



## **PROPOSED INVERCARGILL CITY DISTRICT PLAN**

### **Decision No. 19**

### **Infrastructure**

#### **Hearings Committee**

Councillor Darren Ludlow (Chair)

Councillor Neil Boniface

Councillor Graham Sycamore

Keith Hovell

11 October 2016

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## **INTRODUCTION**

We have been appointed by the Invercargill City Council to consider and issue decisions on the submissions lodged to the Proposed Invercargill City District Plan. In this decision we consider the submissions lodged in relation to the Infrastructure provisions in the District Plan.

The Resource Management Act 1991 sets out various matters that impact on our considerations and deliberations. The key provisions are sections 5 - 8, 32, 75 and 76 of the Act, and the Second Part of the First Schedule to the Act. The Section 42A Report prepared for the Committee considered these matters in detail and we have had regard to those matters. Where the statutory provisions are of particular significance we have referred to them within this Decision.

In this Decision, the following meanings apply:

“Chorus” means Chorus New Zealand Ltd.

”Council” means the Invercargill City Council.

“Federated Farmers” means Federated Farmers of New Zealand.

“Further Submitter” means a person or organisation supporting or opposing a submission to the Proposed Plan.

“FS” means Further Submission.

“Hearings Committee” means the District Plan Hearings Committee established by the Council under the Local Government Act.

“IAL” means Invercargill Airport Limited.

“NPSET” means the National Policy Statement on Electricity Transmission gazetted in 2008.

“NZCPS” means the New Zealand Coastal Policy Statement 2010.

“NZECP” means New Zealand Electrical Code of Practice 34:200.

“NZTA” means New Zealand Transport Agency.

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

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

“RMA” means the Resource Management Act 1991.

“Spark” means Spark New Zealand Trading Limited.

“Submitter” means a person or body lodging a submission to the Proposed Plan.

At the commencement of the hearings, Crs Boniface and Ludlow declared an interest as Directors of PowerNet Limited, Cr Sycamore declared an interest as a Director of Invercargill City Holdings Limited and Commissioner Hovell declared a conflict of interest in relation to submissions lodged by Cunningham Properties Limited. The Councillors and Commissioner took no part in deliberations in relation to the submissions of the submitters referred to.

## **THE HEARING**

The hearing to consider the submissions lodged to the matters set out in this decision was held in the Council Chambers of the Invercargill City Council on 10 November 2014.

### **Section 42A Report**

The Hearings Panel received a report from Liz Devery, Senior Policy Planner with the Invercargill City Council. In her report, Mrs Devery stressed that infrastructure was

necessary to enable people and communities to achieve their social, economic and cultural well-being. She set out that the main objectives of the Proposed Plan were to provide for infrastructural activities, seek that they be used effectively and efficiently and ensure that development near infrastructure does not compromise its operation. She also acknowledged however that infrastructure can have adverse effects on the environment and the Plan seeks to manage those effects.

Mrs Devery advised the Committee that various terms referring to infrastructure were used inconsistently without clear definitions, and submissions lodged highlighted this, enabling corrections to be made. She also noted that the rules in Section 3.9 are not a complete code for utilities, with other District wide and Zone specific provisions also applying. She advised the Committee that with the structure of the Plan it was not practical to deal with infrastructure on a stand alone basis. Various submitters opposed this approach.

Mrs Devery recommended significant changes to the rules on land use and subdivision activities within the National Grid Corridor, to ensure consistency in approach, with other District Plan's locally and nationally. Other substantial changes to the rules on radiocommunication and telecommunication facilities are also recommended, acknowledging that some of these facilities may be acceptable at certain scales, and in certain areas of the District, while others may need a more considered approach.

In reply to questions from the Committee, Mrs Devery said that given the Council does not take financial contributions, the Plan sought to adopt a strong position and discourage the extension of infrastructure beyond the urban boundary. She also advised that issues associated with the design of infrastructure are to be included in a Council bylaw, with approval also being required under the bylaw for any extensions to Council infrastructure.

## **Submitters Attending the Hearing**

### **Federated Farmers**

Ms Tanith Robb appeared on behalf of Federated Farmers of New Zealand, reading a statement prepared by David Cooper, Senior Policy Adviser for Federated Farmers. Mr Cooper supported replacement of Rules 3.9.4 – 3.9.7 but had concerns that the recommendations in the Report go further than what is required by the New Zealand Electrical Code of Practice (NZECP), and is inconsistent with Environment Court mediated settlements. For some rules, he considers that merely referring to NZECP34:2001 will be sufficient, as done by other Councils, and this would remove the need for any plan changes should the Code of Practice be amended or replaced. As Transpower must give written approval to undertake certain activities or building structures within distances stated in the Code, Mr Cooper considers that rules which duplicate that process are unnecessary.

Specifically, Mr Cooper is concerned with the recommended new Rule 4(A)(a), referring to conductive and non-conductive fences, where the rules in the Proposed Plan were more restrictive than required by the NZECP. He also referred to the omission of reference to structures in Rule 4(A)(c). He referred to the NZECP, which permitted fences provided they were more than 5 metres from any support structure and no more than 2.5 metres high. He also suggested that in Rule 4(A)(d) reference be made to buildings associated with primary production rather than those associated with agriculture, as the latter does not include horticulture.

Mr Cooper also opposed changes to Rule 3.18.5, which required the identification of building platforms at the time of subdivision. Having regard to the approvals required under the NZECP, he did not see any need or benefit in that provision. He considered it more appropriate to assess the location of buildings when its purpose and design details are

known. Mr Cooper also opposed recommended changes on the placement of transmission lines and associated buffer distances which extend beyond those set out in the NZECP. It would be preferable, in his view, to merely refer to the requirements of NZECP.

In a further statement of evidence submitted following the presentation of Transpower, Kim Reilly, South Island Regional Policy Manager for Federated Farmers, expressed concern that Transpower is arguing that the NZECP is inadequate and contains safety concerns. She added that such a stance is contrary to previous agreements reached in RMA processes and reinforces the Federated Farmers view, that the most appropriate way to ensure ongoing consistency is to simply make reference to compliance with the NZECP. Mrs Reilly added that this was also appropriate having regard to the statements from Transpower at the hearing, that the Proposed District Plan rules on fencing and earthworks went further than the NZECP required. She thought that if there was a problem with NZECP, then that should be resolved at a national level, not as part of a District Plan hearing.

Mrs Reilly referred to the King Salmon Supreme Court decision, stating that this applied to the NZ Coastal Policy Statement 2010 (NZCPS) and opinion was divided on how far that extended. It is the view of Federated Farmers that the decision cannot be extended to the National Policy Statement on Electricity Transmission 2008 (NPSET), particularly given that the NPSET is subject to Part 2 of the RMA, unlike the NZCPS. Finally, Mrs Reilly stated her opposition to the various submissions of Transpower that went beyond the NZECP.

#### Transpower

Nicky McIndoe, of Kensington Swan, presented legal submissions summarising the changes sought by Transpower to the Proposed Plan seeking to give effect to the NPSET and establish a framework to effectively manage land use change near National Grid Infrastructure over the next ten years. She noted that Transpower's approach has been endorsed by the Board of Inquiry considering a private plan change at Ruakura and the setback distances approved in that case were also being sought for the Invercargill District Plan.

Ms McIndoe referred to a number of matters where Transpower agreed with the recommendations in the Section 42A Report, and at paragraph 12 listed those matters that were in dispute, including changes to the introductory text, various objectives and policies and rules relating to land use, and earthworks and buildings near transmission lines. Changes were also sought to the definitions of "infrastructure" and "utilities", and to the District Planning Maps.

Ms McIndoe referred to the RMA providing a hierarchy of planning documents, with national policy statements being at the top, and the provisions in them must be given effect to in other documents without any balancing of the RMA Part 2 matters.

Dougall Campbell, Transpower's Environmental Policy and Planning Group Manager, explained the National Grid assets within Invercargill City, and Transpower's approach to give effect to the NPSET, and how the national grid corridor approach has been implemented across the country.

Mr Campbell with the aid of photograph examples, also highlighted potential risks within transmission corridors arising from earthworks and mobile plant. He added at paragraphs 42 - 46:

NZECP34:2001 seeks to protect persons, property, vehicles and mobile plant from harm or damage from electrical safety hazards by setting out minimum electrical distances.

Some members of the public and interest groups around the country have asserted that compliance with NZECP34:2001 should be enough to ensure the safe and efficient use of land near the National Grid.

However, those assertions are incorrect. This is because they fail to acknowledge the range of electricity transmission issues covered by the NPSET. For example NZECP34:2001 does not address the other electrical safety hazards and the potential effects of the lines on the activities in close proximity to them.

Further NZECP34:2001 does not protect the integrity of the National Grid from the effects of other activities. For example, it does not restrict the subdivision of land near the lines, and it allows underbuilding. In addition, NZECP34:2001 does not distinguish between sensitive and non-sensitive activities, and therefore it does not prevent the types of inappropriate development contemplated by the NPSET from occurring.

To emphasis the point, NZECP34:2001 does not consider the environmental effects of activities on the National Grid on third party activities.

Mr Campbell also stressed that regulation of subdivision near to transmission lines is necessary to ensure that a safe dwelling site can be provided, and also enable Transpower to have input as an affected party. He noted that NZECP does not provide for the consideration of subdivision.

Wayne Youngman, an electrical engineer and Transpower's Director of Safety, in a written statement described the National Grid lines that are located within the city, and in some detail the maintenance expected and work programme on these assets over the next ten years, including:

- Conductor replacement and repairs
- Structure refurbishment (including steel painting and replacement)
- Insulator replacements
- Foundation replacement and repairs
- Vegetation control and management
- Access maintenance

Arising from the NPSET he stated:

Transpower has refined its approach to NPSET implementation to ensure that it only seeks the minimum district plan restrictions necessary. Under this refined approach, Transpower now seeks different size setbacks (National Grid Yards and Corridors) depending on the asset (for example whether it is 110kV or 220kV line, and whether it is on poles or towers). Activities are now considered very specifically, so that only those activities which are inappropriate are listed as non-complying, with everything else permitted. This is the key reason why Transpower does not support restricted discretionary or discretionary status (except for some earthworks activities). Activities that could have appropriately been consented as restricted discretionary or discretionary activities have been captured within the permitted activity status, and conversely those activities not appropriately consented as restricted discretionary or discretionary activities, have been captured within the non-complying activity status.

Mr Youngman also highlighted potential risks within transmission corridors, including electric shock, mobile plant near lines, earthworks and conductor drop. He briefly described the approach of Transpower in response to these risks, highlighting the need for controls in District Plans and having regard to risk in considering resource consents.



Claire Kelly of Boffa Miskell presented detailed written evidence to the Committee recognising that a number of points raised by Transpower had been accepted in the Section 42A Report, but seeking further refinements to the plan provisions to give full effect to the NPSET, which included:

- (a) Recognition of locational, technical and operational requirements in the Introduction to Section 2.9 of the Proposed Plan to balance the consideration of benefits and adverse effects.
- (b) Amending the recommended Objective 3 to refer to the operation, maintenance, upgrading and development of existing infrastructure.
- (c) Amending the notified Objective 3 to provide for the remediation and mitigation of adverse effects on identified areas/values.
- (d) Inserting two new policies and rules providing for a “National Grid Yard” (which applies to the area within 12 metres of support structures, within which incompatible structures and activities are controlled) and “National Grid Corridor” (which applies to areas up to 37 metres of the centreline of national grid lines depending on voltage, within which subdivision is controlled).
- (e) Inserting rules providing for earthworks which have greater effect than the provisions of NZECP.
- (f) Amending the definitions of Infrastructure and Utilities

Mrs Kelly stated that the recommended changes to the new Rule 4 did not reflect the approach adopted by other Councils, in particular there was no reference to vertical clearances. She preferred the approach advocated by Transpower in its submission, recognising that minor wording changes were required to be compatible with the terminology of the Invercargill Plan. With regard to the NZECP she said at paragraphs 75 – 77 of her evidence:

Policy 10 of the NPSET requires the Council to manage activities to avoid reverse sensitivity effects to the extent reasonably possible, i.e. take a proactive approach and ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised. I do not consider that the plan provisions as proposed (effectively the provisions of NZECP34:2001) represent proactive management of activities through the District Plan.

NZECP34:2001 sets minimum safe distances to primarily protect persons, property, vehicles and mobile plant from harm or damage from electrical hazards. As discussed in the evidence of Mr Youngman, NZECP34:2001 specifically prescribes, amongst other matters, minimum safe distances for earthworks from poles, wires and towers, but I understand that Transpower has found that these distances are insufficient to manage adverse effects, in particular ground instability causing the collapse or risking the collapse of poles and towers and providing access for maintenance.

Therefore in my opinion, the provisions to manage earthworks as sought by Transpower would give effect to Policy 10 of the NPSET in that they seek to ensure that the operation, maintenance, upgrading and development of the National Grid is not compromised. They also provide for the long-term strategic planning of the Grid.

Mrs Kelly then provided amendments to recommended Rule 4(A) she considered necessary. In reply to questions from the Committee, she explained that notwithstanding the provisions in the District Plan, approval is required under the NZECP from Transpower, where buildings and activities were proposed that were contrary to its provisions.

Ms McIndoe also advised that so far none of the appeals over District Plan provisions relating to transmission lines had been subject to a Court hearing, as all had been settled by

agreement. She went on to explain, that over time the matters Transpower had included in the submissions it lodged had widened, and for that reason the submission to the Invercargill District Plan included reference to earthworks. This was not part of the submission lodged to the Southland District Plan four years earlier, as the issues had not been fully understood at that time.

#### New Zealand Transport Agency

Anthony MacColl from NZTA presented written evidence in which he generally supported the recommendations in the Section 42A Report, although he did question whether “street furniture” was an appropriate inclusion in the definition of “utilities”.

#### South Port

John Kyle of Mitchell Partnerships, appeared with Hayden Mikkelsen, South Port's Infrastructure and Environmental Health and Safety Manager, and presented written submissions in which he stated that South Port generally supported the Section 42A recommendations. He did however express concern at the rejection of the submission referring to Objective 3, for the reason that the reference only to “avoidance of adverse effects” set the bar too high and was unachievable. In his view, this may compromise the ability to establish and/or upgrade infrastructure, and given the significance of the port's infrastructure it is appropriate to recognise that it is not practical to avoid adverse effects in all cases. He supported adding the words “remedy or mitigate” or “where practical” to the objective.

#### Invercargill Airport Limited

John Kyle of Mitchell Partnerships, appeared with Chloe Surridge, IAL's General Manager. He presented written submissions in which he covered the same points as those in the South Port presentation above.

#### PowerNet

Joanne Dowd of Mitchell Partnerships, appeared at the hearing together with Roger Paterson, PowerNet's Chief Engineer, noting that PowerNet supported many of the recommendations in the Section 42A Report.

In a written statement, Mrs Dowd described the view of PowerNet, that the infrastructure section of the District Plan should stand alone as a complete code, with no other plan rules applying, as adopted by some other Councils. In her view applying zone and other District Plan rules creates confusion for consenting and assessment matters, and does not recognise the regional importance of infrastructure which is necessary to provide for the social and economic well-being of the community. In her view, the effects arising from infrastructure are unique in nature and usually confined in extent. In that regard, Mrs Dowd also advised that PowerNet opposed changes recommended to Rule 2, particularly those that, in addition to the infrastructure section, required compliance with other District Plan rules.

With regard to Policy 2, Mrs Dowd considered too high a threshold was required by the use of the word “avoid” when referring to the effects of infrastructure. She sought reference to avoidance “where reasonably practical”.

PowerNet opposed Rule 3.9.10, which required undergrounding of new lines, because it was not always practical to do so. Mrs Dowd stated that requiring resource consent where undergrounding was not practical would result in unnecessary delays to the operation and maintenance of electricity distribution networks. She did not consider this matter had been adequately assessed under Section 32 of the RMA. She also opposed a blanket approach

for all zones, stating such an approach was not justified in industrial or business areas. In addition, in areas where existing overhead lines are available, it is unreasonable to require undergrounding where extensions are required when new houses are constructed. She therefore supported the rule being amended to require undergrounding only “where practical and technically feasible”.

Finally Mrs Dowd highlighted an inconsistency in the rules, with the terms “transmission line” and “electricity line” being used in different places, when only the latter is appropriate.

## **Material Tabled at the Hearing**

### Chorus and Spark

Written material was received from these businesses, previously Telecom NZ Ltd. With regard to objectives and policies it was noted that these relied heavily on the use of explanations for their understanding. Chorus and Spark opposed this approach because they are not required by Section 75 of the RMA, and have at best limited and worst no legal effect.

With regard to Policy 2, where the recommendation is to amend the explanation, Chorus and Spark consider this does not aid understanding of the policy, referring to different issues beyond the context of the policy. Similarly, it is asserted that explanations that give direction or state requirements have no legal standing, and would tend to confuse the policy.

With regard to Policy 6, Chorus suggested that the policy referring to undergrounding of lines should align to the rules, notwithstanding that a new rule framework was sought by the companies, as the existing rules were not clear and too restrictive. In particular, there was concern with the provisions that had been recommended for the height of masts. It was considered the Plan provisions were not practical to provide for the reasonable functioning of communication facilities, either masts or equipment cabinets. A more permissive regime was requested within those areas of lower sensitivity, as set out in a table provided.

Overall, Chorus and Spark wished to maintain their original submission points.

### Environment Southland

Gavin Guilder advised by email that Environment Southland supported the recommendations in the Section 42A Report.

## **MATTERS REQUIRING PARTICULAR CONSIDERATION**

### Complete Code for Infrastructure

Various submitters requested that the Infrastructure provisions in the Proposed Plan be written as a complete code with all relevant rules in the one section. At the hearing, Mrs Dowd provided evidence on behalf of PowerNet expressing the view that applying zone and other District Plan rules creates confusion for consenting and assessment matters, and does not recognise the regional importance of infrastructure which is necessary to provide for the social and economic wellbeing of the community. In her view the effects arising from infrastructure are unique in nature and usually confined in extent.

Mrs Devery in her Section 42A Report, described how 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. She stated that 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. This includes those applying to areas containing significant indigenous biodiversity, noise and lightspill.

The Committee noted that the scope of matters contained under the definition of infrastructure is wider than dealt with in many other district plans, including airport and port facilities, which by their nature and location also require specific zone provisions. In the circumstances, the Committee concluded that it was not practical to provide all provisions applying to infrastructure in the one section of the Plan. Even if the scope of infrastructure activities was limited, the Committee still preferred the approach of the Proposed Plan which adopts a consistent approach of setting out specific zone or activity rules with an overlay of other issues, including those under Section 6 of the RMA, which apply to all activities and their effects on these other matters.

The Committee also noted that it is predominantly companies that provide infrastructure, and in nearly all cases those companies engage consultants to assess activities and development proposals. Such professionals can be expected to have experience in applying the provisions of a number of District Plans written in a number of different styles. The Committee therefore placed little weight on the argument mounted by Mrs Dowd that the approach of the Proposed Invercargill City District Plan would result in confusion.

Taking the above matters into consideration, the Committee has rejected the submissions requesting that the infrastructure provisions in the Proposed Plan be written as a complete code. The Committee did note however that in Decision 14 it resolved to revise the Introduction to both Section Two and Section Three of the Proposed Plan to clarify how the plan is to be used.

#### Provisions Relating to the National Grid

Documentation provided to the Committee described the National Grid as the nationwide system of electric power transmission in New Zealand, owned, operated, and maintained by Transpower New Zealand. We were advised that various documents under the RMA are relevant in dealing with the National Grid in the Proposed Plan, including the National Policy Statement on Electricity Transmission 2008 and the National Environmental Standard for Electricity Transmission 2009. A New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) has also been developed. It was this latter document that was subject to much debate before the Committee, with opposing views being expressed by Federated Farmers and Transpower.

To assist in understanding the status and effect of NZECP 34:2001 the Committee was referred to the following description on the Transpower New Zealand web site<sup>1</sup>:

The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001), referred to as NZECP, is a regulation under the Electricity Act. Compliance with its provisions is mandatory.

NZECP specifies minimum safe separation distances for persons, buildings/structures, mobile plant, and earthworks from National Grid lines (including their support structures).

In addition to the National Grid Yard, buildings and structures must also comply with the minimum safe clearance requirements in NZECP. It is important that construction methodology (i.e. how things are built and erected) is also considered - construction activities must also comply with NZECP, not just the finished product.

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<sup>1</sup> <https://www.transpower.co.nz/safe-separation-distances>

Sometimes NZECP requirements require setbacks or clearances that are greater than the National Grid Yard. The safe distances specified in NZECP differ depending on the voltage of the line, the position of the support structures, the length of the span crossing your site, and the topography.

David Cooper of Federated Framers, in a statement of evidence presented by Tanith Robb, expressed the view that District Plans should not go further than what is required by NZECP. He considers that merely referring to NZECP34:2001 will be sufficient, and as Transpower must give written approval to undertake certain activities or building structures within the distances stated in the Code, rules which duplicate that process are unnecessary. Mr Cooper also opposed the requirement to identify building platforms at the time of subdivision. Having regard to the approvals required under NZECP he did not see any need or benefit in that provision. He considered it more appropriate to assess the location of buildings when its purpose and design details are known. Mr Cooper also opposed changes recommended in the Section 42A Report, on the placement of transmission lines and associated buffer distances which extend beyond those set out in NZECP.

Dougall Campbell, Transpower's Environmental Policy and Planning Group Manager, in his evidence highlighted:

- The NZECP seeks to protect persons, property, vehicles and mobile plant from harm or damage from electrical safety hazards by setting out minimum safe electrical distances.
- The NZECP does not address the other electrical safety hazards and the potential effects of the lines on the activities in close proximity to them. Nor does NZECP protect the integrity of the National Grid from the effects of other activities. For example, it does not restrict the subdivision of land near the lines, and it allows underbuilding.
- In addition, the NZECP does not distinguish between sensitive and non-sensitive activities, and therefore it does not prevent the types of inappropriate development contemplated by the NPSET from occurring.
- Regulation of subdivision near to transmission lines is necessary to ensure that a safe dwelling site can be provided, and also enable Transpower to have input as an affected party, as the NZECP does not provide for the consideration of subdivision.

In a further statement of evidence submitted following the presentation of Transpower, Kim Reilly from Federated Farmers, expressed concern that Transpower is arguing that the NZECP is inadequate and contains safety concerns. She thought that if there was a problem with the NZECP then that should be resolved at a national level not as part of a District Plan hearing.

Mrs Devery, in her Section 42A Report, in response to the submissions lodged, acknowledged that activities should comply with the NZECP. She substantially agreed with Transpower that given the variables involved in meeting the NZECP, it would be more user-friendly for the District Plan to specify what type of buildings or structures are permitted in proximity to transmission lines, and in cases where there was non-compliance, the requirements of the NZECP could be had regard to as a matter of discretion.

The Committee was accepting that there are various matters contained in the National Policy Statement on Electricity Transmission 2008 and the National Environmental Standard for Electricity Transmission 2009 that must be given effect to in District Plans. It considered however, that it had a discretion as to the approach it adopted with regard to the NZCEP. In that regard, the Committee struggled to understand the value of requiring a consent for a

matter that will ultimately be determined by another body, namely Transpower. If there is non-compliance with the NZCEP provisions, then that must be approved by Transpower under the Electricity Act, subject to any conditions that it may wish to impose. If that approval is given, the Committee considered there was no added value in also requiring a resource consent for the same issue to be considered. Clearly, if the non-compliance was approved by Transpower, it would give its written approval, or otherwise indicate it had no objection, to the “parallel” resource consent being approved. There would in effect be no matters for the Council to determine. As a consequence, the Committee considered the approach of Federated Farmers to be compelling, namely that it is an unnecessary duplication of procedures to require resource consent approval for any non-compliance with the NZCEP. The Committee however considered it appropriate to forward details of any building consents sought within the areas identified by NZCEP for their information. The Committee considered including a new policy to that effect, but concluded that 2.9.3 Policy 3 referring to reverse sensitivity effects on infrastructure was sufficient. It has however, included an additional method highlighting that Transpower will be advised of any resource consents and building consents received by the Council that fall within the parameters of the NZCEP.

Flowing from that, the Committee agreed with Federated Farmers that in general there was no value in including rules in the Proposed Plan incorporating the provisions of the NZCEP, and that if the NZCEP was deficient in any way, the solution was to amend it rather than seek the inclusion of rules in a District Plan. It was of some concern to the Committee that the provisions that Transpower sought to include in different District Plans was a moving feast, without consistency. The Committee also noted that other techniques were available to Transpower to manage activities and their effects in proximity to electricity transmission lines, including National Environmental Standards and designation. Having regard to Section 32 matters these are considered more appropriate methods to adopt.

Transpower highlighted that subdivision is not captured by the NZCEP. In that regard the Committee noted that Rule 3.18.4 provided for any electricity transmission lines to be identified on land subject to subdivision, and for regard to be had to any adverse effects, including reverse sensitivity effects, on those lines. Clearly, that would generate consideration of consultation and/or written approval being sought from the owner of those lines. The Committee was therefore satisfied that the appropriate procedures were in place when land was being subdivided.

Transpower also sought the identification of building platforms at the time of subdivision. In the case of large rural lots the Committee agreed with Federated Farmers that this is not practical, particularly given that decisions on the location of buildings will rest with future land owner farmers. Put simply, it is unreasonable to restrict the location of buildings on large rural lots when it is only a small area within which buildings should be restricted. That is a matter that can be considered by way of a condition or covenant at the time of subdivision.

The Committee accepted that for smaller lots, such as those with an area of two hectares, which include land within the areas restricted by the NZCEP, then it may be desirable to identify building platforms if subdivision is permitted at all. Again, however, this can be considered at the time of subdivision, and no separate rule is required given that, under the Proposed Plan, all subdivisions require consent as a discretionary activity and there is no limit as to the matters to which regard can be had. In such cases, it may be more practical to identify “no-build” areas and to impose appropriate restrictions, rather than identify particular building platforms. However, that should not duplicate the provisions of the NZCEP which, depending on the voltage of transmission lines, controls buildings and other structures up to 11 metres beneath, and 22.5 metres each side, of transmission lines. In the Committee’s view each case needs to be considered on its merits.

### Provisions Relating to Telecommunication and Radiocommunication facilities

Mrs Devery, in her Section 42A Report, recommended in response to submissions, that the provisions on telecommunication facilities be deleted and replaced with rules on radiocommunication and telecommunication facilities. While her recommended revised rules were similar to that in the Operative District Plan, she promoted a stricter approach in relation to masts, poles or towers for communication facilities in residential areas. She considered this appropriate given that members of the community have concerns over the effects of these structures.

Chorus and Spark, by way of written submissions, asserted that the amended provisions were not practical and did not provide for the reasonable functioning of communication facilities, either masts or equipment cabinets. A more permissive regime was requested.

The Committee noted that the height of masts and antennas, and the size of equipment cabinets, were both in dispute between the submitters and Council advisers.

With regard to the height of masts and structures, the Committee accepted that communication facilities would not operate effectively unless provided for at a height generally greater than structures allowed by zone rules. The Committee also acknowledged that the network of masts and other structures was expanding over time to enable effective coverage and use. This is particularly the case in residential areas. The Committee also accepted that in areas of low sensitivity, such as rural locations, and various business and industrial areas not near residential land, a more permissive approach than recommended by staff was appropriate.

While members of the community may have concerns over the location of communication facilities, the Committee was satisfied that various government regulations ensured that no public health risk was present and that the only valid environmental effect related to amenity. Impacts on amenity are related to the height of structures and the bulk of attachments on those structures. Other than these matters, the Committee concluded there was no resource management reason to require masts and structures used for communication purposes to obtain resource consent. The Committee considered that the revised rules it has adopted provided for the adequate protection of amenity.

## **SECTION 32 MATTERS**

### **Requirements**

The Committee was advised by Mrs Devery that Section 32 of the RMA establishes the framework for assessing objectives, policies and rules proposed in a Plan, and that a Report was released at the time of notification of the Proposed Plan in compliance with those provisions. The Committee was also advised that 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 Plan was notified, with the detail of the assessment corresponding with the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the changes made to the Proposed Plan.

As the Committee understands its obligations, it is required to:

- (i) Assess any changes made to objectives to determine whether they are the most appropriate way to achieve the purpose of the RMA.

- (ii) Examine any changes made to the policies and rules to determine whether they are the most appropriate way to achieve the objectives of the Proposed Plan. This includes:
- Identifying 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)
  - Identifying other reasonably practicable options for achieving the objectives; and
  - Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

The Committee however, is not required to assess in accordance with Section 32 of the RMA any changes to the issues and or explanatory text of provisions.

### **Assessment**

Mrs Devery in her Section 42A Report recommended a number of changes to the rules in Proposed Plan. She assessed each of these having regard to the provisions of Section 32 of the RMA, concluding that all were desirable and would achieve the relevant objectives and policies of the Proposed Plan. For those decisions that reflect the recommendations made by Mrs Devery, the Committee agrees with that assessment and adopts it.

The decision makes a number of amendments to the policies, rules and definitions that differ from the recommendations in Mrs Devery's Section 42A Report. These amendments are as follows:

- Replacing 2.9.3 Policy 4 Natural Hazards and its explanation with a new policy.
- Amending 2.9.3 Policy 7 Undergrounding and its explanation to ensure regard is had to how utilities are presently located.
- Amending the provisions relating to the National Grid including the addition of a new 2.9.4 Method 7; replacing the Electricity Transmission Line rules at 3.9.4, including adding a new Rule 3.17.10 to the Soils, Minerals and Earthworks section of the Plan; amending the matters to be taken into account by Council under Rule 3.18.5 when considering the subdivision of land in close proximity to high voltage transmission lines; and amending the definition for National Grid Corridor, including amending the size of the corridor.
- Amending Rule 3.9.3 to better recognise that extensions may be necessary in areas currently served by both reticulated water and/or sewerage systems.
- Amending the way in which communications masts are provided for under Rule 3.9.21.
- Adding to Rule 3.38.11 a new assessment matter that requires consideration of on-site sewage treatment and disposal, for residential activity on an undersized lot in the Rural Zone.

#### **2.9.3 Policy 4 Natural Hazards**

Decision 19/46 replaces 2.9.3 Policy 4 in the notified version of the Proposed Plan with a new policy that the Committee considers better enables a pragmatic response to the effects of natural hazards and climate change. This change recognises that completely eliminating all of the risk associated with natural hazards is not always going to be feasible when establishing and operating infrastructure that is essential for communities to provide for their economic and social wellbeing. It is considered the new Policy is the most appropriate way



of achieving the objectives of the Infrastructure section of the Plan, as amended by this decision.

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. It is considered that the amendments to this Policy are of a minor nature and do not require further evaluation of their economic, social, cultural, environmental and employment impacts. The revised policy still seeks to address the effects of natural hazards and climate change on infrastructure, but now does so recognising the limitations that exist in doing that while still providing for economic and social well-being.

### 2.9.3 Policy 7 Undergrounding

This Policy has been amended to ensure that when installing utilities, regard is given to how such utilities are presently located, and the economics and practicality of undergrounding. The amendments help infrastructure providers to obtain greater efficiencies, and thereby provide for their economic well-being, by providing them some flexibility in situations where existing utilities are located aboveground, or where undergrounding isn't economically viable or technically feasible. The amended Policy is considered the most appropriate means of achieving the objectives of the Infrastructure section of the Plan, as amended by this decision.

It is considered that the amendments to this Policy are of a minor nature and do not require further evaluation of their economic, social, cultural, environmental and employment impacts. Despite offering infrastructure providers a greater degree of flexibility in how they provide utilities, the intent of the policy is still asserting the importance of undergrounding utilities where appropriate. This additional flexibility is unlikely to be detrimental to the environment as the adverse effects associated with the establishment of any aboveground utilities are likely to be either pre-existing (in areas where existing utilities are located aboveground), or manageable by way of resource consents (in areas where existing utilities are underground, or there are currently no utilities in place).

### National Grid Provisions

Decision 19/66 deletes the Electricity Transmission Lines rules from the notified Proposed District Plan and replaces them with a suite of new provisions relating to the operation of the National Grid and the NZECP. These new provisions include a new Method directing that Transpower NZ be advised of any consent applications received for subdivision and development within the National Grid Corridor and Yard, and a new rule in Section 3.17 Soils, Minerals and Earthworks managing earthworks activities within these same areas. Additionally, Decision 19/84 amends the definition of National Grid Corridor from that recommended in Mrs Devery's Section 42A Report by applying a 25m corridor either side of aboveground National Grid lines, regardless of their voltage; and Decision 19/81 revises the matters that are to be taken into account when considering subdivision affecting land within the National Grid Corridor.

The Committee considers that the amendments to the provisions are of a minor nature and are required to ensure the District Plan is consistent with, and gives effect to, the National Policy Statements and National Environmental Standards. Therefore further evaluation of their economic, social, cultural, environmental and employment impacts is not required. The amendments will, in effect, permit more activities within the National Grid Corridor and National Grid Yard than what was provided for in the notified version of the Proposed District Plan. Therefore the provisions will allow for communities to better provide for their economic and social needs, while still ensuring that the operation of this nationally and regionally significant infrastructure is safe and secure. Compliance with the NZ Code of Practice for

Electrical Safe Distances still applies, but is enforced outside of the District Plan. The amendments remove the duplication in terms of enforcing this standard making the provisions more user-friendly. They also provide clearer guidance to applicants as to the issues that need to be taken into account when considering development within the vicinity of the National Grid.

#### Rule 3.9.21

Decision 19/70 amends Rule 3.9.21 to improve its clarity for Plan users. These amendments include changes to the way communications masts are managed. Under the changes recommended by Mrs Devery in her Section 42A Report, masts were restricted to whatever the maximum height allowance is for the underlying zoning of the property on which it is located, and any masts greater than 0.6m in diameter at a point 4m above ground level were excluded from being located in certain zones (being those with higher amenity expectations). The amendments under Decision 19/70 now provide for specific limits for masts in each zone, some of which are considerably higher than the limits for other buildings and structures, and some of which are more restrictive. The amendments also now exclude the larger diameter masts from the Business 2 and Business 4 Zones.

The amendments are considered to be of a moderate scale and significance. The height limits for masts in the high amenity zones (i.e. the residential zones, suburban business zones and Otatara) remains as proposed by Mrs Devery, being 10 metres, the same height limit applied to any other building or structure in those zones. While this limit is slightly more restrictive than what was provided for in the Operative District Plan (which allowed a mast to extend 3m above the maximum height for those zones, giving a maximum height for as mast of 13m, the exception being the Suburban Service Sub-Area/Business 2 Zone in which masts up to 18m in height were permitted), it allows masts to be managed as a permitted activity where it is in keeping with the anticipated amenity of these zones. Under the notified Proposed District Plan, masts for telecommunication purposes would have required resource consent as a non-complying activity.

For masts in the lower amenity working environments, such as the Industrial, Seaport, Smelter and Rural Zones, larger masts are in keeping with the anticipated amenity for these areas and are more easily absorbed into the environment without generating significant adverse effects on amenity. For this reason they have been provided with height limits that are in some cases double the limits for other types of buildings and structures in the same zone. It is accepted that these limits are somewhat more restrictive than what was provided for in the Operative District Plan for the corresponding zones, and are a significant change in approach from the notified version of the Proposed District Plan where telecommunication facilities were permitted as of right in these zones without any height restrictions. However, the height limits that have been established through this decision are in keeping with the environmental context of each of the zones, and should be sufficient to provide for the establishment of adequately sized masts.

Overall, the amendments will likely result in more resource consents for masts than what has been the case in the past, and this will impose extra costs on those parties seeking to establish them. However, the rule has been designed to direct the establishment of larger masts into areas where they assimilate more easily into the environment and are generally more acceptable, and so the actual number of masts requiring consent is not likely to be significant. As such, the costs associated with the revised approach to managing masts under the amended Rule 3.9.21 are likely to be outweighed by the benefits resulting from being better able to control the effects of such activities on the environment. It is considered that the amendments are the most appropriate means of achieving the Objectives of the Infrastructure section of the Plan.

### Rule 3.9.3

Decision 19/65 amends Rule 3.9.3 to provide for extensions to the Council's infrastructure that may be necessary within existing urban areas. The Committee considers that allowing for extensions to the Council's reticulated water system within the identified Water Supply Area, and extensions to the Council's reticulated sewerage system to properties within the identified Sewerage Reticulation Area, facilitates orderly development and is therefore acceptable as a permitted activity. The amendments are considered to be of a minor nature and therefore do not require further evaluation of their economic, social, cultural, environmental and employment impacts. The amendments will allow for infrastructure extensions in areas where this has already been anticipated by the Council and therefore can be accommodated relatively easily and without significant additional cost or pressure on the system. As a result, some properties that would have required resource consent to connect to services under the notified Proposed District Plan rule, despite their connection being anticipated, will now be able to do so as of right as a permitted activity. The amendments will not disadvantage any properties outside of the identified service areas as they would have required resource consent as a non-complying rule under the notified rule regardless. The amendments are considered the most appropriate means of achieving the Objectives of the Infrastructure section of the Plan in that it recognises the technical and operational constraints of the City's infrastructure and will ensure it continues to operate effectively and efficiently.

### Rule 3.38.11

Decision 19/65 makes a minor amendment to Rule 3.38.11 by adding a new assessment matter to ensure that the ability to provide for on-site sewage treatment and disposal is taken into account when considering applications for residential activity on undersized lots in the Rural Zone. This matter appears to have been overlooked in the drafting of the Proposed District Plan, but it is noted that the list (A) – (H) under the notified version of 3.38.11 is not exhaustive, and on-site sewage treatment and disposal was likely to have been an additional matter the Council was able to, and most likely would have, taken into account when considering applications under this rule. For that reason the amendments are not considered significant and therefore do not require further evaluation of their economic, social, cultural, environmental and employment impacts.

Dated at Invercargill this 11<sup>th</sup> day of October 2016



Councillor Darren Ludlow (Chair)



Councillor Neil Boniface



Councillor Graham Sycamore



Keith Hovell

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## APPENDIX 1 - Decisions by Submission

Submission	Decision
<b>GENERAL ISSUES</b>	
<p><b>69.1 ICC Roading Manager</b>  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><u>Relief Sought:</u> 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><b>70.1 ICC Water Services Manager</b>  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><u>Relief Sought:</u> 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><b>Decision 19/1</b>  These submissions are noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The Bylaw sits outside the District Plan, as it is a technical document detailing the standards for infrastructure that is either in the Council's ownership or to be vested in the Council's ownership.</li> <li>2. In the same way that the standards applying to the construction of buildings is dealt with as part of building consents, there is no need for planning processes to consider detailed design issues for infrastructure.</li> <li>3. The Bylaw contains procedures for the consideration of requests to deviate from the standards, and it would be an unnecessary duplication of procedures to require a resource consent for the consideration of the same matter.</li> </ol>
<p><b>52.2 NZ Police</b>  The submitter notes that the Proposed District Plan refers to infrastructure, utilities or network utilities, yet only infrastructure is defined.</p> <p><u>Relief Sought:</u> Use consistent terminology for infrastructure, utilities and network utilities throughout the Proposed District Plan.</p>	<p><b>Decision 19/2</b>  This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <p>(i) Replace the definition of Infrastructure with the following:</p> <p><b>Infrastructure:</b> Means the system, services, structures and networks <del>associated with</del> necessary for operating and supplying essential utilities and services to the community <u>including but not limited to:</u></p> <ol style="list-style-type: none"> <li>(A) the supply and distribution of electricity</li> <li>(B) water supply</li> <li>(C) stormwater</li> <li>(D) street lighting and lighting of public land</li> <li>(E) the receiving and sending of communications, <u>including telecommunication and radiocommunication</u></li> </ol>

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	<p> <u>(F) navigation aids for aircraft, boats and other such water craft</u>  <u>(G) data recording and monitoring systems, including but not restricted to meteorological facilities</u>  <del>(H) roading and street furniture</del>  <del>(H)</del> <u>(H) sewage collection, treatment and disposal</u>  <u>(I) the distribution or transmission of natural or manufactured gas, petroleum, biofuel or geothermal energy</u>  <u>(J) the transportation network, including the roads, cycleways, walkways, airport, seaport and railway</u>  <u>(K) flood alleviation works managed by the Council and/or Environment Southland</u>  <u>(L) anything described as a network utility operation in s166 of the Resource Management Act 1991</u> </p> <p>(ii) Include a definition of ‘Utilities’ as follows:</p> <p><b>Utilities</b> means any activity or structure relating to:</p> <p> <u>(A) The supply or distribution of electricity</u>  <u>(B) Water supply</u>  <u>(C) Stormwater</u>  <u>(D) Street lighting and lighting of public land</u>  <u>(E) The receiving and sending of communications, including telecommunication or radiocommunication</u>  <u>(F) Navigation aids for aircraft, boats and other such water craft</u>  <u>(G) Data recording and monitoring systems, including but not restricted to meteorological facilities</u>  <u>(H) Roading and street furniture</u>  <u>(I) The railway network</u>  <u>(J) Sewage collection, treatment and disposal</u>  <u>(K) The distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy;</u>  <u>(L) Flood Alleviation, including but not restricted to stopbanks, detention dams and associated drainage works managed by the Council and/or Environment Southland</u> </p> <p>(iii) In the Proposed Plan replace references to ‘Network Utilities’ with the term ‘Utilities’ as appropriate.</p> <p><b>Reason</b></p> <p>There is inconsistent use of the terminology through the District Plan and the above amendments correct that.</p>

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<p><b>87.1 Transpower NZ Ltd</b>  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><u>Relief Sought:</u> Amend where appropriate references to 'electricity transmission' to 'National Grid' and any consequential amendments.</p>	<p><b>Decision 19/3</b>  This submission is accepted.</p> <p><b>Amendments to District Plan</b>  Throughout the Proposed District Plan, where appropriate, replace references to:</p> <ul style="list-style-type: none"> <li>(i) 'electricity transmission' with 'National Grid'.</li> <li>(ii) 'National Electricity Grid' with 'National Grid'</li> </ul> <p><b>Reason</b>  Consistent terminology assists understanding of the Proposed Plan.</p>
<p><b>102.24 Chorus NZ Ltd and 104.23 Spark NZ Ltd</b>  The submitters 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><u>Relief Sought:</u> Consequential amendments to the Plan giving effect to any part of their submission.</p>	<p><b>Decision 19/4</b>  These submissions are noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  No specific changes are sought to the Proposed Plan as part of these submission points.</p>
<p><b>24.1 South Port NZ Ltd</b>  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>The submitter notes that there are specific objectives and policies relating to the Port operations within the Seaport Zone, however this only provides for</p>	<p><b>Decision 19/5</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. As noted by the submitter, 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 its own zoning and zone standards.</li> <li>2. There is adequate protection for Port operations outside the Seaport Zones, with the objectives and policies in the zones adjoining the Seaport recognising the importance of the port facility, such as in Residential 2 Zone Objective 2 which refers to Bluff as being a seaport</li> </ol>

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<p>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>town. The noise provisions also take a considered approach to noise being generated within the Seaport Zones.</p>
<p><b>26.5(b) NZ Defence Force</b>  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><u>Relief Sought:</u> Reference to strategic infrastructure alongside all objectives and policies in Section 2 that reference local, regional and national infrastructure</p>	<p><b>Decision 19/6</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  The Committee acknowledges the value of defence facilities but does not consider them to be part of infrastructure in a way commonly understood by the public. Infrastructure is normally associated with utilities with specific rules applying to that class of activity.</p> <p>This issue is considered in more detail in Decision 33 Noise.</p>
<p><b>87.2 Transpower NZ Ltd</b>  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><u>Relief Sought:</u> Amend Introduction 2.1 and any consequential amendments as follows:</p> <p><b>ZONE SPECIFIC</b>  <u>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.</u></p> <p>2.19 Airport Operations</p> <p><b>87.55 Transpower NZ Ltd</b>  Section 3 – Zone rules. The submitter is concerned that the rules relevant to the National Grid may be overlooked by those undertaking</p>	<p><b>Decision 19/7</b>  These submissions are rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. As set out in the Section 42A Report, the Proposed Plan has been drafted recognising that there is overlap between provisions. Matters relating to infrastructure are covered in numerous sections such as the Biodiversity; Energy; Subdivision; Soils; Minerals and Earthworks; and the Zone provisions. Decision 14 provides an addition to Sections Two and Three of the Proposed District Plan to highlight that regard must be given to all District wide Objectives, Policies and Rules, as well as the relevant Zone provisions when carrying out an activity.</li> <li>2. The Committee also noted, at the hearing Transpower accepted the rejection of these submissions.</li> </ol>



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<p>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><u>Relief Sought:</u> Amend Zone Rules and any consequential amendments as follows:</p> <p><b>ZONE RULES</b></p> <p><i>Note: Refer to 3.9 Infrastructure for all rules and assessment matters relating to the National Grid including those managing the setback of development and activities from National Grid transmission lines and structures.</i></p> <p>3.21 Airport Operations Zone</p>	
<p><b>87.62 Transpower NZ Ltd</b></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><u>Relief Sought:</u> 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><b>Decision 19/8</b></p> <p>This submission is accepted.</p> <p><b>Amendments to District Plan</b></p> <ul style="list-style-type: none"> <li>(i) Amend the District Planning Maps to show current location of HV Transmission lines as set out in Appendix 3</li> <li>(ii) Amend the legend reference in the District Planning Maps from <ul style="list-style-type: none"> <li>(a) Transpower Overhead Lines (110Kv or above) to National Grid Electricity Transmission lines (110Kv or above)</li> <li>(b) Transpower Structures to National Grid Structures.</li> </ul> </li> </ul> <p><b>Reason</b></p> <p>The data used in the District Planning Maps as notified is not correct and requires amending both with regard to the Transpower lines and terminology used in referring to those lines.</p>
<p><b>117.9 Southern District Health Board</b></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</p>	<p><b>Decision 19/9</b></p> <p>This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>Add to 2.9.4 Methods of Implementation as follows:</p>

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<p>appropriate evidence-based information to these communities</p> <p><u>Relief Sought:</u> Recommends that a clear plan is developed on how to disseminate appropriate evidence-based information to communities</p>	<p><u><b>Method 6</b> Facilitation of information dissemination and consultation between infrastructural providers and the community</u></p> <p><b>Reason</b> 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>
<p><b>120.4 Open Country Dairy Ltd</b> 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><u>Relief Sought:</u> 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><b>Decision 19/10</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>(i) Amend 2.9.3 Policy 2 as follows:</p> <p><u><b>Management of Effects:</b> To avoid where practical, remedy or mitigate <del>impacts</del> adverse environmental effects arising from the development, construction, operation, maintenance and upgrading of infrastructure on the environment.</u></p> <p>(ii) Adopt Decision 19/41 that amends the Explanation to 2.9.3 Policy 2.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>Objective 2 refers to the upgrading and development of infrastructure and no change is required to that.</li> <li>Policy 2 guides the development of infrastructure, and it is appropriate to amend it given that not all impacts are negative and not all adverse effects can be avoided.</li> <li>Reference is not required to the purpose of the infrastructure as it is the effects of the infrastructure that are being managed, not the purpose for which it is used.</li> </ol>

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<b>SECTION 2.9 – ISSUES, OBJECTIVES, AND POLICIES</b>	
<b>Introduction</b>	
<p><b>67.1 ICC Drainage Manager</b>  Oppose in part. The submitter is concerned that Flood Protection Infrastructure is not included in section 2.9.</p> <p><u>Relief Sought:</u> That flood protection infrastructure is added to the list of Infrastructure in Section 2.9 and 2.9.3</p> <p><b>18.46 Environment Southland</b>  Oppose in part. 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><u>Relief Sought:</u> Add as an (e) Flood Alleviation Works (stopbanks, detention dams and associated drainage works).</p>	<p><b>Decision 19/11</b>  These submissions are rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Decisions 19/2 and 19/79 amend the definitions of “infrastructure” and “utilities”, and replaces reference to ‘infrastructure’ in section 3.9 with the term ‘utilities’.</li> <li>2. It is not necessary or desirable in each section of the Proposed Plan to make reference to all of the different types of infrastructure.</li> </ol>
<p><b>24.22 South Port NZ Ltd</b>  Oppose in part. 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><u>Relief Sought:</u> Amend the introduction to include additional text that recognises the significance of infrastructure such as the Port as follows:</p> <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</u></p>	<p><b>Decision 19/12</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>  Amend 2.9 Introduction by including the following paragraph:</p> <p><u>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. Care needs to be taken locating activities that may affect the efficient and effective operation and development of infrastructure in order to avoid reverse sensitivity effects.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Specific reference of the port and airport is now included to reflect the significance of these activities in the Introduction.</li> <li>2. The Introduction acknowledges that the provision of infrastructure is essential for meeting the economic, social and health and safety needs of individuals and the community.</li> <li>3. It is accepted that some of the matters sought by the submitter could</li> </ol>

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<p><u>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><b>FS5.8 Invercargill Airport Ltd</b> support Submission 24.22 agreeing that further regard should be afforded to significant regional infrastructure in the introduction</p>	<p>usefully be added to the section.</p>
<p><b>53.7 NZ Transport Agency</b> 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. 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 process, including having regard to the environmental effects of the proposal and associated works.</u></p>	<p><b>Decision 19/13</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Amend paragraph 4 of 2.9 Introduction as follows:</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. <u>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.</u><del>Any request for such a designation will be assessed having regard to the environmental effects of the activity and any works to be undertaken.</del></p> <p><b>Reason</b> The wording suggested by the submitter better explains the designation process.</p>
<p><b>53.8 NZ Transport Agency</b> The submitter considers that the intention is not clear, given the proposed wording. 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><b>Decision 19/14</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> 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.</u> The Council has also developed the Invercargill City Council Bylaw 2013/2016/1 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.'</p>

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	<p><b>Reason</b> The relief sought strengthens the Introduction, and will ensure that Plan users are aware that the effects on infrastructure will be considered through the subdivision and land use consenting processes.</p>
<p><b>65.21 ICC Environmental and Planning Services</b> Support in part. 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. <u>Relief Sought:</u> 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><b>FS5.9 Invercargill Airport Ltd</b> supports Submission 65.21 agreeing that further clarification would be appropriate but submits that the relief sought should be further expanded to resolve the matter</p> <p><b>F7.18 South Port New Zealand Ltd</b> supports in part / opposes in part submission 65.21 agreeing that further clarification would be appropriate but submits that the relief sought should be further expanded to resolve the matter.</p>	<p><b>Decision 19/15</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Add an additional paragraph to 2.9 Introduction as follows:  <u>Transportation infrastructure is also considered under the Transportation provisions within the District Plan. Infrastructure associated with the Airport and Seaport is also provided for in the Transportation and Zone Specific provisions within the District Plan.</u></p> <p><b>Reason</b> 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.</p>
<p><b>65.22 ICC Environmental and Planning Services</b> Support in part. The submitter notes that the description of infrastructure in the introduction and the definition of infrastructure in Section 4 are not the same. Amend the description of infrastructure in the introduction to the same definition of infrastructure in Section Four.</p>	<p><b>Decision 19/16</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend paragraph 1 of 2.9 Introduction as follows:  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> (A) <del>Network utility systems</del> <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.</p>

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	<p>(D) <u>Land transport networks including rail, port and airport facilities and installations.</u></p> <p><b>Reason</b> While the infrastructural facilities listed is not a complete list the inclusion of other examples is beneficial.</p>
<p><b>79.7 KiwiRail Holdings Ltd</b> Oppose in part. The submitter considers that land transport networks should be identified as infrastructure and thus influenced by the policies and objectives in Section 2.9. Amend Introduction as follows:</p> <p>(d) <u>Land transport networks including rail, port and airport facilities and installations...</u></p>	<p><b>Decision 19/17</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Adopting Decision 19/16.</p> <p><b>Reason</b> The suggested amendment adds to the clarity of the section and the framework of the Proposed Plan.</p>
<p><b>87.10 Transpower NZ Ltd</b> Support in part. 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><u>Relief Sought:</u> Amend the introduction to the Infrastructure Issues, Objectives and Policies and any consequential amendments as follows:</p> <p>.... 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, maintenance and replacement.</u></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, the environmental effects, the benefits to local, regional and national</u></p>	<p><b>Decision 19/18</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>(i) Amend paragraph 2 of 2.9 Introduction as follows:</p> <p style="padding-left: 40px;">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>(ii) Amend paragraph 3 of 2.9 Introduction as follows:</p> <p style="padding-left: 40px;">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> <p><b>Reason</b> The development of infrastructure needs to be carried out in consideration,</p>

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<u>communities and any locational, technical and operational requirements</u> of the activity and any works to be undertaken.	not only of the benefits, but also the potential adverse environmental effects. The provisions elsewhere in the Proposed Plan acknowledge this and the Introduction should be consistent.
<p><b>91.5 PowerNet Ltd</b> Support in part. 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><u>Relief Sought:</u> 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><b>FS25.26 Transpower NZ Ltd</b> supports in part submission 91.5 and 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><b>Decision 19/19</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> As set out on pages 6 and 7 of this Decision, given the range of matters included in the definition of infrastructure, and the overlay nature of the rules in various sections of the Proposed Plan, it is not practical or appropriate in this context to revise the Infrastructure section to be a complete code.</p>
<p><b>103.2 Invercargill Airport Ltd</b> Support. The submitter considers it appropriate to recognise the importance of infrastructure. Retain</p>	<p><b>Decision 19/20</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the Plan provision and seeks no change to it.</p>
<b>2.9.1 Issues</b>	
<p><b>18.47 Environment Southland</b> Support Issues in general. Retain</p>	<p><b>Decision 19/21</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the Plan provision and seeks no change to it.</p>

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<p><b>87.11 Transpower NZ Ltd</b> 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.</p> <p><u>Relief Sought:</u> Amend Issue 1 as follows:</p> <p>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.</p>	<p><b>Decision 19/22</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend Issue 1 to read:</p> <p>Poor integration of <u>subdivision</u>, land use and development with existing local, regional and national infrastructure can <del>lead to inefficiencies, and can adversely</del> affect the social and economic well-being of the community, <u>as well as the safe and efficient functioning of infrastructure.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. While the submitter raises a valid point, the Issues, Objectives and Policies in this section relate to infrastructure as a whole, not just to the network utilities. As a consequence, a slightly different wording to that sought is appropriate.</li> <li>2. The Committee noted, the submitter approved of the wording above at the hearing.</li> </ol>
<p><b>79.8 KiwiRail Holdings Ltd</b> Support Issue 5 and recognition of reverse sensitivity effects and the protection of significant transport infrastructure. Retain</p> <p><b>FS28.9 NZ Transport Agency</b> support Submission 79.8 and the recognition of reverse sensitivity effects and the protection of significant transport infrastructure.</p>	<p><b>Decision 19/23</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the Plan provision and seeks no change to it.</p>
<p><b>103.3 Invercargill Airport Ltd</b> 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. Include additional issue:</p> <p><u>That infrastructure can be adversely affected by reverse sensitivity effects arising from the establishment or encroachment of incompatible land uses</u></p> <p><b>FS7.19 South Port New Zealand Ltd</b> support Submission 103.3.</p>	<p><b>Decision 19/24</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> Issue 5 already includes express reference to reverse sensitivity as a potential adverse effect. It is not necessary to include an additional Issue statement to repeat this.</p>



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<p><b>24.23 South Port NZ Ltd</b>  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.</p> <p><u>Relief Sought:</u> Amend the issue so that it recognises that the provision of infrastructure is critical to the economic, social and cultural wellbeing of the community.</p> <p><b>FS5.10 Invercargill Airport Ltd</b> supports Submission 24.23 agreeing that the statement should be expanded to recognise the contribution that infrastructure makes to the social and economic wellbeing of the community</p>	<p><b>Decision 19/25</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>  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><b>Reason</b>  While the submitter raises a valid point, infrastructure needs to integrate with the environment, and be planned to meet the reasonably foreseeable needs of the community. It is appropriate therefore to include a new issue statement to acknowledge such consideration is needed.</p>
<p><b>87.12 Transpower NZ Ltd</b>  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><u>Relief Sought:</u> Include a new Issue and any consequential amendments as follows:</p> <p>6. The ongoing development, operation, maintenance and upgrading of infrastructure supports economic and social wellbeing.</p> <p><b>FS5.11 Invercargill Airport Ltd</b> support in part Submission 87.12 and the matter in principle but considers that Issue 2 achieves the same outcome and that this is also addressed via Policy 1.</p>	<p><b>Decision 19/26</b>  This submission is accepted in part</p> <p><b>Amendments to District Plan</b>  Amend 2.9.1 Issue 2 as follows:</p> <p>If infrastructure is not adequately <u>developed, operated, used,</u> maintained and upgraded it can deteriorate and fail to meet the needs of the community in an efficient way</p> <p><b>Reason</b></p> <ol style="list-style-type: none"> <li>1. Inadequate development, operation, maintenance and upgrading is part of Issue 2, so a new Issue is not required. However, the terminology has been changed to make this clearer.</li> <li>2. The Committee noted, the submitter approved of the wording above at the hearing.</li> </ol>

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<b>2.9.2 Objectives</b>	
<p><b>18.48 Environment Southland</b> Support 2.9.2 Objectives. Retain</p>	<p><b>Decision 19/27</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the Plan provision and seeks no change to it.</p>
<p><b>24.24 South Port NZ Ltd</b> 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.</p> <p><u>Relief Sought:</u> Amend the objective as follows: Invercargill's local, regional and national infrastructure is secure and its operational capacity is protected.</p> <p><b>103.4 Invercargill Airport Ltd</b> 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</p> <p><u>Relief Sought:</u> 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></p> <p><b>FS28.10 and FS28.11 NZ Transport Agency</b> oppose Submissions 24.24 and 103.4. 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.</p>	<p><b>Decision 19/28</b> These submissions are rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. 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 wording is therefore appropriate.</li> <li>2. The capacity issue is addressed in Objective 2 which refers to meeting the current foreseeable needs within and between districts.</li> </ol>

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<p><b>24.25 South Port NZ Ltd and 103.5 Invercargill Airport Ltd</b>  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.</p> <p><u>Relief Sought:</u> 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><b>53.9 NZ Transport Agency</b>  2.9.2 Objective 2 - 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><u>Relief Sought:</u> 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><b>79.9 KiwiRail Holdings Ltd</b>  Oppose 2.9.2 Objective 2 in part. The submitter considers that the Objective could be better reworded to be clearer in its intent</p> <p><u>Relief Sought:</u> Reword Objective 2(C) as follows:  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.</p> <p><b>65.23 ICC Environmental and Planning Services</b>  Support 2.9.2 Objective 2 in part. But considers clause (C) of Objective 2 should be written as a separate objective as follows:  <u>Protect existing infrastructure from incompatible subdivision, use and development, providing local, sub regional and national benefits</u></p>	<p><b>Decision 19/29</b>  These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b>  (i) Delete 2.9.2 Objective 2(C)  (ii) Add new Objective as follows:  <u><b>Objective 3</b> Existing infrastructure is protected from incompatible subdivision, use and development.</u></p> <p><b>Reasons</b>  1. The intent of clause 2(C) is not clear as the emphasis should be on protecting all infrastructure. As a consequence, it is appropriate to include a separate all-encompassing objective.  2. The Committee also noted, KiwiRail and PowerNet advised the Hearing Committee of their acceptance of the outcome above.</p>

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<p><b>87.13 Transpower NZ Ltd</b>  Support 2.9.2 Objective 2 in part. 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><u>Relief Sought:</u> Amend Objective 2 as follows:</p> <p><del>Infrastructure is developed, operated, maintained and upgraded whilst</del> <u>To recognise and provide for the ongoing operation, maintenance, upgrading and development of infrastructure, including the National Grid, whilst:</u></p> <ul style="list-style-type: none"> <li>(a) Efficiently and effectively meeting the current foreseeable needs within and between districts.</li> <li>(b) Fulfilling functional, locational, technical, and operational requirements and avoiding, remedying or mitigating the effects on the environment.</li> <li>(c) <del>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.</del></li> </ul> <p><b>FS12.8 PowerNet Ltd</b> support in part Submission 87.13 and considers that the objective should be amended to be more directional and clear in terms of what it is seeking to achieve</p> <p><b>91.6 PowerNet Ltd</b>  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.</p> <p><u>Relief Sought:</u> Delete reference to local, sub regional and national benefits in clause [c], and set clause [C] as a separate objective in the Plan.</p>	

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<p><b>FS25.29 Transpower NZ Ltd</b> oppose in part submissions 91.6, 103.5 and 24.25. 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.</p>	
<p><b>77.26 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support 2.9.2 Objective 3 Retain</p> <p><b>65.24 ICC Environmental and Planning Services</b> Support 2.9.2 Objective 3 in part. The submitter notes that the term utilities is a term not used elsewhere in the Plan</p> <p><u>Relief Sought:</u> Amend Objective 3. Replace the word utilities with the word infrastructure</p> <p>To ensure that the location and design of <del>utilities</del>-<u>infrastructure</u> avoids significant adverse effects on:...</p> <p><b>FS5.12 Invercargill Airport Ltd and FS7.20 South Port New Zealand Ltd</b> support Submission 65.24 stating the terminology should be consistent. However, the further submitter considers that the objective should seek to avoid, remedy or mitigate significant adverse effects. The further submitter also notes that the definition of infrastructure is not consistent with the scope of Policy 1</p> <p><b>FS25.25 Transpower NZ Ltd</b> support in part Submission 65.24 stating 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><b>87.14 Transpower NZ Ltd</b> 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</p>	<p><b>Decision 19/30</b> Submission 77.26 Te Runaka o Waihopai and Te Runaka o Awarua is noted. Submission 65.24 ICC Environmental and Planning Services is accepted. Submission 87.14 Transpower NZ Ltd is rejected.</p> <p><b>Amendments to District Plan</b> Amend 2.9.2 Objective 3 (renumbered Objective 4 as a result of other decisions) as follows:</p> <p>To ensure that the location and design of <del>utilities</del>-<u>infrastructure</u> avoids significant adverse effects on:...</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The Objectives relate to 'infrastructure' in its wider sense, not just utilities.</li> <li>2. While South Port and Invercargill Airport Ltd considered the threshold too high for this objective, it is the "significant" adverse effects referred to, and at an objective level avoidance is appropriate, particularly in relation to the matters derived from Section 6 of the RMA.</li> </ol>

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<p>environments specified in the Objective.</p> <p><u>Relief Sought:</u> Amend Objective 3 and any consequential amendments as follows:</p> <p>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: ...</p>	
<p><b>53.10 NZ Transport Agency</b> 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 overtly 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><u>Relief Sought:</u> Retain Objective 4, but reword as follows:</p> <p>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><b>FS5.13 Invercargill Airport Ltd and FS7.21 South Port New Zealand Ltd</b> support Submission 53.10</p> <p><b>87.15 Transpower NZ Ltd</b> 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.</p> <p><u>Relief Sought:</u> Amend Objective 4 and any consequential amendments as follows:</p> <p>To provide for the sustainable, secure and efficient <del>use and development</del>, <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.</p>	<p><b>Decision 19/31</b> These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b> Amend 2.9.2 Objective 4 (renumbered Objective 5 as a result of other decisions) as follows:</p> <p>To provide for the sustainable, secure and efficient <del>use</del> <u>operation, maintenance, upgrading and development of the electricity transmission infrastructure network</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> <p><b>Reason</b></p> <ol style="list-style-type: none"> <li>1 The Objective gives effect to the National Policy Statement on Electricity Transmission. However, it has been widened to apply to all infrastructure. This does not lessen the provision as it relates to the National Grid, but acknowledges that these issues should be addressed in processes involving all forms of infrastructure.</li> <li>2 “Benefits” are referred to in Objective 5 and it is not necessary to repeat that in Objective 4. The Committee noted, this was accepted by Transpower at the hearing.</li> </ol>

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<p><b>65.25 ICC Environmental and Planning Services</b>  Support 2.9.2 Objective 4.  The submitter considers that the wording of the Objective could be tidied up to avoid the repetition of the word while</p> <p><u>Relief Sought:</u> Amend Objective 4 to read:  To provide for the sustainable... of the electricity transmission network <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</p> <p><b>FS39.7 Environment Southland</b> oppose Submission 65.25 in 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.</p>	<p><b>Decision 19/32</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  The sentence structure of the Objective is appropriate and is consistent with the Proposed RPS and the NPSET.</p>
<p><b>88.70 Federated Farmers</b>  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.</p> <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><u>Relief Sought:</u> Adopt this objective, with the following wording amendment:  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><b>FS25.34 Transpower NZ Ltd</b> oppose Submission 88.70 as it essential and effective that policies provide for the development of the electricity transmission network and that the wording reflects the direction of the</p>	<p><b>Decision 19/33</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The amendment sought by the submitter does not add to the scope of the provision as 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.</li> <li>2. An additional Method of Implementation has been included by Decision 19/9, stating that Council will facilitate and encourage discussions between landowners and infrastructural providers.</li> </ol>

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<p>NPSET. 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. The further submitter states that it encourages landowners to consult with them where new development is proposed. The further submitter also notes the relationship between the Electricity Act 1992 and the RMA.</p>	
<p><b>53.11 NZ Transport Agency</b>  Support 2.9.2 Objective 5 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</p> <p><u>Relief Sought:</u> Retain Objective 5, but reword as follows:</p> <p>To recognise the importance of <del>infrastructure the electricity transmission network</del> to the social and economic wellbeing of the city, the Southland Region and the nation.</p> <p><b>FS5.14 Invercargill Airport Ltd and FS7.22 South Port New Zealand Ltd</b>  support Submission 53.11 and 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><b>Decision 19/34</b>  This submission is accepted.</p> <p><b>Amendments to District Plan</b>  Amend 2.9.2 Objective 5 (renumbered Objective 6 as a result of other decisions) as follows:</p> <p>To recognise the importance of <del>infrastructure the electricity transmission network</del> to the social and economic wellbeing of the city, the Southland Region and the nation.</p> <p><b>Reason</b>  While this Objective was drafted to give effect to the National Policy Statement on Electricity Transmission it is appropriate for it to be widened to apply to all infrastructure, not just the National Grid.</p>
<b>2.9.3 Policies</b>	
<p><b>24.26 South Port NZ Ltd</b>  Support 2.9.3 Policy 1. The submitter considers it appropriate to provide for the continued operation, maintenance and upgrading of existing infrastructure. Retain</p> <p><b>32.3 Silver Fern Farms Ltd</b>  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. Retain intent of the policy to provide, maintain and operate service infrastructure.</p>	<p><b>Decision 19/35</b>  These submissions are noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  The submitters support the Plan provision and seek no change to it.</p>



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<p><b>79.10 KiwiRail Holdings Ltd</b> Support. The submitter considers the protection of significant transportation infrastructure is important. Retain</p> <p><b>91.7 PowerNet Ltd</b> Support 2.9.3 Policy 1. The submitter considers that this provision is consistent with sustainable management as defined in the RMA. Retain.</p> <p><b>103.6 Invercargill Airport Ltd</b> Support 2.9.3 Policy 1. The submitter considers it appropriate to provide for the continued operation, maintenance and upgrading of existing infrastructure. Retain.</p>	
<p><b>88.71 Federated Farmers</b> 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.</p> <p><u>Relief Sought:</u> Adopt this policy, with the following wording amendment: 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><b>FS5.16 Invercargill Airport Ltd and FS7.24 South Port New Zealand Ltd</b> oppose Submission 88.71. The further submitters consider 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. The further submitters consider 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><b>FS25.7 Transpower NZ Ltd</b> oppose Submission 88.71 and 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</p>	<p><b>Decision 19/36</b> These submissions are rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The word “minor” is not required in the policy and would result in confusion as to what it included.</li> <li>2. The policy is all-encompassing, and examples of particular infrastructure are not required.</li> <li>3. The Committee noted that Transpower accepted this outcome at the hearing.</li> </ol>

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<p>submitter considers that if this amendment were accepted, the policy framework would not provide for major upgrades to be undertaken and as such would fail to give effect to the NPSET</p> <p><b>87.16 Transpower NZ Ltd</b>  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.</p> <p><u>Relief Sought:</u> Amend Policy 1 as follows:</p> <p><b>Existing infrastructure:</b> To recognise and provide for the continued operation, maintenance and upgrading of local, regional and national infrastructure (including the National Grid) and associated activities.</p>	
<p><b>102.2 Chorus NZ Ltd and 104.2 Spark NZ Ltd</b>  Oppose 2.9.3 Policy 1 in part. The submitters note 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><u>Relief Sought:</u> Amend as follows:</p> <ol style="list-style-type: none"> <li>a. Use consistent and inclusive terminology for infrastructure, utilities and network utilities throughout the Plan</li> <li>b. Amend Policy 1 to include reference to network utilities and radiocommunication networks and sites</li> </ol> <p><b>FS5.17 Invercargill Airport Ltd and FS7.25 South Port New Zealand Ltd</b>  support Submissions 102.2 and 104.2 and consider that the phrase infrastructure should be used, as defined by Policy 1.</p> <p><b>FS25.24 Transpower NZ Ltd</b> oppose Submissions 102.2 and 104.2 stating 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><b>Decision 19/37</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>  Adopting Decisions 19/2 and 19/38.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Infrastructure in the context of this policy refers to the wider group of infrastructural facilities, and therefore the wording is appropriate.</li> <li>2. Decision 19/2 includes a revised definition of "infrastructure" and a new definition for "utilities".</li> <li>3. Decision 19/38 removes the list of essential infrastructure from the explanation as it is not relevant to the policy.</li> </ol>

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<p><b>18.49 Environment Southland</b> Support 2.9.3 Policy 1 in part. The submitter considers that the last sentence of the explanation is unnecessary</p> <p><u>Relief Sought:</u> 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><b>FS5.15 Invercargill Airport Ltd and FS7.22 South Port New Zealand Ltd</b> oppose Submission 18.49 and the suggested deletion as they consider the wording provides clarity around the applicability of the policy in the absence of a comprehensive definition of infrastructure.</p> <p><b>18.50 Environment Southland</b> 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.</p> <p><u>Relief Sought:</u> Change the reference to the Regional Land Transport Strategy to recognise the new requirements of the Land Transport Management Act.</p> <p><b>26.5(a) NZ Defence Force</b> Oppose 2.9.3 Policy 1 in part. 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><u>Relief Sought:</u> The addition of 'defence facilities' to the list of essential infrastructure services listed under Policy 1.</p> <p><b>53.12 NZ Transport Agency</b> Oppose 2.9.3 Policy 1 in part. With regard to point (H), the submitter states that the requirement to prepare a Regional Land Transport Strategy has</p>	<p><b>Decision 19/38</b> Submission 18.49 Environment Southland is accepted. Submission 18.50 Environment Southland is accepted in part. Submissions 26.5(a) NZ Defence Force and 53.12 NZ Transport Agency are rejected.</p> <p><b>Amendments to District Plan</b> Amend 2.9.3 Policy 1 Explanation as follows:</p> <p><b>Explanation:</b> <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. <del>Essential infrastructure services include:</del></i></p> <ul style="list-style-type: none"> <li><del>(A) Transmission lines.</del></li> <li><del>(B) Waste water systems.</del></li> <li><del>(C) Water supply networks.</del></li> <li><del>(D) Stormwater networks.</del></li> <li><del>(E) Drainage networks.</del></li> <li><del>(F) Telecommunications sites.</del></li> <li><del>(G) Airports.</del></li> <li><del>(H) Road and rail networks (as defined in the Southland Regional Land Transport Strategy).</del></li> <li><del>(I) Ports.</del></li> <li><del>(J) Network utilities.</del></li> </ul> <p><b>Reason</b> It is not necessary to include a list in the explanation. The Policy relates to all infrastructure, not just items in the list and those sought to be included by submitters.</p>

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<p>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><u>Relief Sought:</u> Retain Policy 1, but amend the explanation to read: (h) Road and rail networks.</p>	
<p><b>52.3 NZ Police</b> 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.</p>	<p><b>Decision 19/39</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The definition of infrastructure refers to communications facilities, which covers both telecommunication and radiocommunication facilities.</p>
<p><b>24.27 South Port NZ Ltd</b> Oppose 2.9.3 Policy 2. 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. 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><u>Relief Sought:</u> 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><b>87.17 Transpower NZ Ltd</b> Oppose 2.9.3 Policy 2 in part. The submitter considers the term 'where practical' is open to interpretation and does not provide clear policy direction</p>	<p><b>Decision 19/40</b> These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b> Adopting Decision 19/10 which amends 2.9.3 Policy 2.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Policy 2 guides the development of infrastructure, and seeks that such development avoids where practical or mitigates impacts of infrastructure on the environment. The policy has been amended to focus on avoiding or mitigating the adverse effects of the infrastructure, acknowledging that not all impacts are negative.</li> <li>2. Retaining the term "avoid, where practical" acknowledges 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 well-being.</li> </ol>

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<p>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><u>Relief Sought:</u> Amend Policy 2 and any consequential amendments as follows:</p> <p style="padding-left: 40px;"><u>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 upgrading of infrastructure, including the National Grid.</u></p> <p><b>FS5.18 Invercargill Airport Ltd</b> Oppose in part submission 87.17 as the words “where practical” should be retained because 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><b>91.8 PowerNet Ltd</b> Oppose 2.9.3 Policy 2. 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. 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><u>Relief Sought:</u> Amend the policy as follows:</p> <p><u>Where appropriate, to avoid, remedy or mitigate the significant adverse effects of infrastructure on the environment.</u></p> <p><b>103.7 Invercargill Airport Ltd</b> Oppose 2.9.3 Policy 2. 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><u>Relief Sought:</u> Replace Policy 2 as follows:</p> <p><u>Where appropriate to avoid remedy or mitigate the adverse effects of infrastructure on the</u></p>	<ol style="list-style-type: none"> <li>3. It is not necessary to include reference to the National Grid specifically in this Policy as the National Grid is included in the definition of Infrastructure.</li> <li>4. The addition of the words “as reasonably practical”, as sought by PowerNet Ltd at the hearing, would result in confusion as to the intent of the policy.</li> <li>5. In the Committee’s view, the amendment made to the policy does not create an unreasonably high threshold.</li> </ol>

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<p><u>environment.</u></p> <p><b>FS28.12 NZ Transport Agency</b> support submission 103.7 and 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><b>102.3 Chorus NZ Ltd and 104.3 Spark NZ Ltd</b> Support 2.9.3 Policy 2 (Explanation) in part. 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><u>Relief Sought:</u> Amend Policy 2 as follows:</p> <p>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><b>87.18 Transpower NZ Ltd</b> Oppose 2.9.3 Policy 2 (Explanation) in part. 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. 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><u>Relief Sought:</u> Amend the Policy 2 Explanation:</p> <p><b>Explanation</b> - While public infrastructure provides communities with essential services, this infrastructure should <u>avoid, remedy or mitigate not detract from 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 and the National Policy Statement on Electricity Transmission.</u> Careful consideration of all infrastructure types and possible <u>locations-routes and sites</u> should be completed to determine which option will <u>avoid,</u></p>	<p><b>Decision 19/41</b> Submissions 102.3 Chorus NZ Ltd and 104.3 Spark NZ Ltd are rejected. Submission 87.18 Transpower NZ Ltd is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend 2.9.3 Policy 2 Explanation as follows:</p> <p><b>Explanation:</b> While <del>public</del> infrastructure provides communities with essential services, this infrastructure should <u>avoid, remedy or mitigate not detract from 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.</u> Careful consideration of all infrastructure types and possible <u>locations-routes and sites</u> should be completed to determine which option will <u>avoid, remedy or mitigate adverse effects have the least impact to on the environment, enable the development of sustainable, secure and efficient infrastructure</u> and ensure that infrastructure is integrated with surrounding land use. <u>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.</u></p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The Committee considers it appropriate to expand on a policy, and how it is implemented through explanations. It is part of the context of the policy and provides guidance to Plan Users and decision-makers. As a consequence, it is appropriate to include the wording sought by Chorus and Spark in the explanation, and reject the submissions made at the</li> </ol>

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<p><u>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. 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 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>hearing on this matter.</p> <ol style="list-style-type: none"> <li>2. It is preferable to refer to 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.</li> <li>3. The Committee 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.</li> </ol>
<p><b>24.28 South Port NZ Ltd</b> Support 2.9.3 Policy 3. The submitter considers it appropriate to recognise that infrastructure should be suitably protected from incompatible land uses and activities. Retain</p> <p><b>91.9 PowerNet Ltd</b> Support 2.9.3 Policy 3. The submitter considers it appropriate to recognise that infrastructure should be suitably protected from incompatible land uses and activities. Retain</p> <p><b>104.8 Invercargill Airport Ltd</b> Support 2.9.3 Policy 3. The submitter considers it appropriate to recognise that infrastructure should be protected from incompatible land uses and activities. Retain</p> <p><b>79.11 KiwiRail Holdings Ltd</b> Support 2.9.3 Policy 3. The submitter considers the protection of significant transportation infrastructure is important. Retain</p>	<p><b>Decision 19/42</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support the provision and seek no change to it.</p>
<p><b>53.13 NZ Transport Agency</b> Support 2.9.3 Policy 3 in part. 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. 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,</p>	<p><b>Decision 19/43</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend 2.9.3 Policy 3 and its accompanying explanation as follows:</p> <p><b>Reverse sensitivity:</b> To protect local, regional and national infrastructure from new incompatible <u>subdivision, land uses and development activities</u> under, over or adjacent to the</p>

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<p>functionality and safety of the infrastructure.</p> <p><u>Relief Sought:</u> 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 Insert an additional policy be added as follows:</p> <p><b>Policy 3a Management of effects on infrastructure:</b> Protect infrastructure from incompatible subdivision, land use and development.</p> <p><b>Explanation:</b> 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><b>FS7.26 South Port New Zealand Ltd</b> oppose in part Submission 53.13 as these matters have already been provided for in proposed Policy 3.</p>	<p>infrastructure</p> <p><b>Explanation:</b> <del>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 Activities which relate to overhead transmission lines for electricity transmission activities.</del></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><b>Reason</b></p> <p>It is appropriate to amend the policy and explanation to make it clearer that the policy seeks to protect all infrastructure from incompatible subdivision, use and development. Such a change removes the need for an additional policy.</p>
<p><b>88.72 Federated Farmers</b></p> <p>Accept 2.9.3 Policy 3 in part. 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><u>Relief Sought:</u> Retain the proposed policy as worded to give effect to policy 10 of the National Policy Statement on Electricity Transmission. 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><b>Decision 19/44</b></p> <p>This submission is rejected.</p> <p><b>Amendments to District Plan</b></p> <p>None required.</p> <p><b>Reason</b></p> <p>No change is required to the policy to give effect to the concerns of the submitter. Rather, it is a matter for consideration in drafting rules and considering resource consents.</p>



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<p><b>FS25.33 Transpower NZ Ltd</b> oppose Submission 88.72. 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. The further submitter considers the relief sought is unnecessary and that it's 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. The further submitter also notes the relationship between the Electricity Act 1992 and the RMA.</p>	
<p><b>18.51 Environment Southland</b> Support 2.9.3 Policy 4. Retain</p> <p><b>77.27 Te Runaka o Waihopai and Te Runaka o Awarua</b> Support 2.9.2 Policy 4. Retain</p>	<p><b>Decision 19/45</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support the provision and seek no change to it.</p>
<p><b>24.29 South Port NZ Ltd</b> Support in part 2.9.3 Policy 4. 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><u>Relief Sought:</u> Amend the policy to read:</p> <p>To adopt appropriate risk management strategies to protect essential infrastructure from the adverse effects of natural hazards and climate change.</p> <p><b>FS5.19 Invercargill Airport Ltd</b> support Submission 24.29 as 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</p>	<p><b>Decision 19/46</b> Submissions 24.29 South Port NZ Ltd, 87.20 Transpower NZ Ltd, 102.4 Chorus NZ Ltd and 104.4 Spark NZ Ltd are accepted.</p> <p>Submissions 65.25 ICC Environmental and Planning Services and 103.9 Invercargill Airport Ltd are accepted in part.</p> <p><b>Amendments to District Plan</b> Replace Policy 4 with the following:</p> <p><b><u>Policy 4 Natural Hazards:</u></b> To consider and adopt appropriate risk management strategies to protect essential infrastructure from the adverse effects of natural hazards and climate change and to ensure that the design and location of infrastructure does not exacerbate the adverse effects of natural hazards and climate change.</p> <p><b><u>Explanation:</u></b> The design and location of new infrastructure and upgrades to existing infrastructure should take into account known natural hazard risks and climate change effects. Essential services must be resilient so as to provide for people and communities, particularly during natural hazard events.</p>

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<p><b>FS25.9 Transpower NZ Ltd</b> oppose in part Submission 24.29 because 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.</p> <p><b>65.25 ICC Environmental and Planning Services</b> 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.</p> <p><u>Relief Sought:</u> Reword Policy 4 to ensure that climate change and natural hazards are considered as part of the infrastructure planning process.</p> <p><u>To consider the avoidance or mitigation of the effects of natural hazards and climate change on infrastructure</u></p> <p><b>87.20 Transpower NZ Ltd</b> Support 2.9.3 Policy 4. The submitter notes a minor grammatical amendment as the policy should refer to 'hazards' not 'hazard'. Amend Policy 4 Natural hazards as follows:</p> <p style="padding-left: 40px;">To avoid or mitigate the effects of natural hazards and climate change on infrastructure.</p> <p><b>102.4 Chorus NZ Ltd and 104.4 Spark NZ Ltd</b> Support 2.9.3 Policy 4 (Explanation) in part. However, the submitters believe that the focus should be on design rather than location</p> <p><u>Relief Sought:</u> Amend Policy 4 Explanation as follows:</p> <p><i>New infrastructure and upgrades to existing infrastructure should be located or designed to avoid, or mitigate, known natural hazard risks and climate change effects. <del>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.</del></i></p> <p><b>FS5.20 Invercargill Airport Ltd and FS7.27 South Port New Zealand Ltd</b> support in part Submissions 102.4 and 104.4 and consider that some infrastructure has a functional, operational or historic requirement</p>	<p><b>Reason</b> Revision of the policy is required to enable a pragmatic response to the effects of natural hazards and climate change.</p>

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<p>underpinning its location.</p> <p><b>FS39.8 Environment Southland</b> support in part Submission 104.4 and 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. Allow the relief 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.</p> <p><b>103.9 Invercargill Airport Ltd</b> 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</p> <p><u>Relief Sought:</u> Amend Policy 4 to seek to avoid or mitigate the significant adverse effects associated with natural hazards</p>	
<p><b>24.30 South Port NZ Ltd</b> Support 2.9.3 Policy 5. The submitter considers it appropriate to recognise that infrastructure can have functional, technical or operational requirements which therefore result in location constraints. Retain.</p> <p><b>FS28.13 NZ Transport Agency</b> support Submission 24.30 because it is appropriate to recognise that infrastructure can have functional, technical or operational requirements which can result in location constraints.</p> <p><b>52.4 NZ Police</b> Support 2.9.3 Policy 5. Retain.</p> <p><b>FS28.14 NZ Transport Agency</b> support Submission 52.4 and comments that it is appropriate to recognise that infrastructure can have functional, technical or operational requirements which can result in location constraints.</p> <p><b>53.14 NZ Transport Agency</b> Support 2.9.3 Policy 5. Retain.</p> <p><b>79.12 KiwiRail Holdings Ltd</b> Support 2.9.3 Policy 5. The submitter considers the protection of significant</p>	<p><b>Decision 19/47</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support the provision and seek no change to it.</p>

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<p>transportation infrastructure is important. Retain.</p> <p><b>FS28.15 NZ Transport Agency</b> support Submission 79.12 and comments that it is appropriate to recognise that infrastructure can have functional, technical or operational requirements which can result in location constraints.</p> <p><b>91.10 PowerNet Ltd</b> Support 2.9.3 Policy 5. The submitter considers it appropriate to recognise that infrastructure can have functional, technical or operational requirements which therefore result in location constraints. Retain.</p> <p><b>102.5 Chorus NZ Ltd</b> Support 2.9.3 Policy 5. The submitter considers the policy recognises the operational needs of telecommunication and radiocommunication infrastructure. Retain.</p> <p><b>103.10 Invercargill Airport Ltd</b> Support 2.9.3 Policy 5. The submitter considers it appropriate to recognise that infrastructure can have functional, technical or operational requirements which therefore result in location constraints. Retain.</p> <p><b>FS28.16 NZ Transport Agency</b> support Submission 103.10 and 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><b>104.5 Spark NZ Ltd</b> Support as the policy recognises the operational needs of telecommunication and radiocommunication infrastructure. Retain.</p>	
<p><b>87.21 Transpower NZ Ltd</b> Support 2.9.3 Policy 5 in part. 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><u>Relief Sought:</u> Amend Policy 5 as follows:</p>	<p><b>Decision 19/48</b> These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b> Amend 2.9.3 Policy 5a (renumbered Policy 6) as follows:</p> <p><del>To discourage the location of telecommunications facilities in or adjacent to residential properties.</del> <u>To encourage radiocommunication and telecommunication facilities to be located outside residential areas unless there is a functional need to locate there.</u></p>

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<p><b>Policy 5 Functional Need Technical and Operation Requirements:</b></p> <p>To recognise that infrastructure can have a functional technical or operational need for a particular location and to consider the contribution infrastructure makes to the functioning and wellbeing of communities, when assessing its location, design and appearance.</p> <p><b>102.6 Chorus NZ Ltd and 104.6 Spark NZ Ltd</b></p> <p>Oppose 2.9.3 Policy 5a. 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><u>Relief Sought:</u> Delete Policy 5a</p> <p><b>FS30.1 Southern District Health Board and FS30.2 Southern District Health Board</b> oppose Submissions 102.6 and 104.6. 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><b>Explanation:</b> <u>In order to maintain, enhance or protect amenity values, where a radiocommunication or telecommunication 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.</u> There can be widespread concern at the prospect of the erection of radiocommunication and telecommunication 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.</p> <p><b>Reason</b></p> <ol style="list-style-type: none"> <li>1. A positively worded policy is appropriate particularly recognising the significance of communication facilities in providing for the need of people and communities, and the different scale and effects of such facilities.</li> <li>2. At times there is a functional need for radiocommunication and telecommunication facilities to locate within or adjacent to residential areas. However, the amended policy seeks to require that consideration of alternative locations in less sensitive environments should be considered.</li> <li>3. The Committee also noted, Chorus and Spark supported the change made to the policy.</li> </ol>
<p><b>87.22 Transpower NZ Ltd</b></p> <p>Support 2.9.2 Policy 6. Retain</p> <p><b>91.11 PowerNet Ltd</b></p> <p>Support 2.9.2 Policy 6 in part. The submitter notes that it is not always economically viable or technically feasible to place network utility infrastructure underground. Retain.</p>	<p><b>Decision 19/49</b></p> <p>These submissions are noted.</p> <p><b>Amendments to District Plan</b></p> <p>None required.</p> <p><b>Reason</b></p> <p>The submitters support the provision and seek no change to it.</p>
<p><b>102.7 Chorus NZ Ltd and 104.7 Spark NZ Ltd</b></p> <p>Oppose in part 2.9.3 Policies 6 and 7. The submitters 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. The</p>	<p><b>Decision 19/50</b></p> <p>This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>Replace Policy 6 with the following:</p>

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<p>submitters disagree with the suggestions that network utilities can significantly affect the landscape and local amenity.</p> <p>The submitters 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><u>Relief Sought:</u> Amend Policies 6 and 7 as follows:</p> <p><b>Policy 6 Undergrounding</b> To <del>require</del> <u>encourage</u> the underground placement of network utilities in areas where existing networks are underground and where this is economically viable and technically feasible.</p> <p><b>Policy 7 Co-location:</b> To encourage the use of utility corridors, co-location or sharing of facilities where this is feasible and practical.</p> <p><b>Explanation:</b> <del>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.</del> 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><b>FS12.9 PowerNet Ltd</b> Support submissions 102.7 and 104.7 and submitter considers that it is not economically viable or technically feasible to place network utility infrastructure underground.</p>	<p><b>Policy 7 Undergrounding</b></p> <p>(A) <u>To require the underground placement of utilities in areas where existing networks are underground or extensions to networks are proposed, where this is economically viable and technically feasible.</u></p> <p>(B) <u>To encourage the underground placement of utilities where they are currently above ground, particularly when those utilities are being upgraded or replaced, where this is economically viable and technically feasible.</u></p> <p><b>Explanation:</b> <del>Network</del> <u>Utilities</u> can <del>significantly</del> affect the landscape and local amenity values and therefore should be <u>designed, located</u> 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 utilities, and should, wherever <u>economically viable and practicable</u> be adopted. Having regard to existing use rights, the Council is limited as to the extent that it can direct the undergrounding of utilities where they are presently underground, but it will promote and encourage that to occur.</p> <p><b>Reason</b> For a number of reasons including safety and amenity, it is desirable to place utilities underground. However, regard must be given to how such utilities are presently located and the economics and practicality of undergrounding.</p>
<p><b>87.23 Transpower NZ Ltd</b> 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. Retain Policy 7</p>	<p><b>Decision 19/51</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the provision and seeks no change to it.</p>
<p><b>53.14 NZ Transport Agency</b> 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</p>	<p><b>Decision 19/52</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p>

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<p>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.</p> <p><u>Relief Sought:</u> Delete and rework Policies 8-14 to provide for a more equitable recognition of infrastructural assets.</p> <p><b>FS25.8 Transpower NZ Ltd</b> oppose Submission 53.14. 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><b>Reason</b> The RMA requires that the District Plan give effect to national policy statements. These policies do not give priority to electricity transmission activities over other infrastructure, but will aid Plan users when carrying out activities affecting, or being affected by, the National Grid.</p>
<p><b>87.24 Transpower NZ Ltd</b> Support 2.9.3 Policy 9 in part. 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><u>Relief Sought:</u> 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><b>Decision 19/53</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The Committee noted, at the hearing Transpower accepted the rejection of this submission.</li> </ol>
<p><b>87.25 Transpower NZ Ltd</b> Support 2.9.3 Policy 11 in part. 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><u>Relief Sought:</u> That Policy 11 is amended as follows:</p> <p><b>Policy 11 Existing Effects</b> To consider <del>whether there is opportunity to reducing</del> existing adverse effects of National Grid infrastructure, including such effects on <del>noise-National Grid</del> sensitive activities where</p>	<p><b>Decision 19/54</b> Submission 87.25 Transpower NZ Ltd is accepted in part. Submission 87.26 Transpower NZ Ltd is accepted.</p> <p><b>Amendments to District Plan</b> Amend Policy 11 (renumbered Policy 12 as a result of other decisions) as follows:</p> <p>To consider reducing existing adverse effects of <del>transmission-National Grid</del> infrastructure, including such effects on <del>noise-National Grid</del> sensitive activities where appropriate, when</p>

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<p>appropriate, when substantial upgrades of transmission infrastructure are taking place.</p> <p><b>87.26 Transpower NZ Ltd</b> Support 2.9.3 Policy 11 (Explanation) in part. 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><u>Relief Sought:</u> That the Explanation to Policy 11 be amended as follows:</p> <p>Policy 11 Explanation</p> <p>Works to <u>substantially</u> upgrade <del>transmission</del> <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>substantial upgrades of transmission infrastructure are taking place.</p> <p><b>Explanation:</b> Works to <u>substantially</u> upgrade <del>transmission</del> <u>National Grid</u> infrastructure may provide the opportunity for reducing existing adverse effects created by the infrastructure. <del>Transpower NZ Limited should</del> <u>The operator of the National Grid will</u> be encouraged to consider such reductions when planning <u>substantial</u> infrastructure upgrades.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The effect of the full amendments sought by the submitter will change the intention of the policy. However, it is appropriate to replace reference to noise sensitive activities with reference to National Grid sensitive activities, which are to be defined in the Plan.</li> <li>2. The suggested amendments to the Explanation are consistent with the wording in the NPSET and Policy 11.</li> <li>3. The Committee noted, at the hearing Transpower accepted the above amendments.</li> </ol>
<p><b>87.27 Transpower NZ Ltd</b> Support 2.9.3 Policy 12 in part. 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><u>Relief Sought:</u> Amend Policy 12 as follows.</p> <p>To <u>seek to</u> minimise adverse effects on urban amenity and avoid adverse effects on town centres and areas of high recreation value or amenity and existing <del>noise</del> <u>National Grid</u> sensitive activities when planning and developing the <u>National Grid network</u> <del>electricity transmission system</del>.</p> <p><b>87.28 Transpower NZ Ltd</b> Support 2.9.3 Policy 12 (Explanation) in part. 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><b>Decision 19/55</b> Submission 87.27 Transpower NZ Ltd is accepted in part. Submission 87.28 Transpower NZ Ltd is accepted.</p> <p><b>Amendments to District Plan</b> Amend Policy 12 (renumbered Policy 13 as a result of other decisions) 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 <del>noise</del> <u>National Grid</u> sensitive activities when planning and developing the <u>National Grid network</u> <del>electricity transmission system</del>.</p> <p><b>Explanation:</b> The urban environment contains high amenity areas and a high density of <del>noise</del> <u>National Grid</u> sensitive activities. The planning and development of the <del>electricity transmission</del> <u>National Grid network</u> <del>system</del> should ensure that any adverse effects on these areas are <u>avoided or</u> minimised.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> </ol>



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<p><u>Relief Sought:</u> That the Explanation to Policy 12 be amended as follows:</p> <p>The urban environment contains high amenity areas and a high density of <del>noise</del> <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>However, it is appropriate to replace reference to noise sensitive activities with reference to National Grid sensitive activities.</p> <ol style="list-style-type: none"> <li>2. The suggested amendments to the Explanation are consistent with Policy 12.</li> <li>3. The Committee also noted that Transpower accepted the above amendments at the hearing.</li> </ol>
<p><b>87.29 Transpower NZ Ltd</b></p> <p>Oppose 2.9.3 Policy 13 in part. 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><u>Relief Sought:</u> Amend Policy 13 Rural as follows:</p> <p>To <u>seek to</u> avoid, <del>remedy and mitigate</del> adverse effects on outstanding natural landscapes, areas of high natural character and existing <del>noise</del> <u>National Grid</u> sensitive activities in rural environments when planning and developing the National Grid.</p> <p><b>87.30 Transpower NZ Ltd</b></p> <p>Oppose 2.9.3 Policy 13 (Explanation) in part. The submitter seeks that the Explanation for Policy 13 reflects the changes sought to Policy 13.</p> <p><u>Relief Sought:</u> Amend the 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 <del>noise</del> <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 <del>these areas are protected from</del> adverse effects <u>on these areas are avoided where practicable</u>.</p>	<p><b>Decision 19/56</b></p> <p>These submissions are accepted in part</p> <p><b>Amendments to District Plan</b></p> <p>Amend 2.9.3 Policy 13 Rural (renumbered Policy 14 as a result of other decisions) as follows:</p> <p>To <u>seek to</u> avoid adverse effects on outstanding natural landscapes, areas of high natural character and existing <del>noise</del> <u>National Grid</u> sensitive activities in rural environments when planning and developing the <del>electricity transmission system</del> <u>National Grid network</u>.</p> <p><b>Explanation:</b> 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 <del>noise</del> <u>National Grid</u> sensitive activities, including residential activity and educational activity. The planning and development of the <del>electricity transmission system</del> <u>National Grid</u> should <u>seek to</u> ensure that <del>these areas are protected from</del> adverse effects <u>on these areas are avoided</u>.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. It is appropriate to amend Policy 13 to reflect Policy 8 of the NPSET.</li> <li>2. The amendments to the explanation suggested by the submitter are consistent with the amendments in response to submission 87.29 above. However, the term 'where practical' is not a term used in either the NPSET or the policy.</li> <li>3. The Committee noted, at the hearing Transpower accepted the above amendments.</li> </ol>

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<p><b>91.12 PowerNet Ltd</b> Support 2.9.3 Policy 14. The submitter considers it appropriate that industry standards are used to assess the potential effects of electric and magnetic fields associated with the activity. Retain 2.9.3 Policy 14.</p> <p><b>87.31 Transpower NZ Ltd</b> Support 2.9.3 Policy 14 in part. 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><u>Relief Sought:</u> Amend Policy 14 as follows:</p> <p><b>Policy 14 Relevant Standards:</b> To refer to the International Commission on Non-ionising Radiation Protection Guidelines for limiting exposure to time varying electric magnetic fields (1 Hz - 100 kHz). Health Physics 99(6): 818-836; 2010 <del>(up to 300 GHz) (Health Physics, 1998, 74(4): 494-522)</del> 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><b>Decision 19/57</b> These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b></p> <ul style="list-style-type: none"> <li>(i) Delete Policy 14</li> <li>(ii) Add an additional Method of Implementation to 2.9.4 as follows:   <u>Method 5 Have regard to 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> </li> </ul> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The wording in Policy 14 reflects the wording in Policy 9 of the NPSET, and acknowledges that the guidelines on exposure to time-varying electric and magnetic fields and the World Health Organisation recommendations will change over time.</li> <li>2. It is not good practice to refer to non-specific external documents or their revisions in the District Plan as it creates uncertainty.</li> <li>3. The NPSET does not require District Plans to include reference to the ICNIRP Guidelines, but to ensure that provisions are based on them. It is appropriate therefore to delete the Policy and include a new method as set out above.</li> <li>4. Objective 4 (as amended in response to submissions) and Policy 2 both consider 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 is compatible with these provisions.</li> </ol>
<p><b>87.19 Transpower NZ Ltd</b> Suggestion of new policy for 2.9.3. 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</p>	<p><b>Decision 19/58</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p>

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<p>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><u>Relief Sought:</u> Add a new policy:</p> <p><b><u>Policy 3A Management of Activities around the National Grid</u></b>  <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"> <li><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></li> <li><u>Sensitive activities and large-scale structures are excluded from establishing within National Grid Yards;</u></li> <li><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></li> <li><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></li> </ol>	<p><b>Reason</b>  The changes made to Policy 3 in Decision 19/43 removes the need for an additional policy.</p>
<b>SECTION 3- RULES</b>	
<b>Section 3.9 Infrastructure</b>	
<p><b>69.12 ICC Roading Manager</b>  Suggested new provision. 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><u>Relief Sought:</u> 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</p>	<p><b>Decision 19/59</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b>  Amend the note after Rule 3.9.1 referring to the Bylaw as follows:</p> <p><b>Note:</b> The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw <del>2013/1</del>2016/1 Code of Practice for Land Development and Subdivision Infrastructure and may require authorisation pursuant to that</p>

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Development and Subdivision Infrastructure.	<p>bylaw. <u>Infrastructure intended to be vested in Council ownership unless otherwise approved is required to be designed and constructed to meet the requirements of the Bylaw.</u></p> <p><b>Reason</b>  Approvals under a bylaw are separate to RMA processes, with specific design requirements and approvals being required. Dispensations can also be provided for in a bylaw, and a rule requiring compliance with the bylaw would require a resource consent approval as well, which is an unnecessary duplication of procedures.</p>
<p><b>87.47 Transpower NZ Ltd</b>  Support Various Provisions 3.9.1, 3.9.2, 3.9.9 – 3.9.17. Retain as notified.</p>	<p><b>Decision 19/60</b>  This submission is noted.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  The submitter supports various provisions and seeks no change to them.</p>
<p><b>18.94 Environment Southland</b>  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</p> <p><u>Relief Sought:</u> Delete the rule or delete reference to Rule 3.9.2 and other permitted activity rules in Rule 3.9.</p>	<p><b>Decision 19/61</b>  This submission is accepted.</p> <p><b>Amendments to District Plan</b>  Amend Rule 3.9.1 as follows:  <del>Except as provided for in Rules 3.9.2 to 3.9.24 below, infrastructure is a permitted activity.</del>  <u>Utilities are a permitted activity subject to the standards set out in 3.9.2 – 3.9.22 below.</u></p> <p><b>Reason</b>  The amendment corrects an error in the Rule.</p>
<p><b>52.8 NZ Police</b>  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</p>	<p><b>Decision 19/62</b>  These submissions are rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b>  1. As set out on pages 6 and 7 of this Decision, given the range of matters included in the definition of infrastructure and the overlay nature of the rules in various sections of the Proposed Plan, it is not practical or</p>

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<p>creates uncertainty for Plan users as to whether it is relevant or not.</p> <p><u>Relief Sought:</u> 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><b>FS12.10 PowerNet Ltd</b> supports Submission 52.8. 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><b>FS25.28 Transpower NZ Ltd</b> support in part Submission 52.8. 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><b>102.12 Chorus NZ Ltd and 104.12 Spark NZ Ltd</b> Oppose 3.9.1 in part. The submitters believe 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. The submitters also oppose the inclusion of reference to the ICC Bylaw 2013/1 on the basis that it is still in draft format</p> <p><u>Relief Sought:</u> Amend 3.9.1 by deleting the note and including the following: ...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.</p> <p><b>FS5.21 Invercargill Airport Ltd and FS7.28 South Port New Zealand Ltd</b> support in part Submissions 52.8, 102.12 and 104.12 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><b>FS12.11 PowerNet Ltd</b> support Submissions 102.12 and 104.12 and 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>appropriate in this context to revise the Infrastructure section to be a complete code.</p> <ol style="list-style-type: none"> <li>2. Reference to the bylaw is appropriate. The note advises Plan Users of the existence of these other regulations that are relevant to infrastructural services.</li> <li>3. 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.</li> </ol>

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<p><b>53.70 NZ Transport Agency</b> Support 3.9.1. 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 Roding Powers Act 1989.</p> <p><u>Relief Sought:</u> Retain Rule 3.9.1 as proposed and add a note as follows:</p> <p><u>Note:</u> 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.</p>	<p><b>Decision 19/63</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Add a note after Rule 3.9.1 as follows:</p> <p><u>Note:</u> Works undertaken within the legal boundaries of State highways and other roads require the written approval of the NZ Transport Agency and the Invercargill City Council respectively.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. It is appropriate to provide advice to Plan users highlighting that approval is required from the road controlling authority to carry out works within legal road reserves, including state highways.</li> <li>2. A more general note to that sought is appropriate, referring to the City Council as well as NZTA.</li> </ol>
<p><b>52.9 NZ Police</b> Support 3.9.2. 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. Retain.</p> <p><b>102.13 Chorus NZ Ltd and 104.13 Spark NZ Ltd</b> Support 3.9.2. The submitters state that the operation, maintenance and upgrading and replacement of existing infrastructure should not subject to unnecessary controls. Retain</p> <p><b>69.10 ICC Roding Manager</b> Oppose 3.9.2. 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><b>91.18 PowerNet Ltd</b> Support 3.9.2 in part. 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</p>	<p><b>Decision 19/64</b> Submissions 52.9 NZ Police, 102.13 Chorus NZ Ltd and 104.13 Spark NZ Ltd are noted.</p> <p>Submission 69.10 ICC Roding Manager is rejected.</p> <p>Submission 91.18 PowerNet Ltd is accepted in part.</p> <p><b>Amendments to District Plan</b> Adopting Decision 26/23.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Various submitters support the provision and seek no change to it.</li> <li>2. The rule is intended, in this case, to provide an exemption from complying with other Plan rules but simply for the operations, maintenance and upgrading of any <i>existing</i> utilities.</li> <li>3. Decision 26/23 deletes Rule 3.17.2 and clarifies that, in respect to earthworks involved in the construction, maintenance and upgrading of utilities, Rule 3.9 stands alone. Decision 19/79 replaces the word "infrastructure" with "utilities" in Rule 3.9.2.</li> <li>4. As set out on pages 6 and 7 of this Decision, given the range of matters</li> </ol>

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<p>rules needs to be clarified.</p> <p><u>Relief Sought:</u> Clarify the relationship between 3.9.2 and 3.17.2 and 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>included in the definition of infrastructure and the overlay nature of the rules in various sections of the Proposed Plan, it is not practical or appropriate in this context to revise the Infrastructure section to be a complete code.</p>
<p><b>53.71 NZ Transport Agency</b> Support 3.9.3. Retain</p> <p><b>65.92 ICC Environmental and Planning Services</b> Support 3.9.3 in part. 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><u>Relief Sought:</u> Amend 3.9.3 as follows:</p> <p>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, is a non-complying activity within the Rural 1, Rural 2, Otatara, Industrial 3 and Industrial 4 zones.</u></p> <p><b>69.11 ICC Rooding Manger</b> Support 3.9.3 in part. The submitter considers the rule should be modified to enable extensions of infrastructure by Council.</p> <p><b>70.3 ICC Water Services Manager</b> The submitter considers that this should be extended to include the ICC water reticulation network as there is a strong link between the provision of water and sewerage services.</p>	<p><b>Decision 19/65</b> Submission 53.71 NZ Transport Agency is noted.</p> <p>Submissions 65.92 ICC Environmental and Planning Services and 69.11 ICC Rooding Manger are accepted in part.</p> <p>Submission 70.3 ICC Water Services Manager is accepted.</p> <p><b>Amendments to District Plan</b></p> <p>(i) Replace Rule 3.9.3 with the following:</p> <p><u>Any extension to</u></p> <p>(A) <u>the Council's reticulated water system outside the Water Supply Area shown in Appendix XI; and/or</u></p> <p>(B) <u>the Council's reticulated sewerage system to properties that do not have a Certificate of Title boundary within the Sewerage Reticulation Area shown in Appendix XI</u></p> <p><u>is a non-complying activity within the Otatara and Rural Zones.</u></p> <p>(ii) Add to 3.38.11</p> <p>Applications under Rules 3.38.9 and 3.38.10 above shall address the following matters, which will be among those taken into account by the Council:</p> <p>(I) <u>the ability to provide for on-site sewage treatment and disposal on the site</u></p> <p>(iii) Amend the maps in Appendix XI to show the Invercargill City Council Sewerage Reticulation Area, as shown in Appendix 3 of this Decision.</p> <p>(iv) Amend the title of Appendix XI to show the water supply catchment area as follows:</p> <p>Appendix XI – Council's reticulated <del>sewerage systems</del> <u>services</u></p>

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	<p>(v) Amend the maps included in Appendix XI to depict the Invercargill City Council Water Reticulation Area, as shown in Appendix 3 of this Decision.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. NZ Transport Agency supports the provision.</li> <li>2. Extensions to the Council's reticulated services within the urban areas may be necessary and as a consequence, amendment is required to the rule.</li> <li>3. Recognition of the areas served by both reticulated water and sewerage facilitates orderly development.</li> </ol>
<p><b>91.19 PowerNet Ltd</b>  Oppose 3.9.4. 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><u>Relief Sought:</u> 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 infrastructure that connects to the National Grid is exempt from Rule 3.9.4.</u></p> <p><b>FS25.30 Transpower NZ Ltd</b> support in part Submission 91.19. 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><b>91.21 PowerNet Ltd</b>  Oppose 3.9.7. 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><u>Relief Sought:</u> Provide an exemption for electricity distribution apparatus which by its nature is required to be located within 12 metres of the</p>	<p><b>Decision 19/66</b></p> <ol style="list-style-type: none"> <li>1. Submissions 91.19 - 21 PowerNet Ltd are accepted.</li> <li>2. Submissions 87.48 Transpower NZ Ltd and 88.83 Federated Farmers are accepted in part.</li> </ol> <p><b>Amendments to District Plan</b></p> <p>(i) Include a new method in Section 2.9.4 as follows:</p> <p><b>Method 7</b> Advise Transpower NZ Ltd of any resource consents and building consents received for subdivision and development to be undertaken within the National Grid Corridors and National Grid Yard, and any other area where there could be an adverse effect on the National Grid.</p> <p>(ii) Delete Rules 3.9.4 - 3.9.8 as notified and replace with the following:</p> <p><b>National Grid Corridors</b></p> <p><b>3.9.4</b> The following buildings and structures are permitted within the National Grid Corridor:</p> <ol style="list-style-type: none"> <li>(a) Any utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid</li> <li>(b) Any new non-habitable building less than 2.5 metres high and 10 square metres in floor area</li> <li>(c) Any non-habitable building or structure used for agricultural activities provided it is: <ol style="list-style-type: none"> <li>(i) Located at least 12 metres from a National Grid Support Structure</li> <li>(ii) Not a milking shed/dairy shed (excluding the stockyards and</li> </ol> </li> </ol>



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<p>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><b>87.48 Transpower NZ Ltd</b></p> <p>Oppose 3.9.4 – 3.9.7. 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><u>Relief Sought:</u> 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:</p> <p><b><u>Rule 3.9.4 Buildings and Structures within a National Grid Yard</u></b></p> <p><u>(a) On all sites within any part of the National Grid Yard the following buildings and structures are a permitted activity:</u></p> <ul style="list-style-type: none"> <li><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></li> <li><u>(ii) A fence; or</u></li> <li><u>(iii) A network utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or</u></li> <li><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></li> <li><u>(v) An uninhabited horticultural building or structure; or</u></li> <li><u>(vi) Any public sign required by law or provided by any statutory body in accordance with its powers under any law.</u></li> </ul> <p><u>(b) All buildings or structures permitted by a) must comply with at least one of the following conditions:</u></p> <ul style="list-style-type: none"> <li><u>(i) A minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or</u></li> <li><u>(ii) Demonstrate that safe electrical clearance distances are maintained under all National Grid line operating conditions.</u></li> </ul>	<p><u>ancillary platforms), or a commercial greenhouse</u></p> <p><u>(d) Alterations and extensions to existing buildings, provided that any extension does not occur closer to:</u></p> <ul style="list-style-type: none"> <li><u>(i) the centreline of the National Grid Corridor; or</u></li> <li><u>(ii) any structure part of the National Grid.</u></li> </ul> <p><b>3.9.5</b> <u>The following activities are non-complying within the National Grid Yard</u></p> <ul style="list-style-type: none"> <li><u>(a) Any new building or structure, or addition to any building or structure, not provided for above</u></li> <li><u>(b) Any change of use to a National Grid Sensitive activity, or the establishment of a new National Grid Sensitive activity</u></li> </ul> <p><b>3.9.6</b> <u>Applications under 3.9.5 above shall address the following matters, which will be among those taken into account by Council:</u></p> <ul style="list-style-type: none"> <li><u>(a) The location, height, scale, orientation and use of buildings and structures.</u></li> <li><u>(b) Any effects on the integrity of the transmission line.</u></li> <li><u>(c) The effects on the ability of the transmission line owner to operate, maintain and upgrade the transmission network.</u></li> <li><u>(d) The risk of electrical hazards affecting public or individual safety and risk of property damage.</u></li> <li><u>(e) The use of mobile machinery near transmission lines which may put the line at risk.</u></li> <li><u>(f) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001).</u></li> <li><u>(g) Whether the written approval of the relevant line owner has been supplied.</u></li> <li><u>(h) If the proposed utility is to be located in land identified on the District Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.</u></li> <li><u>(L) The functional need of the utility to be located in the area and built in the manner proposed.</u></li> </ul> <p><b><u>Note:</u></b> <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><b><u>Note:</u></b> <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</u></p>

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<p>(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:</p> <ul style="list-style-type: none"> <li>(i) Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid.</li> <li>(ii) Fence less than 2.5m in height and more than 5m from the nearest support structure.</li> <li>(iii) Horticultural structure between 8m and 12m from a pole support structure that: <ul style="list-style-type: none"> <li>i. Meets the requirements of the New Zealand Electrical Code Of Practice for Electrical Safe Distances for separation distances from the conductor (NZECP34: 2001);</li> <li>ii. Is no more than 2.5m high;</li> <li>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</li> <li>iv. Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.</li> </ul> </li> </ul> <p><u>Rule 3.9.5</u> The following buildings and structures are a non-complying activity within the National Grid Yard:</p> <ul style="list-style-type: none"> <li>(a) Any building or addition to a building for a sensitive activity.</li> <li>(b) Any change of use to a sensitive activity or the establishment of a new sensitive activity.</li> <li>(c) Intensive farm buildings and dairy/milking sheds or buildings excluding associated ancillary structures.</li> <li>(d) Any building or structure not permitted by Rule 3.9.4</li> </ul> <p><u>Rule 3.9.6</u> Earthworks within the National Grid yard are a permitted activity provided that:</p> <ul style="list-style-type: none"> <li>a) 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</li> <li>b) Any earthworks shall not create an unstable batter that will affect a National Grid support structure; and</li> <li>c) 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</li> </ul> <p>The following activities are exempt from Rule 3.9.6 a) above:</p> <ul style="list-style-type: none"> <li>(A) Earthworks undertaken in the course of constructing or maintaining infrastructure</li> <li>(B) Normal agricultural activities or domestic gardening.</li> </ul>	<p><u>Electricity (Hazards from Trees) Regulations 2003.</u></p> <p>(iii) Insert the following additional Rule:</p> <p><b>3.17.10 National Grid Yard</b></p> <ul style="list-style-type: none"> <li>(A) No earthworks shall be undertaken that result in a reduction in the ground to conductor clearance distance of: <ul style="list-style-type: none"> <li>(a) 6.5 metres where the conductor voltage does not exceed 110 kV; and</li> <li>(b) 7.5 metres where the conductor voltage exceeds 110 kV</li> </ul> </li> <li>(B) The following activities are exempt from (A) above: <ul style="list-style-type: none"> <li>(a) Earthworks undertaken in the course of constructing or maintaining utilities</li> <li>(b) Normal agricultural activities or domestic gardening.</li> <li>(c) Repair, sealing/resealing of an existing road, footpath, farm track or driveway.</li> </ul> </li> <li>(C) Any earthworks that do not comply with (A) above shall be a restricted discretionary activity.</li> </ul> <p><u>The matters over which the Council will exercise its discretion are:</u></p> <ul style="list-style-type: none"> <li>(a) Any effects on the integrity of the transmission line;</li> <li>(b) Volume, area and location of the works, including temporary activities such as stockpiles;</li> <li>(c) Time of the works;</li> <li>(d) Site remediation;</li> <li>(e) The use of mobile machinery near transmission line which may put the line at risk;</li> <li>(f) Compliance with NZECP 34: 2001; and</li> <li>(g) The outcome of any consultation with Transpower New Zealand Limited.</li> </ul> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. As set out on pages 8 and 9 of this Decision, it is unnecessary and inefficient to include rules in the District Plan that duplicate the controls of the NZECP. The Rule is amended to reduce this duplication. The inclusion of appropriate notes, policies and methods will work alongside the Rules and achieve the outcome desired by Transpower.</li> <li>2. Earthworks that result in the filling of land to an unsafe distance from electricity transmission lines require control, and such control is not</li> </ol>

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<p><u>(C) Repair, sealing resealing of an existing road, footpath, farm track or driveway.</u></p> <p><u>Rule 3.9.7</u>  <u>Any earthworks that do not comply with rule 3.9.6 a) shall be a restricted discretionary activity.</u>  <u>The matters over which the Council will exercise its discretion are:</u></p> <ul style="list-style-type: none"> <li>• <u>Any effects on the integrity of the transmission line;</u></li> <li>• <u>Volume, area and location of the works, including temporary activities such as stockpiles;</u></li> <li>• <u>Time of the works;</u></li> <li>• <u>Site remediation;</u></li> <li>• <u>The use of mobile machinery near transmission line which may put the line at risk;</u></li> <li>• <u>Compliance with NZECP 34: 2001; and</u></li> <li>• <u>Outcomes of any consultation with Transpower New Zealand Limited.</u></li> </ul> <p><u>Rule 3.9.7a</u>  <u>Any earthworks that do not comply with rule 3.9.6 b) or rule 3.9.6 c) shall be 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><b>FS4.28 Federated Farmers</b> oppose Submission 87.48. 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><b>FS12.12 PowerNet Ltd</b> support in part Submission 87.48  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. The further submitter also supports the proposed exclusion in terms of rule 3.9.6 which seeks permitted activity status for</p>	<p>provided for in NZECP.</p> <p>3. It is appropriate to provide for 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>4. Decision 19/2 includes a new definition for Utilities.</p>

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<p>earthworks associated with the construction or maintenance of infrastructure.</p> <p><b>FS25.12 Transpower NZ Ltd</b> 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 that Rule 3.9.4(a)(ii) should refer to non-conductive fences.</p> <p><b>88.83 Federated Farmers</b></p> <p>Oppose Rules 3.9.4 – 3.9.8 in part. 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. 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><u>Relief Sought:</u></p> <ul style="list-style-type: none"> <li>• Delete proposed rules 3.9.4, 3.9.5, 3.9.6, 3.9.7 and 3.9.8.</li> <li>• Develop a new rule, noting that all buildings, structures and earthworks need to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34: 2001).</li> <li>• 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.</li> </ul>	

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<p><b>FS25.32 Transpower NZ Ltd</b> oppose Submission 88.83. The further submitter considers that there are fundamental problems in sole reliance on NZECP34: 2001. 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. 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><b>91.20 PowerNet Ltd</b> Support 3.9.5 and 3.9.6 in part. The submitter supports these provisions but notes that there is no definition for utilities in the Plan.</p> <p><u>Relief Sought:</u> Retain the exemption in Rule 3.9.6(a) relating to earthworks associated with the construction or maintenance of utilities. And amend Plan to either include a definition of utilities or amend Rule 3.9.6 to refer to Infrastructure.</p> <p><b>FS25.31 Transpower NZ Ltd</b> support in part Submission 91.20. 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><b>91.22 PowerNet Ltd</b> Oppose 3.9.10. 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. The submitter considers it is not always possible, or practical, to locate apparatus underground. 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><b>Decision 19/67</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The submitter accepts that electricity lines should be underground in new residential areas.</li> <li>2. Within most of the areas zoned for business and industrial purposes,</li> </ol>

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<p><u>Relief Sought:</u> Amend Rule 3.9.10 or any similar amendments with like effect 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, <del>Business 1, 2, 3 and 4, Industrial 1, 1A and 2,</del> 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>electricity lines are already located underground.</p> <p>3. The rule enables above ground lines where existing support structures are used.</p> <p>4. The submission lodged, and evidence presented at the hearing, was in general terms, focusing more on the principle than the actual situation applying in Invercargill.</p> <p>5. To include the phrase “where practical and technically feasible” in the rule, as requested by PowerNet, would result in uncertainty and difficulty in administration.</p> <p>6. The prime consideration of the Council in these provisions is the protection of amenity, and the default situation of undergrounding will achieve that. If there are economic considerations in a particular case, then that is a matter to be considered as part of a resource consent.</p>
<p><b>91.23 PowerNet Ltd</b> Support Rule 3.9.15. 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. Retain Rule 3.9.15</p> <p><b>65.93 ICC Environmental and Planning Services</b> Support Rules 3.9.15 – 3.9.17 in part. 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><u>Relief Sought:</u> Amend 3.9.15(A)</p> <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><b>Decision 19/68</b> Submission 91.23 PowerNet Ltd is noted. Submission 65.93 ICC Environmental and Planning Services is accepted.</p> <p><b>Amendments to District Plan</b> Amend 3.9.15 (renumbered 3.13) as follows:</p> <p><del>3.9.13</del> <del>It is a permitted activity to erect electricity substations subject to the following standards:</del></p> <p style="padding-left: 40px;"><del>(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.</del></p> <p><u>It is a permitted activity to erect ground-mounted electricity substations in the Rural, Seaport 1 and 2, Industrial 2, 2A, 3 and 4, and Smelter Zones.</u></p> <p><b>3.9.14</b> <u>Other than provided for in Rule 3.9.13, it is a permitted activity to erect ground-mounted electricity substations in any other Zone, provided that no ground-mounted structure exceeds six square metres in area or two metres in height.</u></p> <p><b>3.9.15</b> <del>(B)</del> <u>No pole mounted electricity substation structure shall exceed a volume of 0.6m3</u></p>

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	<p><b>Reason</b> Redrafting 3.9.15 clarifies the intention of the provision.</p>
<p><b>102.14 Chorus NZ Ltd</b> Oppose Rules 3.9.18 – 3.9.20 in part. 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><u>Relief Sought:</u></p> <ul style="list-style-type: none"> <li>Amend Rule 3.9.18 to include the same exception for communication lines and ancillary equipment as permitted activities.</li> <li>Amend 3.9.19 to change the activity status to restricted discretionary.</li> <li>Delete Rule 3.9.20.</li> </ul>	<p><b>Decision 19/69</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Adopting Decision 19/70 and amending Rules 3.9.18 – 3.9.20 as follows:</p> <p><b>Communications – Line reticulation</b></p> <p><b>3.9.18</b> 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) <u>Other than where existing support structures are used, such lines are located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 4-6, Industrial 1, 1A and 2, Otatara and Hospital Zones.</u></p> <p><b>3.9.19</b> Where an activity does not comply with Rule 3.9.18 above, the activity shall be a <u>restricted discretionary activity.</u>  <u>The matters over which the Council shall exercise its discretion are:</u>  (A) <u>The effect of the proposed electricity lines and associated structures on the amenity values of the immediate neighbourhood.</u>  (B) <u>If the proposed infrastructure is to be located in land identified on the District Planning Maps as subject to natural hazard, the extent to which the proposal addresses the natural hazard to which the site is subject.</u>  (C) <u>The functional need of the infrastructure to be located in the area and built in the manner proposed.</u></p> <p><b>3.9.20</b> For the purposes of Rule 3.9.18 above, lines supported on poles <del>not exceeding 0.6m in diameter</del>, are exempt from:  (A) <del>The</del> <u>the</u> height and recession standards of the Plan.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>Although the lines may differ in thickness, the effects of communications lines on amenity values are similar to those of electricity lines and the same provisions should apply.</li> <li>The Committee noted that Chorus supported the outcome on this submission point as provided for above.</li> </ol>

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<p><b>102.15 Chorus NZ Ltd and 104.14 Spark NZ Ltd</b>  The submitters oppose Rules 3.9.21 – 23. The submitter believes the rule should refer to telecommunication and radiocommunication facilities. 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. The submitter believes that the rule framework is not functional, nor reasonable, nor based on the management of effects.</p> <p><u>Relief Sought:</u> Delete Rule 3.9.21 to 3.9.23 and include 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><b>23.2 Airways Corporation of NZ</b>  Oppose Rule 3.9.21. 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><u>Relief Sought:</u> Rule 3.9.21 is modified as follows:</p> <p>Telecommunication Facilities and associated structures, including <del>(but limited to)</del> <u>telecommunications facilities</u> 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 Environmental Standards for Telecommunications Facilities) regulations 2008 (Refer to Appendix XIII).</p> <p><b>52.10 NZ Police</b>  Oppose Rules 3.9.21 – 24. 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><u>Relief Sought:</u> Amend Rules 3.9.21 – 24 to:</p> <ul style="list-style-type: none"> <li>Refer to radiocommunication facilities; and</li> <li>Provide height limits for standalone masts and attached antennas for all zones. Permitted height limits should be 25m for Industrial</li> </ul>	<p><b>Decision 19/70</b>  Submission 102.15 Chorus NZ Ltd and 104.14 Spark NZ Ltd is accepted.</p> <p>Submissions 23.2 Airways Corporation of NZ, 52.10 NZ Police and 65.94 ICC Environmental and Planning Services are accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>(i) Include new definitions as follows:</p> <p><u>Antenna: Means, for the purposes of Rules 3.9.21 - 23, 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 Rules 3.9.21 - 23, any pole, tower or similar structure designed to carry antenna or dish antenna or otherwise to facilitate communications</u></p> <p>(ii) Delete Rules 3.9.21 – 3.9.24 and replace with the following:</p> <p><b><u>3.9.21 Telecommunication and radiocommunication facilities are permitted activities subject to the following standards:</u></b></p> <p>(A) <u>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>(B) <u>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>(C) <u>No antenna dish shall be greater than:</u></p> <p>(a) <u>1.2 metres in diameter in the Residential 1, 1A, 2 and 3 zones and the Otatara Zone; or</u></p> <p>(b) <u>3 metres in diameter in all other zones.</u></p> <p>(D) <u>No antenna attached to a building or mast shall extend above the building or mast more than:</u></p> <p>(a) <u>5 metres in the Industrial 2, 2A, 3 and 4 Zones, Seaport 1 and 2 Zones, or Rural Zone or</u></p> <p>(b) <u>3.5 metres in the Airport Protection Zone, Business Zones, Hospital Zone, Industrial 1 Zone, Otatara Zone and Residential Zones.</u></p>



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<p>and Rural Zones, 20m for Commercial Zones and 10m for Residential Zones.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>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> <p><b>FS5.22 Invercargill Airport Ltd</b> oppose in part Submissions 52.10, 102.15 and 104.14. 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><b>65.94 ICC Environmental and Planning Services</b> Support Rule 3.9.21 – 24 in part. 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><u>Relief Sought:</u></p> <ul style="list-style-type: none"> <li>• Amend 3.9.21 – 3.9.24 or include an additional rule to address residential scale telecommunications and radiocommunications facilities.</li> <li>• Reword 3.9.21</li> </ul> <p>...Including (but <u>not</u> limited to) telecommunications facilities...</p>	<p>(E) <u>No masts for telecommunication or radiocommunication facilities shall exceed a height above ground level of:</u></p> <p>(a) <u>10 metres in the Airport Protection Zone, Residential Zones, Otatara Zone and Business 2 and 4 Zones</u></p> <p>(b) <u>15 metres in the Business 6 Zone Industrial 1 Zone</u></p> <p>(c) <u>20 metres in the Business 1, 3 and 5 Zones</u></p> <p>(c) <u>25 metres in the Industrial 2, 2A, 3 and 4 Zones, Rural and Hospital Zone</u></p> <p>(E) <u>No masts, poles, or towers for telecommunication or radiocommunication facilities shall exceed 600 mm in diameter at a point 4.0 metres or more above ground level in the Residential Zones, Otatara Zone and Business 2 and 4 Zones, or be sited within 25 metres of the boundary of those zones.</u></p> <p>(F) <u>Telecommunication cabinets and radiocommunication equipment cabinets outside of the road reserve shall not exceed: 2.5 metres in height; or have a total floor area exceeding 1.8 square metres in floor area.</u></p> <p><u>Note: Invercargill Airport Limited Designation 74 limits the allowable height of structures, including masts and antenna, on various height planes associated with Invercargill Airport.</u></p> <p><b>3.9.22</b> <u>Telecommunication and radiocommunication facilities are discretionary activities where:</u></p> <p>(A) <u>The standards set out in 3.9.21 are not met; or</u></p> <p>(B) <u>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>(C) <u>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><b>Assessment Matters</b> <u>Applications under Rule 3.9.22 shall address the following matters, which will be among</u></p>

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	<p><u>those taken into account by the Council:</u></p> <p>(A) <u>The degree of non-compliance with the National Environmental Standard for Telecommunications Facilities and the effects of that non-compliance.</u></p> <p>(B) <u>The size and height of the antennae and their supporting structures.</u></p> <p>(C) <u>The proximity of the proposal to existing telecommunication facilities and the effects of that proximity, including the feasibility of co-location.</u></p> <p>(D) <u>The effects on any heritage values, indigenous biodiversity, outstanding or locally distinctive and valued landscapes, and the coastal environment.</u></p> <p>(E) <u>If the proposed infrastructure is to be located in land identified on the District 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> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The rules applying to communication facilities, as notified, were not clear and concise, and contained several errors.</li> <li>2. As set out on page 9 of this Decision, various government regulations manage the health effects associated with communication facilities.</li> <li>3. The key issue for the District Plan to protect is amenity.</li> <li>4. In order to operate efficiently, communication facilities generally require a height greater than surrounding buildings, and this is enabled by the height limits of standalone masts and the installation of antenna above those limits and above buildings.</li> </ol>
<p><b>87.46 Transpower NZ Ltd</b></p> <p>The submitter is seeking a new rule to ensure that 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><u>Relief Sought:</u> Include a new rule as follows:</p> <p><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</u></p>	<p><b>Decision 19/71</b></p> <p>This submission is rejected</p> <p><b>Amendments to District Plan</b></p> <p>None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. Rule 3.9.9 (renumbered 3.9.7) implements the National Environmental Standards for Electricity Transmission Activities. As the standard is referred to in that Rule there is no need to include an additional note</li> </ol>

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<p><u>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>advising of the existence of the NES.</p> <p>2. The Committee noted that Transpower accepted rejection of this submission at the hearing.</p>
<b>SUBDIVISION</b>	
<b>2.14.1 Issues</b>	
<p><b>87.34(a) Transpower NZ Ltd</b> Support 2.14.1 Issues in part. 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><u>Relief Sought:</u> Retain points 1, 4 and 7 as notified and add an additional point to Issue 2.14.1 as follows:</p> <p style="padding-left: 40px;">9. Subdivision and development can have adverse effects, including reverse sensitivity effects, on existing infrastructure and network utilities, which can result in restricting the operation, upgrading and development of infrastructure.</p> <p><b>FS28.19 NZ Transport Agency</b> 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><b>79.14 KiwiRail Holdings Ltd</b> Oppose 2.14.1 in part. 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><u>Relief Sought:</u> Amend 2.14.1 Issue 1 by adding the following:</p> <p style="padding-left: 40px;">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.</p> <p><b>FS5.31 Invercargill Airport Ltd</b> 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><b>Decision 19/72</b> Submission 87.34(a) Transpower NZ Ltd is accepted. Submission 79.14 KiwiRail Holdings Ltd is accepted in part.</p> <p><b>Amendments to District Plan</b> Include an additional Issue to 2.14.1 as follows:</p> <p>9. <u>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><b>Reasons</b></p> <p>1. While there are a number of Issue statements in 2.14 that refer to the relationship between subdivision and infrastructure, a further issue is warranted to recognise that subdivision can also result in other effects that may restrict the operation, upgrading and development of infrastructure.</p> <p>2. It is not necessary to include a specific Issue statement referring to transportation infrastructure. The new issue above relates to all infrastructure.</p>

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<b>2.14.2 Objectives</b>	
<p><b>53.20 NZ Transport Agency</b> Support 2.14.2 Objective 5. Retain Objective 5 as proposed.</p> <p><b>87.35 Transpower NZ Ltd</b> Support 2.14.2 Objective 5. Retain Objective 5 as proposed.</p> <p><b>88.10 Federated Farmers</b> 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.</p> <p><u>Relief Sought:</u> 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.</p> <p><b>91.13 PowerNet Ltd</b> Support 2.14.2 Objective 5. It appropriate to protect existing infrastructure from new incompatible land uses and activities. Retain.</p> <p><b>53.22 NZ Transport Agency</b> Support 2.14.2 Objective 9. Retain 2.14.2 Objective 9 as notified.</p> <p><b>102.8 Chorus NZ Ltd and 104.8 Spark NZ Ltd</b> Support 2.14.2 Objective 9. Strongly supports the need to integrate development with the provision of infrastructure. Retain.</p>	<p><b>Decision 19/73</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support the Plan provisions and seek no change to them.</p>
<p><b>87.36 Transpower NZ Ltd</b> 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).</p> <p><u>Relief Sought:</u> That a new objective be added as Objective 12 as follows: <u>Manage the effects of subdivision and development on the safe, efficient and effective operation, maintenance, upgrading and development of the National Grid</u></p>	<p><b>Decision 19/74</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b> Amend 2.14.2 Objective 5 as follows: 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 existing infrastructure.</u></p> <p><b>Reasons</b></p>

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	<ol style="list-style-type: none"> <li>Objective 5 refers to managing the effects of subdivision on infrastructure and a generic addition to that is appropriate.</li> <li>The Committee noted that at the hearing Transpower accepted the above outcome on this submission point.</li> </ol>
<b>2.14.3 Policies</b>	
<p><b>87.37 Transpower NZ Ltd</b>  Support 2.14.3 Policy 9 in part. 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><u>Relief Sought:</u> Add the following policies:</p> <p><b><u>Policy 10 National Grid Corridor:</u></b>  <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"> <li><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></li> <li><u>Any potential cumulative effects that may restrict the operation, access, maintenance, or upgrade of National Grid transmission lines or support structures; and</u></li> <li><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></li> </ol> <p><b><u>Policy 10A National Grid Corridor:</u></b>  <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><b>Decision 19/75</b>  This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <ol style="list-style-type: none"> <li>Amend 2.14.3 Policy 9 as follows:  <b>Infrastructure:</b> To respect the operational, <u>maintenance, upgrading and development</u> requirements and reverse sensitivity issues associated with infrastructure including <u>the National Grid</u>, electricity lines, State Highways, railways and the airport.  <i><b>Explanation:</b> 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.</i></li> <li>Amend 3.18.4(B) as follows:  (B) Integration with and effects on the <u>operation, maintenance, upgrading and development of existing infrastructure.</u></li> </ol> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>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 all infrastructure could be adversely affected by incompatible subdivision, and it is appropriate to amend Policy 9 to include that.</li> <li>The matters listed in the submitters suggested 'Policy 10' are valid, but a better outcome can be achieved by including them in Rule 3.18.4.</li> </ol>

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<p><b>53.25 NZ Transport Agency</b> Support 2.14.3 Policy 9. Retain 2.14.3 Policy 9 as notified.</p> <p><b>79.15 KiwiRail Holdings Ltd</b> Support 2.14.3 Policy 9. The submitter considers it appropriate to protect significant transport infrastructure. Retain 2.14.3 Policy 9 as notified.</p> <p><b>91.14 PowerNet</b> Support 2.14.2 Policy 9. The submitter considers it appropriate to protect existing infrastructure from new incompatible land uses and activities. Retain 2.14.3 Policy 9 as notified.</p> <p><b>FS7.33 South Port New Zealand Ltd</b> support Submission 91.14</p>	<p><b>Decision 19/76</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support the Plan provisions and seek no change to them.</p>
<b>3.18 Rules</b>	
<p><b>70.2 ICC Water Services Manager</b> Suggestion for new rule. 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><u>Relief Sought:</u> Require that all lots created by subdivision in residential areas are serviced.</p>	<p><b>Decision 19/77</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> All subdivisions require a resource consent and one of the matters of discretion is 'the provision of services', however not all services are required to all new allotments.</p>
<p><b>102.17 Chorus NZ Ltd and 104.16 Spark NZ Ltd</b> Support 3.18.1. The submitters consider that the controlled activity status is appropriate for subdivision to provide for utility lots. Retain 3.18.1 as notified.</p>	<p><b>Decision 19/78</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the Plan provision and seeks no change to it.</p>
<p><b>53.79 NZ Transport Agency</b> Concerns over the relationship between 3.9.2 and 3.18.1. 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</p>	<p><b>Decision 19/79</b> This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p>

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<p>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><u>Relief Sought:</u> Clarify the operation of Rules 3.9.2 and 3.18.1.</p>	<p>(i) Amend Rule 3.18.1(A) as follows:</p> <p style="padding-left: 40px;">(A) Subdivision of land to provide for a network-utility.</p> <p>(ii) In Rule 3.9.2 replace the word “infrastructure” with “utilities”.</p> <p><b>Reason</b> While Rule 3.9.2 refers to the operation, maintenance and upgrading and replacement of existing utilities, subdivision is covered in 3.18 and a minor amendment has been made to remove inconsistencies in terminology.</p>
<p><b>79.29 KiwiRail Holdings Ltd</b> Support 3.18.3. The submitter considers that it is important that the significant transport infrastructure is protected from inappropriate subdivision, use and development. Retain 3.18.3</p>	<p><b>Decision 19/80</b> This submission is noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitter supports the Plan provision and seeks no change to it.</p>
<p><b>87.54 Transpower NZ Ltd</b> Support 3.18.5 in part. 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><u>Relief Sought:</u> That Rule 3.18.5 be amended as follows:</p> <p><b>3.18.5 Electricity Transmission Lines National Grid Corridor</b> Where subdivision includes land (in any zone) within the National Grid Corridor <del>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.</del></p> <p>†The following matters will be taken into account by the Council in exercising its discretion:</p> <p><del>(A) The extent to which the subdivision design avoids, remedies or mitigates conflicts</del></p>	<p><b>Decision 19/81</b> These submissions are accepted in part.</p> <p><b>Amendments to District Plan</b> Rule 3.18.5 is amended as follows:</p> <p>Where subdivision of land creates new boundaries within an area measured <del>32</del><sup>25</sup> 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.</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>(B) The ability for maintenance and inspection of transmission lines including ensuring access.</p> <p><del>(C) The ability to provide a complying building platform.</del></p> <p><del>(D) Compliance with the NZ Electrical Code of Practice for Electrical Safe Distances.</del></p>

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<p><del>with existing lines, for example through the location and design of roads, reserves, landscaping, earthworks and building platforms.</del></p> <p><del>(B) The ability for maintenance and inspection of transmission lines including ensuring access.</del></p> <p><del>(C) The ability to provide a complying building platform.</del></p> <p><del>(D) Compliance with the NZ Electrical Code of Practice for Electrical Safe Distances.</del></p> <p><del>(E) Whether any affected utility operator has provided written approval.</del></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 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>(F) <u>The nature and location of any proposed vegetation to be planted in the vicinity of National Grid lines</u></p> <p>(G) <u>The provision for the on-going operation, maintenance and planned upgrade of National Grid lines.</u></p> <p>(H) <u>The risk to the structural integrity of the National Grid transmission network; 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><b>3.18.6</b>  <u>Any subdivision of land in any zone within the National Grid Corridor which does not comply with the restricted discretionary activity standard under Rule 3.18.5 is a Non-Complying Activity.</u>  <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><del>(E) Whether any affected utility operator has provided written approval.</del></p> <p>(C) <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>(D) <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>(E) <u>The results of consultation undertaken, including any written advice obtained, from the owner of the electricity transmission line.</u></p> <p><b>Reasons</b>  Further to the discussion of issues on pages 8 and 9 of this Decision:</p> <ol style="list-style-type: none"> <li>1. Rule 3.18.3 provides for subdivision as a discretionary activity, and that will include land adjacent to electricity transmission lines. As noted by Claire Kelly, planning witness for Transpower, restricted discretionary status in such cases is not appropriate.</li> <li>2. In considering a subdivision proposal, Rule 3.18.4(K) requires regard to be given to reverse sensitivity impacts on Transpower.</li> <li>3. The maximum distance specified in the NZECP for the control of structures near to electricity transmission lines is 22.5 metres. The Rule has been rounded up to 25 metres.</li> <li>4. The rule applies to all electricity transmission lines, not just those owned and operated by Transpower.</li> <li>5. It is not practical, in the Invercargill setting, to require specific identification of building platforms at the time of subdivision.</li> <li>6. At the time of subdivision, planting and building designs and plans are rarely available. Reference 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 section 3.18.</li> <li>7. The revised clauses (C) and (E) above provide clearer guidance to</li> </ol>



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<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><b>Non-notification:</b>  <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></p> <p><u>Note: Vegetation to be planted around the National Grid 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>applicants as to the issues the Council will have regard to.</p> <p>8. It is appropriate to highlight the Council will assess potential reverse sensitivity effects on the electrical transmission lines in considering subdivision consents near to such lines.</p>

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<p><b>FS4.33 Federated Farmers</b> oppose Submission 87.54. 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. 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><b>88.91 Federated Farmers</b>  Support 3.18.5 in part. 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><u>Relief Sought:</u></p> <ul style="list-style-type: none"> <li>(i) 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.</li> <li>(ii) Delete proposed Rule 3.18.5 (B) The ability for maintenance and inspection of transmission lines including ensuring access.</li> <li>(iii) Rule 3.18.5 (C) is retained.</li> <li>(iv) Rule 3.18.5 (D) is retained.</li> </ul> <p><b>FS25.11 Transpower NZ Ltd</b> support in part Submission 88.91. 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. 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>	

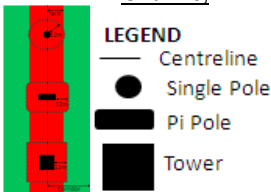
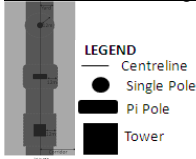
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<p>or the landowners opportunity to negotiate with Transpower. The Proposed District Plan cannot however, allow for development that would make it impossible to do works under the Electricity Act.</p>	
<b>SUGGESTED DEFINITIONS</b>	
<p><b>26.5(c) NZ Defence Force</b>  Definition to add - Strategic Infrastructure - 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. A definition of 'strategic infrastructure' should be included in the Proposed District Plan.</p> <p><u>Relief Sought:</u> Insert a definition of 'strategic infrastructure' with 'defence facilities' included as a point within this definition:</p> <p><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></p> <p><u>1. Defence facilities...</u></p> <p><b>FS25.18 Transpower NZ Ltd</b> support in part Submission. 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. 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><b>79.36 KiwiRail Holdings Ltd</b>  Definition to add - Significant Infrastructure - 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</p>	<p><b>Decision 19/82</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The term 'strategic infrastructure' is not used in the District Plan, so there is no need to include a definition.</li> <li>2. Defence facilities are not considered to be part of infrastructure.</li> <li>3. Land transport infrastructure is covered by the Infrastructure provisions, as well as the Transportation provisions of the Proposed Plan. Decision 19/2 amends the definitions of 'infrastructure' and 'utilities' to include transportation networks.</li> </ol>

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<p>and regionally and nationally significant infrastructure.</p> <p><u>Relief Sought:</u> 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"> <li>– <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></li> <li>– <u>It is a lifeline utility as defined in section 4 of the Civil Defence Emergency Management Act 2002.</u></li> </ul> <p><b>FS25.19 Transpower NZ Ltd</b> support in part submission 79.36. 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. 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><b>69.7 ICC Roading Manger</b></p> <p>Definition to add Network Utility - 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. Include definition of term Network Utility.</p> <p><b>FS25.22 Transpower NZ Ltd</b> oppose Submission 69.7. 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><b>Decision 19/83</b></p> <p>This submission is accepted in part.</p> <p><b>Amendments to District Plan</b></p> <p>Adopting Decision 19/2 which replaces references to the term 'Network Utility' with 'Utility' and defines 'Utility'.</p> <p><b>Reason</b></p> <p>The changes made remove confusion in the Proposed Plan.</p>
<p><b>87.59 Transpower NZ Ltd</b></p> <p>Definition to add National Grid Yard. - The submitter considers more explicit provisions need to be included to manage the adverse effects of other</p>	<p><b>Decision 19/84</b></p> <p>These submissions are accepted</p>

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<p>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><u>Relief Sought:</u> Include new definition:</p> <p><b>National Grid Yard:</b> (shown in red in diagram below) means:</p> <ul style="list-style-type: none"> <li>the area located 12 metres in any direction from the outer edge of a National Grid support structure; and</li> <li>the area located 12 metres either side of the centreline of any overhead National Grid line;</li> </ul>  <p><b>FS4.36 Federated Farmers</b> oppose Submission 87.59. 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. 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><b>87.60 Transpower NZ Ltd</b>  Definition to add - National Grid Corridor - 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><u>Relief Sought:</u> Include definition of National Grid Corridor: (shown in green in diagram above) as follows:  Means the area measured either side of the centreline of above ground National Grid line as follows:</p>	<p><b>Amendments to District Plan</b>  Include the following definitions in the Proposed Plan:</p> <p><b>National Grid Yard:</b> Means:</p> <p>(A) the area located 12 metres in any direction from the outer edge of a National Grid support structure; and</p> <p>(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>  <p><b>National Grid Corridor:</b> Means the area measured 25 metres either side of the centreline of above ground National Grid line.  <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><b>Reasons</b></p> <ol style="list-style-type: none"> <li>The terms 'National Grid Yard' and 'National Grid Corridors' are now used in the Plan and therefore require defining.</li> <li>A distance of 25 metres has been adopted for the width of the Corridor to reflect the provisions of the NZECP, rounding to a logical number.</li> </ol>

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<ul style="list-style-type: none"> <li>• 16m for the 110kV lines on pi poles</li> <li>• 32m for 110kV lines on towers</li> <li>• 37m for the 220kV transmission lines</li> </ul> <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><b>FS4.37 Federated Farmers</b> oppose Submission 87.60. 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. The further submitter considers that the Council simply needs to refer to the NZECP.</p>	
<p><b>87.61 Transpower NZ Ltd</b>  Definition to add National Grid Sensitive Activities - 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><u>Relief Sought:</u> That a definition of National Grid Sensitive Activities be included in the Plan as follows:</p> <p><b><u>National Grid Sensitive Activities</u></b>  <u>Means buildings or parts of buildings used for, or able to be used for the following purposes:</u></p> <p>(A) <u>Residential activity;</u>  (B) <u>Education activity, except language schools, learning centres and tertiary education facilities;</u>  (C) <u>Child Day Care activity; and</u>  (D) <u>Hospital activity.</u></p>	<p><b>Decision 19/85</b>  This submission is accepted in part</p> <p><b>Amendments to District Plan</b>  Include a definition of 'National Grid Sensitive Activities' as follows:</p> <p><b><u>National Grid Sensitive Activities:</u></b> <u>Means buildings or parts of buildings used for, or able to be used for the following purposes:</u></p> <p>(A) <u>Caretakers Accomodation</u>  (B) <u>Day Care activity;</u>  (C) <u>Educational activity, except training related to the National Grid;</u>  (D) <u>Home Stay;</u>  (E) <u>Hospital activity;</u>  (F) <u>Residential activity;</u>  (G) <u>Residential Care Activity;</u>  (H) <u>Visitor accommodation</u></p> <p><b>Reason</b>  The term National Grid Sensitive Activity has been included in a rule by way of Decision 19/66 and requires defining. The matters listed have been widened from those sought to be consistent with other sensitive activities.</p>

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<b>SPECIFIC DEFINITIONS</b>	
<p><b>18.104 Environment Southland</b>  Support in part the definition of 'Infrastructure'. 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><u>Relief Sought:</u> Add:  <u>(J) flood alleviation works (stopbanks, detention dams and associated drainage works)</u></p> <p><b>69.8 ICC Roading Manager</b>  Support in part the definition of 'Infrastructure' - 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><u>Relief Sought:</u> Include <u>gas</u> within the definition of infrastructure.</p>	<p><b>Decision 19/86</b>  These submissions are accepted.</p> <p><b>Amendments to District Plan</b>  Adopting Decision 19/2.</p> <p><b>Reason</b>  Decision 19/2 amends the definitions of "infrastructure" and "utilities" and includes the matters referred to by these submission points.</p>
<p><b>26.5(d) NZ Defence Force</b>  Oppose in part the definition of 'Infrastructure' - 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><u>Relief Sought:</u> The inclusion of 'strategic infrastructure' in the definition of infrastructure.</p> <p><b>FS25.20 Transpower NZ Ltd</b> support in part submission 26.5(d). 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. 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><b>Decision 19/87</b>  This submission is rejected.</p> <p><b>Amendments to District Plan</b>  None required.</p> <p><b>Reason</b>  The term "strategy infrastructure" is not used in the Proposed Plan and therefore does not require defining.</p>

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<p><b>52.16 NZ Police and 87.57 Transpower NZ Ltd</b> Support definition of maintenance and replacement. Retain</p> <p><b>102.21 Chorus NZ Ltd and 104.20 Spark NZ Ltd</b> Support definition of maintenance and replacement. The submitters consider that the definition aids in clarifying existing use rights. Retain</p> <p><b>87.58 Transpower NZ Ltd</b> Support definition of National Grid. Retain.</p>	<p><b>Decision 19/88</b> These submissions are noted.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reason</b> The submitters support the Plan provision and seek no change to it.</p>
<p><b>23.3 Airways Corporation of NZ</b> Support in part the definition of Radiocommunication Facility. The submitter notes that there is no activity status or reference to these facilities attributed to this activity in the plan.</p> <p><u>Relief Sought:</u> That the activity status of Radiocommunication facilities within the Proposed District Plan are clarified.</p>	<p><b>Decision 19/89</b> This submission is accepted.</p> <p><b>Amendments to District Plan</b> Adopting Decision 19/70 that provides for revision of Rules 3.9.21 - 24</p> <p><b>Reason</b> The definition is supported and the rules amended for clarification.</p>
<p><b>52.17 NZ Police</b> Support the definition of upgrading particularly (F). Retain.</p> <p><b>102.22 Chorus NZ Ltd</b> Oppose definition of Upgrading. 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><u>Relief Sought:</u> Amend definition of upgrading as follows:</p> <p><b>Upgrading:</b> 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"> <li>(A) the addition of <u>lines</u>, circuits and conductors</li> <li>(B) the reconductoring of the line with higher capacity conductors</li> <li>(C) the resagging of conductors</li> <li>(D) the addition of longer or more efficient insulators</li> </ul>	<p><b>Decision 19/90</b> This submission is rejected.</p> <p><b>Amendments to District Plan</b> None required.</p> <p><b>Reasons</b></p> <ol style="list-style-type: none"> <li>1. The addition of lines is beyond what is generally considered to be 'upgrading'.</li> <li>2. While policies in the Proposed Plan favour co-location where this is feasible, there are potential adverse effects that require consideration.</li> </ol>



## APPENDIX 1 - Decisions by Submission

Submission	Decision
<p>(E) the addition of earthwires which may contain telecommunication lines earthpeaks and lightning rods</p> <p>(F) the replacement and/or alteration of antennas, masts, poles and associated structures</p> <p>Upgrading shall not include, in relation to electricity, <del>telecommunication or radiocommunication</del> lines and/or facilities:</p> <p>(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</p> <p><del>(B) The addition of further lines or cables to be used other than for the original purpose for which the structure was erected</del></p> <p><b>FS12.15 PowerNet Ltd</b> support Submission 102.22. 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>	

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### 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:<sup>2</sup>

- (A) ~~Network utility systems~~ Utilities such as street lighting, electricity, water supply, stormwater drainage, sewerage and roading.<sup>3</sup>
- (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~~Port~~ and airport facilities and installations.<sup>4</sup>

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.<sup>5</sup>

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.<sup>6</sup>

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.~~<sup>7</sup>

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

<sup>2</sup> Decision 19/16

<sup>3</sup> Decision 19/16

<sup>4</sup> Decision 19/16

<sup>5</sup> Decision 19/18

<sup>6</sup> Decision 19/18

<sup>7</sup> Decision 19/13

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## APPENDIX 2 - Amended District Plan Provisions

zones, and for the recognition of network corridors around infrastructure such as roads, the railway and the National Grid. Care needs to be taken locating activities that may affect the efficient and effective operation and development of infrastructure in order to avoid reverse sensitivity effects.<sup>8</sup>

<sup>9</sup>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 2013/4–2016/1 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 considered under the Transportation provisions within the District Plan. Infrastructure associated with the Airport and Seaport is also provided for in the Transportation and Zone Specific provisions within the District Plan.<sup>10</sup>

### 2.9.1 Issues

#### **The significant resource management issues for infrastructure:**

1. Poor integration of subdivision, 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 infrastructure.<sup>11</sup>
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.<sup>12</sup>
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.<sup>13</sup>

### 2.9.2 Objectives

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

- (C) ~~Protecting infrastructure from incompatible subdivision, use and development, providing local, subregional and national benefits.~~<sup>14</sup>

**Objective 3:** Existing infrastructure is protected from incompatible subdivision, use and development.<sup>15</sup>

**Objective 43:** To ensure that the location and design of ~~utilities~~ infrastructure avoids significant adverse effects on:<sup>16</sup>

<sup>8</sup> Decision 19/12

<sup>9</sup> Decision 19/14

<sup>10</sup> Decision 19/15

<sup>11</sup> Decision 19/22

<sup>12</sup> Decision 19/26

<sup>13</sup> Decision 19/25

<sup>14</sup> Decision 19/29

<sup>15</sup> Decision 19/29

<sup>16</sup> Decision 19/30

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**Objective 54:** To provide for the sustainable, secure and efficient ~~use~~ operation, maintenance, upgrading and development of infrastructure ~~the electricity transmission network~~ 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.<sup>17</sup>

**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.<sup>18</sup>

### 2.9.3 Policies

#### Policy 1 Existing infrastructure:

**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.~~<sup>19</sup>

**Policy 2** <sup>20</sup>**Management of effects:** To avoid where practical, 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~~ 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.~~ 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~~*

<sup>17</sup> Decision 19/31

<sup>18</sup> Decision 19/34

<sup>19</sup> Decision 19/38

<sup>20</sup> Decision 19/10

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where this is feasible and practicable to minimise the cumulative effects of infrastructure on the environment.<sup>21</sup>

**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.<sup>22</sup>

~~**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 Activities which relate to overhead transmission lines for electricity transmission activities.~~

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.<sup>23</sup>

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

~~**Explanation:** New infrastructure and upgrades to existing infrastructure should be located 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 to be as robust as they can be in the face of the uncertainties created by climate change.~~<sup>24</sup>

**Policy 4 Natural Hazards:** To consider and adopt appropriate risk management strategies to protect essential infrastructure from the adverse effects of natural hazards and climate change and to ensure that the design and location of infrastructure does not exacerbate the adverse effects of natural hazards and climate change.<sup>25</sup>

**Explanation:** The design and location of new infrastructure and upgrades to existing infrastructure should take into account known natural hazard risks and climate change effects. Essential services must be resilient so as to provide for people and communities, particularly during natural hazard events.<sup>26</sup>

~~**Policy 5a6**~~To discourage the location of telecommunications facilities in or adjacent to residential properties. To encourage radiocommunication and telecommunication facilities to be located outside residential areas unless there is a functional need to locate there.<sup>27</sup>

**Explanation:** In order to maintain, enhance or protect amenity values, where a radiocommunication or telecommunication facility can be located outside residential areas, this will be the preferred option. For example, where the

<sup>21</sup> Decision 19/41

<sup>22</sup> Decision 19/43

<sup>23</sup> Decision 19/43

<sup>24</sup> Decision 19/46

<sup>25</sup> Decision 19/46

<sup>26</sup> Decision 19/46

<sup>27</sup> Decision 19/48

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*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 radiocommunication 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.<sup>28</sup>*

**Policy ~~76~~** **Undergrounding:** ~~To require the underground placement of network utilities where this is economically viable and technically feasible.<sup>29</sup>~~

~~(A) To require the underground placement of utilities in areas where existing networks are underground or extensions to networks are proposed, where this is economically viable and technically feasible.~~

~~(B) To encourage the underground placement of utilities where they are currently above ground, particularly when those utilities are being upgraded or replaced, where this is economically viable and technically feasible.<sup>30</sup>~~

**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 economically viable and practicable be adopted. Having regard to existing use rights, the Council is limited as to the extent that it can direct the undergrounding of utilities where they are presently underground, but it will promote and encourage that to occur.<sup>31</sup>

**Policy ~~87~~** **Co-location:**

**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—149-14~~ apply to the National Electricity Grid, being assets used or owned by Transpower NZ Limited.

**Policy ~~98~~** **Constraints:**

**Policy ~~109~~** **Benefits:**

**Policy ~~1140~~** **Route, site and method: ...**

**Policy ~~1244~~** **Existing Effects:** To consider reducing existing adverse effects of ~~transmission~~ National Grid infrastructure, including such effects on ~~noise~~ National Grid sensitive activities where appropriate, when substantial upgrades of transmission infrastructure are taking place.<sup>32</sup>

<sup>28</sup> Decision 19/48

<sup>29</sup> Decision 19/50

<sup>30</sup> Decision 19/50

<sup>31</sup> Decision 19/50

<sup>32</sup> Decision 19/54

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**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~~ The operator of the National Grid will be encouraged to consider such reductions when planning substantial infrastructure upgrades.<sup>33</sup>

**Policy 1312 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 National Grid network ~~electricity transmission system~~.<sup>34</sup>

**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.<sup>35</sup>

**Policy 1413 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.<sup>36</sup>

**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.<sup>37</sup>

<sup>38</sup>**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 5** Have regard to 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

<sup>33</sup> Decision 19/54

<sup>34</sup> Decision 19/55

<sup>35</sup> Decision 19/55

<sup>36</sup> Decision 19/56

<sup>37</sup> Decision 19/56

<sup>38</sup> Decision 19/57

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environmental standards when dealing with and assessing electric and magnetic fields and radiofrequency fields associated with utilities.<sup>39</sup>

**Method 6** Facilitation of information dissemination and consultation between infrastructural providers and the community.<sup>40</sup>

**Method 7** Advise Transpower NZ Ltd of any resource consents and building consents received for subdivision and development to be undertaken within the National Grid Corridors and National Grid Yard, and any other area where there could be an adverse effect on the National Grid.<sup>41</sup>

### 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.<sup>42</sup>

#### 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.<sup>43</sup>

#### 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.<sup>44</sup>

**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.*<sup>45</sup>

<sup>39</sup> Decision 19/57

<sup>40</sup> Decision 19/9

<sup>41</sup> Decision 19/66

<sup>42</sup> Decision 19/72

<sup>43</sup> Decision 19/74

<sup>44</sup> Decision 19/75

<sup>45</sup> Decision 19/75

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## SECTION THREE - RULES

### 3.9 INFRASTRUCTURE UTILITIES

#### General

- 3.9.1** ~~Except as provided for in Rules 3.9.2 to 3.9.24 below, infrastructure is a permitted activity. Utilities are a permitted activity subject to the standards set out in 3.9.2 - 3.9.22 below.~~<sup>46</sup>

**Note 1:** The development, operation, maintenance, upgrading and replacement of infrastructure is provided for in the Invercargill City Council Bylaw 2013/4 2016/1 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 unless otherwise approved is required to be designed and constructed to meet the requirements of the Bylaw.<sup>47</sup>

**Note 2:** Works undertaken within the legal boundaries of State highways and other roads require the written approval of the NZ Transport Agency and the Invercargill City Council respectively.<sup>48</sup>

#### Maintenance

- 3.9.2** The operation, maintenance and replacement<sup>49</sup>, and upgrading ~~and replacement~~ of existing ~~infrastructure~~ utilities<sup>50</sup> is a permitted activity and is not required to comply with any other Rules or standards in this Plan.

#### Extensions

- ~~**3.9.3** Any extension to the Council's reticulated services existing as at 30 July 2013 and shown in Appendix XI is a non-complying activity.~~

- 3.9.3** Any extension to
- (A) the Council's reticulated water system outside the Water Supply Area shown in Appendix XI; and/or
  - (B) the Council's reticulated sewerage system to properties that do not have a Certificate of Title boundary within the Sewerage Reticulation Area shown in Appendix XI
- is a non-complying activity within the Otatara and Rural Zones.<sup>51</sup>

#### National Grid ~~Electricity~~ Transmission Line Corridors

- <sup>52</sup>~~**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.~~

<sup>46</sup> Decision 19/61

<sup>47</sup> Decision 19/59

<sup>48</sup> Decision 19/63

<sup>49</sup> Minor amendment made under Clause 16(2) of the RMA First Schedule

<sup>50</sup> Decision 19/79

<sup>51</sup> Decision 19/65

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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.~~

<sup>53</sup>~~**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.~~

<sup>54</sup>~~**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.~~

<sup>55</sup>~~**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.~~

<sup>56</sup>~~**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.~~

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<sup>52</sup> Decision 19/66

<sup>53</sup> Decision 19/66

<sup>54</sup> Decision 19/66

<sup>55</sup> Decision 19/66

<sup>56</sup> Decision 19/66

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- ~~(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.~~

### **3.9.4** The following buildings and structures are permitted within the National Grid Corridor:

- (A) Any utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid
- (B) Any new non-habitable building less than 2.5 metres high and 10 square metres in floor area
- (C) Any non-habitable building or structure used for agricultural activities provided it is:
  - (a) Located at least 12 metres from a National Grid Support Structure
  - (b) Not a milking shed/dairy shed (excluding the stockyards and ancillary platforms), or a commercial greenhouse
- (D) Alterations and extensions to existing buildings, provided that any extension does not occur closer to:
  - (a) the centreline of the National Grid Corridor; or
  - (b) any structure part of the National Grid.

### **3.9.5** 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

### **3.9.6** Applications under Rule 3.9.5 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 use of mobile machinery near transmission lines which may put the line at risk.

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

**Note:** 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).

**Note:** 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.

### Electricity lines

**3.9.79** 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).

**3.9.840** 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, 4 and 46, 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.

**3.9.944** For the purposes of Rule 3.9.840 above, lines supported on poles are exempt from the height and recession plane standards of the Plan.

**3.9.1042** It is a restricted discretionary activity to erect any electricity lines up to (and including) 110kV that do not comply with Rules 3.9.79 and 3.9.840 above and/or any applicable District wide Rule and/or Zone standard.

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

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 of the immediate neighbourhood.
- (B) If the proposed infrastructure is to be located in land identified on the District 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.

**3.9.1143** Except in the Smelter Zone and provided for in Rule 3.9.840, it is a discretionary activity to erect electricity lines greater than 110kV.

**3.9.1244** Applications under Rule 3.9.1143 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 amenities of the immediate neighbourhood.
- (B) If the proposed infrastructure is to be located in land identified on the District 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.

### Electricity Substations

**3.9.1315** ~~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.<sup>57</sup>~~

It is a permitted activity to erect ground-mounted electricity substations in the Rural, Seaport 1 and 2, Industrial 2, 2A, 3 and 4, and Smelter Zones.<sup>58</sup>

**3.9.14** Other than provided for in Rule 3.9.13, it is a permitted activity to erect ground-mounted electricity substations in any other Zone, provided that no ground-mounted structure exceeds six square metres in area or two metres in height.<sup>59</sup>

**3.9.15** ~~(B) No pole mounted electricity substation structure shall exceed a volume of 0.6m3.~~

**3.9.16** It is a discretionary activity to erect any electricity substation that does not comply with any part of Rules ~~3.9.1345~~ to 3.9.15 above.<sup>60</sup>

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<sup>57</sup> Decision 19/68

<sup>58</sup> Decision 19/68

<sup>59</sup> Decision 19/68

<sup>60</sup> Consequential to Decision 19/66

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

**3.9.17** Applications under Rule 3.9.16 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 District 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

### Communications – Line reticulation

**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:

- (A) Other than where existing support structures are used, such lines are located underground in the Residential 1, 1A, 2 and 3, Business 1, 2, 3, 4 and 4-6, Industrial 1, 1A and 2, Otatara and Hospital Zones.<sup>61</sup>

**3.9.19**<sup>62</sup> Where an activity does not comply with Rule 3.9.18 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 District 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.

**3.9.20**<sup>63</sup> For the purposes of Rule 3.9.18 above, lines supported on poles ~~not exceeding 0.6m in diameter~~, are exempt from: (A) ~~the~~ height and recession standards of the Plan.

### Telecommunication and Radiocommunication Facilities

<sup>64</sup>~~**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~~

<sup>61</sup> Decision 19/69

<sup>62</sup> Decision 19/69

<sup>63</sup> Decision 19/69

<sup>64</sup> Decision 19/70

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

~~Standards for Telecommunications Facilities) Regulations 2008 (Refer to Appendix XIII).~~

<sup>65</sup>~~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.~~

<sup>66</sup>~~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.~~

<sup>67</sup>~~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.~~

**3.9.21** Telecommunication and radiocommunication 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 antenna dish shall be greater than:
  - (a) 1.2 metres in diameter in the Residential 1, 1A, 2 and 3 Zones and the Otatara Zone; or
  - (b) 3 metres in diameter in all other zones.
- (D) No antenna attached to a building or mast shall extend above the building or mast more than:
  - (a) 5 metres in the Industrial 2, 2A, 3 and 4 Zones, Seaport 1 and 2 Zones, or Rural Zone or
  - (b) 3.5 metres in the Airport Protection Zone, Business Zones, Hospital Zone, Industrial 1 Zone, Otatara Zone and Residential Zones.

<sup>65</sup> Decision 19/70

<sup>66</sup> Decision 19/70

<sup>67</sup> Decision 19/70

Note: Underline indicates additions, strikethrough indicates deletions.



## APPENDIX 2 - Amended District Plan Provisions

- (E) No masts for telecommunication or radiocommunication facilities shall exceed a height above ground level of:
- (a) 10 metres in the Airport Protection Zone, Residential Zones, Otatara Zone and Business 2 and 4 Zones
  - (b) 15 metres in the Business 6 Zone and Industrial 1 Zone
  - (c) 20 metres in the Business 1, 3 and 5 Zones
  - (d) 25 metres in the Industrial 2, 2A, 3 and 4 Zones, Rural and Hospital Zone

- (E) No masts, poles, or towers for telecommunication or radiocommunication facilities shall exceed 600 mm in diameter at a point 4.0 metres or more above ground level in the Residential Zones, Otatara Zone and Business 2 and 4 Zones, or be sited within 25 metres of the boundary of those zones.

- (F) Telecommunication cabinets and radiocommunication equipment cabinets outside of the road reserve shall not exceed: 2.5 metres in height; or have a total floor area exceeding 1.8 square metres in floor area.

Note: Invercargill Airport Limited Designation 74 limits the allowable height of structures, including masts and antenna, on various height planes associated with Invercargill Airport.

**3.9.22** Telecommunication and radiocommunication facilities are discretionary activities where:

- (A) The standards set out in Rule 3.9.21 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.

### **Assessment Matters**

**3.9.23** Applications under Rule 3.9.22 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 telecommunication 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 distinctive and valued landscapes, and the coastal environment.
- (E) If the proposed infrastructure is to be located in land identified on the District Planning Maps as subject to natural hazard, the extent to which

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## APPENDIX 2 - Amended District Plan Provisions

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.

### 3.17 Soils, Minerals and Earthworks

#### **3.17.10 National Grid Yard<sup>68</sup>**

(A) No earthworks shall be undertaken that result in a reduction in the ground to conductor clearance distance of:

(a) 6.5 metres where the conductor voltage does not exceed 110 kV; and

(b) 7.5 metres where the conductor voltage exceeds 110 kV

(B) The following activities are exempt from (A) 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, farm track or driveway.

(C) Any earthworks that do not comply with (A) above shall be a restricted discretionary activity.

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

(a) Any effects on the integrity of the transmission line;

(b) Volume, area and location of the works, including temporary activities such as stockpiles;

(c) Time of the works;

(d) Site remediation;

(e) The use of mobile machinery near transmission line which may put the line at risk;

(f) Compliance with NZECP 34: 2001; and

(g) The outcome of any consultation with Transpower New Zealand Limited.

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<sup>68</sup> Decision 19/66

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

### 3.18 Subdivision

3.18.1 The following subdivision activities are controlled activities:

- (A) Subdivision of land to provide for a ~~network~~-utility.<sup>69</sup>

3.18.4 Applications under Rule 3.18.3 above shall address the following matters which will be among those taken into account by the Council:

- (B) Integration with and effects on the operation, maintenance, upgrading and development of existing infrastructure.<sup>70</sup>

3.18.5<sup>71</sup> Where subdivision of land creates new boundaries within an area measured ~~3225~~ 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.~~

- (C) 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).

- (D) 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.

- (E) The results of consultation undertaken, including any written advice obtained, from the owner of the electricity transmission line.

### 3.38 Rural 1 Zone

#### Residential Density

3.38.11 Applications under Rules 3.38.9 and 3.38.10 above shall address the following matters, which will be among those taken into account by the Council:

<sup>69</sup> Decision 19/79

<sup>70</sup> Decision 19/75

<sup>71</sup> Decision 19/81

Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

- (I) the ability to provide for on-site sewage treatment and disposal on the site<sup>72</sup>

### SECTION FOUR – DEFINITIONS

**Antenna:** Means, for the purposes of Rules 3.9.21 - 23, 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.<sup>73</sup>

<sup>74</sup>**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 telecommunication and radiocommunication
- (F) navigation aids for aircraft, boats and other such water craft
- (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) Flood alleviation works managed by the Council and/or Environment Southland
- (L) anything described as a network utility operation in s166 of the Resource Management Act 1991

**Mast:** Means, for the purposes of Rules 3.9.21 - 23, any pole, tower or similar structure designed to carry antenna or dish antenna or otherwise to facilitate communications<sup>75</sup>

**National Grid Corridor:** Means the area measured 25 metres either side of the centreline of above ground National Grid line. Note: The National Grid Corridor does not apply to underground cables or any transmission lines (or sections of line) that are designated.<sup>76</sup>

<sup>77</sup>**National Grid Sensitive Activities** - Means buildings or parts of buildings used for, or able to be used for the following purposes:

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

<sup>72</sup> Decision 19/65

<sup>73</sup> Decision 19/70

<sup>74</sup> Decision 19/2

<sup>75</sup> Decision 19/70

<sup>76</sup> Decision 19/84

<sup>77</sup> Decision 19/85

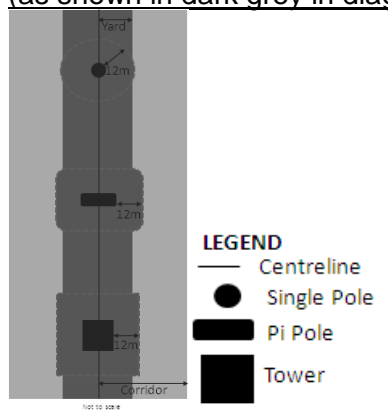
Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 2 - Amended District Plan Provisions

<sup>78</sup>**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)



<sup>79</sup>**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 telecommunication or radiocommunication
- (F) Navigation aids for aircraft, boats and other such water craft
- (G) Data recording and monitoring systems, including but not restricted to meteorological facilities
- (H) Roading and street furniture
- (I) The railway network
- (J) Sewage 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

<sup>78</sup> Decision 19/84

<sup>79</sup> Decision 19/2

Note: Underline indicates additions, strikethrough indicates deletions.

### SECTION FIVE – APPENDICES

**Appendix XI** – Amend the maps in Appendix XI to show the Invercargill City Council Sewerage Reticulation Area and the Invercargill City Council Water Reticulation Area – (as shown on Appendix 3 attached).<sup>80</sup>

Amend the title of Appendix XI to “Council’s Reticulated Services”.<sup>81</sup>

### DISTRICT PLANNING MAPS

Amend District Planning Maps by updating Transpower Overhead Lines (110Kv or above) and Transpower Structures data on District Planning Maps to show most up-to-date information.<sup>82</sup>

<sup>83</sup>Amend the legend reference in the District Planning Maps from

- (a) Transpower Overhead Lines (110Kv or above) to National Grid Electricity Transmission lines (110Kv or above).
- (b) Transpower Structures to National Grid Structures.

### GLOBAL CHANGES

Where appropriate, replace references as follows:

“Network Utilities” with “Utilities”<sup>84</sup>

“electricity transmission” with “National Grid”<sup>85</sup>

“National Electricity Grid” with “National Grid”<sup>86</sup>

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<sup>80</sup> Decision 19/65

<sup>81</sup> Decision 19/65

<sup>82</sup> Decision 19/8

<sup>83</sup> Decision 19/8

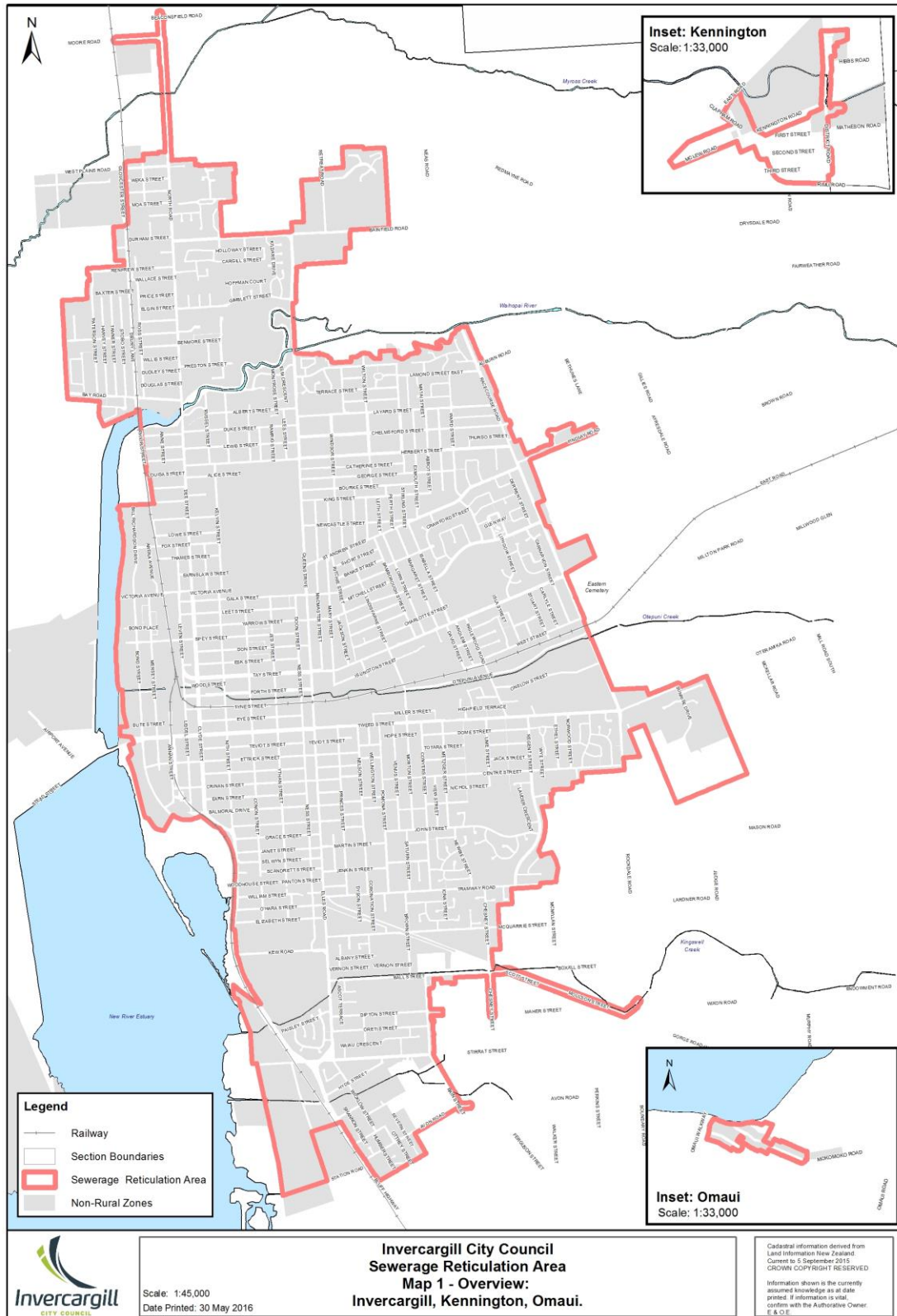
<sup>84</sup> Decision 19/2

<sup>85</sup> Decision 19/3

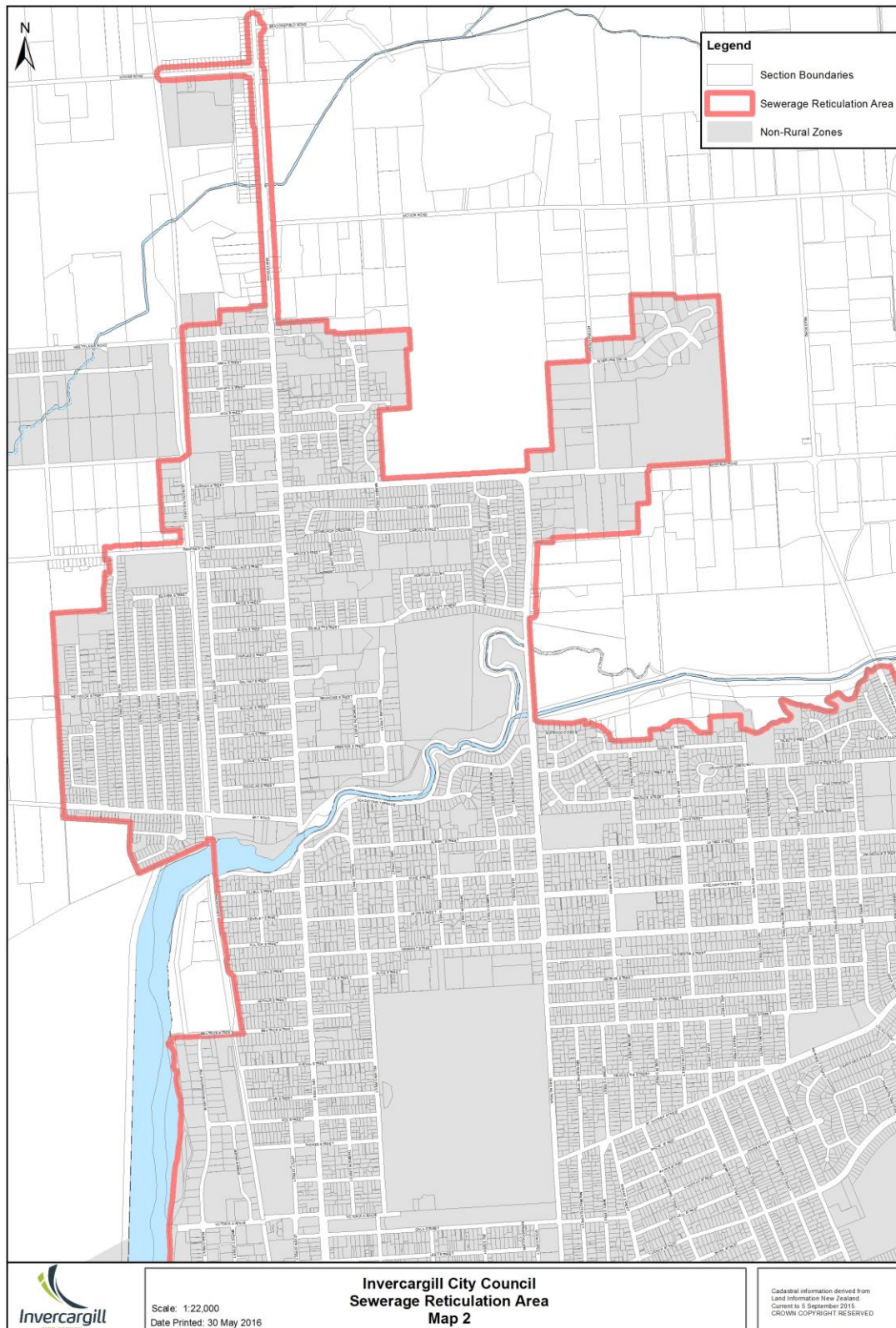
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Note: Underline indicates additions, strikethrough indicates deletions.

## APPENDIX 3

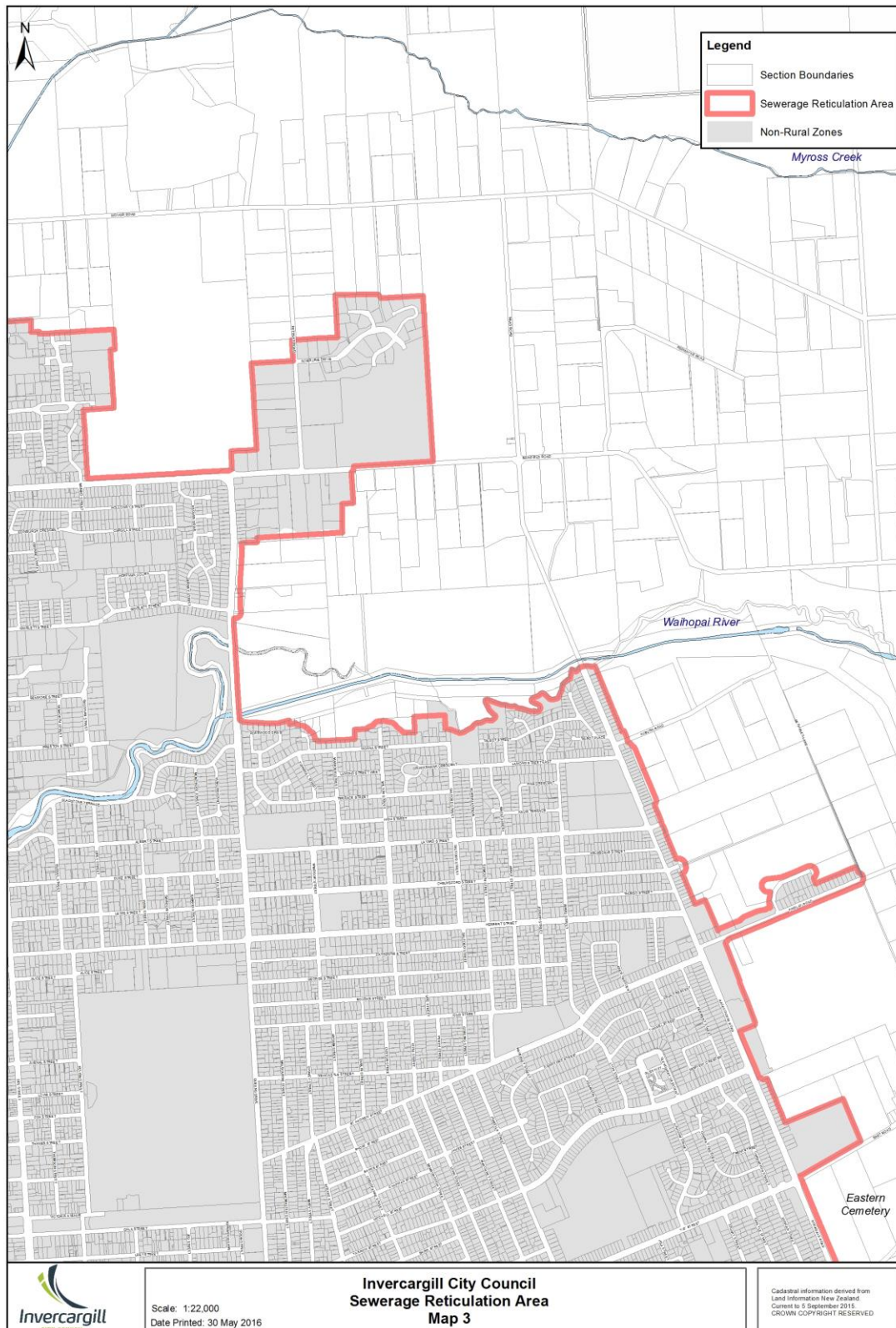


## APPENDIX 3





## APPENDIX 3

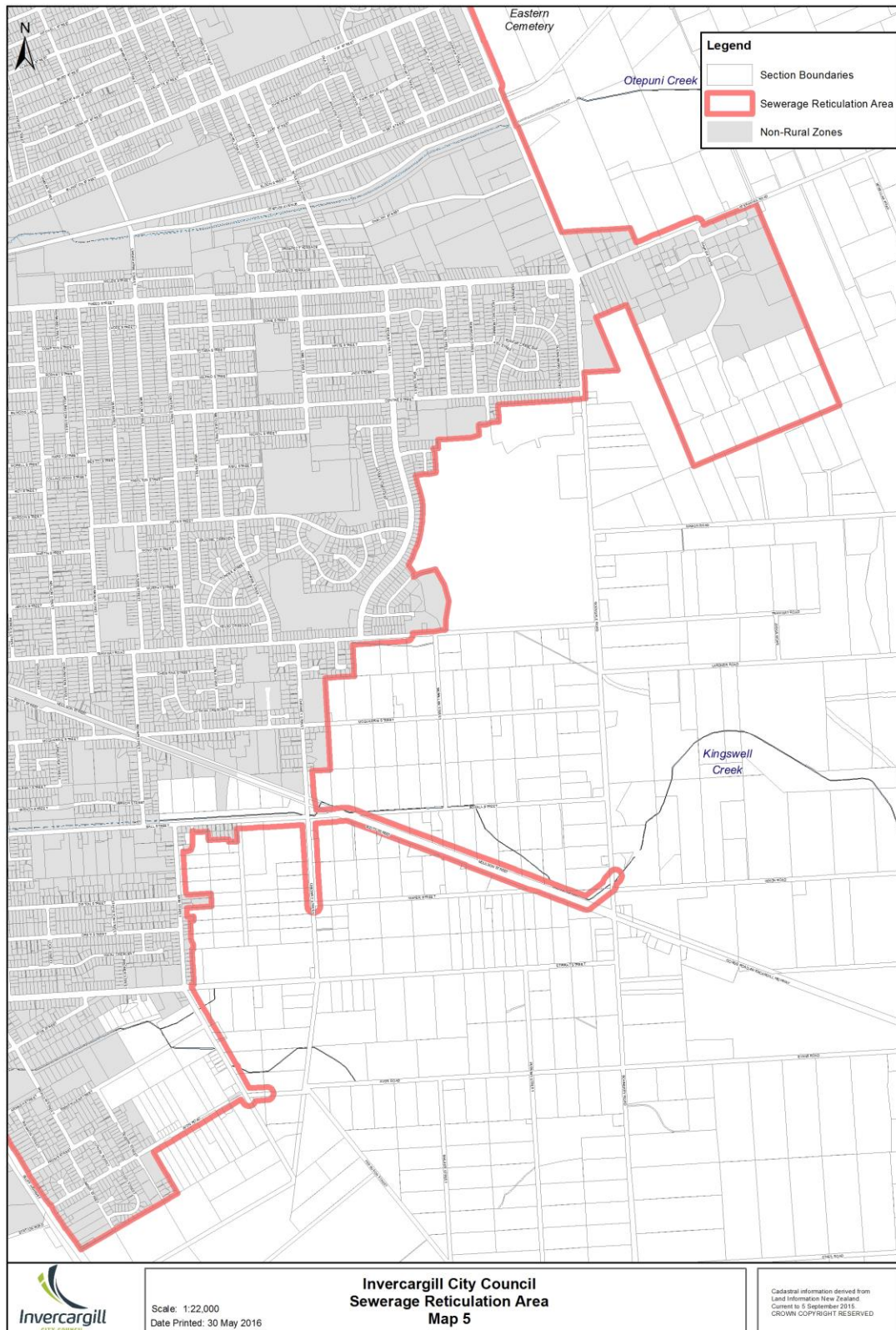


## APPENDIX 3

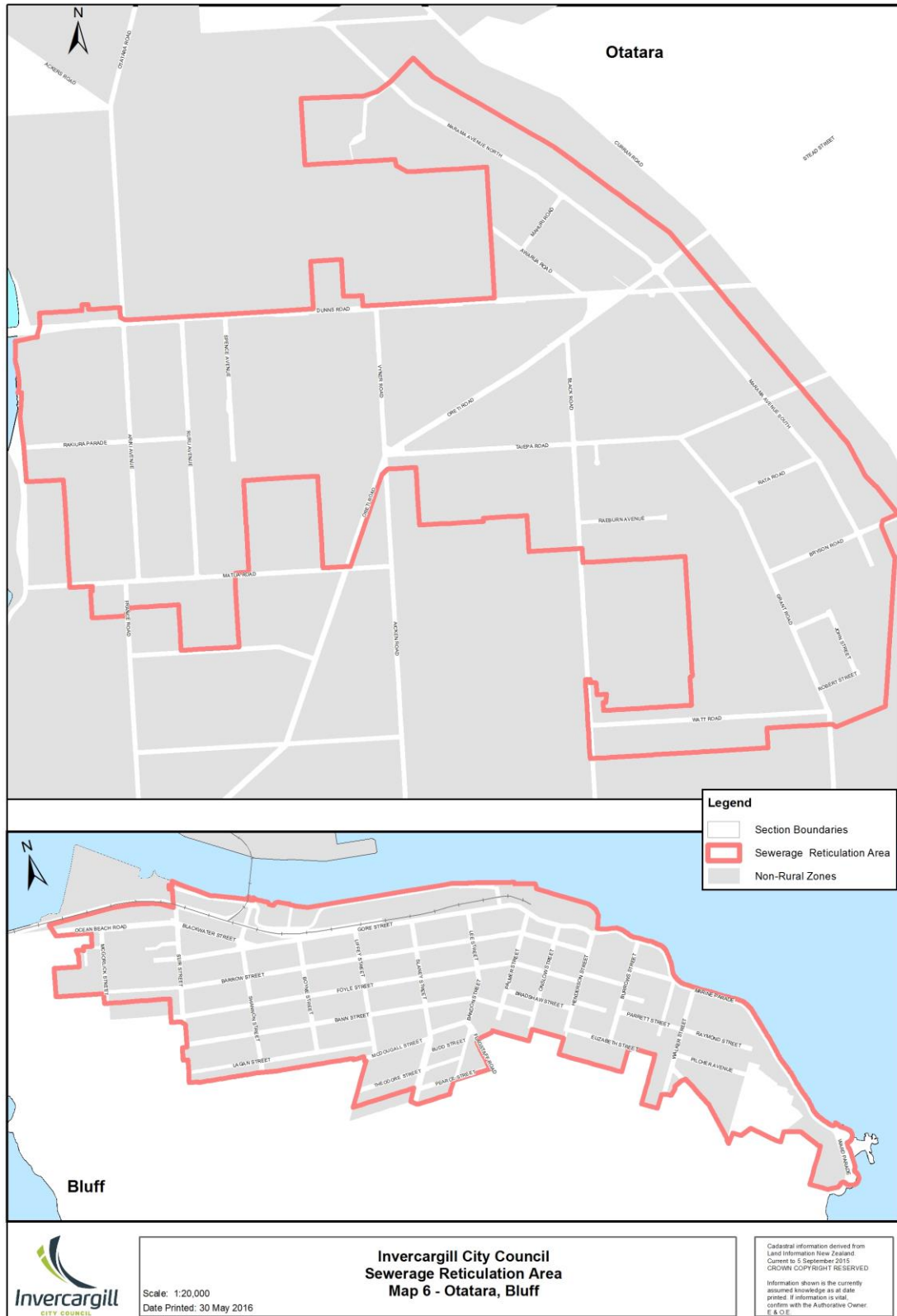




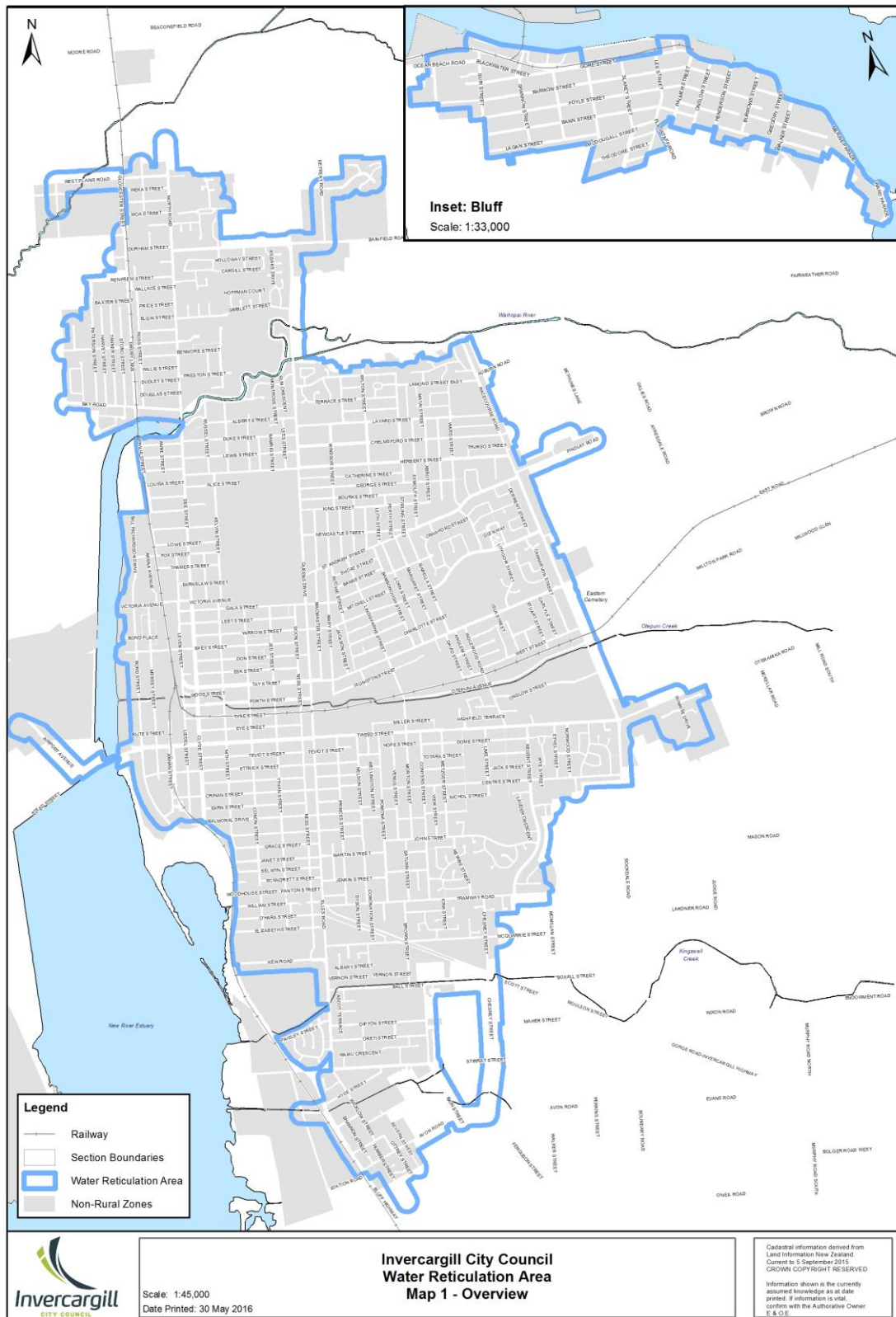
## APPENDIX 3



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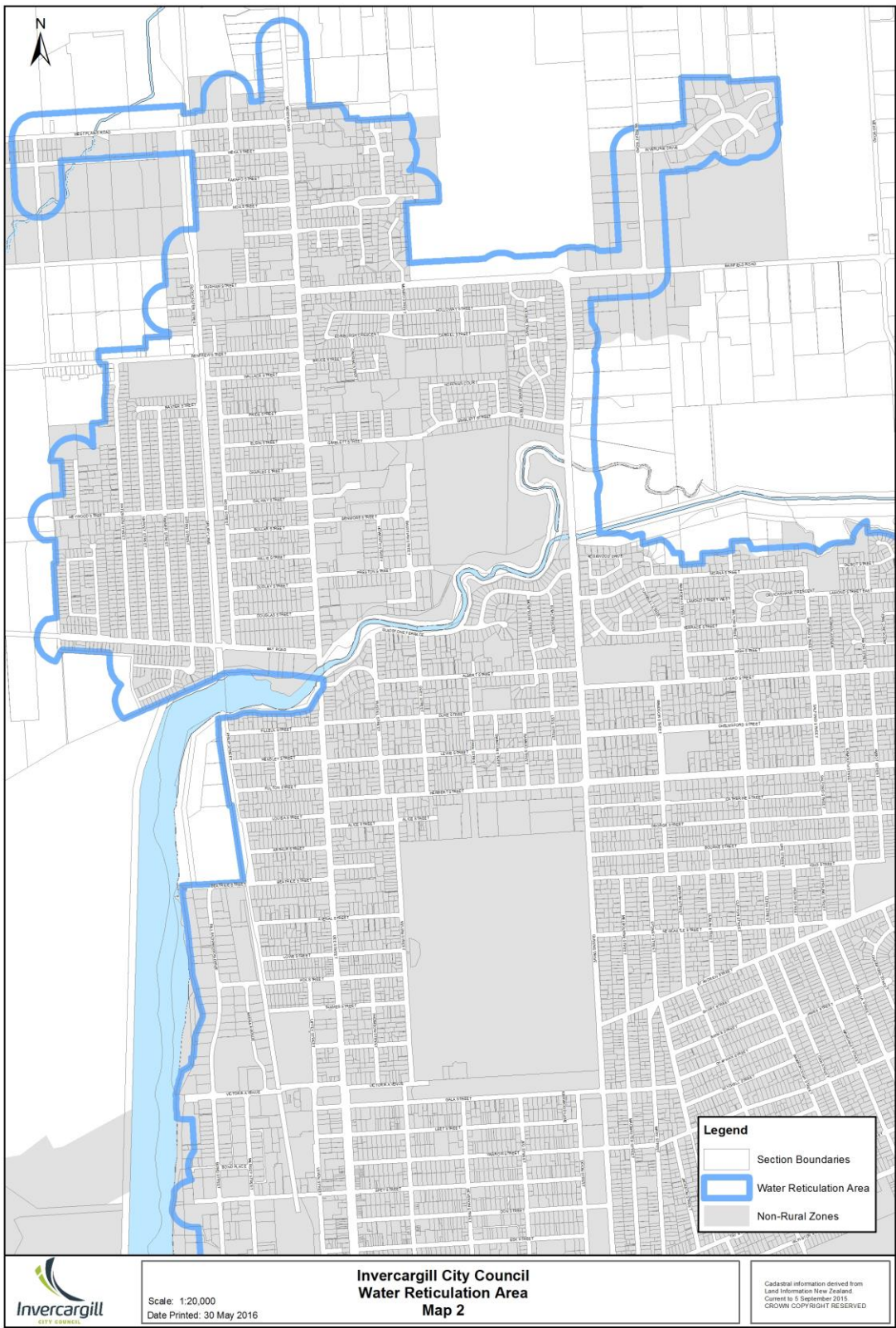


## APPENDIX 3

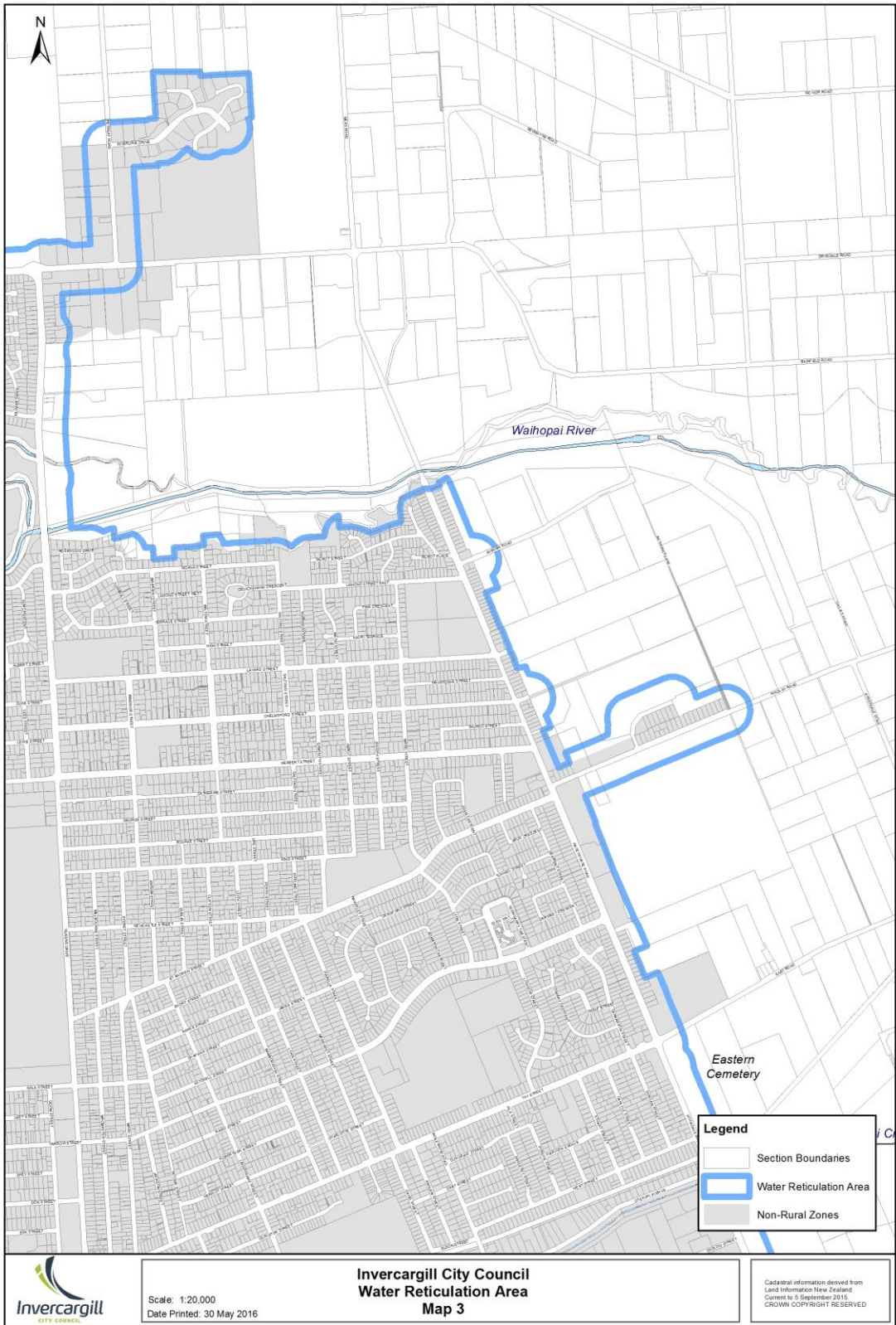




APPENDIX 3

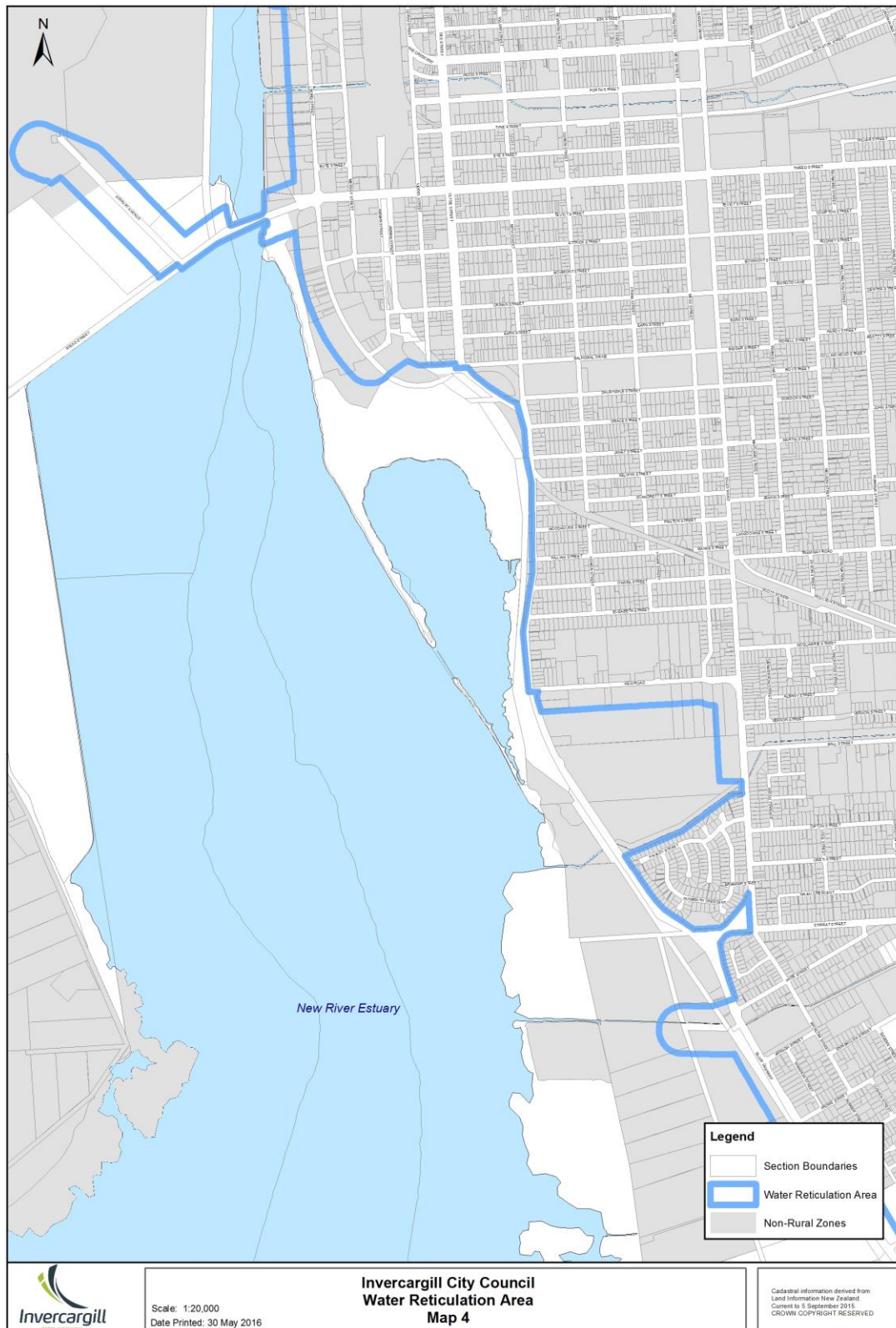


APPENDIX 3



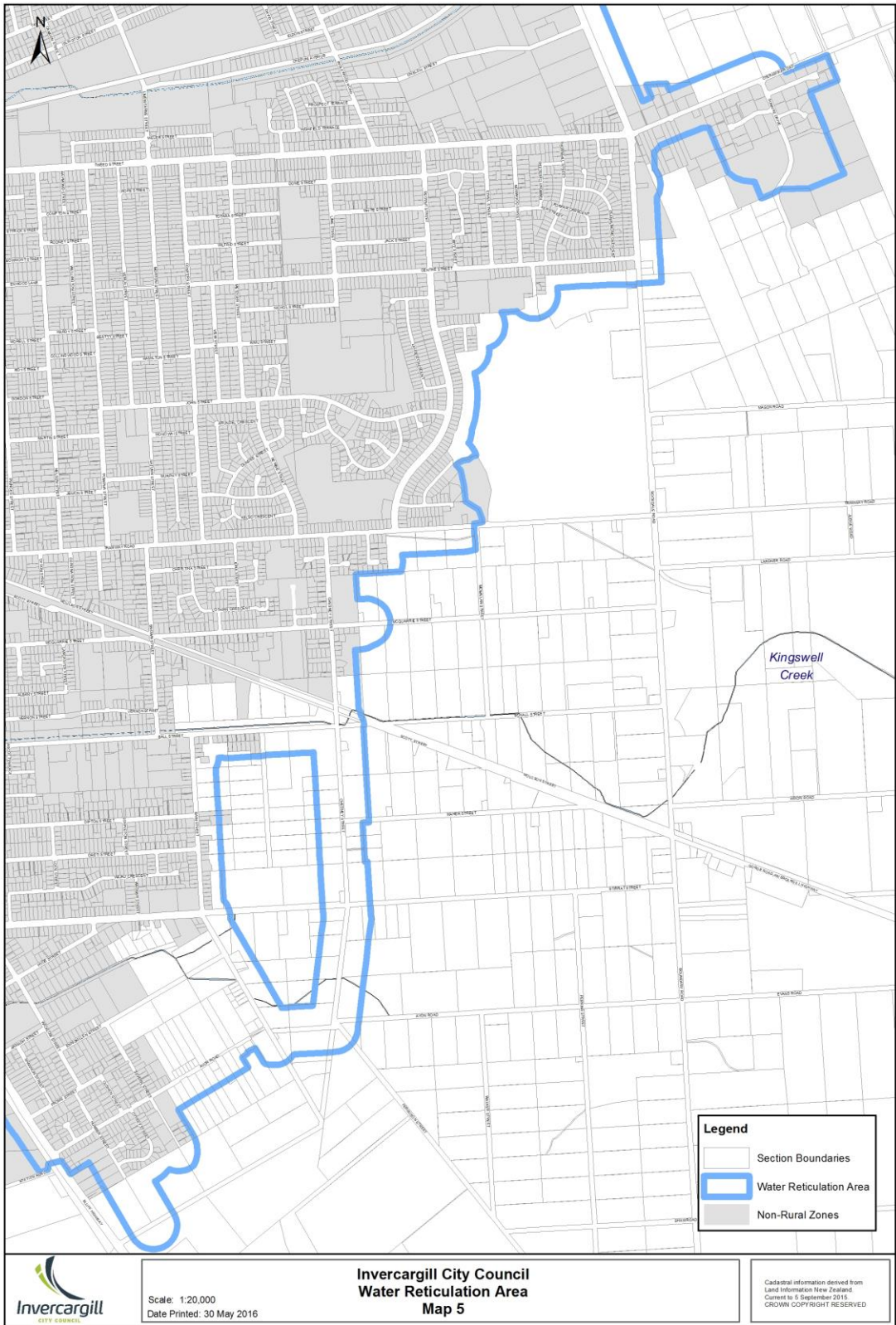


## APPENDIX 3





APPENDIX 3



APPENDIX 3

