

Form 6

**FURTHER SUBMISSION IN SUPPORT OF, AND IN OPPOSITION TO, SUBMISSIONS
ON THE PROPOSED TE TAI O POUTINI PLAN**

Clause 8 of Schedule 1, Resource Management Act 1991

- To** Buller District Council, Grey District Council and Westland District Council
- 1 Name of person making further submission: **Radio New Zealand Limited (RNZ)**
- 2 This is a further submission in support of, and in opposition to submissions (as specified in the table at **Schedule 1**) on the proposed Te Tai o Poutini Plan (the *Proposed Plan*).
- 3 RNZ is a person who has an interest in the Proposed Plan that is greater than the interest the general public has. RNZ made an original submission on the Proposed Plan Plan.
- 4 The attached table in **Schedule 1** sets out:
- 4.1 The submissions or parts of submissions that RNZ supports or opposes;
- 4.2 RNZ's reasons for support or opposition; and
- 4.3 The relief sought by RNZ in relation to those submissions or parts of submissions.
- 5 RNZ does wish to be heard in support of this further submission.

Signed for and on behalf of Radio New Zealand by its solicitors and authorised agents
Chapman Tripp



Ben Williams
Partner
17 July 2023

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SCHEDULE 1 – SPECIFIC FURTHER SUBMISSIONS ON BEHALF OF RADIO NEW ZEALAND LIMITED

Submitter name and submission number	Objective/Policy/Rule	Summary of decision requested	RNZ support/oppose	Decision sought by RNZ
Volume 1 – General				
Royal Forest and Bird Protection Society (560.034)	"Overlay chapters" and reference to other relevant Plan provisions.	Apply a consistent approach across the whole Plan to cross-referencing or referring to other chapters. This must include reference to entire chapters.	Support. RNZ supports a consistent approach to cross referencing as it assists with clarity for plan users.	Accept the submission.
Westpower Limited (547.004)	Introduction Section – Description of the Districts	<p>The submitter considers a new paragraph should be inserted at the end of the first general section to recognise the importance of Energy Activities and Infrastructure to the Districts.</p> <p><i><u>Energy and Infrastructure have historically been, and will continue to be important for the social, economic and cultural wellbeing of the communities of the West Coast. The construction and operation of energy activities and infrastructure provide for, and ensure, connections between communities and enables resilient and sustainable communities on an ongoing basis. Access to, and use of,</u></i></p>	Support. RNZ supports recognition and provision for infrastructure up front in the Proposed Plan for reasons outlined in its original submission.	Accept the submission.

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		<u>renewable energy assists the community to achieve improved environmental outcomes.</u>		
Royal Forest and Bird Protection Society (560.046)	General approach	The submitter considers the reference to 'overlay chapters' is misleading as those chapters contain rules that apply both inside and outside of overlays. The submitter requests an amendment to make it clear that those chapters contain rules that apply district wide and outside the scheduled overlays.	Support. RNZ supports the amendment requested; it is important for the Proposed Plan to make it clear that certain provisions apply district wide.	Accept the submission.
Buller Electricity Limited (451.016)	Definition – Network Utility Operator	The proposed definition of 'Network Utility Operator' is supported by the submitter, but it is noted that various terms have been used throughout the Proposed Plan and a consistent term should be applied throughout.	Support. RNZ supports consistent reference to Network Utility Operator in the Proposed Plan.	Accept the submission.
Manawa Energy Limited (438.024)	Definition of 'critical infrastructure'	The submitter seeks to delete the term 'critical infrastructure' and replace with 'regionally significant infrastructure' based on the West Coast Regional Policy Statement.	Support. RNZ has sought similar relief and supports the submitter's request to include a new definition for "regionally significant infrastructure" for reasons set out in its original submission.	Accept the submission.

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Manawa Energy Limited (438.024)	New definition – “regionally significant infrastructure”	Add a new definition for “regionally significant infrastructure” based on the West Coast Regional Policy Statement definition.	Support. RNZ has sought similar relief and supports the submitter’s request to include a new definition for “regionally significant infrastructure” for reasons set out in its original submission.	Accept the submission.
Manawa Energy Limited (438.022)	New definition – “minor upgrade”	The submitter seeks a new definition for “minor upgrade” as follows: <i><u>Development to bring existing structures or facilities up to current standards or to improve the functional characteristics of structures or facilities, provided the upgrading itself does not give rise to any significant adverse effects on the environment and provided that the effects of the activity are the same or similar in character, intensity and scale as the existing structure and activity. In relation to renewable electricity generation activities, includes increasing the generation or transmission capacity, efficiency or security of regionally significant infrastructure and replacing support</u></i>	Support. RNZ supported INF-R26; that includes reference to ‘minor upgrade’ and RNZ considers a definition of this term would be helpful.	Accept the submission.

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		<u>structures within the footprint of authorised activities.</u>		
Buller District Council (538.004)	New definition – “Network Utility”	<p>The submitter seeks a new definition for “Network Utility” as follows:</p> <p><u>Means a project, work, system or structure that is a network utility operation undertaken by a network utility operator.</u></p>	<p>Support.</p> <p>RNZ supports the definition of “Network Utility” proposed. RNZ also supports any consequential amendments that refer to this definition in the Proposed Plan.</p>	Accept the submission.
Westpower Limited (547.043)	Definition of “upgrading”	<p>The submitter considers an amended definition of “upgrading” is appropriate as follows:</p> <p><u>Upgrading means:</u></p> <p><u>i. in the case of the distribution of electricity an increase in 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</u></p> <p><u>ii. in the case of buildings and renewable energy generation activities means an increase in the character, scale and intensity of the activity, and</u></p>	<p>Oppose.</p> <p>RNZ considers the proposed amendment is less clear than the notified definition of ‘upgrading’ and appears to be focused on a specific issue with electricity lines, which may make the definition less suitable for other infrastructure providers.</p>	Reject the proposed amendment.

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		<i>iii. excludes maintenance and repair</i>		
Volume 2 – National Direction Instruments; District Wide Matters and Strategic Directions				
Westpower Limited (547.045)	Strategic Direction	The submitter considers that the list of matters under the heading should include "Energy Activities and Infrastructure, including Critical Infrastructure."	Support. RNZ supports recognition and provision for infrastructure up front in the Proposed Plan for reasons outlined in its original submission.	Accept the submission.
Westpower Limited (547.046 and 547.047)	Strategic Directions overview	The submitter requests amendments to Items 4 and 6 as follows: Amend Item 4, <i>"... physical resources whilst managing adverse effect on natural values, particularly those that have been elevated ...".</i> Amend Item 6, <i>"Construction, operation, maintenance and upgrade of Energy Activities and Infrastructure, including Critical Infrastructure;</i>	Support. In particular, RNZ supports the amendment proposed for Item 6 as from time-to-time it is necessary for RNZ to upgrade its radiocommunication infrastructure to ensure it can operate safely and efficiently. Recognition of these important concepts in the overview provides helpful framing and context for the following objectives and policies.	Accept the submission.

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Waka Kotahi (450.015)	CR-O3	<p>The submitter seeks the following amendment:</p> <p><i>To ensure that new locations for critical infrastructure and connections take account of the hazardscape and where practicable are built away from natural hazards <u>unless there is a functional or operational need to be in that location.</u></i></p>	<p>Support.</p> <p>RNZ agrees that the phrase "functional or operational need" provides better certainty than "where practicable".</p>	Accept the submission.
KiwiRail Holdings Limited (442.019)	UFD-O1	<p>The submitter seeks an amendment to make reference to the protection of critical infrastructure from reverse sensitivity effects:</p> <p>Amend as follows:</p> <p><i>To have urban environments and built form on the West Coast/Te Tai o Poutini that:</i></p> <p>[...]</p> <p><i>8. Promote the safe, efficient and effective provision and use of infrastructure, including the optimisation of the use of existing infrastructure and protection of critical</i></p>	<p>Support.</p> <p>Subject to RNZ's requested amendment to amend the definition of "critical infrastructure" or to include a new definition for "regionally significant infrastructure", RNZ supports explicit recognition of protection from reverse sensitivity effects.</p>	Accept the submission.

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		<i>infrastructure <u>from reverse sensitivity effects</u>;</i>		
Volume 4 – Energy, Infrastructure, Transport				
Royal Forest and Bird Protection Society (560.138)	INF-P1	<p>The RPS does not require the provision of regionally significant infrastructure in all cases. Nor does it set direction for provision of infrastructure generally – it is specific to regionally significant infrastructure.</p> <p>The Proposed Plan does not identify utilities separate to “network utilities” which are incorporated by the definition for infrastructure.</p> <p>Amend policy as follows:</p> <p><i>Recognise and provide for the positive social, economic, cultural, and environmental benefits from the development, continued operation and upgrading of <u>network</u> utilities and infrastructure.</i></p> <p>Furthermore, the submitter requests consequential amendments to change</p>	<p>Oppose.</p> <p>While RNZ supports reference to “network utilities” for reasons outlined above, RNZ considers the wording “and provide for” to be an important element of the proposed policy. It is important that there is policy direction that allows provision of upgrade, maintenance and repair works as well as new network utility infrastructure where required.</p>	Reject the submission.

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		"utility" to "network utility" throughout the proposed Plan.		
Buller District Council (538.040)	INF-O1 and INF-P4	The submitter considers amendments are required to reference "current and future" infrastructure needs.	Support. RNZ agrees that the Proposed Plan should recognise and provide for existing infrastructure, as well as infrastructure that will be required in the future.	Accept the submission.
Royal Forest and Bird Protection Society (560.137 and 560.139)	INF-O5 and INF-P2	The submitter requests that the word "minimise" be replaced with "avoided, remedied and mitigated.".	Oppose. RNZ considers "minimise" is a more appropriate term, as this recognises the importance of infrastructure and also that it will not always be possible to 'avoid, remedy or mitigate' the effects from infrastructure.	Reject the submission.
Department of Conservation (602.035)	INF-P2	The submitter requests an amendment as follows: <i>Manage the design and location of utilities and infrastructure, including</i>	Support. RNZ support explicit reference to the functional and operational needs of infrastructure. It is noted that RNZ also supports	Accept the submission.

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		<p><i>when sited in overlays in a way which considers:</i></p> <p><i>a. Locational, technical and operational constraints <u>in accordance with the infrastructures functional needs and operational needs</u>;</i></p> <p><i>b. Resilience to natural hazards and climate change;</i></p> <p><i>c. Poutini Ngāi Tahu requirements for discharge of wastewater to land;</i></p> <p><i>d. Benefits of co-location of infrastructure;</i></p> <p><i>e. That positive effects of infrastructure may be realised locally, regionally, or nationally; and</i></p> <p><i>f. The need to minimise adverse effects on the environment <u>by applying the effects management hierarchy within Schedules, SNAs and Overlay Chapter areas.</u></i></p>	<p>inclusion of "locational need" where appropriate.</p>	

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KiwiRail Holdings Limited (442.026)	INF-P3	<p>The submitter seeks amendments as follows:</p> <p><i>Manage reverse sensitivity effects from subdivision, use and development, on utilities and infrastructure to ensure their safe, secure and efficient operation, <u>maintenance, repair, upgrading, removal and development of infrastructure.</u></i></p>	<p>Support.</p> <p>RNZ supports the requested amendment. It is important that there is policy direction for maintenance, repair, upgrading, removal and development of infrastructure.</p>	Accept the submission.
Volume 8 – Subdivision				
KiwiRail Holdings Limited (442.067)	SUB-P6	<p>The submitter seeks amendments to ensure subdivision does not result in reverse sensitivity effects on infrastructure. The submitter requests an additional clause as follows:</p> <p><i>Avoid subdivision:</i></p> <p>...</p> <p><i>g. <u>In all zones that could result in reverse sensitivity effects on infrastructure.</u></i></p>	<p>Support.</p> <p>RNZ's submission sought and supported policy support for prevention of issues associated with reverse sensitivity from subdivision in zones near RNZ's Facilities. The relief sought by KiwiRail in the subdivision chapter is an alternative or supplementary way of providing this policy recognition.</p>	Accept the submission.
KiwiRail Holdings	SUB-R5 and R6	The submitter seeks amendment to ensure that the matter of discretion	Support.	Accept the submission.

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Limited (442.070 and 442.071)		relating to the management of reverse sensitivity applies to crucial infrastructure.	RNZ's submission sought and supported policy support for prevention of issues associated with reverse sensitivity from subdivision in zones near RNZ's Facilities. The relief sought by KiwiRail in relation to the subdivision rules is an alternative or supplementary way of avoiding reverse sensitivity issues.	
Volume 9 – Activities on the Surface of Water; Coastal Environment				
Transpower New Zealand Limited (299.066)	CE – P5	The submitter supports the reference to functional and operational need on the basis it gives effect to the NPSET and seeks the policy is retained.	Support. RNZ's Facilities are within the Coastal Environment and RNZ supports the policy recognition that some buildings and structures have a functional or operational need to be in this area.	Accept the submission.