(d) Any subdivision of land does not occur within the National Grid Corridor"</u>
<p>FS4.33 Federated Farmers</p>	<p><i>Oppose submission 87.54</i></p> <p>The further submitter considers that the NZECP, the Electricity Act 1992 and other areas of the plan provide sufficient protection for the safety of structures and people in the vicinity.</p> <p>The further submitter notes that subdivision may occur without requiring a building platform and those buildings proposed within the transmission corridors are subject to restrictions elsewhere in the chapter.</p>	<p>Reject</p> <p>It is acknowledged in the District Plan that subdivision can determine the subsequent pattern of land use and can create an expectation that may not be sustainable (2.14.1 Issue 1). Requiring a building platform at the time of subdivision will ensure that the subdivision results in the creation of allotments that can be used into the future in a manner that not only protects the National Grid, but also the buildings and structures within and around it.</p> <p>It should also be noted that building platforms are required elsewhere in the Plan at the time of subdivision. This is a requirement for development in areas subject to Level 2, 2A or 3 inundation.</p>

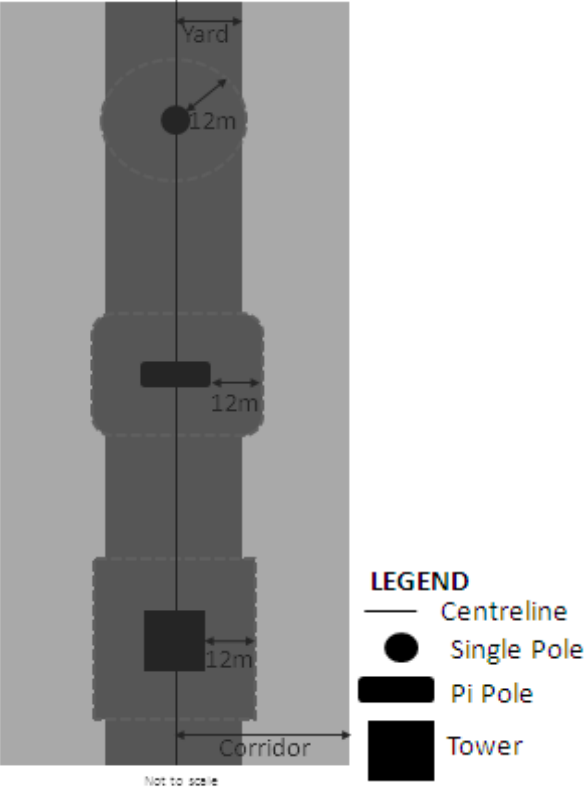
Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
88.91 Federated Farmers	<p>Support 3.18.5 in part.</p> <p>The submitter considers that given the NZ Electrical Code of Practice for Electrical Safe Distances (NZECP) in 3.18.5 (D) (and the Electricity Act 1992) is sufficient to protect the safety of structures and people in the vicinity, we consider that reference to the NZECP is the only part of this Rule that Council need retain, and proposed Rule 3.18.5 (A) is unnecessary, over and above reference to the NZECP.</p> <p>The submitter also believes that Rule 3.18.5 (B) should be deleted and the onus should be on the transmission line owner to liaise and communicate with the landowners housing their assets as and when needed, rather than these landowners being further encumbered through District Plan rules restricting subdivision.</p> <p>RELIEF SOUGHT:</p> <ul style="list-style-type: none"> (ii) Delete proposed Rule 3.18.5 (A): "The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing lines, for example through the location and design of roads, reserves, landscaping, earthworks and building platforms". (iii) Delete proposed Rule 3.18.5 (B) "The ability for maintenance and inspection of transmission lines including ensuring access". (iv) Rule 3.18.5 (C) is retained. (v) Rule 3.18.5 (D) is retained. 	<p>Reject in part</p> <p>It is recommended above in response to submission 87.54 that 3.18.5 be redrafted. The redrafting will retain consideration of compliance with NZECP, and the ability to access the National Grid lines as well as the location of building platforms.</p> <p>Consideration of the matters in the reformatted provision will ensure that lots created by subdivision will enable sustainable use of the land and the infrastructure into the future.</p>
FS25.11 Transpower NZ Ltd	<p><i>Support in part submission 88.91</i></p> <p>The further submitter has sought to reword and include additional assessment matters under rule 3.18.5 which will continue to provide for access to lines and compliance with the NZECP.</p> <p>The further submitter notes that their lines and access to them are protected and regulated by the Electricity Act 1992.</p> <p>The further submitter notes that the Proposed District Plan is under different legislation and will not in any way affect the provisions of the Electricity Act</p>	<p>Accept</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
	or the landowners opportunity to negotiate with Transpower. The Proposed District Plan cannot however, allow for development that would make it impossible to do works under the Electricity Act.	
SUGGESTED DEFINITIONS		
26.5(c) NZ Defence Force	<p>Definition to add - "Strategic Infrastructure"</p> <p>The submitter believes that the definition of 'infrastructure' and the list of essential services do not provide sufficient scope to encompass the national and regional infrastructural values of defence facilities. The submitter therefore considers that a definition of 'strategic infrastructure' should be included in the Proposed District Plan.</p> <p>RELIEF SOUGHT:</p> <p>Insert a definition of 'strategic infrastructure' with 'defence facilities' included as a point within this definition: <u>"Strategic infrastructure: means those necessary facilities, services and installations which are of greater than local importance, and can include infrastructure that is nationally significant. Strategic infrastructure includes:</u> <u>1. Defence facilities..."</u></p>	<p>Reject in part</p> <p>The term 'strategic infrastructure' is not used in the District Plan so there is no need to include this definition.</p> <p>Including "Defence facilities" within the definition of infrastructure should address the submitter's concerns (See recommendations in response to submission 52.2 above)</p>
FS25.18 Transpower NZ Ltd	<p>Support in part submission</p> <p>The further submitter considers that Transpower operates 'strategic infrastructure' and would support such a definition in the Proposed District Plan although the further submitter prefers the term 'nationally significant infrastructure'.</p> <p>The further submitter considers that whilst 'rail' could be added to the list of activities covered by the definition of 'strategic infrastructure', rail corridors are often designated and are not subject to rules in the District Plan.</p> <p>The further submitter also suggests that 'military installations and activities are not usually included in the definition of strategic infrastructure and that the infrastructure rules are not set up to include consideration of such facilities.</p>	<p>Reject</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
79.36 KiwiRail Holdings Ltd	<p>Definition to add - "Significant Infrastructure"</p> <p>The submitter is concerned that the clauses relating to infrastructure in the Plan and as provided for in the definition do not appear to relate to the provision of land transport infrastructure, which they note is not consistent with the policies in the Infrastructure section that do relate to land transport networks. The submitter suggests that the Plan would benefit from a definition of strategic and regionally and nationally significant infrastructure.</p> <p>RELIEF SOUGHT</p> <p>Insert a definition of "significant infrastructure" as follows:</p> <p><u>"Means existing or proposed infrastructure, or a component of infrastructure, which:</u></p> <ul style="list-style-type: none"> - <u>Due to its location, function, development or operation, is of strategic (critical) importance to the form, function and/or growth of Invercargill, or otherwise has national significance; or</u> - <u>It is a lifeline utility as defined in section 4 of the Civil Defence Emergency Management Act 2002."</u> 	<p>Reject</p> <p>The term 'significant infrastructure' is not included within the Proposed District Plan and as such there is no need to include this definition.</p> <p>Land transport infrastructure is covered by the Infrastructure provisions, as well as the Transportation provisions of the Proposed District Plan. Recommended amendments to the definitions of 'infrastructure' and 'utilities' include transportation networks. (See recommendations in response to submission 52.2 above)</p>
FS25.19 Transpower NZ Ltd	<p><i>Support in part submission</i></p> <p>The further submitter considers that Transpower operates 'strategic infrastructure' and would support such a definition in the Proposed District Plan although the further submitter prefers the term 'nationally significant infrastructure'.</p> <p>The further submitter considers that whilst 'rail' could be added to the list of activities covered by the definition of 'strategic infrastructure', rail corridors are often designated and are not subject to rules in the District Plan.</p> <p>The further submitter also suggests that 'military installations and activities' are not usually included in the definition strategic infrastructure and that the infrastructure rules are not set up to include consideration of such facilities.</p>	<p>Reject</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
69.7 ICC Roading Manger	<p>Definition to add “Network Utility”</p> <p>The term “network utility” is used in the Plan, e.g. 2.9.3 Policy 1, but is not defined. The submitter considers that it is unclear what this term references and that “infrastructure” could be interchanged without loss of meaning</p> <p>RELIEF SOUGHT Include definition of term “Network Utility”.</p>	<p>Reject</p> <p>It is recommended above that references to the term ‘Network Utility’ in the Proposed District Plan should be replaced with ‘Utility’ and that the term ‘Utility’ be defined. Refer to recommendations in response to submission 52.2 above.</p>
FS25.22 Transpower NZ Ltd	<p><i>Oppose submission 69.7</i></p> <p>The further submitter states that the Proposed District Plan currently refers to ‘infrastructure’, ‘utilities’ and ‘network utilities’ but only infrastructure is defined in the Plan. The further submitter considers that this term covers a wide range of activities and can be used consistently throughout the Plan without the need to refer to ‘utilities’ and ‘network utilities’</p>	<p>Accept in part</p> <p>See recommendations in response to submission 52.2 above.</p>
87.59 Transpower NZ Ltd	<p>Definition to add “National Grid Yard”.</p> <p>The submitter considers more explicit provisions need to be included to manage the adverse effects of other activities on the National Grid, including a new definition of ‘National Grid Yard’ to clarify the intent and application of proposed rules relating to activities within the vicinity of the National Grid electricity transmission lines.</p> <p>RELIEF SOUGHT:</p> <p>Include new definition: <u>“National Grid Yard: (shown in red in diagram below)</u> <u>Means:</u></p> <ul style="list-style-type: none"> • <u>the area located 12 metres in any direction from the outer edge of a National Grid support structure; and</u> • <u>the area located 12 metres either side of the centreline of any overhead National Grid line;”</u> 	<p>Accept</p> <p>It is recommended above that 3.9 include a rule that refers to the term ‘National Grid Yard’. It is considered that a definition of what is meant by this term is required for certainty.</p> <p>The inclusion of this definition provides certainty to plan users with regard to the limits of the National Grid Yard and determining what activities are permitted in certain areas around the National Grid and which activities need to be considered through the resource consent process. It is considered that this approach is consistent with approaches to this matter nationally.</p> <p>As the Proposed District Plan is regularly printed in black and white, it is considered that the diagram provided by the submitter be slightly amended so that it can be interpreted in gray-scale.</p> <p>RECOMMENDATION:</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
	 <p>The diagram illustrates the layout of a National Grid Yard. It features a central red vertical corridor. On the left and right sides of the corridor are green areas. A black line runs vertically through the center of the corridor, labeled 'Centreline'. Three black symbols are positioned along the corridor: a circle at the top, a horizontal rectangle in the middle, and a square at the bottom. Each symbol is surrounded by a dashed red circle or rectangle, with a '12m' label indicating the radius or width of this zone. A label 'Yard' is placed near the top symbol. A label 'Corridor' is placed near the bottom of the red area. A legend on the right side of the diagram defines the symbols: a line for 'Centreline', a circle for 'Single Pole', a horizontal rectangle for 'Pi Pole', and a square for 'Tower'. The text 'Not to scale' is written at the bottom left of the diagram.</p>	<p>Include definition of 'National Grid Yard' as follows (subject to minor colour amendments to clearly show the separation distances):</p> <p><u>National Grid Yard: Means:</u> (A) the area located 12 metres in any direction from the outer edge of a National Grid support structure; and (B) the area located 12 metres either side of the centreline of any overhead National Grid line; (as shown in dark grey in diagram below)"</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
		 <p data-bbox="1279 1118 2011 1209"><u>Note: The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated."</u></p>
FS4.36 Federated Farmers	<p data-bbox="342 1281 680 1305"><i>Oppose submission 87.59</i></p> <p data-bbox="342 1310 1256 1393">The further submitter considers that the proposed definitions and buffer distances go significantly beyond NZECP distances and there is no justification or need for such an excessive intrusion on legitimate activities</p>	<p data-bbox="1267 1281 1357 1305">Reject</p> <p data-bbox="1267 1310 2040 1393">It is accepted that the recommended buffer distances do differ from the NZECP depending on the proposed activity and voltage of the lines. However, it is considered that the definition</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
	<p>of landowners hosting Transpower's assets.</p> <p>Specifically, the further submitter notes that there has been no justification for requiring a "buffer" within the area located 12m either side of the centrelines, which is considered excessive and unnecessary, particularly in the rural zones</p>	<p>creates some certainty for the Plan User, and compliance with the NZECP will be considered through the resource consent process.</p> <p>The approach is consistent with approaches developed in district planning documents locally and nationally.</p>
<p>87.60 Transpower NZ Ltd</p>	<p>Definition to add - "National Grid Corridor"</p> <p>The submitter considers more explicit provisions need to be included to manage the adverse effects of other activities on the National Grid, including a new definition of 'National Grid Corridor' to clarify the intent and application of proposed rules relating to activities within the vicinity of the National Grid electricity transmission lines.</p> <p>RELIEF SOUGHT:</p> <p>Include definition of National Grid Corridor: (shown in green in diagram above) as follows:</p> <p>"Means the area measured either side of the centreline of above ground National Grid line as follows:</p> <ul style="list-style-type: none"> • 16m for the 110kV lines on pi poles • 32m for 110kV lines on towers • 37m for the 220kV transmission lines <p>Note: The National Grid Corridor and National Grid Yard do not apply to underground cables or any transmission lines (or sections of line) <u>that are designated.</u>"</p>	<p>Accept</p> <p>It is recommended above that the subdivision rule include considerations for subdivisions within the 'National Grid Corridor'. It is considered that a definition of what is meant by this term is required for certainty.</p> <p>RECOMMENDATION</p> <p><u>"National Grid Corridor - Means the area measured either side of the centreline of above ground National Grid line as follows:</u></p> <p><u>(A) 16m for the 110kV lines on pi poles</u></p> <p><u>(B) 32m for 110kV lines on towers</u></p> <p><u>(C) 37m for the 220kV transmission lines</u></p> <p><u>Note: The National Grid Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated."</u></p>
<p>FS4.37 Federated Farmers</p>	<p><i>Oppose submission 87.60</i></p> <p>The further submitter considers that the proposed definitions and buffer distances go significantly beyond NZECP distances and there is no justification or need for such an excessive intrusion on legitimate activities of landowners hosting Transpower's assets.</p>	<p>Reject</p> <p>For the same reasons as those set out under further submission 4.36 above.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
	The further submitter considers that the Council simply needs to refer to the NZECP	
87.61 Transpower NZ Ltd	<p>Definition to add “National Grid Sensitive Activities”</p> <p>The submitter seeks a new definition of National Grid Sensitive Activities to clearly identify the types of activities that are particularly sensitive to transmission lines and can cause reverse sensitive effects.</p> <p>RELIEF SOUGHT: That a definition of National Grid Sensitive Activities be included in the Plan as follows:</p> <p><u>“National Grid Sensitive Activities</u> <u>Means buildings or parts of buildings used for, or able to be used for the following purposes:</u> <u>(A) Residential activity;</u> <u>(B) Education activity, except language schools, learning centres and tertiary education facilities;</u> <u>(C) Child Day Care activity; and</u> <u>(D) Hospital activity.”</u></p>	<p>Accept in part</p> <p>If amendments are made to the provisions as recommended above, the term National Grid Sensitive Activity will be included within the District Plan and for clarity it is recommended that this term be defined. The definition of ‘sensitive activity’ in the National Policy Statement on Electricity Transmission “includes schools, residential buildings and hospitals”. The definition suggested by the submitter is consistent with the approach being adopted in district plans around the country.</p> <p>However, it is considered that there may be other activities defined within the District Plan that incorporate residential and educational facilities that have not been included in the suggested provision. There is no justification for why these have been left out of the definition. There is also no justification as to why language schools, learning centres and tertiary education facilities have been excluded from the definition and what makes them less sensitive to the National Grid than other educational activities.</p> <p>RECOMMENDATION:</p> <p>Adopt a definition of the term ‘National Grid Sensitive Activities’ as follows:</p> <p><u>“National Grid Sensitive Activities</u> <u>Means buildings or parts of buildings used for, or able to be used for the following purposes:</u> <ul style="list-style-type: none"> • <u>Child Day Care activity;</u> • <u>Day Care activity;</u> • <u>Educational activity, except training related to the National Grid;</u> </p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
		<ul style="list-style-type: none"> • <u>Home Stay;</u> • <u>Hospital activity;</u> • <u>Papakainga;</u> • <u>Residential activity;</u> • <u>Residential Care Activity;</u> • <u>Visitor accommodation"</u>
SPECIFIC DEFINITIONS		
18.104 Environment Southland	<p>Support in part the definition of 'Infrastructure'</p> <p>The submitter considers that Flood Alleviation Works (stopbanks, detention dams and associated drainage works) should be added to the definition of Infrastructure as they are a very necessary part of the City's infrastructure and are required to protect the City from flooding from both the sea and rivers.</p> <p>RELIEF SOUGHT: Add as a <u>(J) flood alleviation works (stopbanks, detention dams and associated drainage works)</u></p>	<p>Accept</p> <p>Recommendations on the definition of 'Infrastructure' have been set out in response to submission 52.2 above. This definition includes "Flood alleviation works managed by the Council and/or Environment Southland".</p> <p>(This matter was also addressed in response to submission 18.46 above.)</p>
26.5(d) NZ Defence Force	<p>Oppose in part the definition of 'Infrastructure'</p> <p>The submitter believes that the definition of 'infrastructure' and the list of essential services do not provide sufficient scope to encompass the national and regional infrastructural values of defence facilities.</p> <p>RELIEF SOUGHT: The inclusion of 'strategic infrastructure' in the definition of infrastructure.</p>	<p>Reject in part</p> <p>Recommendations on the definition of 'Infrastructure' have been set out in response to submission 52.2 above. Defence facilities are included within the amended definition of 'Infrastructure' and as such there is no need to include the term 'strategic infrastructure' to address the submitter's concerns.</p>
FS25.20 Transpower NZ Ltd	<p>Support in part submission</p> <p>The further submitter considers that Transpower operates 'strategic infrastructure' and would support such a definition in the Proposed District Plan although the further submitter prefers the term 'nationally significant infrastructure'.</p>	<p>Reject in part</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
	<p>The further submitter considers that whilst 'rail' could be added to the list of activities covered by the definition of 'strategic infrastructure', rail corridors are often designated and are not subject to rules in the District Plan.</p> <p>The further submitter also suggests that 'military installations and activities are not usually included in the definition strategic infrastructure and that the infrastructure rules are not set up to include consideration of such facilities.</p>	
69.8 ICC Roading Manager	<p>Support in part the definition of 'Infrastructure'</p> <p>The submitter considers that the definition of infrastructure should be expanded to include reference to "gas", which may or may not be reticulated in the district in the future</p> <p>RELIEF SOUGHT: Include "<u>gas</u>" within the definition of "infrastructure".</p>	<p>Accept</p> <p>Recommendations on the definition of Infrastructure are set out in response to submission 52.2 above. The amended definition of "Infrastructure" and the newly defined term 'utilities' includes the distribution or transmission of natural or manufactured gas, petroleum, biofuel or geothermal energy.</p> <p>RECOMMENDATION: See recommendation in response to submission 52.2 above.</p>
52.16 NZ Police	<p>Support definition of maintenance and replacement.</p> <p>RELIEF SOUGHT Retain</p>	<p>Accept</p> <p>RECOMMENDATION: Retain definition of 'maintenance and replacement' as notified.</p>
87.57 Transpower NZ Ltd	<p>Support definition of maintenance and replacement.</p> <p>RELIEF SOUGHT: That the definition of Maintenance and Replacement is retained as notified.</p>	<p>Accept</p> <p>RECOMMENDATION: Retain definition of 'maintenance and replacement' as notified.</p>
102.21 Chorus NZ Ltd	<p>Support definition of maintenance and replacement.</p> <p>The submitter considers that the definition aids in clarifying existing use rights.</p> <p>RELIEF SOUGHT Retain</p>	<p>Accept</p> <p>RECOMMENDATION: Retain definition of 'maintenance and replacement' as notified.</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
104.20 Spark NZ Ltd	<p>Support definition of maintenance and replacement.</p> <p>The submitter considers that the definition aids in clarifying existing use rights.</p> <p>RELIEF SOUGHT Retain</p>	<p>Accept</p> <p>RECOMMENDATION: Retain definition of 'maintenance and replacement' as notified.</p>
87.58 Transpower NZ Ltd	<p>Support definition of National Grid.</p> <p>RELIEF SOUGHT: That the definition of National Grid is retained as notified.</p>	<p>Accept</p> <p>RECOMMENDATION: Retain definition of 'National Grid' as notified.</p>
23.3 Airways Corporation of NZ	<p>Support in part the definition of Radiocommunication Facility.</p> <p>The submitter notes that there is no activity status or reference to these facilities attributed to this activity in the plan.</p> <p>RELIEF SOUGHT: That the activity status of Radiocommunication facilities within the Proposed District Plan are clarified.</p>	<p>Accept</p> <p>Recommendations on Rule s3.9.21-3.9-24 above address the activity status of radiocommunications.</p> <p>RECOMMENDATION: It is recommended that the definition of 'Radiocommunications facilities be retained as notified.</p>
52.17 NZ Police	<p>Support.</p> <p>RELIEF SOUGHT: Retain the definition of "upgrading" particularly (F).</p>	<p>Accept</p> <p>RECOMMENDATION: Retain the definition of 'upgrading' as notified.</p>
102.22 Chorus NZ Ltd	<p>Oppose definition of Upgrading.</p> <p>The submitter notes that point (b) of the second part of this definition does not allow for additional cables for other infrastructure providers to be erected on existing structures. The submitter considers that this is inconsistent with Policy 2 in Section 2.9. The submitter considers that the ownership or purpose of the lines is irrelevant to the effects that the lines may have.</p>	<p>Reject</p> <p>It is considered that permitting the addition of lines is above and beyond what is generally considered to be 'upgrading'. It is accepted that both Policies 2 and 7 in 2.9.3 of the Proposed District Plan favour co-location where this is feasible and practical. However, this does not mean that the effects of new lines should not be considered through the consents process. The fact that the facilities will be co-located is a potential</p>

Submission No. and Point / Submitter Name	Summary of Submission	Decision Requested
	<p>RELIEF SOUGHT: Amend definition of upgrading as follows:</p> <p>Upgrading: Without limiting the meaning of “upgrading” in relation to infrastructure generally, in relation to electricity, telecommunication or radiocommunication lines and/or facilities, upgrading includes an increase in the carrying capacity, efficiency or security of electricity, telecommunication and radiocommunication lines and/or facilities utilising the existing <u>support</u> structures or structures of a similar scale and character, and includes:</p> <ul style="list-style-type: none"> (A) the addition of <u>lines</u>, circuits and conductors (B) the reconductoring of the line with higher capacity conductors (C) the resagging of conductors (D) the addition of longer or more efficient insulators (E) the addition of earthwires which may contain telecommunication lines earthpeaks and lightning rods (F) the replacement and/or alteration of antennas, masts, poles and associated structures <p>Upgrading shall not include, in relation to electricity, telecommunication or radiocommunication lines and/or facilities:</p> <ul style="list-style-type: none"> (A) An increase in the line voltage of the line unless the line was originally constructed to operate at the higher voltage but has been operating at a reduced voltage; or (B) The addition of further lines or cables to be used other than for the original purpose for which the structure was erected 	<p>positive effect that should be considered in light of the policies. It should also be noted that there are potential adverse effects of co-location. For example, there may be operational requirements when telecommunications and electricity lines are co-located that require the lines to be separated by certain distances. Telecommunications lines, for example, may have to be located lower than the existing electricity lines and therefore affecting the potential height of structures in the area. Other effects include the possibility that the new lines may be thicker, more visible, be heavier and/or sag lower. Such effects should be considered on a case-by-case basis in consideration of the proposed location.</p> <p>The definition of ‘upgrading’ as notified is similar to definitions used in District Plans elsewhere in the country,. However often the term, as defined, is referred to as ‘minor upgrading’</p> <p>RECOMMENDATION:</p> <p>Retain the definition of ‘upgrading’ as notified.</p>
FS12.15 PowerNet Ltd	<p>Support submission 102.22</p> <p>The further submitter considers that the ownership or purpose of the additional cables associated with network utilities is irrelevant to effects that the lines may have.</p>	<p>Reject</p>

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APPENDIX 2 - RECOMMENDED CHANGES TO THE PROPOSED DISTRICT PLAN

(Underline indicates recommended additions, strikethrough indicate recommended deletions.)

SECTION TWO – ISSUES, OBJECTIVES AND POLICIES

2.9 Infrastructure

The infrastructure of the Invercargill city district is an important physical resource. Infrastructure includes a range of facilities, services and installations that enable a community to function including:

- (A) ~~Network utility systems~~ Utilities such as street lighting, electricity, water supply, stormwater drainage, sewerage and roading.
- (B) Facilities of public benefit including navigation aids, meteorological facilities, lighting in public places, data recording and monitoring systems.
- (C) Installations for the receiving and sending of communications.
- (D) Land transport networks including rail, p~~o~~rt and airport facilities and installations.

The provision of infrastructure is essential for meeting the economic, social and health and safety needs of individuals and the community locally, regionally and nationally and it is appropriate for the District Plan to recognise these benefits. It is also appropriate for the District Plan to provide for these activities and their operation, upgrading, maintenance and replacement.

Where infrastructure is already in existence and has capacity, using existing infrastructure is preferable to building anew. Invercargill has substantial excess capacity in many areas already reticulated. Restricting extensions of infrastructure keeps the city compact and promotes efficient use of existing infrastructure. The potential adverse effects, including the benefits of the development of infrastructure, need to be carefully considered.

Under the Resource Management Act 1991 the providers of infrastructure for public works and network utilities are able to use procedures to designate land for such activities. Any request for such a designation will be assessed having regard to the provisions of the Resource Management Act 1991 applicable to the designation process, including having regard to the environmental effects of the proposal and associated works. ~~Any request for such a designation will be assessed having regard to the environmental effects of the activity and any works to be undertaken.~~

Not all infrastructure and its component parts can be undertaken by way of designation. As a result the District Plan must recognise and provide for appropriate infrastructure services and to avoid, remedy or mitigate any adverse environmental effects. Where subdivision and/or land use is undertaken, the provisions of infrastructure can be considered as part of that process.

The presence of infrastructure can influence the quality of the environment surrounding it, which is reflected in the need for specific port and airport related zones, and for the recognition of network corridors around infrastructure such as roads, the railway and the National Grid. To address potential reverse sensitivity effects, care needs to be taken locating activities that may affect the efficient and effective operation and development of such infrastructure.

Where subdivision and/or land use is undertaken, the provision of infrastructure, and/or any requirement to expand or upgrade existing infrastructure, is considered as part of the consenting process. The Council has also developed the Invercargill City Council Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure which aims to ensure that infrastructural works undertaken as part of a subdivision or land use development are done to an acceptable means of compliance with Acts and Council requirements. This bylaw sits outside the District Plan but will assist in achieving some of the desired outcomes.

Transportation infrastructure is also addressed under the Transportation provisions within the District Plan. Infrastructure associated with the Airport and Seaport is also provided for via the Transportation and Zone Specific provisions within the District Plan.

2.9.1 Issues

The significant resource management issues for infrastructure are:

1. Poor integration of subdivision, land use and development with existing local, regional and national infrastructure can ~~lead to inefficiencies, and~~ adversely affect the social and economic well-being of the community, as well as the safe and efficient functioning of infrastructure.
2. If infrastructure is not adequately developed, operated, used, maintained and upgraded it can deteriorate and fail to meet the needs of the community in an efficient way.
3. No change
4. No change
5. No change
6. The provision of well integrated and planned infrastructure is important for meeting the economic, social, cultural and health and safety needs of individuals and the community.

2.9.2 Objectives

Objective 1: No change

Objective 2: Infrastructure is developed, operated, maintained and upgraded whilst:

- (A) Efficiently and effectively meeting the current foreseeable needs within and between districts.
- (B) Fulfilling functional, locational, technical, and operational requirements and avoiding, remedying or mitigating the effects on the environment.
- (C) ~~Protecting infrastructure from incompatible subdivision, use and development, providing local, subregional and national benefits.~~

Objective 3: Existing infrastructure is protected from incompatible subdivision, use and development

Objective 4 3: To ensure that the location and design of ~~utilities~~ infrastructure avoids significant adverse effects on:

- (A) The aesthetic coherence and character of residential neighbourhoods and the health of residents.
- (B) The natural character of wetlands, and lakes and rivers and their margins.
- (C) Outstanding natural features and landscapes.
- (D) Areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- (E) The maintenance and enhancement of public access to and along lakes and rivers.
- (F) The relationship of Māori and their culture and traditions with their ancestral lands, water, wāhi tapu, and other taonga.
- (G) Heritage.

Objective 54: To provide for the sustainable, secure and efficient use operation, maintenance, upgrading and development of infrastructure ~~the electricity transmission network~~ seeking to avoid, remedy or mitigate adverse effects on the environment to the extent practicable, and while recognising the technical and operational requirements and constraints of the networks.

Objective 65: To recognise the importance of infrastructure ~~the electricity transmission network~~ to the social and economic well-being of the city, the Southland region and the nation.

2.9.3 Policies

Policy 1 Existing infrastructure: No change

Explanation: *It is essential that provision be made for the continued operation, maintenance and minor upgrades of local, regional and national infrastructure services. This should include targeted planning for future needs. ~~Essential infrastructure services include:~~*

- ~~(A) — Transmission lines.~~
- ~~(B) — Waste water systems.~~
- ~~(C) — Water supply networks.~~
- ~~(D) — Stormwater networks.~~

~~(E) — Drainage networks.~~

~~(F) — Telecommunications sites.~~

~~(G) — Airports.~~

~~(H) — Road and rail networks (as defined in the Southland Regional Land Transport Strategy).~~

~~(I) — Ports.~~

~~(J) — Network utilities.~~

Policy 2 Management of effects: To avoid, where practical, or remedy or mitigate impacts adverse environmental effects arising from the development, construction, operation, maintenance and upgrading of infrastructure on the environment.

Explanation: ~~While public infrastructure provides communities with essential services, this infrastructure should avoid, remedy or mitigate not detract from the adverse effects on the environment in which it is placed. This is especially important when looking to install new infrastructure. The Council is required to give effect to the National Environmental Standards for Telecommunication Facilities.⁴ Careful consideration of all infrastructure types and possible locations routes and sites should be completed to determine which option will avoid, remedy or mitigate adverse effects have the least impact to on the environment, enable the development of sustainable, secure and efficient infrastructure and ensure that infrastructure is integrated with surrounding land use. Such consideration should also recognise any locational, technical and operational constraints of the infrastructure. Assessments of environmental effects should have regard to all matters of national significance and adverse effects of construction. Consideration shall also be had to the relevant national policy statements and national environmental standards. Infrastructural providers should be encouraged to consider all options to address adverse environmental effects. These options may include consideration of alternatives and/or opportunities Infrastructure should be encouraged to co-locate or share facilities where this is feasible and practicable to minimise the cumulative effects of infrastructure on the environment.~~

Policy 3 Reverse sensitivity: To protect local, regional and national infrastructure from new incompatible subdivision, land uses and development activities under, over or adjacent to the infrastructure.

Explanation: ~~When managing existing infrastructure activities, the Council should take into account the benefits of the existing infrastructure and the constraints imposed by the technical and operational requirements of infrastructure. The Council is required to give effect to both the National Policy Statement on Electricity Transmission 2008 and the National Environmental Standards for Electricity Transmission Activities⁵ which relate to overhead transmission lines for electricity transmission activities.~~

⁴ -Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008

⁵ Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2008

To ensure the ongoing operation, maintenance and upgrading of infrastructure, the presence and function of the infrastructure should be recognised and careful consideration should be given to it where subdivision, land use and development is to be located in the vicinity of existing infrastructure and within network corridors.

Policy 4 Natural hazards: To avoid or mitigate the effects of natural hazards and climate change on infrastructure.

Explanation: New infrastructure and upgrades to existing infrastructure should be located or designed to avoid, or designed to mitigate, known natural hazard risks and climate change effects. ~~Planning, where possible, should consider the placement of infrastructure to avoid natural hazards, because of the need for essential services need to be as robust as they can be in the face of the uncertainties created by climate change.~~

Policy 5 Functional need: No change

Explanation: No change

Policy 5a6 ~~To discourage the location of telecommunications facilities in or adjacent to residential properties. To encourage radiocommunications and telecommunications facilities to be located outside residential areas unless there is a functional need to locate there.~~

Explanation: In order to maintain, enhance or protect amenity values, where a radiocommunications or telecommunications facility can be located outside residential areas, this will be the preferred option. For example, where the facilities can be located in an industrial area with a similar coverage rate, then this location would be preferred over a residential location. There can be widespread concern at the prospect of the erection of radiocommunications and telecommunications facilities in residential areas. Despite the provisions of the National Environmental Standard for Telecommunications Facilities, many people believe that emissions from these facilities can be harmful. Careful consideration of alternate locations and full consultation with affected parties can be helpful in alleviating people's concerns.

Policy 67 Undergrounding: To require the underground placement of network utilities where this is economically viable and technically feasible.

Policy 78 Co-location: No change

Explanation: ~~Network u~~Utilities can significantly affect the landscape and local amenity values and therefore should be designed, located and managed in a manner that avoids, remedies or mitigates their impact on the environment. Undergrounding, utility corridors, co-location and sharing of facilities are all methods that can minimise the visual effects of network utilities, and should, wherever practicable and economic, be encouraged when planning new infrastructure.

Note: Policies ~~8—14~~ 9-14 apply to the National Electricity Grid, being assets used or owned by Transpower NZ Limited.

Policy 89 Constraints: No change

Explanation: No change

Policy 910 Benefits: No change

Explanation: No change

Policy 1011 Route, site and method: No change

Explanation: No change

Policy 1112 Existing Effects: To consider reducing existing adverse effects of transmission infrastructure, including such effects on ~~noise~~ National Grid sensitive activities where appropriate, when substantial upgrades of transmission infrastructure are taking place.

Explanation: Works to substantially upgrade transmission National Grid infrastructure may provide the opportunity for reducing existing adverse effects created by the infrastructure. Transpower NZ Limited should be encouraged to consider such reductions when planning substantial infrastructure upgrades.

Policy 1213 Urban: To minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreation value or amenity and existing ~~noise~~ National Grid sensitive activities when planning and developing the ~~electricity transmission system~~ National Grid network.

Explanation: The urban environment contains high amenity areas and a high density of ~~noise~~ National Grid sensitive activities. The planning and development of the National Grid network ~~electricity transmission system~~ should ensure that any adverse effects on these areas are avoided or minimised.

Policy 1314 Rural: To seek to avoid adverse effects on outstanding natural landscapes, areas of high natural character and existing ~~noise~~ National Grid sensitive activities in rural environments when planning and developing the ~~electricity transmission system~~ National Grid network.

Explanation: Throughout the rural area, there are areas that are significant because of their landscapes or high natural character. The rural environment also contains various existing ~~noise~~ National Grid sensitive activities, including residential activity and educational activity. The planning and development of the ~~electricity transmission system~~ National Grid should seek to ensure that these areas are protected from adverse effects on these areas are avoided.

Policy 14 Relevant Standards: To refer to the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric magnetic fields (up to 300 GHz) (Health Physics, 1998, 74(4): 494-522) and recommendations from the World Health Organisation monograph Environment Health Criteria (No 238, June 2007) or revisions thereof and any applicable New Zealand standards or national environmental standards when dealing with and assessing electric and magnetic fields associated with the electricity transmission network.

Explanation: ~~In considering the effects of electricity transmission network activities the most up to date best practice guidelines and standards available~~

~~will be referred to when assessing the impact of electric and magnetic fields associated with the activity.~~

2.9.4 Methods of Implementation

Method 1 No change

Method 2 No change

Method 3 No change

Method 4 No change

Method 5 Recognise International Commission on Non-Ionizing Radiation Protection guidelines on exposure to time varying electric magnetic fields, recommendations from the World Health Organisation and any applicable NZ standards or national environmental standards when dealing with and assessing electric and magnetic fields and radiofrequency fields associated with utilities.

Method 6 Facilitation of information dissemination and consultation between infrastructural providers and the community.

2.14 SUBDIVISION

2.14.1 Issues

9. Subdivision and development can have adverse effects, including reverse sensitivity effects, on existing infrastructure, which can result in restricting the operation, upgrading and development of infrastructure.

2.14.2 Objectives

Objective 5: Subdivision and development is managed so that it avoids, remedies or mitigates adverse effects on the safe, efficient and effective operation, maintenance, upgrading and development of existing infrastructure.

Objective 9: No change

2.14.3 Policies

Policy 9 Infrastructure: To respect the operational, maintenance, upgrading and development requirements and reverse sensitivity issues associated with infrastructure including the National Grid, electricity lines, State Highways, railways and the airport.

Explanation: *Subdivision and development activities can have adverse effects on the operation, maintenance, upgrading and development of nearby infrastructure. Potential reverse sensitivity issues resulting from new subdivisions need to be managed to allow the infrastructure to continue to operate.*

SECTION THREE - RULES

3.9 INFRASTRUCTURE UTILITIES

3.9.1 RULES

Rule 1 General

~~3.9.1 — Except as provided for in Rules 3.9.2 to 3.9.24 below, infrastructure is a permitted activity.~~

~~(A) Utilities are a permitted activity subject the standards set out in Rules 2 – 8 below.~~

Rule 2 Maintenance

~~(A) The operation, maintenance and replacement, and upgrading and replacement of existing infrastructure is a permitted activity and is not required to comply with any other Rules or standards in this Plan.~~

Rule 3 Extensions

~~(A) Any extension to the Council's reticulated sewerage system services existing as at 30 July 2013 and/or shown in Appendix XI is a non-complying activity within the Rural 1, Rural 2, and Otatara zones.~~

Rule 4 National Grid Corridors

National Grid Electricity Transmission Line Corridors

~~3.9.4 — It is a restricted discretionary activity to erect buildings and structures other than farm fences between 12 and 32 metres of the centre line of any National Grid electricity transmission line.~~

~~The matters over which the Council shall exercise its discretion are:~~

~~(A) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34 2001).~~

~~(B) The location, height, scale, orientation and use of buildings and structures.~~

~~(C) The risk to structural integrity of the transmission line.~~

~~(D) The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.~~

~~(E) The risk of electrical hazards affecting public or individual safety and risk of property damage.~~

~~(F) The extent of earthworks required and use of mobile machinery near the transmission line which may be put at risk.~~

~~(G) — Minimising the visual effects of transmission line.~~

~~(H) — The written approval of the relevant line owner shall be supplied.~~

~~(I) — If the proposed infrastructure is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.~~

~~(J) — The functional need of the infrastructure to be located in the area and built in the manner proposed.~~

3.9.5 — ~~It is a discretionary activity to undertake earthworks within an area measured 12 metres from either side of the centre line of any National Grid electricity transmission line.~~

3.9.6 — ~~The following activities are exempt from Rule 3.9.5 above:~~

~~(A) — Earthworks undertaken in the course of constructing or maintaining utilities.~~

~~(B) — Normal agricultural activities or domestic gardening.~~

~~(C) — Repair, sealing resealing of an existing road, footpath or driveway.~~

3.9.7 — ~~It is a non-complying activity to erect buildings and structures other than farm fences within 12 metres either side of the centre line of any National Grid electricity transmission line.~~

3.9.8 — ~~Applications under Rules 3.9.5 and 3.9.7 above shall address the following matters, which will be among those taken into account by Council:~~

~~(A) — The location, height, scale, orientation and use of buildings and structures.~~

~~(B) — Any effects on the integrity of the transmission line.~~

~~(C) — The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.~~

~~(D) — The risk of electrical hazards affecting public or individual safety and risk of property damage.~~

~~(E) — The extent of earthworks required and use of mobile machinery near the transmission line which may be put at risk.~~

~~(F) — Volume, area and location of the earthworks, including temporary activities such as stockpiles.~~

~~(G) — Site reinstatement.~~

~~(H) — The use of mobile machinery near transmission lines which may put the line at risk.~~

- ~~(I) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001).~~
- ~~(J) The written approval of the relevant line owner shall be supplied.~~
- ~~(K) If the proposed infrastructure is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.~~
- ~~(L) The functional need of the infrastructure to be located in the area and built in the manner proposed.~~

(A) The following buildings and structures are permitted within the National Grid Yard:

- (a) A non-conductive fence located 5m or more from any National Grid Support Structure and no more than 2.5m in height
- (b) Any utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid
- (c) Any new non-habitable building less than 2.5m high and 10m² in floor area
- (d) Any non-habitable building or structure used for agricultural activities provided that they are:
 - (i) Located at least 12m from a National Grid Support Structure
 - (ii) Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial glasshouse
- (e) Alterations to existing buildings that do not alter the building envelope.

(B) Earthworks within the National Grid Yard, subject to Rule 3.17, is a permitted activity provided that:

- (a) Earthworks within 2.2 metres of a National Grid pole support structure or stay wire shall be no deeper than 300mm
- (b) Earthworks between 2.2 metres to 5 metres of a National Grid pole support structure or stay wire shall be no deeper than 750mm
- (c) Earthworks within 6 metres of the outer visible edge of a National Grid Transmission Tower Support Structure shall be no deeper than 300mm
- (d) Earthworks between 6 metres to 12 metres from the outer visible edge of a National Grid Transmission Tower Support structure shall be no deeper than 3 metres
- (e) Earthworks shall not create an unstable batter that will affect a transmission support structure
- (f) Earthworks shall not result in a reduction in the existing conductor clearance distance below what is required by Table 4 of New Zealand Electrical Code of Practice34:2001

(C) The following earthworks are exempt from (B) above:

- (a) Earthworks undertaken in the course of constructing or maintaining utilities
- (b) Earthworks undertaken as part of agricultural activities or domestic gardening
- (c) Repair sealing, resealing of an existing road, footpath, farm track or driveway

(D) Earthworks that does not comply with Rule 4(B)(a), (b), (c) or (d) above, shall be a restricted discretionary activity.

The matters over which the Council shall exercise its discretion are:

- (a) Any effects on the integrity of the transmission line
- (b) Any effects on the integrity of the transmission line;
- (c) Volume, area and location of the works, including temporary activities such as stockpiles;
- (d) Time of the works;
- (e) Site remediation;
- (f) The use of mobile machinery near transmission line which may put the line at risk;
- (g) Compliance with NZECP 34:2001; and
- (h) Outcomes of any consultation with Transpower New Zealand Limited.

(E) The following activities are non-complying within the National Grid Yard

- (a) Any new building or structure or addition to any building or structure not provided for above
- (b) Any change of use to a National Grid Sensitive activity or the establishment of a new National Grid Sensitive activity
- (c) Any earthworks that does not comply with Rule 4(B)(e) or 4(B)(f) above

Rule 5 Electricity Lines

- (A) It is a permitted activity to operate, maintain, upgrade, relocate, or remove an existing transmission line, including any of the following activities that relate to those things:
 - (a) A construction activity.
 - (b) A use of land.
 - (c) An activity relating to an access track to an existing transmission line.
 - (d) Undergrounding an existing transmission line.

Subject to the provisions of the National Environmental Standards for Electricity Transmission Activities (refer to Appendix XIV).

- (B) It is a permitted activity to erect new electricity lines up to (and including) 110kV in all Zones of the district, subject to the following standards:
 - (a) Other than where existing support structures are used, new lines are to be located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3 and 4, Industrial 1, 1A and 2, Otatara and Hospital Zones.
 - (b) Any lines crossing a navigable water body are located more than 10 metres above the level of the water body.
- (C) For the purposes of Rule 5(B) above, lines supported on poles are exempt from the height and recession plane standards of the Plan.
- (D) It is a restricted discretionary activity to erect any electricity lines up to (and including) 110kV that do not comply with Rules 5 (A) or (B) above and/or any applicable District Wide Rule and/or Zone standard.

The matters over which the Council shall exercise its discretion are:

- (a) The effect of the proposed electricity lines and associated structures on the ~~amenities~~ values of the immediate neighbourhood.
 - (b) If the proposed infrastructure is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.
 - (c) The functional need of the infrastructure to be located in the area and built in the manner proposed.
- (E) Except in the Smelter Zone and provided for in Rule 5(B), it is a discretionary activity to erect electricity lines greater than 110kV.

Rule 6 Electricity Substations

- (A) It is a permitted activity to erect electricity substations subject to the following standards:
- (a) ~~Except in the Rural 1 and 2, Seaport, Industrial 2, 3 and 4, and Smelter Zones, no ground-mounted structure shall exceed six square metres in area or two metres in height. No ground mounted structure shall exceed six square metres in area, and/or two metres in height, except in the Rural 1 and 2, Seaport, Industrial 2, 3 and 4 and Smelter Zones.~~
 - (b) No pole mounted structure shall exceed a volume of 0.6m³.
- (B) It is a discretionary activity to erect any electricity substation that does not comply with any part of Rule 6(A) above.

Rule 7 Communications – Line reticulation

- (A) Lines used for the conveying of telecommunications, television, electronic data and other such communications are a permitted activity in all zones of the district, subject to the following standard:
- (a) Other than where existing support structures are used, sSuch lines are located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3 and 4, Industrial 1, 1A and 2, Otatara and Hospital Zones.
- (B) Where an activity does not comply with Rule 7(A) above, the activity shall be a restricted discretionary activity.
- The matters over which the Council shall exercise its discretion are:
- (a) The effect of the proposed electricity lines and associated structures on the amenity values of the immediate neighbourhood.
 - (b) If the proposed infrastructure is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.

(c) The functional need of the infrastructure to be located in the area and built in the manner proposed.

(C) For the purposes of Rule 7(A) above, lines supported on poles are exempt from:

———— (a) ——— The height and recession standards of the Plan.

Rule 8 Telecommunications and Radiocommunications Facilities

3.9.21 — ~~The electronic sending and receiving of communications and associated structures, including (but limited to) telecommunications facilities is a permitted activity where it is to be located in the Airport Operations, Industrial 2, 3 and 4, Seaport and Smelter Zones, or where the facility is permitted, designed, built and operated in accordance with the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008 (Refer to Appendix XIII).~~

3.9.22 — ~~Where an activity cannot meet or is not covered by the standards set out in 3.9.21 and it is to be located in the Airport Protection, Business 1, 2, 3, 4 and 5, Hospital, Industrial 1 and 1A, and Rural 1 and 2 Zones, the activity is a discretionary activity where it is located at least 50 metres from the boundary with the Residential 1, 1A, 2 and 3 and Otatara Zones.~~

3.9.23 — ~~Where an activity cannot meet or is not covered by the standards set out in 3.9.21 and 3.9.22 above, the activity is a non-complying activity.~~

3.9.24 — ~~Applications under Rule 3.9.22 and 3.9.23 above shall address the following matters, which will be among those taken into account by the Council:~~

(A) — ~~The degree of non-compliance with the National Environmental Standard for Telecommunications Facilities and the effects of that non-compliance.~~

(B) — ~~The size and height of the antennae and their supporting structures.~~

(C) — ~~The proximity of the proposal to existing telecommunications facilities and the effects of that proximity, including the feasibility of co-location.~~

(D) — ~~The effects on any heritage values, indigenous biodiversity, outstanding or locally significant landscapes, and the coastal environment.~~

(E) — ~~If the proposed infrastructure is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.~~

(F) — ~~The functional need of the infrastructure to be located in the area and built in the manner proposed.~~

(A) Telecommunications and radiocommunications facilities are permitted activities subject to the following standards:

- a) All facilities shall be planned and operated in accordance with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3kHz to 300kHz
 - b) Any facilities located in the road reserve shall be designed, built and operated as permitted in the Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008 (Refer to Appendix XIII).
 - c) No mast shall exceed the specific height limits for the Zone which it is located
 - d) No antenna dish shall be greater than:
 - (i) 1.2m in diameter in the Residential 1, 1A, 2 and 3 zones and the Otatara Zone; or
 - (ii) 3m in diameter in all other zones
 - e) No antenna attached to an existing building shall extend above the building more than:
 - (i) 5m in the Industrial 1, 1A, 2, 3, and 4 Zones and the Rural 1 and 2 zones; or
 - (ii) 3.5m in all other zones
 - f) Masts, poles, or towers for telecommunications or radiocommunications facilities exceeding 0.6m in diameter at a point 4m above ground level, must be located:
 - (i) in all zones, other than the Residential 1, 1A, 2 and 3 zones and the Otatara Zone
 - (ii) no closer than 25m from any boundary with the Residential 1, 1A, 2 and 3 zones and the Otatara Zone
 - g) Telecommunications cabinets and radiocommunications equipment cabinets outside of the road reserve shall not exceed: 2.5m in height; or have a total floor area exceeding 1.8m² in floor area
 - h) All facilities located within the road reserve shall be designed, built and operated in accordance with the size and noise requirements set out in Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008 (Refer to Appendix XIII).
- (B) Telecommunications and radiocommunications facilities are discretionary activities where:
- a) The standards set out in Rule 8(A) are not met; or
 - b) Any facilities are located within a site identified in the District Plan as containing significant indigenous biodiversity, an outstanding natural feature or landscape, or an item of heritage value identified in Appendix II; or
 - c) Any facilities are located within the road reserve that is on the same side of the road as and next to land or sites that are identified in the District Plan as containing significant indigenous biodiversity, an outstanding

natural feature or landscape, or an item of heritage value identified in Appendix II

3.9.2 Assessment Matters

- (A) Applications under Rule 4 above shall address the following matters, which will be among those taken into account by Council:
- (a) The location, height, scale, orientation and use of buildings and structures.
 - (b) Any effects on the integrity of the transmission line.
 - (c) The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.
 - (d) The risk of electrical hazards affecting public or individual safety and risk of property damage.
 - (e) The extent of earthworks required and use of mobile machinery near the transmission line which may be put at risk.
 - (f) Volume, area and location of the earthworks, including temporary activities such as stockpiles.
 - (g) Site reinstatement.
 - (h) The use of mobile machinery near transmission lines which may put the line at risk.
 - (i) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001).
 - (j) Whether the written approval of the relevant line owner has been supplied.
 - (k) If the proposed utility is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.
 - (l) The functional need of the utility to be located in the area and built in the manner proposed.
- (B) Applications under Rule 5(D) above shall address the following matters, which will be among those taken into account by Council:
- (a) The effect of the proposed electricity lines and associated structures on the amenity values of the immediate neighbourhood.
 - (b) If the proposed infrastructure is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.

- (c) The functional need of the infrastructure to be located in the area and built in the manner proposed.
- (C) Applications under Rule 6(B) above shall address the following matters, which will be among those taken into account by the Council:
 - (a) The effect of the proposed substation on the amenities of the immediate neighbourhood.
 - (b) If the proposed infrastructure is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.
 - (c) The functional need of the infrastructure to be located in the area and built in the manner proposed
- (D) Applications under Rule 8 shall address the following matters, which will be among those taken into account by the Council:
 - (a) The degree of non-compliance with the National Environmental Standard for Telecommunications Facilities and the effects of that non-compliance.
 - (b) The size and height of the antennae and their supporting structures.
 - (c) The proximity of the proposal to existing telecommunications facilities and the effects of that proximity, including the feasibility of co-location.
 - (d) The effects on any heritage values, indigenous biodiversity, outstanding or locally significant landscapes, and the coastal environment.
 - (e) If the proposed infrastructure is to be located in land identified on the Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.
 - (f) The functional need of the infrastructure to be located in the area and built in the manner proposed.
 - (g) The benefits for the wider community

3.9.3 Notes

- (A) The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw 2013/1 Code of Practice for Land Development and Subdivision Infrastructure and may require authorisation pursuant to that bylaw. Infrastructure intended to be vested in Council ownership should be designed and constructed to meet the requirements of the Bylaw.
- (B) Under section 51 of the Government Roadings Powers Act 1989, works on State highways cannot be undertaken without the written permission of the NZ Transport Agency.
- (C) The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) contains restrictions on the location of structures and activities

in relation to the lines and needs to be met. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice. The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001).

- (D) Vegetation to be planted within the National Grid Corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003
- (E) All structures shall comply with the height limits in the “Airport Approach and land use controls” as detailed in the Planning Maps
- (F) Provisions on earthworks, other than earthworks within the National Grid Yard, are covered in the 3.17 Soils, Minerals and Earthworks

3.18 Subdivision

3.18.1 The following subdivision activities are controlled activities:

- (A) Subdivision of land to provide for a ~~network~~ utility.
- (B) Boundary adjustments.
- (C) Amendments to cross-lease subdivision.

Where they meet the following:

- (a) The site on which the activity is to be undertaken does not contain an item listed in Appendix II (Heritage Record).
- (b) Subdivision boundaries of any allotments which have existing buildings are being aligned to ensure that the buildings comply with the provisions of:
 - (1) The Building Act 2004 in terms of fire safety.
 - (2) The bulk and location requirements of the relevant zone.
- (c) The provisions of any National Policy Statement or National Environmental Standard.
- (d) Any subdivision of land does not occur within the National Grid Corridor

3.18.2 No change

3.18.4 No change

Electricity Transmission Lines National Grid Corridor

~~**3.18.5** Where subdivision of land creates new boundaries within an area measured 32 metres from either side of the centre line of an electrical transmission line designed to operate at or above 110kV, the following matters will be taken into account by the Council in exercising its discretion.~~

- ~~(A) The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing lines, for example through the location and design of roads, reserves, landscaping, earthworks and building platforms.~~
- ~~(B) The ability for maintenance and inspection of transmission lines including ensuring access.~~
- ~~(C) The ability to provide a complying building platform.~~
- ~~(D) Compliance with the NZ Electrical Code of Practice for Electrical Safe Distances.~~
- ~~(E) Whether any affected utility operator has provided written approval.~~

3.18.5 Subdivision of land within the National Grid Corridor shall be a discretionary activity where a building platform is identified on all allotments showing the principle dwelling or building is to be located outside of the National Grid Yard.

3.18.6 Any subdivision of land within the National Grid Corridor which does not comply with the discretionary activity standard under Rule 3.18.5 is a non-complying activity.

Applications under Rule 3.18.5 and 3.18.6 above shall address the following matters, which will be among those taken into account by the Council:

- (A) The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply with the safe separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP: 34 2001).
- (B) The extent to which the subdivision design mitigates the effects of the lines and the risk of potential injury and/or damage to property e.g. through the location of roads and reserves under the route of the line.
- (C) The ability for continued access to existing National Grid lines for maintenance, inspections and upgrading.
- (D) The extent to which potential adverse effects (including visual) are mitigated through the location of building platforms.
- (E) The extent to which the design and construction of the subdivision allows for activities to be set back from the National Grid to ensure adverse effects on and from the National Grid and on public safety are appropriately avoided, remedied, or mitigated.
- (G) The provision for the on-going operation, maintenance and planned upgrade of the National Grid.
- (H) The risk to the structural integrity of the National Grid; and
- (I) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid.
- (J) The results of consultation undertaken, including any written advice obtained, from Transpower New Zealand Ltd.

SECTION FOUR – DEFINITIONS

Antenna – means, for the purposes of 3.9 Rule 8, communications apparatus, being metal rod, wire or other structure, by which signals are transmitted or received, including any bracket or attachment but not any support mast or similar structure.

Infrastructure: means the systems, services, structures and networks associated with necessary for operating and supplying essential utilities and services to the community including but not limited to:

- (A) the supply and distribution of electricity
- (B) water supply
- (C) stormwater
- (D) street lighting and lighting of public land
- (E) the receiving and sending of communications, including telecommunications and radiocommunications
- (F) navigation aids
- (G) data recording and monitoring systems, including but not restricted to meteorological facilities
- ~~(H) roading and street furniture~~
- ~~(H)~~ sewage collection, treatment and disposal
- ~~(I)~~ the distribution or transmission of natural or manufactured gas, petroleum, biofuel or geothermal energy
- ~~(J)~~ the transportation network, including the roads, cycleways, walkways, airport, seaport and railway
- ~~(K)~~ defence facilities
- ~~(L)~~ Flood alleviation works managed by the Council and/or Environment Southland
- ~~(M)~~ anything described as a network utility operation in s166 of the Resource Management Act 1991

Mast: means, for the purposes of 3.9 Rule 8, any pole, tower or similar structure designed to carry antenna or dish antenna or otherwise to facilitate communications

National Grid Corridor - Means the area measured either side of the centreline of above ground National Grid line as follows:

- (A) 16m for the 110kV lines on pi poles
- (B) 32m for 110kV lines on towers
- (C) 37m for the 220kV transmission lines

Note: The National Grid Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated.

National Grid Sensitive Activities: Means buildings or parts of buildings used for, or able to be used for the following purposes:

- (A) Child Day Care activity;
- (B) Day Care activity;
- (C) Educational activity, except training related to the National Grid;
- (D) Home Stay;
- (E) Hospital activity;
- (F) Papakainga;
- (G) Residential activity;
- (H) Residential Care Activity; or

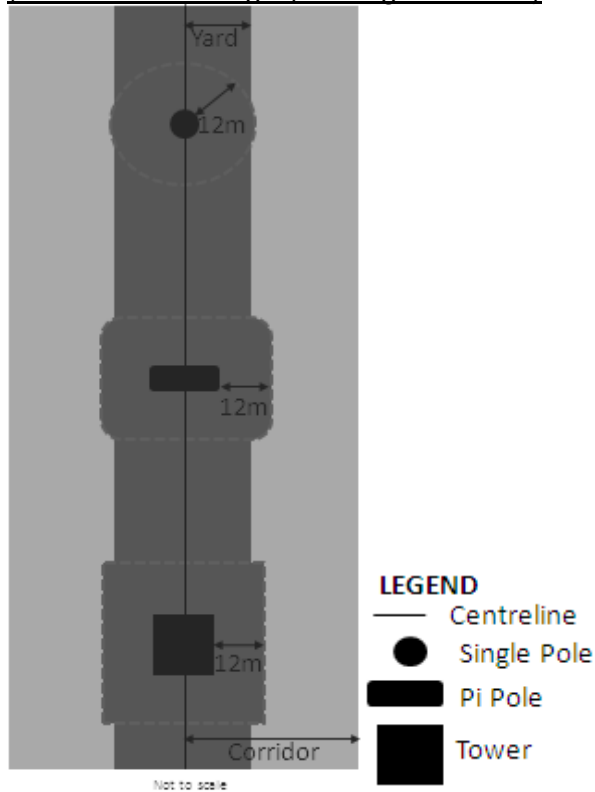
(I) Visitor accommodation

National Grid Yard: Means:

(A) the area located 12 metres in any direction from the outer edge of a National Grid support structure; and

(B) the area located 12 metres either side of the centreline of any overhead National Grid line;

(as shown in dark grey in diagram below)



Note: The National Grid Yard does not apply to underground cables or any transmission lines (or sections of line) that are designated.

Maintenance and Replacement: No change

Radiocommunication Facility: No change

Upgrading: No change

Utilities: means any activity or structure relating to —

(A) The supply or distribution of electricity

(B) Water supply

(C) Stormwater

(D) street lighting and lighting of public land

(E) The receiving and sending of communications, including telecommunications or radiocommunications

(F) Navigation aids

(G) Data recording and monitoring systems, including but not restricted to meteorological facilities

(H) Roading and street furniture

- (I) The railway network
- (J) Sewerage collection, treatment and disposal
- (K) The distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy;
- (L) Flood Alleviation, including but not restricted to stopbanks, detention dams and associated drainage works managed by the Council and/or Environment Southland

SECTION FIVE – APPENDICES

Appendix XI –Amend the maps in Appendix XI to show the location of the sewerage reticulation system servicing the Industrial zones in Awarua – see **Appendix 4** of this report

PLANNING MAPS

Amend Planning Maps by updating “Transpower Overhead Lines 110Kv or above)” and “Transpower Structures” data on Planning Maps to show most up-to-date information, as shown in **Appendix 3** of this report.

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Appendix 3 Maps showing current location of HV Transmission lines

Map 1 – Map showing most up-to-date data on National Grid lines and structures – including types of structures

Map 2 – Map showing area of change between the Operative District Plan and the current data available

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Appendix 4 Map showing location of Council's Reticulated Sewerage System servicing the Industrial zones in Awarua

Map recommended to be added to Appendix XI of the Proposed District Plan.

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